

INTER-OFFICE MEMORANDUM

TO: DIRECTOR
LEGISLATIVE SERVICES

May 13, 2025

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT

Subject: **REZONING REFERENCE #21-41**
BYLAW 14696, AMENDMENT BYLAW NO. 24, 2024
Multiple Family Infill Development
Reconsideration and Final Adoption

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)

The following information applies to the subject rezoning bylaw:

1. First and Second Reading given on November 18, 2024; and,
2. Third Reading given on March 11, 2025.

The prerequisite conditions have been completely satisfied as follows:

1. The submission of a Suitable Plan of Development.

A complete suitable plan of development has been submitted.

2. The submission of the following plans and studies acceptable to the City:
 - a. Phasing and Demolition Plan;
 - b. Construction Management and Access Plan;
 - c. Fire Access Plan;
 - d. Solid Waste and Recycling Plan;
 - e. Loading Management Plan;
 - f. Storm and Ground Water Management Plan;

- g. Green Building Plan and Energy Benchmarking;
- h. Offsite Civil Engineering Design;
- i. Acoustic Study; and
- j. Arborist Report and Tree Survey with a Tree Retention Plan.

The applicant has agreed to this prerequisite in a letter dated February 10, 2025. The specific items noted above are indicated on the development plans or are sufficiently addressed by Covenants or regulations.

3. Provision of standard requirements to service the proposed development as determined by the General Manager of Engineering, including the execution and delivery of a Servicing Agreement in respect of all services necessary to serve the site, including but not limited to:
 - a. Any required storm sewer, sanitary sewer, and water main upgrades;
 - b. Construction of Nelson Avenue to a final modified Town Centre Standard along the Nelson Avenue frontage, including re-positioning of bus shelter;
 - c. Closure of Newton Street at Nelson Avenue by construction of final Town Centre Standard across Newton Street (while still allowing vehicular access from Marlborough Avenue to the commercial properties fronting Kingsway);
 - d. Grant a Statutory Right of Way in respect of the cul-de-sac on Newton Street to provide for construction of final Town Centre standard around the cul-de-sac at a future date;
 - e. 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
 - f. Any required easements, statutory rights-of-way, or other legal instruments to facilitate servicing requirements.

All services are to be designed to City standards and constructed in accordance with the City-approved engineering design. Completion of all services required under the Servicing Agreement is a condition for the issuance of an occupancy permit for the development. A copy of either the developer's or the contractor's Certificate of Insurance is to be submitted to the Planning and Development Department.

The applicant has agreed to these prerequisites in a letter dated February 10, 2025 and has submitted the necessary funds including a 4% inspection fee to cover the costs of all services necessary to serve the site, and the servicing agreement has been completed.

4. A submission for registration in the Land Title Office of a subdivision plan to effect required road dedication.

The requisite subdivision plan has been deposited in the Land Title Office.

5. The dedication of any road or lane allowances as required, including approximately 4.93 m dedication along Nelson Avenue.

A subdivision plan dedicating the requisite rights-of-way has been deposited in the Land Title Office.

6. The submission for registration in the Land Title Office of the following legal instruments with security, where necessary:
 - a. Section 219 Covenant restricting enclosure of balconies;
 - b. Section 219 Covenant ensuring that project surface driveway access(es) will not be restricted by gates;
 - c. Section 219 Covenant ensuring compliance with the approved acoustical study;
 - d. Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;
 - e. Section 219 Covenant ensuring compliance with the Green Building Plan for the site as well as a commitment for the property owner/representative to submit the necessary information to NRCAN;
 - f. Section 219 Covenant to ensure the provision of Transportation Demand Management measures, and, if applicable, a Statutory Right of Way to secure public access to the car share parking space on the development site;
 - g. Section 219 Covenant to ensure the provision and govern the use, allocation, administration and management, of 13 accessible persons parking spaces;
 - h. Section 219 Covenant to ensure the non-market rental units required as part of the development in accordance with the City's Rental Use Zoning Policy (RUZP) are rented at rates and to tenants that meet the eligibility criteria under the RUZP;
 - i. Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance; and
 - j. Any statutory Right of Way necessary around the cul-de-sac, to allow for the future construction of the Town Centre public realm standard.

The applicant has agreed to this prerequisite in a letter dated February 10, 2025. The requisite statutory Right of Way has been deposited in the Land Title Office, and the remaining requirements above are sufficiently addressed by Covenants or regulations.

7. Final adoption of a Housing Agreement Bylaw and the execution and delivery of a Housing Agreement setting out the terms and conditions regarding the occupancy of the non-market housing units required as part of the development in accordance with the RUZP, including terms and conditions with respect to unit mix, the rents that may be charged and the tenant eligibility criteria for specified categories of the non-market housing units.

The applicant has agreed to this prerequisite in a letter dated February 10, 2025 and a Section 219 Covenant has been deposited in the Land Title Office restricting the issuance of a Building Occupancy until this requirement is met.

8. In accordance with the Burnaby Tree Bylaw, a tree cutting permit will be required for the removal of any tree over 20 cm (8 in.) in diameter.

The applicant has agreed to this prerequisite in a letter dated February 10, 2025.

9. Distribution and posting of area plan notification forms on the development site and in any applicable sales or leasing office prior to Third Reading.

On March 11, 2025, Council approved a recommendation eliminating the requirements for area plan notifications, effective immediately. Therefore, this prerequisite is no longer required.

10. Additional requirements as determined by the City, in its discretion, as part of the review of the development proposal.

The applicant has agreed to this prerequisite in a letter dated February 10, 2025.

As the prerequisite conditions to this rezoning are now completely fulfilled, could you please arrange to return this amendment bylaw to Council for Reconsideration and Final Adoption on May 13, 2025.

E. W. Kozak, GENERAL MANAGER
PLANNING AND DEVELOPMENT