

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **REZ #24-16 – 4900 KINGSWAY, PORTION OF 4940 KINGSWAY AND 6446, 6450 NELSON AVENUE AND PORTION OF LANE – HIGH DENSITY MIXED-USE DEVELOPMENT**
PURPOSE: To seek Council authorization to forward REZ #24-16 to First and Second Reading at a future Council meeting.

REFERENCES

Properties: 4900 Kingsway
000-703-231
Parcel "J" (Explanatory Plan 15978) District Lots 32 and 152 Group 1 New Westminster District

Portion of 4940 Kingsway
007-899-262
Portion of Lot 1 District Lot 152 Group 1 New Westminster District Plan 74906

6446 Nelson Avenue
009-570-039
Lot 12 District Lot 152 Group 1 New Westminster District Plan 11715

6450 Nelson Avenue
016-262-069
Lot 1 District Lot 152 Group 1 New Westminster District Plan 86209

Applicant: W.P.J. McCarthy and Company Ltd.
700 – 4980 Kingsway
Burnaby, BC V5H 4K7
Attention: W.P.J. McCarthy

Current Zoning: C3 General Commercial District, P8 Parking District and CD Comprehensive Development District (based on C3 General Commercial District)

Proposed Zoning: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5r and RM5s Multiple Family Residential Districts and Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled “McCARTHY PLAZA - 5000 KINGSWAY” prepared by Dialog Design)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #24-16 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 3.7 of the report titled “REZ #24-16 – 4900 Kingsway, Portion of 4940 Kingsway and 6446, 6450 Nelson Avenue – High Density Mixed-Use Development” dated December 16, 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 #24-16;

THAT the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Section 3.12 of the report, contingent upon the granting by Council of Second Reading of the Rezoning Bylaw for REZ #24-16;

THAT the sale be approved in principle of City-owned property for inclusion within the subject development site in accordance with the terms outlined in Section 3.12 of the report, and subject to the applicant pursuing the rezoning proposal to completion; and

THAT the items listed in **Attachment 3** to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #24-16.

EXECUTIVE SUMMARY

A rezoning application has been received to allow for high-density mixed-use development of the property. The development is comprised of 469 residential units including a mix of strata, market rental and non-market rental tenures, and commercial spaces including offices, retail and community-oriented commercial uses. The proposed built form includes a 72-storey tower at the corner of Kingsway and Nelson Street with a podium terracing down from Kingsway to Bennet Street. The proposed development includes a publicly accessible elevated plaza and north-south laneway from Kingsway to Bennett Street. 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),
- Metrotown Downtown Plan (2017),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016),
- Transportation Plan (2021),
- HOME: Housing and Homelessness Strategy (2021),
- Burnaby District Energy Policy (2024), and
- Rental Use Zoning Policy (2020).

2.0 BACKGROUND

- 2.1 The subject development site is comprised of a portion of the block that is bound by Kingsway, Nelson Avenue, Bennett Street and Marlborough Avenue, and is designated for high-density mixed-use development within the Metrotown Downtown Plan, and for Town Centre uses within the Official Community Plan (see **Attachment 1** – Sketch #1 and Sketch #2). The subject site is comprised of four lots, which are improved with commercial retail and office buildings, surface parking, and a City lane.
- 2.2 The proposed development was previously considered as Phase 1 of a Master Plan submission, which contemplated the long-term redevelopment of the entire block with several mixed use commercial and residential towers (REZ #18-30). The subject rezoning is being redeveloped as an independent site, and the density proposed for the Phase 1 site is not dependent on any other Master Plan or Site-Specific Rezoning Applications.
- 2.3 On August 26, 2024, Council received for information an initial rezoning report, which proposed to rezone the subject property to an Amended CD Comprehensive Development District (based on C3 General Commercial District, and RM5s and RM5r Multiple Family Residential Districts 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.

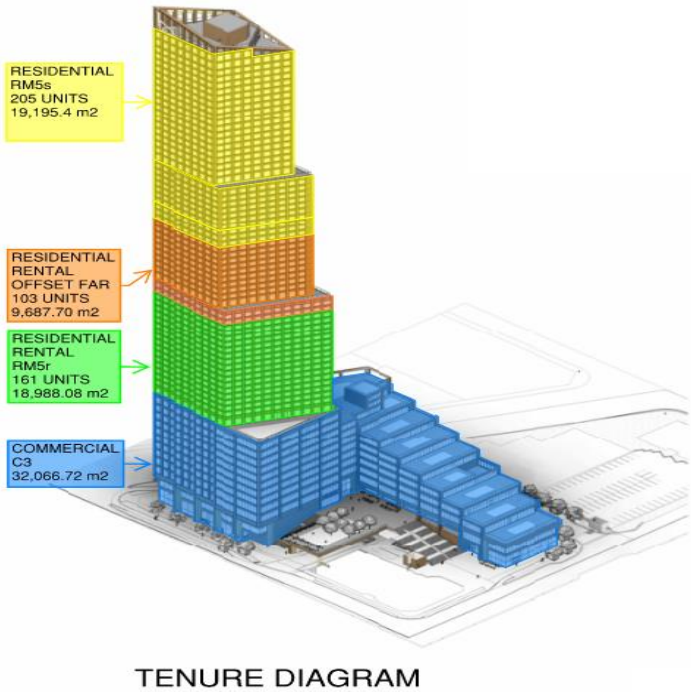
3.0 GENERAL INFORMATION

- 3.1 The development proposal, as shown in **Figure 1**, is for a 72-storey tower at the corner of Kingsway and Nelson Street with a terraced podium that is 12 storeys tall fronting Kingsway, and which steps down to 2 storeys fronting Bennett Street. The first twelve storeys of the development contain commercial uses, with market

strata, market rental, and non-market rental tenures proposed.

- 3.2 The proposal includes 169 strata units, 170 market rental units, and 130 non-market rental units. The development includes approximately 32,067 m² of commercial space, including office, retail, and community orientated-commercial uses. This commitment to a high proportion of employment generating uses on the site is well-supported by the Metrotown Downtown Plan.
- 3.3 A plaza is proposed on the second level with stair access off Nelson Avenue and Bennett Street, and elevator access through the building. A private laneway is proposed to bisect the block from Kingsway to Bennett Street, which will enable access to at-grade loading spaces, and underground bike and vehicle parking areas. Statutory rights-of-way will be secured across these spaces to ensure public access in perpetuity.
- 3.4 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 #24-16: Development Statistics**.

Figure 1: Land Use



- 3.5 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 (RM5s, RM5r, C3)			
Site Size (subject to survey): 8,807.00 m ²			
	Permitted Density (FAR) and GFA (m²)	Proposed Density (FAR) and GFA (m²)	Proposed Units
RM5s Base Density	2.20	2.20	205
GFA (m ²)	19,375.40	19,375.40	
RM5s Bonus Density	0.40	0.00	0
GFA (m ²)	3,522.80	0.00	
RM5s Suppl. Base Density	1.20	0.00	0
GFA (m ²)	10,568.40	0.00	
RM5s Suppl. Bonus Density	1.20	0.00	0
GFA (m ²)	10,568.40	0.00	
RM5r FAR	2.20	2.16	161
GFA (m ²)	19,375.40	18,988.08	
Offset FAR	1.10	1.10	103
GFA (m ²)	9,687.70	9,687.70	
C3 FAR	6.00	3.64	-
GFA (m ²)	52,842.00	32,066.72	
Total Density	14.30	9.10	469
Total GFA (m ²)	125,940.10	80,117.90	

3.6 With respect to the 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 minimum requirement Under Stream 2 – Inclusionary Rental is for the applicant to utilize RM5r density to provide 41 non-market units to be rented at 20% below CMHC market median rents, which is equal to 20% of the units provided using the RM5 base density. The remaining RM5r density can be utilized to provide an equivalent amount of market rental

units, and units rented at CMHC market median rental rates. In this case, the applicant is proposing to use voluntary RM5r density to provide 60 market rental units and 60 non-market rental dwelling units. The 60 non-market units have a minimum affordability of CMHC market median rental rates, though the applicant is exploring further affordability to 20% below CMHC Market Median Rates. Although a total of 101 non-market units is the minimum required for the development proposal, the applicant may elect to voluntarily utilize additional RM5s density, which allows for market rental or strata units, to provide approximately 29 additional non-market rental units, exceeding the minimum requirements set by the City’s Rental Use Zoning Policy 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 required non-market rental units. Given the dynamic nature of the market, and more specifically construction costs and development financing, the applicant will continue to assess the feasibility of exceeding the required number or affordability of non-market units and may adjust the number of strata units and the number or affordability of rental units, subject to meeting the minimum requirements of the adopted Rental Use Zoning Policy and applicable Zoning regulations. It is noted that a portion of one Bedroom Market Strata Units are permitted to be designed to the rental unit sizes, providing a range of unit floor plans and sizes for residents alongside the strong mix of larger two and three bedroom units.

- 3.7 The applicant is providing a minimum of 20% of all single-level residential units as adaptable, in line with the adaptable housing policy.
- 3.8 A total residential parking ratio of 0.59 spaces per unit is proposed for the development, which includes 0.66 spaces per strata unit, 0.58 spaces per market rental unit, and 0.52 spaces per non-market rental unit.
- 3.9 The underground parking provided for the commercial podium exceeds 1 parking space per 55 sq. m., which is the most common rate for a range of commercial uses such as childcare, office, and retail in the C3 zone. The applicant is proposing to provide over 50 additional stalls for the flexibility pursue commercial uses with varied parking requirements, such as a fitness centre, art gallery, or bowling alley. To meeting minimum parking requirements, the shared parking provisions under Section 800.5A is available for the shared use of the office parking with uses such as a bowling alley or art gallery that may have different off-peak hours of operation.
- 3.10 The vehicle parking rates outlined above may be varied prior to the issuance of a Preliminary Plan Approval or Development Permit in line with the then-current requirements in the Burnaby Zoning Bylaw.
- 3.11 Bicycle parking provisions and end of trip facilities for non-residential uses are outlined in **Attachment 2**. Further, the applicant intends to provide transportation demand management measures in accordance with the City’s Transportation Demand Management Guidelines, which include:

- a transit subsidy fund equal to \$1900 per dwelling unit to reimburse a portion of the transit pass fees for each dwelling unit;
- provision of \$500 in car share vehicle driving credits per dwelling unit;
- provision of four parking spaces for car share vehicles on-site with Level 2 or higher charging level;
- provision of bicycle repair and maintenance stations on-site; and,
- a Communications Strategy that provides the building owners, tenants and employees of the residential and commercial uses with an understanding of how to best use each of the alternative transportation options.

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

3.12 The closure of the unnamed City-owned Lane, measuring approximately 247 m² (2,659 ft²) (subject to detailed survey), and its consolidation with the development site is proposed. A Highway Closure Bylaw will be required, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw. The Realty and Lands Division will determine a recommended purchase price for the City-owned property, which will be submitted to Council for its consideration and approval as part of a future report prior to Third Reading of the rezoning bylaw for the subject rezoning.

3.13 Transportation and servicing improvements include, but are not limited to:

- any required storm sewer, sanitary sewer, and water main upgrades;
- construction of the Kingsway development frontage to a Six-lane Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- construction of Nelson Street development frontage to a Four-lane Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- construction of Bennett Street development frontage to a Two-lane Collector Standard with separated sidewalks, cycle facilities, street trees, front boulevard, and street and pedestrian lighting;
- improvements to the proposed north-south lane as required; and
- undergrounding of all overhead wiring abutting the site.

3.14 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.

3.15 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. A final determination will be made prior to Final Adoption of the rezoning, with all necessary covenants secured to ensure delivery of the artwork or cash in lieu payment.

- 3.16 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 location, proposed Comprehensive Development (CD) District zoning and the total floor area of all buildings on the site (>100,000 sq. ft.), the proposed buildings will be required to meet the Council-adopted District Energy policy. Since the site is within Service Area A, connection to the future DE system is mandatory. A DEU system compatibility review will be conducted prior to building permit issuance.
- 3.17 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – 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

- 4.1 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.
- 4.2 Public notice of the Rezoning Bylaw for REZ #24-16 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 #24-16: Sketch #1 and Sketch #2

Attachment 2 – REZ #24-16: Development Statistics

Attachment 3 – REZ #24-16: Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Riccardo Peggi, Planner, and reviewed by Ian Wasson, Senior Planner, Carl Isaak, Director Neighbourhood Planning and Urban Design, Ellen Ripley, Staff Solicitor, Mark Norton, Manager Development and Jesse Dill, Director Development.