

**2024-228-RZ, 12011 223 Street,
Housing Agreement Bylaw No. 8047-2025
Zone Amending Bylaw No. 8034-2025**

Recommendations:

THAT *Housing Agreement Bylaw No. 8047-2025* be adopted.

THAT *Zone Amending Bylaw No. 8034-2025* be adopted.

**Report Purpose and
Summary Statement:**

To recommend that Council adopt *Housing Agreement Bylaw No. 8047-2025*, and *Zone Amending Bylaw No. 8034-2025* to adjust the density provision and make some minor changes to the applicable zone to facilitate the future construction of the proposed six-storey, mixed-use building with 120 rental residential units and 7 commercial units for Phase 2 of the ERA development.

Previous Council Action:

[Rezoning Application](#)

First Reading – May 27, 2025

Second Reading – May 27, 2025

Third Reading – May 27, 2025

[Housing Agreement Bylaw](#)

First Reading – October 28, 2025

Second Reading – October 28, 2025

Third Reading – October 28, 2025

Proposed Variances:

No variances are proposed.

Strategic Alignment:

Liveable Community; Housing Action Plan; Housing Needs Report; Housing Target Order

To: Mayor and Council

File number: 2024-228-RZ

**2024-228-RZ, 12011 223 Street,
Housing Agreement Bylaw No. 8047-2025
Zone Amending Bylaw No. 8034-2025**

BACKGROUND:

Applicant:	Richard Berstein
Legal Description:	Lot A District Lot 399 Group 1 New Westminster District Plan EPP118505
OCP Designation:	<i>TCCOMM (Town Centre Commercial)</i> [no change]
Within Urban Area Boundary:	Yes
Area Plan:	Town Centre
OCP Major Corridor:	Yes
Zoning:	CD-1-17
Related Application:	2024-228-DP
Surrounding Uses:	
North:	Use: Apartment Residential Zone: RM-2 (Medium Density Apartment Residential) Designation: <i>Low-Rise Apartment</i>
South:	Use: Commercial Zone: Town Centre Commercial Designation: <i>Town Centre Commercial</i>
East:	Use: Commercial and Single Detached Residential Zone: CD-1-17 Designation: <i>Town Centre Commercial</i>
West:	Use: Mixed Use Zone: CD-1-17 Designation: <i>Town Centre Commercial</i>
Existing Use of Property:	Vacant
Proposed Use of Property:	Mixed Use

Phase 2 Site Area:	4,209.33 m ²
Phase 2 Net Site Area After Dedication:	3,760.84 m ²
Proposed Vehicular Access:	223 Street
Servicing Requirement:	Urban Standard
Flood Plain:	No
Fraser Sewer Area:	Yes

ANALYSIS:

Project Description:

The subject property is located at the intersection of Dewdney Trunk Road and 223 Street (Attachments A and B). In 2021, the site was rezoned to Comprehensive Development zone CD-1-17 to permit the development of a four-storey mixed-use building on the southern portion of the property.

Application 2024-228-RZ proposes zoning text amendments to the Comprehensive Development zone to enable the development of a six-storey, mixed-use building consisting of 120 rental residential units and seven ground-floor commercial units. This development constitutes Phase 2 of the larger ERA Project, which comprises a total of seven (7) phases.

DISCUSSION:

Housing Agreement Bylaw:

Housing Agreement Bylaw No. 8047-2025, which secures the proposed 120 rental apartment units, received first, second, and third reading by Council on October 28, 2025 (Attachment C), subject to the following condition:

1. Registration of a Housing Agreement as a Restrictive Covenant to ensure that the proposed rental units are retained in perpetuity.

Staff comment: Housing Agreement Bylaw No. 8047-2025 is attached to this staff report for Council's consideration of adoption. The applicant has submitted a letter of undertaking confirming registration of the restrictive covenant for the agreement following Council adoption of the Bylaw.

Zoning Bylaw Text Amendment:

Council gave first, second, and third readings to *Zone Amending Bylaw No. 8034-2025* on May 27, 2025 (Attachment D), subject to the following conditions prior to the final reading:

1. Registration of the following legal documents:
 - a. A Rezoning Servicing Agreement as a Restrictive Covenant, and receipt of the security, as outlined in the Agreement.

Staff comment: *The Rezoning Servicing Agreement has been executed, and the associated Engineering fees have been received. It is secured by a letter of undertaking for registration at the Land Title Office.*

- b. A Restrictive Covenant for the Geotechnical Report which addresses the suitability of the subject property for the proposed development;

Staff comment: *The Restrictive Covenant securing the Geotechnical Report has been executed and is secured by a Letter of Undertaking for registration at the Land Title Office.*

- c. A Statutory Right-of-Way plan and agreement for the east-west public pedestrian corridor;

Staff comment: *The Right-of-Way plan and the executed Restrictive Covenant for the east-west public pedestrian corridor have been received and are secured by a Letter of Undertaking for registration at the Land Title Office.*

- d. A Restrictive Covenant for protecting the visitor parking;

Staff comment: *The Restrictive Covenant for visitor parking has been executed and is secured by a letter of undertaking for registration at the Land Title Office.*

- e. A Restrictive Covenant for stormwater management.

Staff comment: *The Restrictive Covenant for stormwater management has been executed and is secured by a letter of undertaking for registration at the Land Title Office.*

2. Approval from the Ministry of Transportation and Transit;

Staff comment: *The Zone Amending Bylaw No. 8034-2025 has been approved and signed by the Ministry of Transportation and Transit.*

3. Road dedication, as required;

Staff comment: *The required road dedication was registered under the original rezoning application. No additional dedication is required.*

4. Submission of a Letter of Credit from the developer, in the amount of 130% of the Class B cost estimate, to secure the transportation improvement measures required by the Transportation Department. The Letter of Credit must be reviewed and approved by the Transportation Department;

Staff comment: *The City has received a Letter of Credit in the amount of 130% of the approved Class B cost estimate to secure the required transportation improvement measures.*

5. Removal of existing buildings;

Staff comment: *The existing buildings have been removed.*

6. A Water Supply System Construction Permit from the Fraser Health Authority is required under the Drinking Water Protection Act and must be obtained before the construction, installation, alteration, or extension of a water supply system;

Staff comment: Receipt of the Water Supply System Construction Permit is required at a later stage in the process, prior to the issuance of building permit, and can be removed from the conditions of rezoning.

7. A Professional Engineer's certification that adequate water quantity for domestic and fire protection purposes can be provided;

Staff comment: This condition has been satisfied through the submitted Water Modelling Memorandum.

8. If the Director of Waste Management from the Ministry of Environment and Parks determines that a site investigation is required based on the submitted Site Disclosure Statement, a rezoning, development, or development variance permit cannot be approved until a release is obtained for the subject property;

Staff comment: The site is identified as a Schedule 2 property in the Site Disclosure Statement. An Approval in Principle has been issued by the Ministry of Environment and Parks. A Certificate of Compliance will be required at a later stage, prior to the issuance of building permit.

9. In addition to the Ministry of Environment and Parks Site Disclosure Statement, a disclosure statement must be submitted by a Professional Engineer advising whether there is any evidence of underground fuel storage tanks on the subject property. If so, a Stage 1 Site Investigation Report is required to ensure that the subject property is not a contaminated site; and

Staff comment: The subject property is a contaminated site. An Approval in Principle has been issued by the Ministry of Environment and Parks. A Certificate of Compliance will be required at a later stage, prior to the issuance of building permit.

10. That a voluntary Community Amenity Contribution (CAC), in the amount of \$672,000.00 (\$5,600.00 x 120 units) be provided in keeping with the Council Policy 6.31.

Staff comment: As per the City's Policy No. 6.31, CACs do not apply to rental housing units. As such, should Council adopt Housing Agreement Bylaw No. 8047-2025 securing the rental tenure, this condition no longer applies.

Supporting Applications:

Council is concurrently considering the approval of an associated Town Centre Development Permit (2024-228-DP) to allow the proposed six-storey, mixed-use development. A report assessing the conformance with the Town Centre Development Permit Area Guidelines was presented to Council for consideration at its Committee of the Whole meeting on December 2, 2025.

CONCLUSION:

As the applicant has satisfied the terms and conditions outlined in the staff reports dated May 20, 2025, and October 21, 2025, and any other terms and conditions identified by Council, it is recommended that Council adopt *Housing Agreement Bylaw No. 8047-2025* and *Zone Amending Bylaw No. 8034-2025*.

"Maryam Lotfi"

Prepared by: Maryam Lotfi, Planner 2

Attachments:

- (A) Location Map
- (B) Aerial Photo
- (C) *Housing Agreement Bylaw No. 8047-2025*
- (D) *Zone Amending Bylaw No. 8034-2025*

Report Approval Details

Document Title:	2024-228-RZ, 12011 223 Street, Zone Amending - Housing Bylaw (Final Reading).docx
Attachments:	<ul style="list-style-type: none">- Attachment A - Location Map.pdf- Attachment B - Aerial Photo.pdf- Attachment C - Housing Agreement Bylaw No. 8047-2025.docx- Attachment D - Zone Amending Bylaw No. 8034-2025.docx
Final Approval Date:	Dec 3, 2025

This report and all of its attachments were approved and signed as outlined below:

David Purcell-Chung, Manager of Development and Environmental Services

Hasib Nadvi, Deputy Director of Planning and Building

James Stiver, Director of Planning and Building

Stephane Labonne, Deputy Chief Administrative Officer

Scott Hartman, Chief Administrative Officer