

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **REZ #21-33 – 3819 AND 3841 CANADA WAY – MIXED USE DEVELOPMENT**
PURPOSE: To seek Council authorization to forward REZ #21-33 to First and Second Reading at a future Council meeting.

REFERENCES

Address: 3819 and 3841 Canada Way
Legal: PIDs: 008-448-612, 002-662-671, 002-662-680, and 002-675-943
Lot 1 District Lot 69 Group 1 New Westminster District Plan 75707;
Lot 8 Block 45 District Lot 69 Group 1 New Westminster District
Plan 1321; Lot 9 Block 45 District Lot 69 Group 1 New Westminster
District Plan 1321; and Lot 37 District Lot 69 Group 1
New Westminster District Plan 39292
Applicant: AviSina Properties Ltd.
200 – 3787 Canada Way
Burnaby, BC V5G 1G5
Attention: Michael Kenchington
Current Zoning: C4 Service Commercial District
Proposed Zoning: Comprehensive Development District (based on RM3 Multiple
Family Residential District, RM3r Multiple Family Residential
District, C2 Community Commercial District, and Broadview
Community Plan as guidelines, and in accordance with the
development plan entitled “Mixed-Use Development - 3819, 3841
Canada Way, Burnaby, BC” prepared by Integra Architecture Inc.)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #21-33 be prepared and advanced to First and Second Reading at a future Council meeting;

THAT a Housing Agreement be authorized according to the terms outlined in Section 3.3 of the report titled “REZ #21-33 – 3819 and 3841 Canada Way – Mixed Use Development” dated September 23, 2024, and the City Solicitor be authorized to bring forward a Housing Agreement Bylaw for Final Adoption concurrently with Final Adoption of the Rezoning Bylaw for REZ #21-33; and

THAT the items listed in **Attachment 3** – Rezoning Prerequisites to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #21-33.

EXECUTIVE SUMMARY

A rezoning application has been received to facilitate the construction of a mixed-use development. The development is comprised of one six-storey building with commercial uses at grade and residential units above. The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning Bylaw be brought forward for First and Second Reading at a future date of Council.

1.0 POLICY SECTION

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998),
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016),
- Transportation Plan (2021),
- HOME: Housing and Homelessness Strategy (2021),
- Rental Use Zoning Policy (2020), and
- Broadview Community Plan (1982).

2.0 BACKGROUND

- 2.1 The subject development site is located on the north side of Canada Way between Smith Avenue and Broadview Park and is designated for mixed-use multiple-family development within the Broadview Community Plan, and Urban Village uses within the Official Community Plan (see **Attachment 1** – REZ #21-33: Sketch #1 and Sketch #2). The subject site is comprised of four legal lots which are improved with older one and two-storey commercial buildings and surface parking.
- 2.2 On October 4, 2021, Council received an initial rezoning report which proposed to rezone the subject property to the Comprehensive Development District (based on RM3 Multiple Family Residential District, RM3r Multiple Family Residential District, C2 Community Commercial District, and Broadview Community Plan as guidelines). Council authorized staff to work with the applicant towards the preparation of a suitable plan.
- 2.3 On December 13, 2022, a delegation presented to the Planning and Development Committee on a proposal for AviSina Properties to redevelop sites along Canada Way within the Broadview Community Plan area, with the ability to transfer market

and non-market densities across sites. The sites were proposed to be developed in phases, with the first phase at 3737 Canada Way and adjacent City land.

- 2.4 On November 8, 2023, the Planning and Development Committee received a report that the 3737 Canada Way portion of the proposal was abandoned and that the phased development would instead have the subject site as a first phase. The seven properties fronting the south side of Canada Way, between Boundary Road and Smith Avenue, would be part of a second phase which would also be rezoned to the Comprehensive Development District (based on RM3 Multiple Family Residential District, RM3r Multiple Family Residential District, and C2 Community Commercial District as guidelines). On November 20, 2023, Council adopted the recommendations that a rezoning application for the proposed second phase on the south side of Canada Way (3300 Boundary Road, and 3718, 3732, 3744, and 3790 Canada Way) be accepted by staff and that staff be authorized to consider the transfer of density from the north (subject) site to the south site. As part of the proposal, the north site was proposed to have rental residential units over commercial uses at grade, with the provision of all required inclusionary rental (at 20% below CMHC median market rate) for both sites. In addition, the report also noted that an amendment to the Broadview Community Plan would be required in order to permit mixed-use development on the entire south site (mixed-use is currently permitted only on the east portion of the block), and to accommodate the higher building forms that would result from the proposed density transfer.
- 2.5 On February 12, 2024, Council received for information an initial rezoning report for the south site (Rezoning Reference #23-23). The report noted that prior to sending a future report to Council, staff would post information regarding the required Broadview Community Plan amendment on the City’s website, distribute the information as part of the City’s online newsletter, and send notifications to nearby neighbours.
- 2.6 This past summer, the above public notification on the proposed Broadview Community Plan amendment was undertaken and input was received. However, in order to proceed with the subject rezoning in a more timely manner, the applicant has decided that the north and south proposals advance separately from each other. The subject rezoning is now proposed without a density transfer. Details on the proposed development on the south site, including feedback received from the public on the proposed Community Plan amendment, will be included in a future report to Council, once a suitable plan of development has been achieved.
- 2.7 The applicant has now submitted a plan of development for the subject site that is suitable for First and Second Reading of the Rezoning Bylaw.

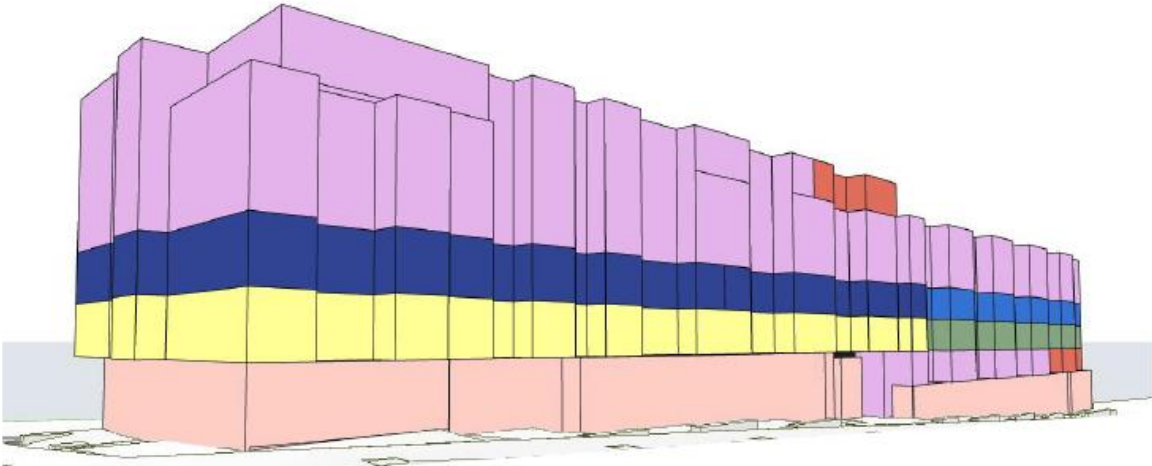
3.0 GENERAL INFORMATION








- 3.1 The development proposal, as shown in **Figure 1**, is for a six-storey mixed-use development with commercial uses at grade and 171 residential units above (101 market strata units and 70 rental units). The development includes underground parking, with vehicular access provided from Smith Avenue. Pedestrian access is provided from Canada Way and Smith Avenue. A more detailed summary of the

proposed development, including density, floor area, residential unit mix, amenity space, and parking and loading, is provided in **Attachment 2 – REZ #21-33: Development Statistics.**

Figure 1: Land Use and Tenure

<u>PROJECT TOTAL</u>	
14,790.20 m ²	(159,200.39 ft ²)
3.23 FAR	
6 STOREY	
171 UNITS	



<p> <u>COMMERCIAL</u> 2,222.18 m²</p>	<p> <u>CMHC MEDIAN RENTAL</u> 971.85 m² 15 Units</p>	<p> <u>RM3 MARKET STRATA</u> 7,531.58 m² 101 Units</p>
<p> <u>RM3r INCLUSIONARY RENTAL</u> 1,043.85 m² 14 Units</p>	<p> <u>RM3r MARKET RENTAL</u> 971.85 m² 15 Units</p>	<p> <u>C2 RENTAL</u> 2,048.89 m² 26 Units</p>
<p> <u>AMENITY (excluded from FAR)</u> 323.03 m²</p>		

3.2 Density is determined based on the gross site area and the permitted Floor Area Ratio (FAR). The maximum permitted and proposed density for the subject site is outlined in **Table 1**. There may be minor changes to Gross Floor Area (GFA) and proposed unit counts in **Table 1** as a result of design refinements or detailed surveys, subject to the proposed density (FAR) not being exceeded.

Table 1:

Zoning: CD (RM3, RM3r, C2)			
Site Size (subject to survey): 4,578.6 m²			
	Permitted Density (FAR) and GFA (m²)	Proposed Density (FAR) and GFA (m²)	Proposed Units
RM3 FAR	1.1	1.1	70
GFA (m ²)	5,036.46 m ²	5,036.46 m ²	
RM3r FAR	1.1	0.65	44
GFA (m ²)	5,036.46 m ²	2,987.55 m ²	
Offset FAR	0.55	0.54	31
GFA (m ²)	2,518.23 m ²	2,495.12 m ²	
C2 Commercial FAR	0.66	0.49	-
GFA (m ²)	3,021.88 m ²	2,222.18 m ²	
C2 Market Rental FAR	0.64	0.45	26
GFA (m ²)	2,930.30 m ²	2,048.89 m ²	
Total Density	4.05	3.23	171
Total GFA (m ²)	18,543.33 m ²	14,790.2 m ²	

3.3 A total of 171 residential dwelling units are proposed, comprised of 101 strata units (70 from the base RM3 FAR and 31 from the offset FAR) and 70 rental units (44 from the RM3r FAR and 26 from the C2 Market Rental FAR). The 44 rental units from the RM3r FAR are comprised of 14 units which are to be rented at 20% below Canadian Mortgage and Housing Corporation (CMHC) market median rates, 15 units which are to be rented at CMHC market median rates, and 15 units which are to be rented at market rates. The 26 rental units from the C2 Market Rental FAR are to be rented at market rates. With respect to the non-market rental component of the project, this application is proposed to be processed in accordance with the

City’s Rental Use Zoning Policy, utilizing Stream 2 – Inclusionary Rental. The registration of a Housing Covenant and a Housing Agreement will be required to protect and regulate affordability measures and tenure of the non-market rental units.

- 3.4 The applicant is providing 34 adaptable units which meets a minimum of 20% of all single-level residential units as adaptable, in line with the Adaptable Housing policy.
- 3.5 A residential parking ratio of 1.0 space per market strata unit and 0.5 spaces per rental unit is proposed for the development. A commercial parking ratio of 1 space per 55 m² of floor area is proposed. The vehicle parking rates outlined above may be varied prior to the issuance of a Preliminary Plan Approval in line with the rates set out in this paragraph or the then-current requirements in the Burnaby Zoning Bylaw.
- 3.6 Transportation and servicing improvements include, but are not limited to, construction of Canada Way and Smith Avenue to their final standards, undergrounding of overhead wiring abutting Canada Way, and any required storm, sanitary and water services.
- 3.7 The submission of a Green Building Plan and energy benchmarking is required to demonstrate consistency with the Burnaby Green Building Policy. The developer has committed to demonstrating sustainability through building design, materiality and efficiency (water, energy and waste management) initiatives. The applicant has indicated that the development will meet a minimum of Step 3 of the BC Energy Step Code and the Zero Carbon Step Code EL-4.
- 3.8 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – REZ #21-33: Rezoning Prerequisites**. In part, the prerequisites include the necessary fees, financial securities, professional reports, legal and servicing agreements, easements, covenants, and statutory rights-of-way to facilitate the servicing and development of the proposed site.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

As of November 30, 2023, the *Housing Statutes (Residential Development) Amendment Act, 2023* amended Section 464 of the *Local Government Act* to prohibit local governments from holding a Public Hearing for rezoning applications that are all or predominantly (greater than 50%) residential, where the proposed rezoning is consistent with the City’s Official Community Plan. As such, a Public Hearing is prohibited from being held for this rezoning application.

Public notice of the Rezoning Bylaw for REZ #21-33 will be completed prior to bringing forward the Rezoning Bylaw for First Reading, in accordance with section 467 of the *Local Government Act*, the City’s Public Notice Bylaw and Council policy. City staff will mail a notice to those properties that are within a 30 m radius of the subject site. A public notice will also be published on the City’s website, distributed as part of the City’s online newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – REZ #21-33: Sketch #1 and Sketch #2
- Attachment 2 – REZ #21-33: Development Statistics
- Attachment 3 - REZ #21-33: Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Lisa Scott, Development Planner, and reviewed by Ian Wasson, Senior Development Planner, Ellen Ripley, Staff Solicitor, and Jesse Dill, Director Development.