

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **REZ #21-41 – 4955 NEWTON STREET – MULTIPLE FAMILY INFILL DEVELOPMENT**  
**PURPOSE:** To seek Council authorization to forward REZ #21-41 to First and Second Reading at a future Council meeting.

### REFERENCES

**Address:** 4955 Newton Street  
**Legal:** PID: 002-710-986  
Lot 161 District Lot 32 Group 1 New Westminster District Plan  
53764  
**Applicant:** RH Architects Inc.  
#10 – 120 Powell Street  
Vancouver, BC V6A 1G1  
Attention: James Wu  
**Current Zoning:** CD Comprehensive Development District (based on RM5 Multiple Family Residential District)  
**Proposed Zoning:** CD Comprehensive Development District (based on RM3 Multiple Family District, RM5r Multiple Family Residential District, and Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled “4955 and 4957 Newton Street” prepared by RH Architects)

### RECOMMENDATION

**THAT** a Rezoning Bylaw for REZ #21-41 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 “4955 Newton Street – Multiple Family Infill Development” dated October 21, 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 #21-41; 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 #21-41.

**EXECUTIVE SUMMARY**

A rezoning application has been received to permit the construction of a multiple family infill development. The proposed development is comprised of two new six-storey rental buildings adjacent to the two existing multiple family rental towers. 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
- Metrotown Downtown Plan (2017).

**2.0 BACKGROUND**

- 2.1 The subject development site is located on the north side of Newton Street, between Nelson Avenue and Marlborough Avenue, and is designated for high-density development using the RM4s and RM4r Multiple Family Residential Districts as guidelines (see **Attachment 1** – REZ #21-41: Sketch #1 and Sketch #2). The site is currently improved with two 17-storey rental apartment buildings zoned Comprehensive Development (RM5) constructed in the late 1970s, with a total of 200 units.
- 2.2 On December 6, 2021, Council received an initial rezoning report which proposed to rezone the subject property to the Comprehensive Development District (based on RM5r Multiple Family Residential District, RM3 Multiple Family Residential District, and Metrotown Downtown Plan as guidelines). Council authorized staff to work with the applicant towards the preparation of a suitable plan. The applicant has now submitted a plan of development 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 two new six-storey multiple family rental buildings with approximately 50 units in each building, for a total of

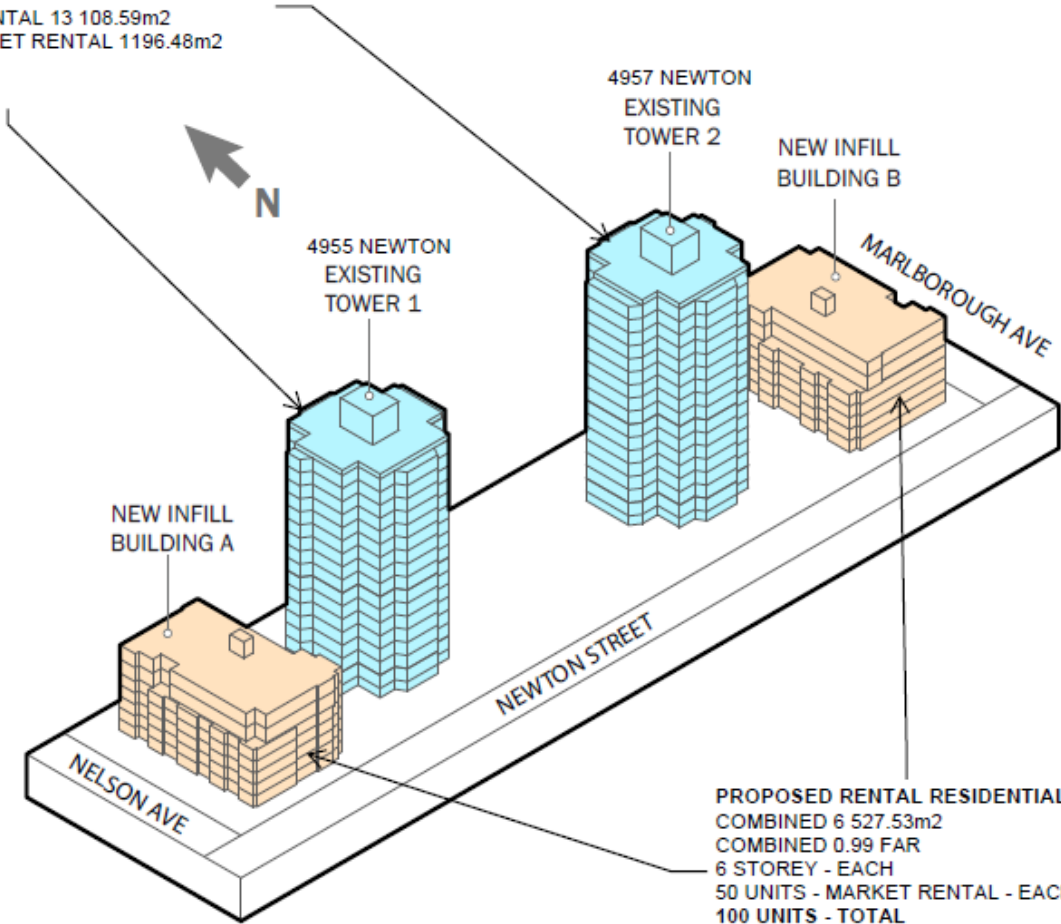
approximately 100 new units. The new buildings are proposed to be adjacent to two existing rental residential towers (each of which have 100 units), in areas that are currently improved with tennis courts and landscaping. It is proposed that the provision of the required non-market housing in connection with the subject rezoning be satisfied by securing the affordability of select units within the existing towers. Vehicular access will continue to be from Newton Avenue, and parking will continue to be primarily provided underground, with a small portion at grade. Pedestrian access is provided from Newton Street, Nelson Avenue, and Marlborough 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 #21-41: Development Statistics**.

**Figure 1: Land Use and Tenure**

**PROJECT SUMMARY:**

20 832.60m<sup>2</sup> - COMBINED  
 3.16 FAR - COMBINED  
 300 UNITS - COMBINED

**EXISTING RENTAL RESIDENTIAL**  
 COMBINED 14 305.07m<sup>2</sup>  
 COMBINED 2.17 FAR  
 1 STOREY - EACH  
 180 UNITS - MARKET RENTAL 13 108.59m<sup>2</sup>  
 20 UNITS - BELOW MARKET RENTAL 1196.48m<sup>2</sup>  
 200 UNITS - TOTAL



**PROPOSED RENTAL RESIDENTIAL**  
 COMBINED 6 527.53m<sup>2</sup>  
 COMBINED 0.99 FAR  
 6 STOREY - EACH  
 50 UNITS - MARKET RENTAL - EACH  
 100 UNITS - TOTAL

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:**

<b>Zoning:</b> CD(RM5r, RM3)			
<b>Site Size (subject to survey):</b> 6,592.2 m <sup>2</sup>			
	<b>Permitted Density (FAR) and GFA (m<sup>2</sup>)</b>	<b>Proposed Density (FAR) and GFA (m<sup>2</sup>)</b>	<b>Proposed Units</b>
RM5r Density	2.18	2.17	200
GFA (m <sup>2</sup> )	14,371 m <sup>2</sup>	14,305.07 m <sup>2</sup>	
RM3 Base Density	1.09	0.99	100
GFA (m <sup>2</sup> )	7,185.5 m <sup>2</sup>	6527.53 m <sup>2</sup>	
Offset FAR	0.55	0	0
GFA (m <sup>2</sup> )	3,625.71 m <sup>2</sup>	0	
Total Density	3.82	3.16	300
Total GFA (m <sup>2</sup> )	25,182.2 m <sup>2</sup>	20,832.6 m <sup>2</sup>	

3.3 A total of approximately 100 new residential rental units are proposed in the two new buildings, in addition to the existing 200 rental units in the two existing towers, for a total of approximately 300 rental units. This application is proposed to be processed in accordance with the City’s Rental Use Zoning Policy, utilizing Stream 2 – Inclusionary Rental. The 20 units which are required to be rented at 20% below Canadian Mortgage and Housing Corporation market median rates will be located within the existing towers. 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 20 adaptable units within the new buildings, which meets a minimum of 20% of all single-level residential units as adaptable, in line with the Adaptable Housing policy.

3.5 As the subject site is located within a transit-oriented development area, off street parking spaces (other than accessible parking spaces) are not required. The provision of required bike parking for the proposed development would result in a net decrease in parking on the site. Specifically, 182 parking stalls are proposed, a

decrease from the 250 spaces currently provided and resulting in a total of 0.59 spaces per unit for all new and existing units, and 0.02 spaces per unit for visitors. The vehicle parking provided may be varied prior to the issuance of a Preliminary Plan Approval in line with the then-current requirements in the Burnaby Zoning Bylaw, subject to any necessary changes to the transportation demand management (TDM) strategy for the site to be in line with Council adopted guidelines or standards. As part of the development plan, a comprehensive transportation demand management strategy for residents in all dwelling units (new and existing) would be required, which includes:

- provision of \$500 in car share vehicle program value for all dwelling units (new and existing);
- electrification of two on-street parking spaces for car share vehicles;
- provision of a bicycle repair and maintenance station on-site; and
- a Communications Strategy that provides the tenants of the new buildings an understanding of how to best use the alternative transportation options.

The cost of providing car share vehicle program value plus transit pass program value only to the new units would have been approximately \$90,000 more than providing car share vehicle program value to all dwelling units (new and existing). It is noted that the estimated maximum cost of electrification of two on-street parking spaces would be almost commensurate with the approximate \$90,000 amount above. Bicycle parking will be provided on-site at a rate of two long-term bicycle parking spaces per new residential unit, together with one new long-term bicycle parking space per existing residential unit and 30 short-term bicycle parking spaces, as outlined in **Attachment 2**.

The final transportation demand management strategy measures may be varied prior to Final Reading in line with adopted City policy or bylaw regulations, as amended from time to time.

- 3.6 Transportation and servicing improvements include, but are not limited to, construction of final modified Town Centre standard along the Nelson Avenue frontage, closure of Newton Street at Nelson Avenue by construction of final Town Centre standard across Newton Street (while still allowing existing vehicular access from Marlborough Avenue to the commercial properties located on the south side of Newton Street), provision of a SRW around the cul-de-sac on Newton Street to allow for construction of final Town Centre standard around the cul-de-sac at a future date, , provision of one-quarter of the cost share for the design and installation of a full traffic signal at Kingsway and Marlborough Avenue (if not already fully funded by others), 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 development

will meet the minimum of Step 2 of the BC Energy Step Code and Zero Carbon Step Code EL-4.

- 3.8 The City is currently developing a district energy utility (DEU) to serve space heating and domestic hot water needs of buildings in south Burnaby. Based on the development’s floor area of new buildings on the site (<100,000 sq. ft.), the proposed buildings would not be required to meet the Council-adopted District Energy policy, and the applicant has decided to not opt-in to the DEU program at this time.
- 3.9 As per the City’s Public Art Policy, this development would be subject to options available as presented in the City’s Private Sector Public Art Guidelines. The provision of public art is a prerequisite of rezoning, with Option A: to provide public art on the subject site, or Option B: to provide a cash-in-lieu contribution to public art. To best align with the development project timeline, the applicant has opted to provide a cash-in-lieu contribution. A Section 219 Covenant will be registered at the time of Final Adoption to restrict the issuance of a Building Permit until the cash-in-lieu payment is paid in line with the City’s Public Art Policy. Contributed funds will be collected in the Public Art Reserve, to be re-allocated to future public art projects.
- 3.10 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – REZ #21-41: 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 #21-41 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 #21-41: Sketch #1 and Sketch #2
- Attachment 2 – REZ #21-41: Development Statistics
- Attachment 3 – REZ #21-41: Rezoning Prerequisites

**REPORT CONTRIBUTORS**

This report was prepared by Lisa Scott, Development Planner, and reviewed by Ian Wasson, Senior Development Planner, Jesse Dill, Director Development, and Jennifer Wong, Assistant City Solicitor.