



CITY OF BURNABY
ZONING BYLAW AMENDMENTS
PUBLIC HEARING

The Council of the City of Burnaby hereby gives notice that it will hold a public hearing

TUESDAY, 2015 APRIL 28 AT 7:00 PM

in the Council Chamber, Main Floor, City Hall to receive representations in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965".

A G E N D A

CALL TO ORDER

PAGE

ZONING BYLAW AMENDMENTS

- 1) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 11, 2015 – BYLAW NO. 13463

1

Rez. #13-30

5037, 5057 and 5067 Claude Avenue

From: R4 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Rayside Townhouse Development" prepared by Robert Jordan Kutev Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 3-storey (27 unit) townhouse development with underground parking.

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- 2) **BURNABY ZONING BYLAW 1965,** 10
AMENDMENT BYLAW NO. 12, 2015 – BYLAW NO. 13464
- Rez. #15-02
- 4514 Kitchener Street
- From: R10 Residential District
- To: P1 Neighbourhood Institutional District
- The purpose of the proposed zoning bylaw amendment is to align the zoning of the overall site with its current and historical use. No expansion of the place of public worship use is proposed in connection with the subject rezoning application.
- 3) **BURNABY ZONING BYLAW 1965,** 17
AMENDMENT BYLAW NO. 13, 2015 – BYLAW NO. 13465
- Rez. #14-14
- Suite LM100 – 4664 Lougheed Highway
- From: CD Comprehensive Development District (based on M5 and M5L Light Industrial District and Brentwood Town Centre Development Plan as guidelines)
- To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, P1 Neighbourhood Institutional District and Brentwood Town Centre Development Plan as guidelines and in accordance with the development plan entitled “CEFA Early Learning” prepared by ph5 architecture)
- The purpose of the proposed zoning bylaw amendment is to permit the operation of a child care facility for 152 children.
- 4) **BURNABY ZONING BYLAW 1965,** 25
AMENDMENT BYLAW NO. 14, 2015 – BYLAW NO. 13466
- Rez. #15-07
- 6500 Hastings Street
- From: Amended CD Comprehensive Development District (based on C2a General Commercial District)

To: Amended CD Comprehensive Development District (based on C2a General Commercial District and in accordance with the development plan entitled “Extension of Operating Hours” by the BC Liquor Distribution Branch)

The purpose of the proposed zoning bylaw amendment is to increase the operating hours of an existing Liquor Distribution Branch (LDB) liquor store.

5) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 15, 2015 – BYLAW NO. 13467

34

Rez. #14-46

8982/8992 – 8900 University High Street

From: CD Comprehensive Development District (based on C3 and C3f General Commercial District, RM4 Multiple Family Residential District, P1 Neighbourhood Institutional District and SFU Community Plan guidelines)

To: Amended CD Comprehensive Development District (based on C3a General Commercial District and SFU Official Community Plan guidelines and in accordance with the development plan entitled “Cornerstone Development” prepared by NSDA Architects as amended by the plan entitled “SFU” by the BC Liquor Distribution Branch)

The purpose of the proposed zoning bylaw amendment is to permit the development of a Liquor Distribution Branch (LDB) retail store in two combined commercial retail units.

All persons who believe that their interest in property is affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw. Written submissions may be presented at the Public Hearing or for those not attending the Public Hearing must be submitted to the Office of the City Clerk prior to 4:45 p.m. the day of the Public Hearing. Please note all submissions must contain name and address which will become a part of the public record.

The Director Planning and Building’s reports and related information respecting the zoning bylaw amendments are available for public examination at the offices of the Planning Department, 3rd floor, in Burnaby City Hall.

Copies of the proposed bylaws may be inspected at the Office of the City Clerk at 4949 Canada Way, Burnaby, B.C., V5G 1M2 from 8:00 a.m. to 4:45 p.m. weekdays from Wednesday, 2015 April 15 to Tuesday, 2015 April 28.

**NO PRESENTATIONS WILL BE RECEIVED BY COUNCIL
AFTER THE CONCLUSION OF THE PUBLIC HEARING**

D. Back
CITY CLERK



PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

REZONING REFERENCE # 13-30
ADDRESS: 5037, 5057 and 5067 Claude Avenue

Meeting Date: 2015 April 16

DEVELOPMENT PROPOSAL:

To permit the construction of a 3-storey (27 unit) townhouse development with under-unit parking.

1. **Site Area:** Net Site Area 5,224.9 m² (56,240.5 sq. ft.) + Dedications 4.5 m² (48.5 sq. ft.) =
Gross Site Area 5,229.4 m² (56,289 sq. ft.)
2. **Existing Use:** Single-family dwelling, vacant
- Adjacent Use:** Single-family dwellings, vacant
- Proposed Use:** 3-storey (27 unit) townhouse development with under-unit parking

	Permitted/Required	Proposed/Provided
3. Gross Floor Area:	3,429.6 m ² (36,916 sq. ft.)	3,429.6 m ² (36,916 sq. ft.)
4. Site Coverage:	26.7%	26.7%
5. Building Height:	3 storeys	3 storeys
6. Vehicular Access from:	Claude Avenue	Claude Avenue
7. Parking Spaces:	48 spaces	48 spaces
8. Loading Spaces:	N/A	N/A
9. Communal Facilities:	N/A	N/A
10. Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Note: N/A where not applicable



Item
Meeting 2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #13-30
Townhouse Development with Under-unit Parking
Canada Way and Claude Avenue Area Plan

ADDRESS: 5037, 5057 and 5067 Claude Avenue (*attached* Sketches #1 and #2)

LEGAL: Westerly Half of Lot 9 Except: The Westerly 75 Feet; DL 85, Group 1, NWD Plan 3304; West Half of the Easterly Half Lot 9, DL 85, Group 1, NWD Plan 3304; East Half of the East Half Lot 9, DLs 79 & 85, Group 1, NWD Plan 3304

FROM: R4 Residential District

TO: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Rayside Townhouse Development" prepared by Robert Jordan Kutev Architect Inc.)

APPLICANT: Jordan Kutev Architect Inc.
 180 – 2250 Boundary Road
 Burnaby, BC V5M 3Z3
 (Attn: Jordan Kutev)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a

To: City Manager
 From: Director Planning and Building
 Re: Rez # 13-30 5037, 5057 and 5067 Claude Avenue
 2015 March 25 Page 2

servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The removal of all existing improvements from the site prior to Final Adoption but not prior to Third Reading of the Bylaw. Demolition will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse or vandalism.
- e) The review of a detailed Sediment Control System by the Director Engineering.
- f) The pursuance of Stormwater Management Best Practices in line with established guidelines.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants including:
 - a Section 219 Covenant restricting the enclosure of balconies;
 - a Section 219 Covenant ensuring that all disabled parking remain as common property; and,
 - a Section 219 Covenant protecting the streamside protection and enhancement areas (SPEA).
- h) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- i) The approval of the Ministry of Transportation to the rezoning application.
- j) The dedication of any rights-of-way deemed requisite.
- k) The deposit of the applicable Parkland Acquisition Charge.

To: City Manager
 From: Director Planning and Building
 Re: Rez # 13-30 5037, 5057 and 5067 Claude Avenue
 2015 March 25 Page 3

- l) The deposit of the applicable GVS & DD Sewerage Charge.
- m) The deposit of the applicable School Site Acquisition Charge.
- n) The provision of facilities for cyclists in accordance with Section 4.5 of the rezoning report.
- o) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a 3-storey (27 unit) townhouse development with underground parking.

2.0 BACKGROUND

- 2.1 The subject site, comprised of 5037, 5057 and 5067 Claude Avenue, and is identified within the adopted Canada Way and Claude Avenue Area Plan (Rayside) (see *attached* Sketch #2) for consolidation and medium density multiple-family residential redevelopment under the CD Comprehensive Development District (utilizing the RM2 District as a guideline).
- 2.2 Council, on 2013 November 25, received the report of the Planning and Building Department concerning the rezoning of the subject site and authorized the department to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.
- 2.3 The adopted Plan designates a portion of the subject site for road and open space purposes, in order to realign Wilton Avenue to connect better to Claude Avenue. The subject site is influenced by Deer Lake Brook Tributary 1, a Class A watercourse which runs through and adjacent to the eastern portion of the site, which requires a 25 metre setback from the top of bank. As such, the applicant was required to apply to the City's Environmental Review Committee (ERC). At its 2014 January 29 meeting, the ERC

To: City Manager
 From: Director Planning and Building
 Re: Rez # 13-30 5037, 5057 and 5067 Claude Avenue
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determined that the planned road alignment would have substantial impact to the creek and that a superior environmental benefit could be obtained by leaving the roads in their current alignment and provide for greater habitat enhancements on the subject development site. As such, it was proposed that the roads be kept within their existing alignment, that a streamside protection and enhancement area (SPEA) be established on the development site, and that the development's setback from the existing top of bank of Deer Lake Brook Tributary 1 be varied from 25 metres to 20 meters. The ERC decision is supported by Transportation Planning staff based on anticipated traffic volumes and the limited role of the road in the City's broader transportation network. It should also be noted that site would be unable to develop under its designation in the plan if both the road realignment and standard streamside setbacks were required.

3.0 GENERAL COMMENTS

- 3.1 The development proposal is for a 27 unit, three-storey stacked townhouse development with under-unit parking. The maximum density permitted under the RM2 District guideline is 0.7 F.A.R.
- 3.2 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site including, but not necessarily limited to:
- the construction of Claude Avenue to its final standard with a concrete curb and gutter on both sides, a separated sidewalk, boulevard grassing and street trees on the south side and an urban trail on the north side; and,
 - the construction of Wilton Avenue to its final standard with concrete curb and gutter, separated sidewalks, boulevard grassing and street trees on both sides of the street.
- 3.3 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant restricting the enclosure of balconies;
 - Section 219 Covenant restricting ensuring that all disabled parking remain as common property;
 - Section 219 Covenant protecting the streamside protection and enhancement areas (SPEA);
 - a Statutory right of way for access to the creek and sewer lines for maintenance purposes; and,
 - a Section 219 Covenant ensuring compliance with the approved acoustic study .
- 3.4 A 3x 3 metre corner truncation at the northeastern corner of the site is required.
- 3.5 As the site is influenced by traffic noise from the Trans-Canada Highway, an acoustical report will need to be undertaken to ensure compliance with Council-adopted sound criteria.

To: City Manager
 From: Director Planning and Building
 Re: Rez # 13-30 5037, 5057 and 5067 Claude Avenue
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- 3.6 One car wash stall and an appropriately screened garbage handling and recycling holding area will be provided on site.
- 3.7 Engineering Environmental Services Division will need to review the submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption. The proposed Sediment Control system will then be the basis after Final Adoption for the necessary Preliminary Plan Approval and Building Permit.
- 3.8 The developer is responsible for the undergrounding of wiring on the south side of Claude Avenue, abutting the site.
- 3.9 Applicable Development Cost Charges are:
- a) Parkland Acquisition Charge of \$3.84 per sq. ft. of gross floor area.
 - b) GVS & DD Sewerage Charge of \$1,515 per dwelling unit.
 - c) School Site Acquisition Charge of \$800 per unit.
- 3.10. An on-site stormwater management system to the approval of the Director Engineering is required. A Section 219 Covenant and bonding are required to guarantee its provision and continuing operation.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Gross Site Area: - 5,229.4 m² (56,289 sq.ft.)
 Dedications - 4.5 m² (48.5 sq.ft.)
 Net Site Area - 5,224.9 m² (56,240.5 sq.ft.)
 (Subject to detailed survey)
- 4.2 Density:
 F.A.R. - 0.66 F.A.R.
 Total Floor Area - 3,429.6 m² (36,916 sq.ft.)
Site Coverage: - 26.7 %
- 4.3 Height: - 3 Storeys
- 4.4 Unit Mix:
- 12 – 2 Bedroom and den units - 110.0 – 115.9 m² (1,184 sq.ft – 1,247 sq.ft.)
 - 15 – 3 Bedroom and den units - 126.9 m² to 146.0 m² (1,366 sq.ft. to 1,572 sq.ft.)
- 27 Total units**

To: City Manager
 From: Director Planning and Building
 Re: Rez # 13-30 5037, 5057 and 5067 Claude Avenue
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4.5	<u>Parking:</u>		<u>Required</u>	<u>Provided</u>
	Vehicle Parking:			
	Required Resident Parking 1.5/ unit (Tandem @ 1.5 for 2 tandem)	-	41 spaces	41 spaces (54 tandem = 41)
	Required Visitor Parking 0.25/unit (including one combined visitor/carwash space)	-	7 spaces	7 spaces
	Bicycle Parking:			
	Secure Residential @ 1 /unit	-	27 spaces	27 spaces
	Visitors racks @ 0.2 spaces/unit	-	6 in racks	6 in racks

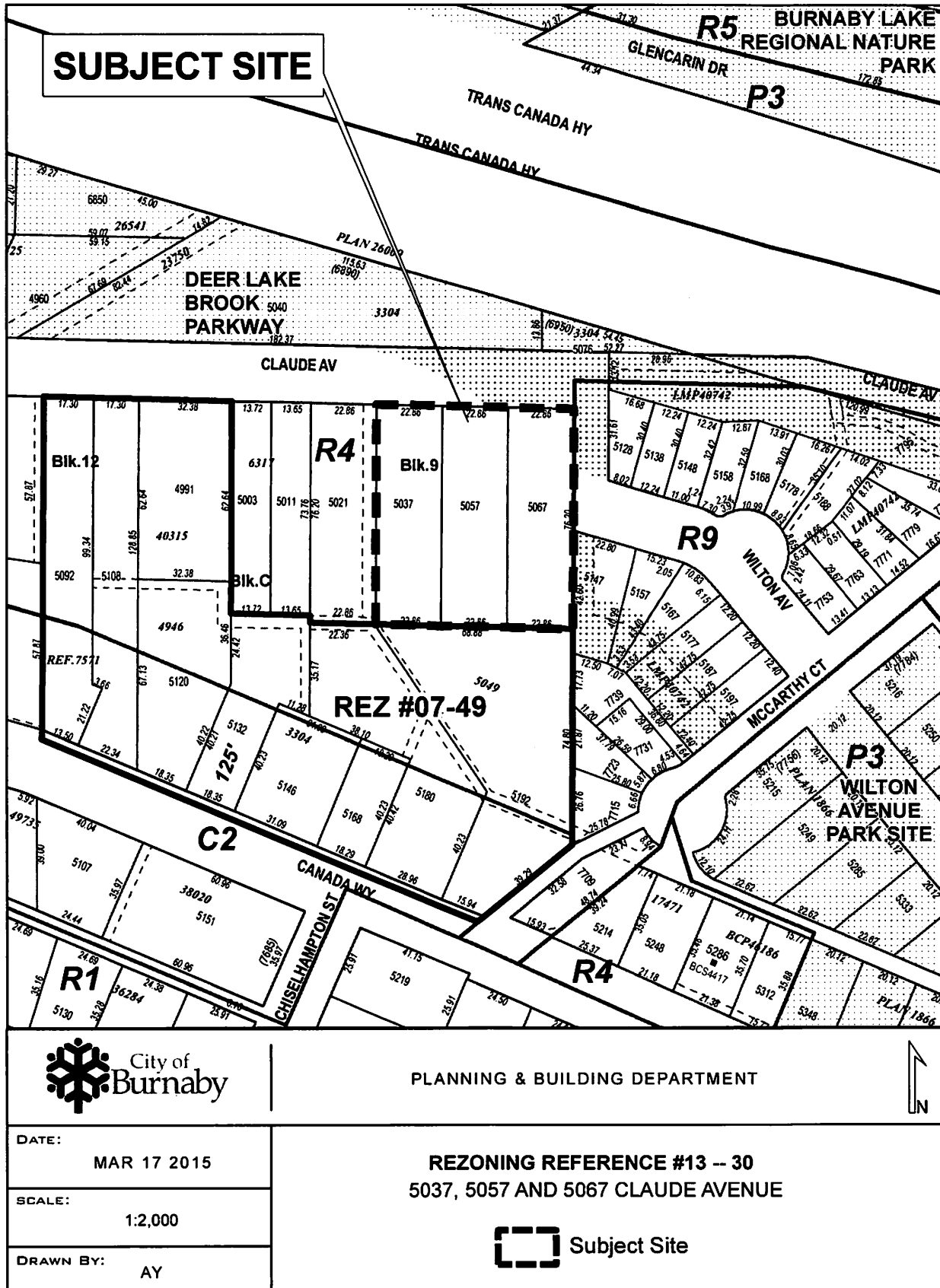

 Lou Pelletier, Director
 PLANNING AND BUILDING

DR:tn

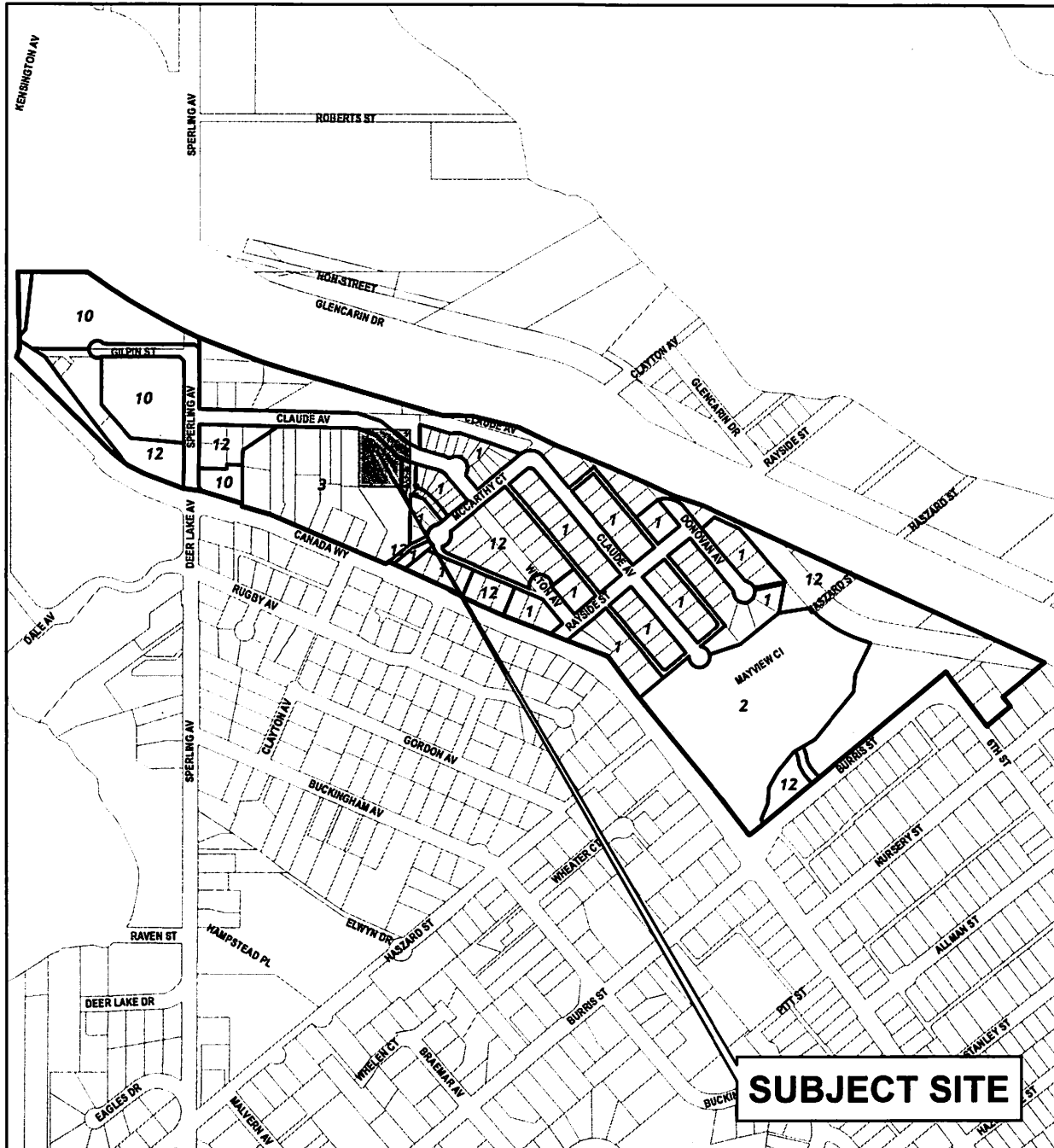
Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

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Sketch #1

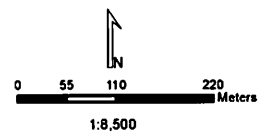


Rayside



PLANNING & BUILDING DEPARTMENT

- 1** Single and Two Family Residential
- 2** Low Density Multiple Family Residential
- 3** Medium Density Multiple Family Residential
- 10** Administration and Public Assembly
- 12** Park and Public Use



Printed March 17, 2015

Sketch #2



PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

REZONING REFERENCE # 15-02
ADDRESS: 4514 Kitchener Street

Meeting Date: 2015 April 16

DEVELOPMENT PROPOSAL:

Align the zoning of the site with its current and historical use. No expansion of the place of public worship use is proposed in connection with the subject rezoning application.

1. **Site Area:** 517.4 m2 (5,569.24 ft.2)
2. **Existing Use:** Vacant
- Adjacent Use:** Place of public worship, single-family residential, future park (along Willingdon Avenue)
- Proposed Use:** Accessory yard area for place of public worship.

	Permitted/Required	Proposed/Provided
3. Gross Floor Area:	Site Area 890 m2 (9,580.19 ft.2) In P1 District Lot Width 24.5 m in P1 District	Site Area 3,397.58 m2 (36,571.25 ft.2) Lot Width 91.47 m upon consolidation
4. Site Coverage:	N/A	N/A
5. Building Height:	N/A	N/A
6. Vehicular Access from:	N/A	N/A
7. Parking Spaces:	N/A	N/A
8. Loading Spaces:	N/A	N/A
9. Communal Facilities:	N/A	N/A
10. Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Note: N/A where not applicable


P:\REZONING\FORMS\APC STAT SHEET



Item
Meeting.....2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #15-02**
Proposed Place of Public Worship Use

ADDRESS: 4514 Kitchener Street

LEGAL: Lot 2, Blk 49, DL 123, Grp 1, NWDP1543

FROM: R10 Residential District

TO: P1 Neighbourhood Institutional District

APPLICANT: St. Timothy's Parish
Attn: Maribeth Mainer
c/o: 202-9133 Capella Drive
Burnaby, BC V3J 7K4

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The consolidation of the subject site with 4550 and 4556 Kitchener Street.

R E P O R T**1.0 REZONING PURPOSE**

The purpose of the proposed rezoning bylaw amendment is to align the zoning of the overall site with its current and historical use. No expansion of the place of public worship use is proposed in connection with the subject rezoning application.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #15-02
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2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is located in the Brentwood Park area, a single family residential neighbourhood generally zoned R10 Residential District. The subject property and the two adjacent properties to the east (4550 and 4556 Kitchener Street) comprise the St. Timothy's Anglican Church premises, which consist of the church building and associated yard, parking lot, playground, and meditation garden. The church premises occupy much of the southern frontage of the 4500 block of Kitchener Street, with the exception of a City-owned vacant parcel on the corner of Willingdon Avenue. The remainder of the block contains the rear yards of single family residential lots that front onto Westlawn Drive. The City-owned lot is one of several lots that flank the east side of Willingdon Avenue between Halifax and Hastings Streets. These lots are the subject of a proposal for a linear park connecting Brentwood Town Centre with the Heights area to the north.

3.0 BACKGROUND

- 3.1 The subject lot is zoned R10 Residential District. The area is generally designated for Single Family Suburban use.
- 3.2 On 1991 October 15, the subject property was rezoned from R3 Residential District to R10 Residential District as part of an area rezoning of the Brentwood Park neighbourhood. The lot at that time contained the manse (minister's house) for the adjacent church, which was constructed in 1957. The manse was demolished under Building Permit #99-01341, which was finalized on 2000 February 07.
- 3.3 A previous application to rezone the subject property to the P1 District, for consolidation with the two adjacent lots, was submitted on 2002 April 29 (Rezoning Reference #02-10). On 2002 July 08, Council gave Second Reading to the rezoning bylaw. The prerequisites to rezoning approval were not completed and the rezoning application was abandoned on 2006 September 11.
- 3.4 On 2015 January 21, the applicant submitted a subdivision application (Subdivision Reference #15-00006) to consolidate the subject property with the two adjacent properties to the east, 4550 and 4556 Willingdon Avenue.

4.0 GENERAL COMMENTS

- 4.1 The applicant proposes to rezone the subject property to the P1 Neighbourhood Institutional District to allow for the consolidation and continued joint use of the property with the adjacent P1 District properties to the east, which contain a place of public worship (St. Timothy's Anglican Church). The applicant intends to continue to utilize this site as accessory outdoor area/green space. No expansion to the church use is proposed nor are any other physical changes.
- 4.2 Under the P1 District, each lot shall have an area of not less than 890 m² (9,580.19 ft²) and a width of not less than 24.5 m (80.38 ft.). The subject property has a lot area of approximately 517.4 m² (5,569.24 ft²) and a width of approximately 13.91 m (45.64 ft.), and therefore does

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #15-02

2015 March 25 Page 3

not by itself meet the minimum lot area and width requirements of the P1 District. However, once consolidated with the adjacent properties to the east (4550 and 4556 Kitchener Street), the property will have a lot area of approximately 3,397.58 m² (36,571.25 ft²) and a width of approximately 91.47 m (300.01 ft.), well within the minimum requirements of the P1 District. For that reason, it is recommended that consolidation of the property with the adjacent lots be a prerequisite to rezoning approval.

- 4.3 The proposed institutional church use is generally supportive of the surrounding for Single Family Suburban residential use. The application reflects the property's longstanding use for church purposes. Given its location between the adjacent P1 District properties and a future P3 District linear park, the proposed land use is appropriate. As well, given the orientation of surrounding residences towards Alpha Drive and Westlawn Drive, no impacts to the character of the surrounding neighbourhood are expected.
- 4.4 The City Engineer will assess the need for any further required services to the site, including, but not limited to cash-in-lieu of construction for:
- upgrades to the water main along Kitchener Street;
 - upgrades to the sanitary sewer in the adjacent lane; and,
 - installation of a storm sewer in the lane adjacent to the site.
- 4.5 Given that the proposal is for a place of public worship use, the GVS&DD Sewerage Charge of \$4.77 per m² (\$0.443 per ft²) is not required in conjunction with this rezoning application.


5.0 DEVELOPMENT PROPOSAL

5.1 Site Area

Existing	-	517.4 m ² (5,569.24 ft ²)
Upon consolidation	-	3,397.58 m ² (36,571.25 ft ²)
Minimum required in P1 District	-	890 m ² (9,580.19 ft ²)

5.2 Site Width

Existing	-	13.91 m (45.64 ft)
Upon consolidation	-	91.47 m (300.01 ft)
Minimum required in P1 District	-	24.50 m (80.38 ft)


 Lou Pelletier, Director
 PLANNING AND BUILDING

LF:tn

Attachment

cc: Director Engineering Chief Building Inspector
 City Solicitor City Clerk

P:\REZONING\Applications\2015\15-00002 4514 Kitchener St\Rezoning Reference 15-02 PH Report 20150330



ST. TIMOTHY ANGLICAN CHURCH

"To be equipped
for every good
work"

2 Timothy 3:17

4550 Kitchener Street
Burnaby, BC, V5C 3M7

P: 604-299-6816

F: 604-299-6136

Planning and Building Department
City of Burnaby
4949 Canada Way
Burnaby BC V5G 1M2

17 January 2015

To whom it may concern:

Regarding the concurrent applications for rezoning of 4514 Kitchener from R10 to P1 and for consolidation of 4514, 4550 and 4556 Kitchener, retaining the historic address of 4550 Kitchener.

The amalgamated Anglican parishes of Christ the King and St. Nicolas returned to the renovated former Christ the King site in 2003, with a name change to Parish of St. Timothy, Burnaby. An application to consolidate made by Christ the King did reach second reading in 2002. Apparently the matter was deemed abandoned when they were unable to regain title to 4556 in a timely manner. Twelve years later, we were still dealing with issues related to title not being transferred to the new name. Title was finally transferred to Parish of St. Timothy on Dec. 23, 2014 and registered Dec. 24, 2014.

The accompanying property survey was conducted November 28, 2014 while title still rested with Diocese of New Westminster (4556) and Christ the King (4514 and 4550). Please accept this as a valid survey of property to which Parish of St. Timothy now has title.

This process was triggered by the order from Traffic on May 1, 2014 to remove our "grandfathered" signs. We complied and proceeded to rezoning. After months of negotiation with the City of Burnaby Traffic, Planning and Building and Signage staff and with the Anglican Diocese of New Westminster, we believe that we now can present a good case for rezoning 4514 to P1 and for consolidating all three properties into one, with the historic address of 4550 Kitchener.

At this time, our plan for 4514 Kitchener is simply to erect bylaw-compliant, effective signage as soon as the proposed greenway is completed in the 1400 block of Willingdon. As virtually the only Anglican parish still operating in the area, visibility to orphaned Anglicans and to new residents of the Brentwood area is crucial to our sustainability at this most strategic site. We have already demonstrated our willingness to be compliant as we have worked with Valerie Vallance to re-site our Kitchener Street sign appropriately.

We look forward to BC Assessment notices and Burnaby Property Tax notices being reduced from the current five each to a more reasonable two. Our tenant out of school care operator, Treasure Island II, pays property taxes appropriate to its use of the downstairs area.

We have no plans to change the footprint of the church. However, we are planning on renovating our kitchen and hope that the steps we have thus far taken will ease the process of getting any necessary permits. We are looking to the future and are aware that bylaw changes may require changes to the building and/or property.


www.sainttimothy.ca

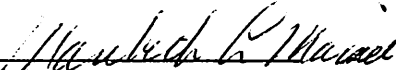
office@sainttimothy.ca


We want to be in the best position to respond, with clear title, consistent zoning and consolidated property designated 4550 Kitchener.

Parish council members are all trustees of the parish. Per requirements of City of Burnaby, this letter is signed by those members of council who are also signing officers for the Parish of St. Timothy. Maribeth Mainer has been designated agent for the Parish and may be reached at mmainer9@telus.net or 604 299-1969(h).

Signed by:


Vern Seel, Treasurer


Maribeth Mainer, Warden


Gordon Arthur, Warden


Rebecca Barnes



PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

REZONING REFERENCE # 14-14

Meeting Date: 2015 April 16

ADDRESS: Suite LM 100-4664 Lougheed Highway

DEVELOPMENT PROPOSAL:

To permit the operation of a childcare facility for 152 children.

- | | |
|-------------------------|---|
| 1. Site Area: | 1.25 ha (3.09 acres) |
| 2. Existing Use: | Industrial, office uses |
| Adjacent Use: | Auto dealership, industrial, shopping mall and multi-family residential (low-rise apartments) |
| Proposed Use: | Group childcare facility for 152 children within the main floor unit of the existing office building. |

	Permitted/Required	Proposed/Provided
	Unit 1,232 m2 (13,261 sq. ft.) Outdoor Play Area 696 m2 (7,492 sq. ft.)	Unit 1,232 m2 (13,261 sq. ft.) Outdoor Play Area 696 m2 (7,492 sq. ft.)
3. Gross Floor Area:		
4. Site Coverage:	38%	38%
5. Building Height:	N/A	N/A
6. Vehicular Access from:	Beta Avenue and Dawson Street	Beta Avenue and Dawson Street
7. Parking Spaces:	27	27
8. Loading Spaces:	2	2
9. Communal Facilities:	N/A	N/A
10. Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Note: N/A where not applicable



Item.....
Meeting2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-14
Licensed Childcare Facility
(152 Children and 24 Staff Members)

ADDRESS: Suite LM100 – 4664 Lougheed Highway (see *attached* Sketches #1 and #2)

LEGAL: Lot 81 “A” Except: Firstly: The West 150 Feet; Secondly: Part Now Road On Statutory Right-of-Way Plan 4957; D.L. 124, Group 1, NWD Plan 3348

FROM: CD Comprehensive Development District (based on M5 and M5L Light Industrial District and Brentwood Town Centre Development Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on M5 Light Industrial District, P1 Neighbourhood Institutional District and Brentwood Town Centre Development Plan as guidelines and in accordance with the development plan entitled “CEFA Early Learning” prepared by ph5 architecture)

APPLICANT: ph5 architecture inc.
 204-309 West Cordova Street
 Vancouver, BC V6B 1E5
(Attention: Peeroj Thakre)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-14
 2015 March 25..... Page 2

One of the conditions for the release of occupancy permits will be the completion of all requisite services.

- c) The dedication of any rights-of-way deemed requisite.
- d) The submission of a detailed Comprehensive Sign Plan.
- e) The granting of a Section 219 Covenant assuring that an approved parking and access plan will be implemented and maintained for the duration of the child care use on site.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the operation of a child care facility for 152 children.

2.0 BACKGROUND INFORMATION

- 2.1 The subject property is located on the southwest corner of Loughheed Highway and Beta Avenue within the Brentwood Town Centre Development Plan Area. The Plan designates the site as succession, which allows for the continuation of existing industrial/office uses with the intent for their future transition to multiple-family residential and mixed-use. The subject property contains a variety of business and professional office uses as well as a commercial fitness centre. Directly to the west is the Carter automobile dealership. Across Beta Avenue to the east are newer low-rise apartments developed under Rezoning References #04-19 and #06-40, with the Woodlands/Brentwood Industrial Park beyond. Across Loughheed Highway to the north is Brentwood Mall, which is currently undergoing redevelopment. Across Dawson Street to the south are older industrial warehouse buildings. Vehicular access to the site is via Beta Avenue and Dawson Street (Sketch #2 *attached*).
- 2.2 On 2013 December 09, Council gave Final Adoption to Rezoning Reference #13-24 to permit the relocation of a fitness facility within the subject building. The fitness facility had been originally approved under Rezoning Reference #99-26.
- 2.3 On 2014 June 09, Council received the report of the Planning and Building Department concerning the proposed rezoning of the subject site and authorized the Department to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-14
 2015 March 25..... Page 3

- 2.4 The P1 District requires a minimum lot area of 890m² (9,580 ft²) and a minimum lot width of 24.5m (80.3 ft.), except that the lot area shall be increased by 19m² (204.5 ft.) for each child over 20 in number accommodated by a child care facility. The subject lot has an area of 12,480.45 m² (134,338.45 ft²) and a width of 71.94 m (236.03 ft.) which would allow for the accommodation of a child care facility with up to 630 children; the lot therefore far exceeds the child care facility requirements of the P1 District.

It is noted that the proposed amendment to the Comprehensive Development (CD) Plan designates only a portion of the site for P1 District uses. This portion of the site consists of an approximately 1,232 m² (13,261 ft²) commercial unit with an approximately 696 m² (7,492 ft²) outdoor play area. The proposed parking area, driveway access from Dawson Street, and adjacent landscaped areas contribute an additional approximate 1,500 m² (16,146 ft²), for a total area of use of approximately 3,428 m² (36,899 ft²). Were these combined areas to be considered as the lot area, a child care facility with up to 153 children would be permitted. In addition, the width of the proposed child care facility is approximately 64 m (210 ft.) which far exceeds the required width for P1 District lots. Therefore, based on either method of analysis, the proposed childcare use meets the intent of the P1 District lot area and width requirement.

- 2.5 The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL INFORMATION

- 3.1 The applicant proposes to operate a group child care facility for 152 children within the main floor unit of the existing office building. The proposed facility accommodates 116 preschool children (age 30 months to school age) and 36 infants/toddlers less than 36 months old. The subject building contains a variety of business and professional offices as well as a commercial fitness centre under the current CD (M5, M5L) zoning. Under the proposed amendment, the subject unit would retain M5 District zoning, in addition to the proposed P1 District zoning, in order to allow future reversion of this area to business office uses without further rezoning.
- 3.2 Proposed improvements include: minor interior demolition, construction of partitions, installation of new flooring, millwork, plumbing, appliances, finishes, and electrical fixtures. The existing patio to the rear of the subject building is proposed to be redeveloped as an outdoor play area. To meet fire safety requirements, the applicant proposes to replace an emergency exit stair from the play area to the P4 parking level; construct a new exit stair from the P4 parking level to the parking lot in the southeast corner of the property; and infill adjacent openings in the concrete parking structure with glass blocks. Improvements to the emergency exiting route on the west side of the building include a new gate, stairs, and pathway upgrades.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-14
 2015 March 25..... Page 4

3.3 The applicant has provided an access plan that shows provision of 15 parent “drop-off/pick-up” parking spaces in an open parking lot in the southeast corner of the property. The applicant notes that the 12 required parking spaces for staff would be located in the adjacent parking structure, at the rear of the building. Access to the child care facility would be through the parking structure and then by elevator to the lower main level. Given the importance of ensuring safe and convenient access through the parking structure, and the potential for traffic congestion during drop-off and pick-up times, the applicant has included measures to reduce the potential for conflict between pedestrians and vehicular traffic. These measures include:

- a dedicated travel path, separated by a metal guardrail
- pavement striping
- push button activated lights and audible signal for drive aisle crossings
- provision of a crossing guard at peak hours
- speed bumps
- stop signs
- increased lighting and mirrors
- closure of an intersecting drive aisle

In order to ensure that these measures are employed, it is recommended that the applicant grant a Section 219 Covenant assuring the implementation and maintenance of the proposed access plan as a prerequisite to rezoning approval.

3.4 The Fraser Health Authority approves child care facilities through administration of the Child Care Licensing Regulation (CCLR) of the Community Care and Assisted Living Act. With respect to this proposal, the Fraser Health Authority have provided preliminary comments indicating that the physical space of the facility would be in compliance with the CCLR, including the usable floor area, washroom facilities, and outdoor play area per child and the required sleeping facilities for children under 36 months of age.

3.5 While the provision of a satisfactory child care facility for the children is essential, the assessment of the location relative to other uses is also an important consideration. In this case, uses on neighbouring properties include the back lot of a car dealership to the immediate west; a tile and stone wholesaler across Dawson Street to the south; and a multi-family residential complex across Beta Avenue to the east. Given the storage function of the car dealership lot, the outdoor play area will have little impact on this use. The tile and stone wholesaler is located in a fully enclosed building that is approximately 50 m (164 ft.) distant from the proposed play area and is buffered by a line of trees. Impacts to this use are also expected to be minimal. Regarding the residential uses to the east, they are located approximately 55 m (180 ft.) distant from the outdoor play area. In addition, the proposed play area will be utilized only during operating hours, which are 7:30 am to 5:30 pm Monday through Friday, and smaller groups of children will be rotated outside in shifts. For these reasons, the impacts on this development are also expected to be minimal.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-14
 2015 March 25..... Page 5

3.6 The Director Engineering will be requested to prepare an estimate for all services necessary to serve the site. The servicing requirements will include, but not necessarily be limited to:

- construction of a separated sidewalk on Lougheed Highway and upgrade of sidewalks on Beta Avenue to the south side of the first driveway crossing;
- construction of a new asphalt ramp from Beta Avenue to the drop off/pick up parking area; and,
- construction of corner curb let-downs at Lougheed Highway and Beta Avenue and at Dawson Street and Beta Avenue.


Required road dedications will include:

- a 3 m x 3 m wide corner truncation at Lougheed Highway and Beta Avenue; and,
- a 3 m x 3 m wide corner truncation at Dawson Street and Beta Avenue.

3.7 Given that no additional gross floor area is proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge of \$0.443 per sq.ft. is not required in conjunction with this rezoning application.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area: - 1.25 ha (3.09 acres)
- 4.2 Floor Area (subject unit):
- subject unit - 1,232 m² (13,261 ft²)
 - outdoor play area - 696 m² (7,492 ft²)
- 4.3 Parking: - 27 spaces required/provided
- 15 spaces at 1 space/10 children
 - 12 spaces at 1 space/2 staff)
- 4.4 Loading: - 2 existing bays provided

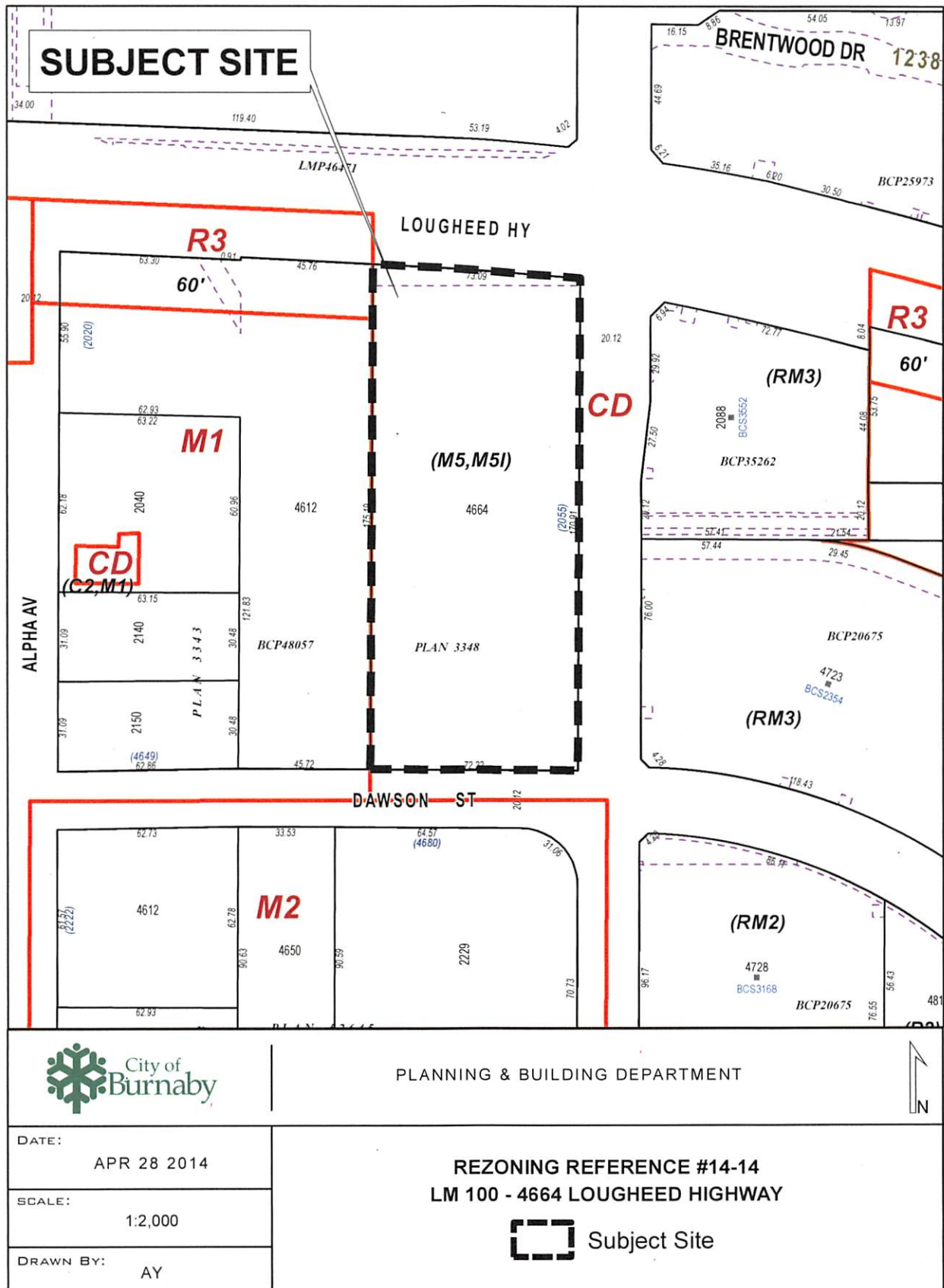

 Lou Pelletier, Director
 PLANNING AND BUILDING

LF:tn

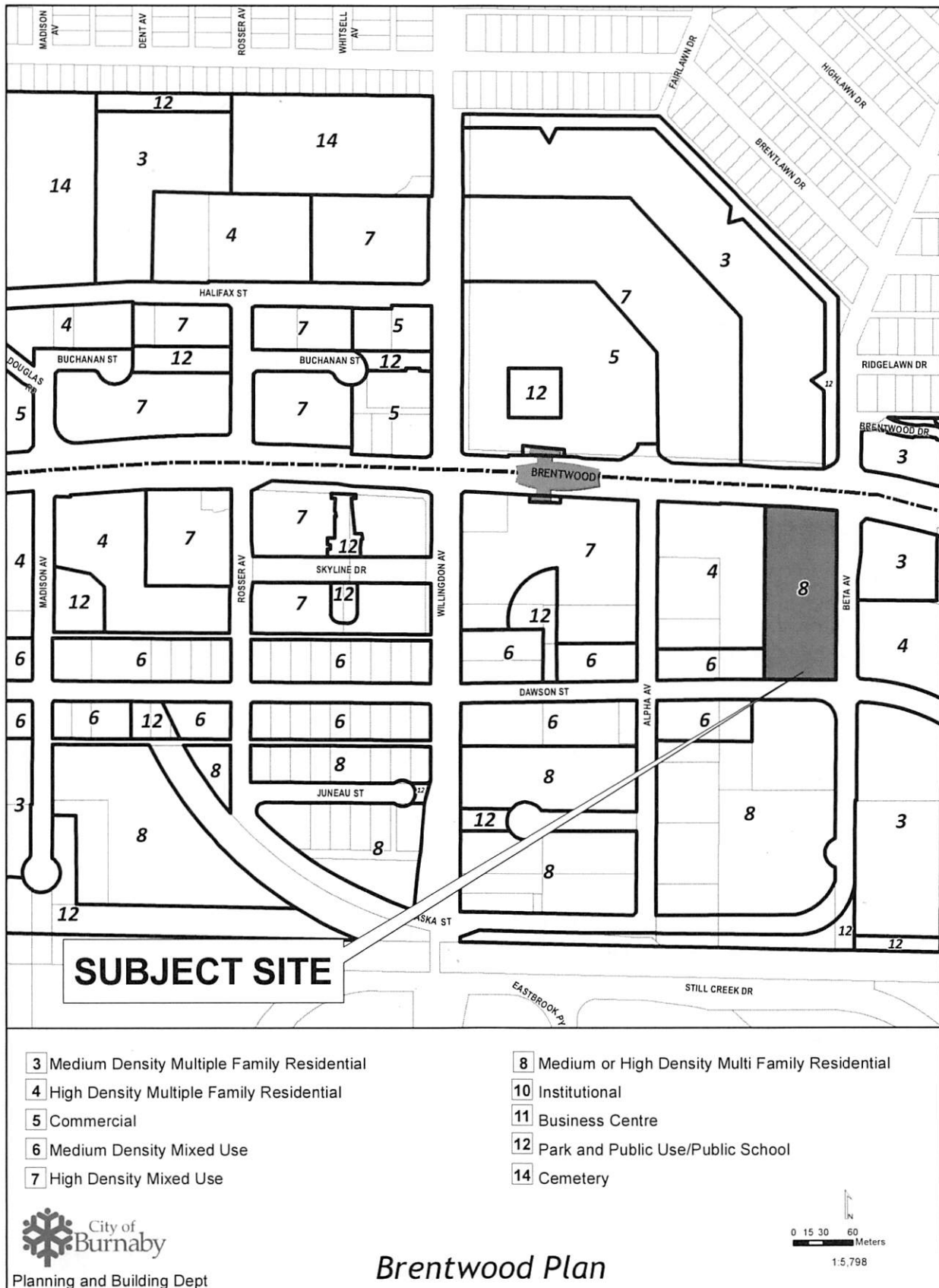
Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

P:\REZONING\Applications\2014\14-14 Child care-4664 Lougheed \Rezoning Reference 14-14 PH Report..docx



Sketch #1





PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

REZONING REFERENCE # 15-07

Meeting Date: 2015 April 16

ADDRESS: 6500 Hastings Street (LDB Liquor Store - 6518 Hastings Street)

DEVELOPMENT PROPOSAL:

To increase the operating hours of an existing Liquor Distribution Branch (LDB) liquor store.

- | | | |
|---|--|--|
| 1. Site Area: | 3.35 ha (8.27 acres) | |
| 2. Existing Use: | Shopping Centre with LDB Liquor Store | |
| Adjacent Use: | Park, former golf centre, gas station, commercial, multi-family residential, single-family and two-family dwellings | |
| Proposed Use: | Shopping Centre with LDB Liquor Store with increased operating hours. | |
| | | |
| | Permitted/Required | Proposed/Provided |
| 3. Gross Floor Area: | 427.35 m2 (4,600 sq. ft.)
(LDB Liquor Store Only) | 427.35 m2 (4,600 sq.ft.)
(LDB Liquor Store Only) |
| 4. Site Coverage: | N/A | N/A |
| 5. Building Height: | 1 Storey | 1 Storey |
| 6. Vehicular Access from: | Hastings Street, Kensington Avenue &
Grove Avenue | Hastings Street, Kensington Avenue &
Grove Avenue |
| 7. Parking Spaces: | 10 | 10 |
| 8. Loading Spaces: | 1 | 1 |
| 9. Communal Facilities: | N/A | N/A |
| 10. Proposed development consistent with adopted plan?
(i.e. Development Plan, Community Plan, or OCP) | <div style="display: flex; justify-content: space-around;"> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO </div> | |

Note: N/A where not applicable



Item
Meeting.....2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #15-07
Proposed Extension of Operating Hours for Existing LDB Liquor Store

ADDRESS: 6500 Hastings Street

LEGAL: Parcel 2, DL 206, Group 1, NWD Explanatory Plan 80168

FROM: Amended CD Comprehensive Development District (based on C2a General Commercial District)

TO: Amended CD Comprehensive Development District (based on C2a General Commercial District and in accordance with the development plan entitled "Extension of Operating Hours" by the BC Liquor Distribution Branch)

APPLICANT: BC Liquor Distribution Branch
 2625 Rupert Street
 Vancouver, BC V5M 3T5
 (Attn: Christina Hall)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 4.2 of this report.

R E P O R T**1.0 REZONING PURPOSE**

The purpose of this rezoning application is to increase the operating hours of an existing Liquor Distribution Branch (LDB) liquor store.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #15-07
 2015 March 25 Page 2

2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject property contains the Kensington Square Shopping Centre and is located on the south side of Hastings Street, between Kensington Avenue and Grove Avenue, within the Lochdale Community Plan area. The property is adjacent to Kensington Park to the west across Kensington Avenue; a gas station and former golf centre to the north across Hastings Street; a mix of commercial, multi-family, and two-family residential uses to the east across Grove Avenue; and single family residences to the south. Vehicular access is provided from Hastings Street, as well as from Kensington Avenue and Grove Avenue; loading bays are located to the rear of the main building near the southern boundary of the property.

3.0 BACKGROUND

- 3.1 On 1990 September 17, Council granted Final Adoption to Rezoning Reference #33/90, which rezoned the subject site from the CD Comprehensive Development District (based on the C2 Community Commercial District) to Amended CD Comprehensive Development District (based on the C2a Community Commercial District). The purpose of the rezoning was to bring the existing LDB liquor store at Kensington Square (and five liquor stores in other locations) into conformity with the 1988 October 11 Zoning Bylaw amendment that required "a" subcategory zoning for liquor store uses. The LDB liquor store at that time was located in Unit B of the main commercial building, directly adjacent to Kensington Avenue, which is currently occupied by the Great Canadian Dollar Store. The LDB liquor store closed in early 2006.
- 3.2 On 2006 May 08, Council adopted a Liquor Store Location Framework ("Framework") for Burnaby, along with Guidelines for Assessing Rezoning Applications for Liquor Stores. The purpose of the framework is to offer equity and certainty for consumers throughout the City in terms of product availability, convenience, and stable pricing. The framework recommends establishment of a neighbourhood scale LDB outlet at Kensington Square as an interim step to a larger Signature LDB liquor store once surrounding population densities increase.
- 3.3 On 2014 April 28, Council granted Final Adoption to Rezoning Reference #13-36, which permitted the subject neighbourhood scale LDB liquor store in Unit D of the main commercial building (6518 Hastings Street), two units east of the previous location.

4.0 GENERAL COMMENTS

- 4.1 The applicant is proposing to amend the operating hours for the LDB liquor store established under Rezoning Reference #13-36 in a commercial retail unit ("Unit D") within the Kensington Square Shopping Centre (Sketch #1 and #2 *attached*). The proposed operating hours are 9:30 am to 9:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sunday. No physical changes to the existing store are proposed.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #15-07
 2015 March 25 Page 3

- 4.2 As noted above, the Liquor Store Location Framework established Guidelines for Assessing Rezoning Applications for Liquor Stores (“Guidelines”), including locational, store size, and operational criteria. The existing approximately 427.35 m² (4,600 ft²) LDB store meets locational and store size criteria.

Operational criteria include appropriate hours of operation, which must be formalized through registration of a Section 219 Covenant. The Guidelines anticipate that the hours for neighbourhood LDB liquor stores will be shorter and earlier than those in Town Centres, and will reflect the operating hours of other commercial businesses in the same commercial centre.

As shown in Table 1 below, the store’s current operating hours are 9:30 am to 6:00 pm Monday, Tuesday, Wednesday, and Saturday; 9:30 am to 9:00 pm Thursday and Friday; and closed on Sunday. The proposed operating hours are 9:30 am to 9:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sunday.

Table 1 - Existing and Proposed Operating Hours

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Existing	9:30 am– 6:00 pm	9:30 am– 6:00 pm	9:30 am– 6:00 pm	9:30 am– 9:00 pm	9:30 am– 9:00 pm	9:30 am– 6:00 pm	Closed
Proposed	9:30 am– 9:00 pm	9:30 am– 9:00 pm	9:30 am– 9:00 pm	9:30 am– 9:00 pm	9:30 am– 9:00 pm	9:30 am– 9:00 pm	10:00 am– 6:00 pm

The proposed amendment would extend operating hours from 6:00 pm to 9:00 pm on Monday, Tuesday, Wednesday, and Saturday, and would provide Sunday operating hours from 10:00 to 6:00 pm, where currently the store is closed.

The operating hours of other Kensington Square tenants vary; however, a number of tenants observe later hours, particularly anchor tenants such as Safeway and Shoppers Drug Mart, which close at midnight, and White Spot, which closes at 11:00 pm. The proposed LDB liquor store is located immediately east of Shoppers Drug Mart and immediately west of the Return-It recycling centre, which is open from 9:00 am to 6:00 pm six days a week, and 10:00 am to 5:00 pm on Sundays. A private wine store on the opposite side of Kensington Square is open from 10:00 am to 7:00 pm Monday, Tuesday, Wednesday and Saturday; 10:00 am to 8:00 pm Thursday and Friday; and 11:00 am to 6:00 pm Sunday.

The proposed operating hours would thus be generally consistent with a number of other commercial tenants. To ensure that these hours are maintained, it is recommended that, as a condition of rezoning approval, the operating hours be formalized through registration of a Section 219 Covenant and that the existing Section 219 Covenant governing store hours be discharged.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #15-07
 2015 March 25 Page 4

- 4.3 No servicing, road dedications, easements, statutory rights-of-way or covenants are required in conjunction with this rezoning application.
- 4.4 Given that there is no additional gross floor area proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge of \$8.73 per m² (\$0.811 per ft²) is not required in conjunction with this rezoning application.

5.0 DEVELOPMENT STATISTICS (*NO CHANGES PROPOSED*)

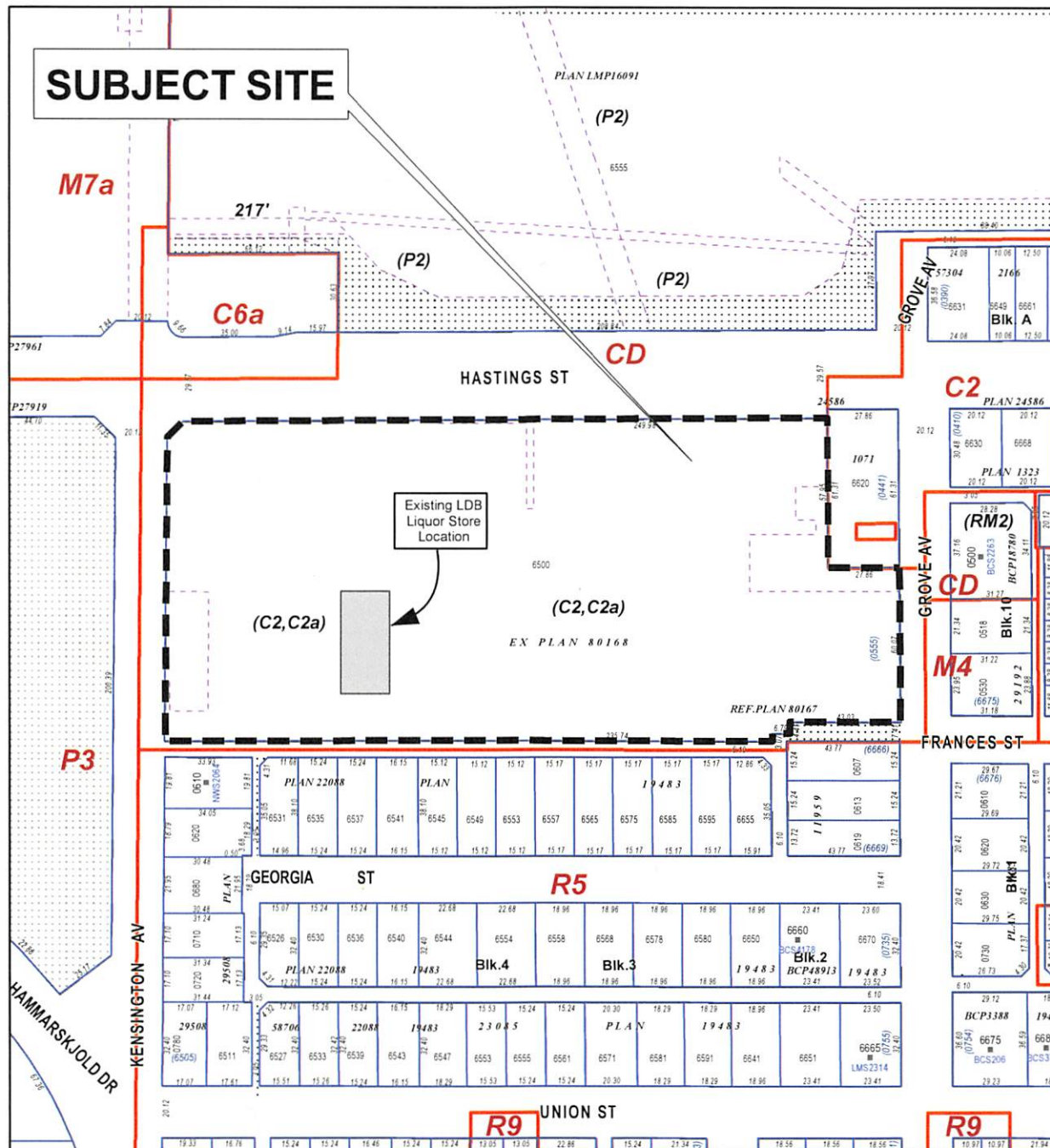
5.1	<u>Site Area (Shopping Centre)</u>	-	3.35 ha (8.27 acres)	
5.2	<u>Gross Floor Area</u>			
	Unit D (Existing LDB liquor store)	-	427.35 m ² (4,600 ft ²)	
5.3	<u>Height</u>	-	1 storey	
5.4	<u>Parking</u>		<u>Required</u>	<u>Provided</u>
	Parking (proposed LDB liquor store)	-	10	10
	Loading (proposed LDB liquor store)	-	1	1 (shared)
	Bicycle Parking	-	1	1 rack


 Lou Pelletier, Director
 PLANNING AND BUILDING

LF:tn
Attachments

cc: Director Engineering
 Chief Building Inspector
 City Solicitor
 City Clerk

SUBJECT SITE



PLANNING & BUILDING DEPARTMENT

DATE:

MAR 16 2015

SCALE:

1:2,500

DRAWN BY:

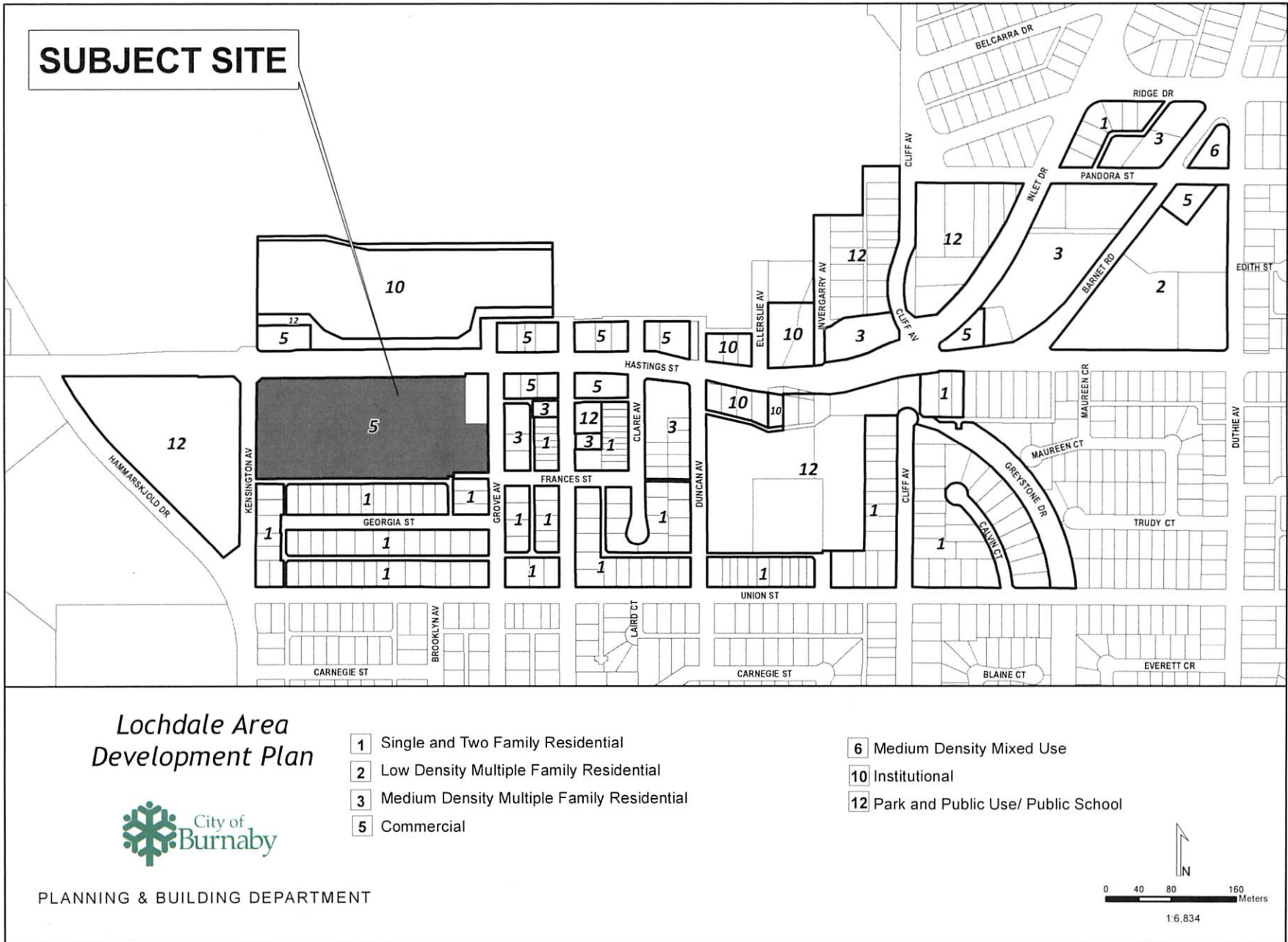
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REZONING REFERENCE #15-07
6518 HASTINGS STREET



Subject Site

Sketch #1





**LIQUOR
DISTRIBUTION
BRANCH**

BC Liquor Distribution Branch
Real Estate Department
2625 Rupert Street
Vancouver, BC V5M 3T5
Telephone: 604-252-3136 Fax: 604-252-3141
E-mail: christina.hall@bcldb.com

Via: Hand Delivery

February 26, 2015

Ms. Lily Ford
Zoning Planner
City of Burnaby Planning and Building Department
4949 Canada Way
Burnaby, BC V5G 1M2

Dear Lily:

**Re: Letter of Intent (Rezoning Application) - Liquor Distribution Branch (the "Agent")
Kensington Square - 6500 East Hastings Street, Burnaby, BC V5B 1S2 (the "Shopping
Centre")**

We refer to the above referenced Shopping Centre with respect to our request to amend the current CD zoning in order to amend the applicable operating hours outlined in Covenant 219.

The current Amended CD (C2a) zoning permits a BC Liquor Store to operate at the address of 6518 East Hastings Street, Burnaby, BC (the "**Premises**"). However, Covenant 219 limits the Agent to the following hours of operation;

- 9:30 am – 6:00 pm – Mon, Tues, Wed, Sat
- 9:30 am – 9:00 pm – Thurs, Fri
- CLOSED SUNDAYS

Upon careful review of store operations, and strong customer feedback the Agent requests a variance to Covenant 219 so that it can better meet the needs of the community. The Agent proposes an amendment to Covenant 219 such that it permits the below operating hours in the Premises;

- 9:30 am – 9 pm Mon – Sat
- 10:00 am - 6 pm – Sundays & statutory holidays

The above proposed hours are more in line with the operating hours of Safeway and Shoppers Drug Mart (collectively the "**Anchor Tenants**"). The Anchor Tenants operating hours are from Sunday to Saturday from 7:00 am – 12:00 am (Safeway) 8:00 am - 12:00 am (Shoppers Drug Mart). The Agent also has the support of the registered owner of the Premises and has attached the Agent Authorization Form to this rezoning application package.

If you have any questions or require further information please contact the Agent at your convenience at the below coordinates:


BC Liquor Distribution Branch
2625 Rupert Street
Vancouver, BC V5M 3T5
Attention: Senior Leasing Manager

Tel. 1-604-252-3136
Fax 1-604-252-3141
Email Christina.hall@bcldb.com

We look forward to working favorably with the City of Burnaby through the rezoning process.

Sincerely,

LIQUOR DISTRIBUTION BRANCH

Per: 
Name: Christina Hall
Title: Senior Leasing Manager



PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

REZONING REFERENCE # 14-46

Meeting Date: 2015 April 16

ADDRESS: 8982/8992-8900 University High Street

DEVELOPMENT PROPOSAL:

To permit the development of a Liquor Distribution Brand (LDB) retail store in two combined commercial retail units.

1. **Site Area:** 4,230 m² (1.04 acres) - lot area
382.95 m² (4,122 sq. ft.) - Units 8982 & 8992
2. **Existing Use:** Mixed use commercial/residential building
- Adjacent Use:** UniverCity multi-family and mixed use, SFU campus
- Proposed Use:** Permit the establishment of an LDB retail store

	Permitted/Required	Proposed/Provided
3. Gross Floor Area:	382.95 m ² (4,122 sq. ft.) (Units 8982 & 8992 only)	382.95 m ² (4,122 sq. ft.) (Units 8982 & 8992 only)
4. Site Coverage:	N/A	N/A
5. Building Height:	5 storeys	5 storeys
6. Vehicular Access from:	Cornerstone Court	Cornerstone Court
7. Parking Spaces:	2 (Units 8982 & 8992 only)	2 (Units 8982 & 8992 only)
8. Loading Spaces:	1 (Units 8982 & 8992 only)	1 (Units 8982 & 8992 only)
9. Communal Facilities:	N/A	N/A
10. Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Note: N/A where not applicable


 P:\REZONING\FORMS\APC STAT SHEET



Item
Meeting.....2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #14-46**
Proposed Liquor Store

ADDRESS: 8982/8992 – 8900 University High Street

LEGAL: Lot 2 Except: Part Subdivided By Air Space Plan BCP12692, D.L. 211, Group 1, NWD Plan BCP6258

FROM: CD Comprehensive Development District (based on C3 and C3f General Commercial District, RM4 Multiple Family Residential District, P1 Neighbourhood Institutional District and SFU Community Plan guidelines)

TO: Amended CD Comprehensive Development District (based on C3a General Commercial District and SFU Official Community Plan guidelines and in accordance with the development plan entitled “Cornerstone Development” prepared by NSDA Architects as amended by the plan entitled “SFU” by the BC Liquor Distribution Branch)

APPLICANT: SFU Community Trust
150 – 8960 University High Street
Burnaby, BC V5A 4Y6
(Attn: Dale Mikkelsen)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 4.2.3 of this report.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-46
 2015 March 25 Page 2

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a Liquor Distribution Branch (LDB) retail store in two combined commercial retail units.

2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is located on the ground level of the Cornerstone Building, a mixed use commercial/residential building immediately adjacent to the SFU campus. The subject commercial retail units are located at the northeast corner of the building, at the intersection of University High Street and Cornerstone Gate. Adjacent tenants include ScotiaBank to the immediate west, with a variety of food service outlets, a print shop, hair salon, and travel agent completing the retail frontage along University High Street and the plaza to the west. Additional retail storefronts, as well as second storey office tenants, are located in the rear of the building along Cornerstone Mews. Three levels of residential units are located immediately above the subject unit. A mixed use commercial/residential development of similar scale is located to the east of the site, across Cornerstone Gate. To the north of the site, across University High Street, is a partially undeveloped lot that contains temporary residential sales centres for nearby developments. This lot is designated for mixed use commercial/residential/transit hub development in the SFU Community Plan (see *attached* Sketches #1 and #2).

3.0 BACKGROUND

- 3.1 On 2003 July 21, Council granted Final Adoption to Rezoning Reference #03-12 for the development of a mixed-use commercial/residential development on the subject site. The approved development consists of 2,375 m² (25,560 ft²) of retail floor area, 2,237 m² (24,083 ft²) of office space, and 7,186 m² (77,350 ft²) of residential floor area on three levels, consisting of 115 one and two bedroom units. The approved development also designated the westernmost portion of the main floor for C3f District use to accommodate a 120 seat pub-style liquor primary establishment (this unit currently contains a food primary establishment).
- 3.2 On 2006 May 08, Council adopted a Liquor Store Location Framework ("Framework") for Burnaby, along with Guidelines for Assessing Rezoning Applications for Liquor Stores (*attached*). The Framework divides the City into four quadrants based on the Town Centres, in order to ensure a balanced distribution of liquor stores throughout the City. Principal objectives of the Framework include the establishment of an LDB Signature Liquor Store in each Town Centre prior to the establishment of smaller LDB and private liquor stores in the respective quadrants. The Framework also prioritizes the establishment of LDB stores in the Big Bend and at Kensington Shopping Centre. The purpose of these objectives is to offer equity and certainty for consumers throughout the City in terms of product availability, convenience, and stable pricing.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #14-46
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- 3.3 On 2007 March 05, Council granted Final Adoption to Rezoning Reference #06-24 to permit a place of public worship in an approximately 242 m² (2,600 ft²) office unit on the main floor of the building.
- 3.4 On 2015 January 26, Council received the report of the Planning and Building Department concerning the proposed rezoning of the subject site and authorized the Department to continue to work with the applicant towards the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

4.0 GENERAL COMMENTS

- 4.1 The applicant is seeking to consolidate and rezone two grade-level commercial retail units with a combined area of 382.95 m² (4,122 ft²) from the CD Comprehensive Development District (based on the C3 and C3f General Commercial District, RM4 Multiple Family Residential District, P1 Neighbourhood Institutional District and SFU Community Plan guidelines) to the Amended CD Comprehensive Development District (based on the C3a General Commercial District and SFU Community Plan guidelines and in accordance with the development plan entitled "Cornerstone Development" prepared by NSDA Architects as amended by the plan entitled "SFU" by the BC Liquor Distribution Branch) in order to permit the establishment of an LDB retail store (see *attached* Sketches #1 and #2).
- 4.2 The Liquor Store Location Framework established revised Guidelines for Assessing Rezoning Applications for Liquor Stores, including locational, store size, and operational criteria. The following subsections review the consistency of the proposed development with these criteria.

4.2.1 Locational Criteria

The locational criteria for liquor stores require establishment of an LDB Signature Store in a Town Centre prior to establishment of supporting LDB outlets in the same quadrant. In the Northeast Quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Lougheed Town Centre, as well as re-establishment of an LDB Neighbourhood Store in the Kensington Shopping Centre. In addition, the guidelines note that a private licensee retail store (LRS) that would affect the viability of an LDB outlet at Kensington Shopping Centre would not be supported until an LDB Signature store is established in that location.

With respect to the proposed LDB retail store, the above locational criteria have been met. An LDB Signature Store is located in the Lougheed Town Centre at 3433 North Road. In addition, a neighbourhood scale LDB retail store was recently opened at Kensington Shopping Centre. Although a private LRS would require additional analysis

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to determine its impact on the viability of an LDB Signature Store at Kensington Shopping Centre, a supporting LDB store is consistent with all criteria. Furthermore, because the SFU campus is sufficiently removed from both the Lougheed Town Centre and the Kensington Shopping Centre, and retail outlets in the area generally serve a highly localized market consisting of students, faculty, staff, and UniverCity residents, the proposed LDB retail store does not present a concern with regard to oversaturation in the quadrant.

Other locational criteria require appropriate relationships between a proposed liquor store and the following uses:

- private and public schools, particularly secondary schools;
- adjacent residential dwellings and parks; and,
- other potential sensitive uses (e.g. cabarets, child care centres)

In addition, any proposed liquor store in mixed-use projects must be compatible and appropriately integrated with component residential uses. Proposals must also provide safe, convenient vehicular and pedestrian access to the site and no undue traffic impacts on the surrounding area.

The proposed LDB retail store is located in a ground floor commercial unit of a five storey commercial/residential building adjacent to the SFU campus. No secondary schools are located in the immediate vicinity; the nearest elementary school is located approximately 170 m (558 ft.) northeast of the site. The nearest child care centres are located approximately 150 m (492 ft.) and 425 m (1,394 ft.) to the northeast of the site. In addition, the proposed outlet will be located immediately below three storeys of multi-family residential development.

Given the modest size of the proposed outlet and its integration into a varied and active retail streetscape, the opportunity for nuisance behaviour, such as public drinking, panhandling or loitering, is considered low. As such, the proposed LDB outlet is not expected to pose a conflict with nearby child-oriented uses or the adjacent residential units, and is fully supportive of objectives for a complete community in this area.

Vehicular access to the subject unit is from Cornerstone Gate, which is accessed from University High Street. Under the initial development approval, off-street parking for the subject units was provided in an underground parking garage at reduced rates (one space per 184 m²/1,981 ft²), reflective of the pedestrian character of the area. This character is supported by the proximity of the SFU campus and surrounding residences, most of which are located within walking distance (1 km) of the subject site and connected by separated sidewalks, pedestrian walkways, and developed trails. In addition, the site is served by five bus routes, which terminate at a transit centre located immediately northwest of the subject building. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

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4.2.2 Store Size Criteria

The proposed 382.95 m² (4,122 ft²) LDB retail store meets the 3,500 ft² to 5,000 ft² size anticipated in the guidelines.

4.2.3 Operational Criteria

Operational criteria include appropriate hours of operation, which must be formalized through registration of a Section 219 Covenant. The guidelines anticipate that the hours for LDB Signature Stores in Town Centres will be longer and later than smaller stores; they also require that the general pattern of operating hours of nearby commercial businesses be considered.

The proposed operating hours are from 9:30 am to 9:00 pm Monday through Saturday, and 10:00 am to 6:00 pm on Sunday. These hours are within the range provided by other commercial tenants in the immediate area, particularly grocery and food service businesses. While some of the adjacent commercial tenants, such as Scotiabank and Nature's Garden Deli, are closed evenings and weekends, Nester's Market, a major retailer located immediately opposite the subject site, is open until 9:00 pm daily and several restaurants in the subject building, including Club Ilia, Renaissance Coffee, and Quesada Mexican Grill, close between 9:00 pm and 10:00 pm daily.

The proposed operating hours would thus be consistent with those of a number of other commercial tenants. To ensure that these hours are maintained, it is recommended that, as a condition of rezoning approval, the operating hours be formalized through registration of a Section 219 Covenant.

- 4.3 No servicing, road dedications, easements, statutory rights-of-way or covenants are required in conjunction with this rezoning application.
- 4.4 Given that there is no additional gross floor area proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge of \$8.73 per m² (\$0.811 per ft²) is not required in conjunction with this rezoning application.

5.0 DEVELOPMENT PROPOSAL

- 5.1 Lot Area (no change) - 4,230 m² (1.04 acres)
- 5.2 Gross Floor Area (no change)
 - Cornerstone Building - 11,680 m² (125,733 ft²)
 - Units #8982 & #8992 - 382.95 m² (4,122 ft²)

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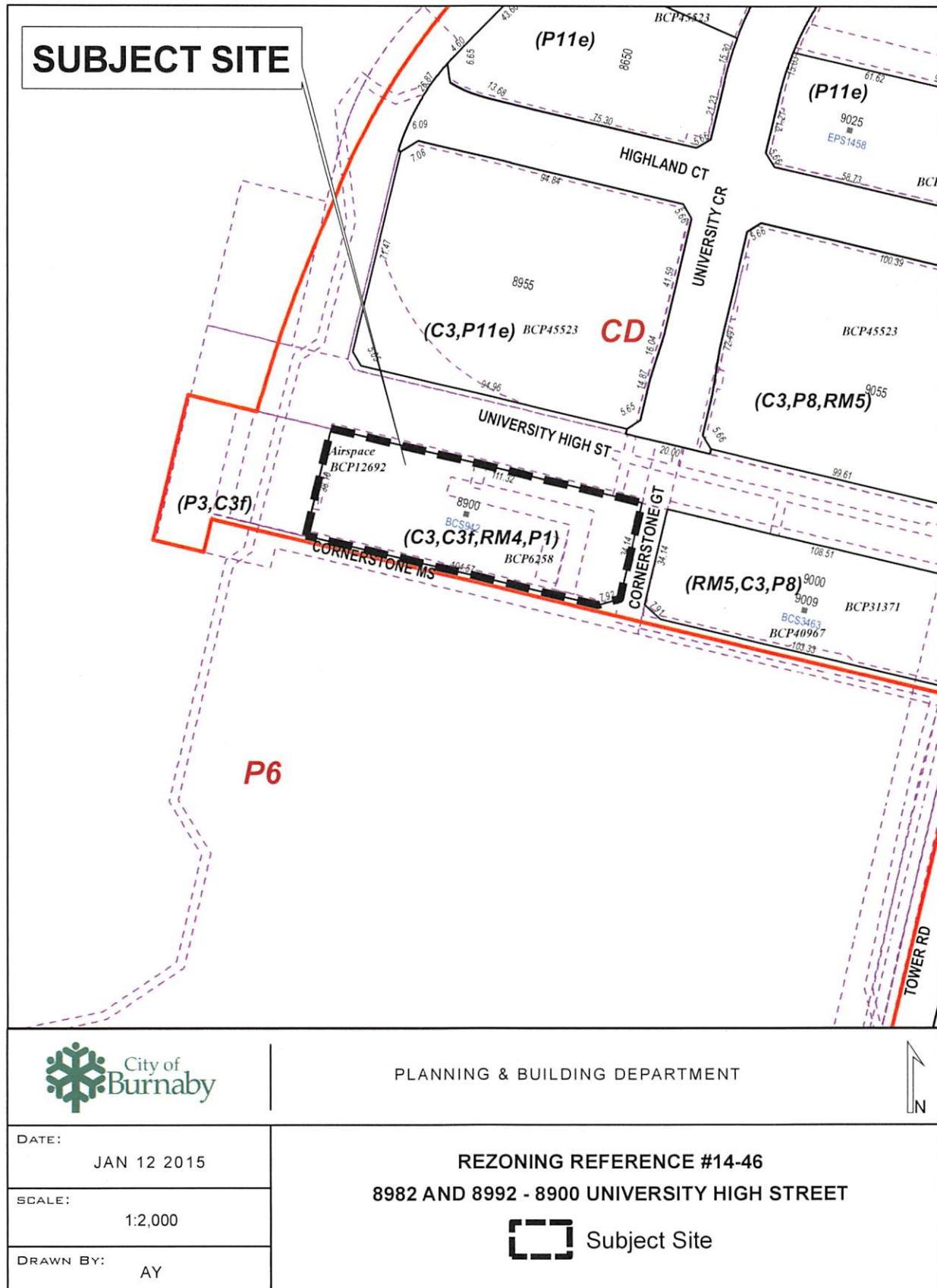
5.3	<u>Height</u> (no change)	-	5 storeys	
5.4	<u>Parking</u> (no change)		<u>Required</u>	<u>Provided</u>
	Parking (Units #8982 & #8992)	-	2	2
	Loading (Units #8982 & #8992)	-	1	1 (shared)


 Lou Pelletier, Director
 PLANNING AND BUILDING

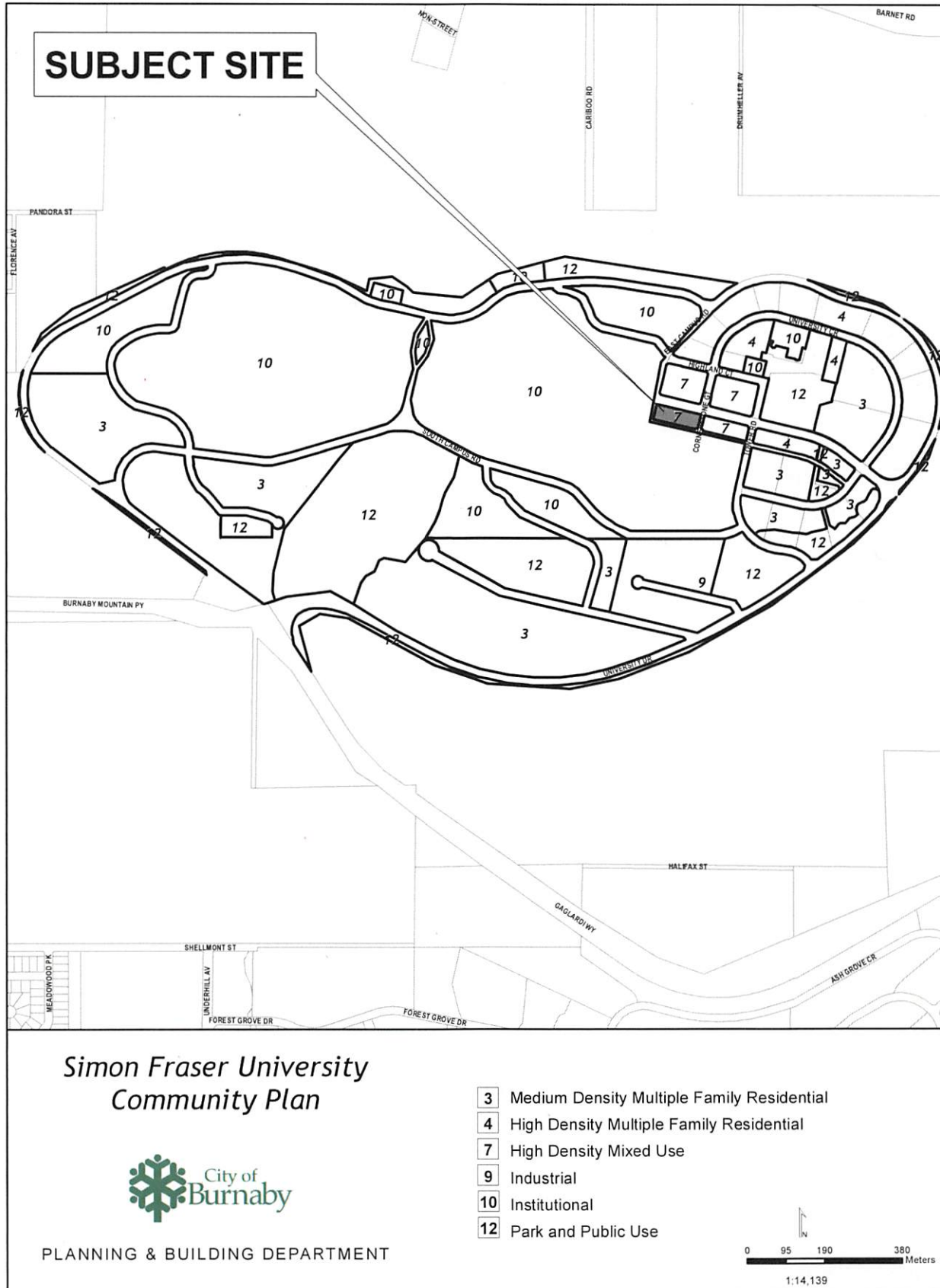
LF:tn
Attachments

cc: Director Engineering
 Chief Building Inspector
 City Solicitor
 City Clerk

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Sketch #1



Updated: 2006 May 03

ATTACHMENT #1

Guidelines For Assessing Rezoning Applications For Liquor Stores (C2a, C2h, C3a and C3h Commercial Districts)

These guidelines are intended to provide a higher degree of certainty for the City, the British Columbia Liquor Distribution Branch (BCLDB) and the private sector as to the appropriate locations, types, sizes, general operating considerations and development sequencing for LDB and Licensee Retail Store (LRS) outlets within the City of Burnaby.

Primary Outlets - *LDB Signature Stores*

A rational distribution of LDB Signature outlets within the City are to serve as anchors to offer equity and certainty for clients throughout the City in terms of product availability, convenience and stable government pricing. LDB Signature stores would be established within each of the Town Centres in Burnaby's four quadrants as well as a potential signature store in the Big Bend commercial service centre and the re-establishment of the LDB Neighbourhood store in the Kensington Shopping Centre area, as conceptually shown on the attached Sketch #2.

Supporting Outlets – Licensee Retail Stores or *LDB Neighbourhood Stores*

LRSs or smaller neighbourhood scale LDB liquor outlets are to provide a supporting or supplemental role to the primary LDB Signature stores. Rezoning applications for LRS or neighbourhood scale LDB liquor stores would not be supported in a quadrant until the associated LDB Signature store is first established. In the case of the Northeast and Northwest Quadrants, an application for an LRS which could affect the viability of an LDB outlet at the Kensington location would not be supported until the LDB has established a Signature store in the Kensington Shopping Centre area. In the case of the Southwest Quadrant, an LRS application will not be supported until an LDB Signature store is established in both Metrotown and the Big Bend commercial service area (to be reviewed in two years).

Locational Criteria

The core factors that would be considered in making this assessment would include:

1. The proposed locations for LDB Signature stores are within the designated Town Centres in which the liquor store would serve as a component of an overall retail/service development. In addition, a Signature store would be included within an appropriate location within the designated Marine Way/Byrne and the commercial Kensington Shopping centre areas.
2. Supporting LRSs would need to be a component of an established or new commercial service centre (Town Centre, Urban Village or Neighbourhood Centre as outlined in the OCP).
3. A reasonable distribution of both LDB liquor stores (existing/future identified) and LRS's that would allow these stores to sufficiently serve the Municipality while avoiding a concentration of stores in any one area.
4. Observance of an appropriate relationship in terms of direct proximity or orientation with respect to the following uses, particularly when assessing new locations for liquor outlets:
 - a) Private and public schools – especially secondary schools.

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To the C2a, C2h, C3a and C3h Commercial Districts
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- b) Adjacent residential dwellings and public parks.
 - c) Other potential 'sensitive' uses (e.g. cabarets, child care centres)
 - d) Any proposed mixed-use projects involving a liquor store would need to be assessed in terms of their compatibility and appropriate integration with component residential uses.
5. Adequate vehicular and pedestrian circulation on the site, including the satisfaction of all parking requirements on the site. Safe, convenient and non-intrusive means of vehicular access to the site and avoidance of any undue traffic impact on the surrounding area.
 6. It is acknowledged that in those instances where a liquor store is proposed as a "backfill" to a previous liquor store that has existed for a significant number of years without creating problems in the community, the above criteria may not be applied in the same manner.
 7. Following the establishment of the LDB Signature store(s) within the defined quadrant, consideration of additional supporting LDB or LRS outlets would be assessed on their own merits in relation to the defined guidelines.

Store Size

1. Under the BCLDB concept plan, Signature stores are typically 10,000 to 12,000 sq. ft. in size, while neighbourhood scale LDB stores are typically 3,500 to 5,000 sq. ft. in size. LRS's should not exceed a gross floor area of 4,500 sq.ft.

Operational Criteria

1. **Business Hours:**

Given that hours of operation could have significant impacts on adjoining land uses, especially residential, they should be determined through the rezoning process and based on any anticipated community impacts. The established business hours would be formalized through registration of a Section 219 Covenant. The criteria to be used in recommending specific operating hours for each liquor store, through processing an application to the pertinent C2a, C2h, C3a or C3h commercial zoning districts, are:

- a. The proposed location of the liquor store in terms of the commercial designation of the subject commercial centre (i.e. Town Centre vs. local commercial). Generally, stores in the Town Centres would have longer and later operating hours than outlets in a more local commercial setting.
- b. The general pattern of operating hours of the commercial businesses in the subject commercial centre.

2. **Security**

For safety and security purposes, there should be a minimum of two (2) employees present at all times. Additionally, new liquor stores will be required to install, maintain and operate video surveillance systems as a component of their overall security system.