



**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, 2016 JANUARY 26 AT 7:00 PM**

in the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C. to receive representations in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965".

**A G E N D A**

<b><u>CALL TO ORDER</u></b>	<b><u>PAGE</u></b>
<b><u>ZONING BYLAW AMENDMENTS</u></b>	
1) <b><u>BURNABY ZONING BYLAW 1965,</u></b> <b><u>AMENDMENT BYLAW NO. 37, 2015 – BYLAW NO. 13553</u></b>	1
Rez. #14-18	
7007 Jubilee Avenue	
From: R5 Residential District	
To: R5a Residential District	
The purpose of the proposed zoning bylaw amendment is to permit the construction of a single-family dwelling with a gross floor area beyond that permitted under the prevailing zoning.	
2) <b><u>BURNABY ZONING BYLAW 1965,</u></b> <b><u>AMENDMENT BYLAW NO. 38, 2015 – BYLAW NO. 13554</u></b>	10
Rez. #15-24	

6755 Canada Way

From: C4 Service Commercial District

To: R5 Residential District

The purpose of the proposed zoning is to permit the subdivision of the site into three two-family residential lots.

3) **BURNABY ZONING BYLAW 1965,**  
**AMENDMENT BYLAW NO. 40, 2015 – BYLAW NO. 13557**

19

Rez. #15-13

4350 and 4356 Albert Street

From: RM6 Hastings Village Multiple Family Residential District

To: CD Comprehensive Development District (based on RM6 Hastings Village Multiple Family Residential District and Hastings Street Area Plan guidelines, and in accordance with the development plan entitled “4350-4356 Albert Street, 4 Unit Residential Development” prepared by Hearth Architectural Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four unit multiple-family development with enclosed parking at grade.

4) **BURNABY ZONING BYLAW 1965,**  
**AMENDMENT BYLAW NO. 39, 2015 – BYLAW NO. 13555**

28

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to permit the limited sale of liquor and other accessory uses at farmers markets.

5) **BURNABY ZONING BYLAW 1965,**  
**AMENDMENT BYLAW NO. 41, 2015 – BYLAW NO. 13558**

33

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to regulate antenna developments in the P2 Administration and Assembly District.

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, 2016 January 13 to Tuesday, 2016 January 26.

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

D. Back  
CITY CLERK



FILE NO.: 2410-20

**CITY OF BURNABY**  
**ADVISORY PLANNING COMMISSION**

*HIS WORSHIP, THE MAYOR  
 AND COUNCILLORS*

**RE: PROPOSED ZONING BYLAW AMENDMENTS**

The Advisory Planning Commission met on Thursday, 2016 January 14 to review the proposed Zoning Bylaw Amendments which appear on the agenda for the Public Hearing (Zoning) scheduled for 2016 January 26 at 7:00 p.m.

The Advisory Planning Commission wishes to advise that it SUPPORTS the following Zoning Bylaw Amendments, namely:

“Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 37, 2015”  
 Bylaw No. 13553 - Rez. #14-18.

“Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 38, 2015”  
 Bylaw No. 13554 - Rez. #15-24.

“Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 40, 2015”  
 Bylaw No. 13557 - Rez. #15-13.

“Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 39, 2015”  
 Bylaw No. 13555 – TEXT AMENDMENT.

“Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 41, 2015”  
 Bylaw No. 13558 – TEXT AMENDMENT.

Respectfully submitted,

Valentin Ivancic  
 Chair





## PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

**REZONING REFERENCE #** 14-00018

**Meeting Date:** 2016 January 14

**ADDRESS:** 7007 Jubilee Avenue

**DEVELOPMENT PROPOSAL:**

Permit the construction of a single-family dwelling with a gross floor area beyond that permitted under the prevailing zoning.

- |                         |  |
|-------------------------|--|
| 1. <b>Site Area:</b>    | 1,154.69 m <sup>2</sup> (12,429 sq. ft.) |
| 2. <b>Existing Use:</b> | Single family dwelling                   |
| <b>Adjacent Use:</b>    | Single family and two family dwellings   |
| <b>Proposed Use:</b>    | Single family dwelling                   |

	Permitted/Required	Proposed/Provided
3. <b>Gross Floor Area:</b>	692.82 m <sup>2</sup> (7,457.4 sq. ft.)	690.82 m <sup>2</sup> (7,435.9 sq. ft.)
4. <b>Site Coverage:</b>	40%	27%
5. <b>Building Height:</b>	2 Storeys	2 Storeys
6. <b>Vehicular Access from:</b>	Jubilee Avenue	Jubilee Avenue
7. <b>Parking Spaces:</b>	N/A	N/A
8. <b>Loading Spaces:</b>	N/A	N/A
9. <b>Communal Facilities:</b>	N/A	N/A
10. <b>Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

*Note: N/A where not applicable*



Item .....
Meeting ..... 2015 November 23

## COUNCIL REPORT

**TO:** CITY MANAGER 2015 November 18

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE # 14-18**  
Proposed single family residence

**ADDRESS:** 7007 Jubilee (see *attached* Sketch#1)

**LEGAL:** Lot "C", D.L. 99, Group 1, NWD Plan 11790

**FROM:** R5 Residential District

**TO:** R5a Residential District

**APPLICANT:** Major Singh Gadey  
5193 Portland Street  
Burnaby, BC V5J 2R1

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2016 January 26.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 December 14 and to a Public Hearing on 2016 January 26 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. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
  - c) The registration of a Section 219 Covenant requiring the land to be developed in accordance with the approved building and landscape plans.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #14-18  
 Proposed single family residence  
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## R E P O R T

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a single-family dwelling with a gross floor area beyond that permitted under the prevailing zoning.

### 2.0 BACKGROUND

- 2.1 The subject property at 7007 Jubilee Avenue is located in an R5 District neighbourhood in the Sussex-Nelson area. The Official Community Plan (OCP) designates the subject site and surrounding properties for Single and Two Family Urban use. Adjacent properties generally contain larger two-storey homes, some with basements or cellars. No R5a District lots are located nearby.
- 2.2 The subject property contains an approximately 371.6 m<sup>2</sup> (4,000 sq. ft.) one-storey single-family dwelling with cellar and an attached garage. Vehicular access to the site is from Jubilee Avenue.
- 2.3 On 2014 July 21, Council received the report of the Planning and Building Department regarding the rezoning of the subject site and authorized the Department to work with the applicant in preparing 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.

### 3.0 GENERAL COMMENTS

- 3.1 The applicant proposes to rezone the subject property to the R5a District to allow for the construction of a new, approximately 690.82 m<sup>2</sup> (7,435.9 sq. ft.), single-family dwelling with a detached three-car garage on the 1,154.9 m<sup>2</sup> (12,429 sq. ft.) lot. Specific development plans include:
- a two-storey single-family dwelling with a sloping roof with a two-storey appearance from the front and rear elevations;
  - a detached three-car garage located in the southwest corner of the lot with vehicular access from the lane;
  - four bedrooms on the second floor; main living room functions including one bedroom on the main floor; and recreational facilities and a two-bedroom secondary suite in the cellar; and,
  - a landscaped front and rear yard.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #14-18  
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- 3.2 Under the prevailing R5 District, each lot shall have an area of not less than 557.40 m<sup>2</sup> (6,000 sq. ft.) and a width of not less than 15 m (49.2 ft.). Under the R5a District, each lot shall have an area of not less than 840 m<sup>2</sup> (9,041.9 sq. ft.) and a width of not less than 21 m (68.9 ft.). The subject property has a lot area of approximately 1,154.9 m<sup>2</sup> (12,429 sq. ft.) and an average width of 22.86 m (75 ft.), therefore meeting the minimum lot area and width requirements of the R5a District.
- 3.3 With regard to development density, the R5 District permits a maximum gross floor area on the subject site of the lesser of 0.60 floor area ratio (FAR) or 370 m<sup>2</sup> (3,982.8 sq. ft.). The proposed R5a District would permit a single-family dwelling on the subject site with a maximum gross floor area ratio of 0.60 FAR on lots, such as the subject site, that have a minimum width of 22.5 m (73.8 ft.). Applied to the subject property, the 0.60 FAR would permit a dwelling with a maximum gross floor area of 692.94 m<sup>2</sup> (7,458.74 sq. ft.).
- 3.4 On 1989 January 03, Council adopted design guidelines for assessing single-family development proposals in the R “a” Residential Districts. The following is an assessment of the proposed development based on these guidelines:

- i) *Limit the scale of the dwelling to a two-storey appearance or to the scale of the neighbouring dwellings, whichever is less.*

The front elevation of the proposed development has a two-storey appearance and is considered to have minimal impact on the surrounding residential area. The height of the dwelling is 9.0 m (29.5 ft.) as measured from average front elevation to the highest point of the structure, which is within the maximum permitted height of the R5 and R5a Districts. Landscaping proposed along the front of the property will help reduce the prominence of the residence as viewed from the street.

Though there are some older lower-scaled single-family dwellings in the area, including at 7026 Waverly Avenue to the rear of the subject property and 7020 Jubilee Avenue across the street, the scale and character of the newer neighbouring dwellings is generally two-storey single-family dwellings with basements or cellars or two-storey two-family dwellings. As such, the proposed dwelling is in line with the scale and character of neighbouring properties.

- ii) *Maintain the existing pattern of front yard setbacks established along the street frontage, if the prevailing setback pattern is beyond the minimum required in the “R” District regulations.*

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #14-18  
 Proposed single family residence  
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The proposed development provides an approximately 8.4 m (27.56 ft.) front yard setback from Jubilee Avenue, which is consistent with the front yard setback required under the bylaw and the prevailing setback pattern of the area.

- iii) *Require a minimum rear yard setback of 35% of the depth of the lot and limit the depth of the dwelling to a maximum of 18.30 meters (60.0 feet).*

The proposed development provides an approximately 25.83 m (84.75 ft.) rear yard setback which constitutes approximately 51% of the lot depth. The depth of the dwelling is 15.89 m (52.12 ft.), which is within the recommended maximum building depth of the bylaw.

- iv) *Encourage the side yard setbacks for the development under R "a" zoning to be doubled from that required in the pertinent "R" District zone.*

The R5 District requires a minimum side yard setback of 1.5 m (4.9 ft.). Development under the R5a District zoning requires a minimum side yard setback of 3 m (9.8 ft.). Both the north and south side yard setbacks of the proposed dwelling are 3.66 m (12 ft.), which meet the recommended side yard setback requirement.

- v) *Encourage modeling and faceting by means such as indentations or additional setbacks, bay windows, balconies, porches and some variation in roof lines – particularly for any building face adjacent to a street.*

The proposed dwelling meets this guideline as it is to be constructed with varied sloping roof elements, some building articulation, a covered porch entry, and balconies to accent the front elevation.

- vi) *Eliminate large and excessive numbers of windows or active deck areas which are in close proximity to neighbouring dwellings.*

The proposed dwelling features six windows on the west (rear) elevation and an approximate 22.04 m<sup>2</sup> (237.14 sq. ft.) covered deck. While the two windows overlooking the covered deck area are relatively large, those windows and the deck do not pose significant privacy concerns due to the depth of the lot and the location of proposed trees. The side north and south elevations have a minimal number of relatively smaller sized windows.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #14-18  
 Proposed single family residence  
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- vii) *Encourage the preservation of as much existing landscaping and mature trees as possible and the provision of appropriate new soft landscaping while avoiding an excessively hard, urban look to the site.*

The proposed development provides appropriate new soft landscaping, including hedging along the front of the property, two trees in the front yard, and six trees in the rear yard, for a total of eight trees. The City's Landscape Technician has determined that none of the existing eight trees on site are suitable for retention; the trees are to be removed, and all requirements of the Burnaby Tree Bylaw are to be met.

Overall, the proposed development is consistent with the guidelines for assessing single family dwellings in the R5a District.

- 3.5 The Director Engineering will be requested to provide an estimate for any required services to serve the site, including but not limited to the removal of driveway access from Jubilee Avenue and the construction of necessary curb and separated sidewalk works.
- 3.6 The owner will be required to register a Section 219 Covenant to restrict the development of the property to that presented at the Public Hearing.
- 3.7 The Planning Department has been advised that the owner has approached the residents in the neighbourhood regarding the proposed rezoning of the subject property, and has received no opposition to the proposed development.

#### 4.0 DEVELOPMENT PROPOSAL

- |     |                         |      |   |
|-----|-------------------------|------|---|
| 4.1 | <u>Site Area</u>        | -    | 1,154.69 m <sup>2</sup> (12,429 sq. ft.)  |
| 4.2 | <u>Lot Coverage</u>     |      |   |
|     | Permitted               | 40 % | - 461.88 m <sup>2</sup> (4,971.6 sq. ft.) |
|     | Proposed                | 27 % | - 311.97 m <sup>2</sup> (3,358 sq. ft.)   |
| 4.3 | <u>Floor Area Ratio</u> |      |   |
|     | Permitted               |      | - 0.60 FAR                                |
|     | Proposed                |      | - 0.60 FAR                                |
| 4.4 | <u>Gross Floor Area</u> |      |   |
|     | Permitted               |      | - 692.82 m <sup>2</sup> (7,457.4 sq. ft.) |
|     | Proposed                |      | - 690.82 m <sup>2</sup> (7,435.9 sq. ft.) |

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #14-18  
 Proposed single family residence  
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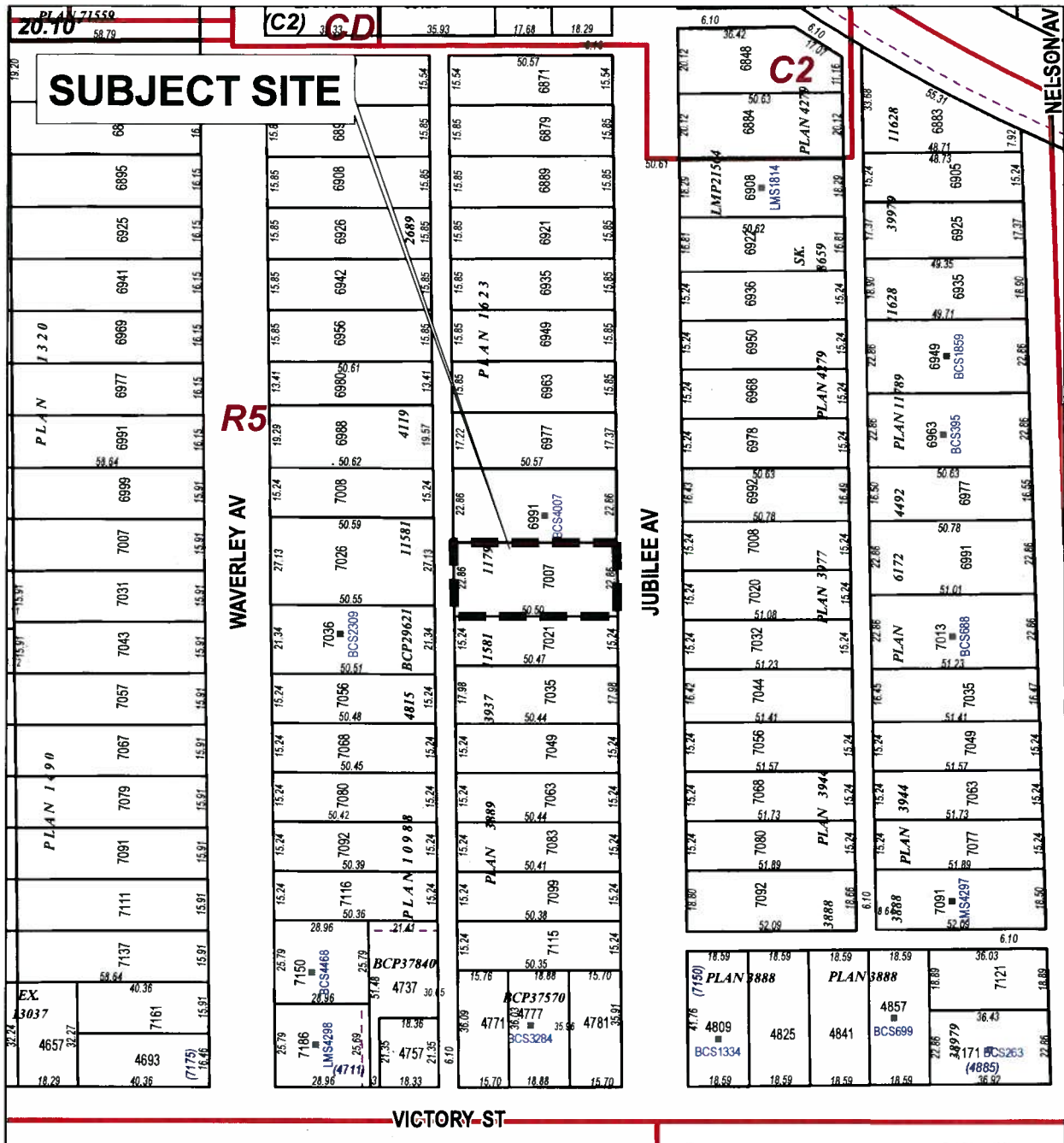
- 4.5 Above Grade Floor Area
- |           |   |
|-----------|---|
| Permitted | - 461.88 m <sup>2</sup> (4,971.6 sq. ft.) |
| Proposed  | - 454.38 m <sup>2</sup> (4,890.9 sq. ft.) |
- 
- 4.6 Building Height (permitted and proposed)
- |  |                    |
|--|--------------------|
|  | - 2 storeys        |
|  | - 9.0 m (29.5 ft.) |

  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

LS:spf  
**Attachment**

cc: Director Engineering  
 City Solicitor  
 City Clerk

P:\REZONING\Applications\2014\14-18 7007 Jubilee\Rezoning Reference 14-18 Public Hearing 2015\123.docx



PLANNING &amp; BUILDING DEPARTMENT

DATE:

NOV 05 2015

SCALE:

1:2,000

DRAWN BY:

AY

**REZONING REFERENCE #14-18**

**7007 JUBILEE AVENUE**



## Subject Site

### Sketch #1



**Arriola, Ginger**

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**From:** Rod Van Dorn  
**Sent:** January 21, 2016 8:50 AM  
**To:** Clerks  
**Cc:** thomashasek@gmail.com; Bill Malkin; Donna Polos  
**Subject:** REZ #14-18 - Zoning Change on 7007 Jubilee Ave.

**Re Zoning change application at 7007 Jubilee Ave.**

Hello,

Having lived on Jubilee Ave. for over 40 years I am very concerned about this rezoning application which will totally be out of touch with the rest of the community. R5a is a very rare classification and from what I can determine has been used only a couple of other times in Burnaby on much larger lots. The applicant has claimed he has talked to neighbours about this project but no one I know has ever been consulted. Mr. Gadey should be satisfied with construction of a house that conforms to the existing R5 designation. If he wanted to build a Taj Mahal he should have purchased a bigger lot in an appropriate area. Whats happening here is his desire to maximize his financial reward at the expense of our community. **Say no to this kind of densification!**

Rod W. Van Dorn  
7292 Jubilee Ave.

Rez Ref # 14-18 P  
Bylaw # 13553

**Arriola, Ginger**

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**From:** THOMAS STOREY  
**Sent:** January 20, 2016 9:42 PM  
**To:** Clerks  
**Subject:** Re rezoning

To The Clerk in charge of zoning applications,

Re the property at 7007 Jubilee Burnaby. The applicant Mr Gaday wants to rezone from 5 to 5A which I believe will hugely increase the size of the building. As a home owner in the area I am tired of seeing huge houses being built in the area which basically destroy any character that the area had. If you allow this house to be built it will be the beginning of even bigger homes on small lots. The people that gain from this is definitely Burnaby city council who have become very autocratic and only see dollars. It is time the council take notice of how they are destroying the area. I realize that there is always change BUT it should not be to the detriment of an area.

I would like to see names and addresses of the people Mr Gaday spoke to as if they are renters they do not care about the area as owners do.

Mr Gaday appears to have an address in Washinton USA and a buisness namely Major Plumbing & Heating Inc

I sincerely hope that this rezoning will NOT be allowed to through. Please show some common sense and listen to the residents that own the homes in the area!

Gillian Storey  
7325 Waverley Ave  
Burnaby V5J 4A7.

Rez Ref # 14-18P  
Bylaw # 13553

*pag-11-12*

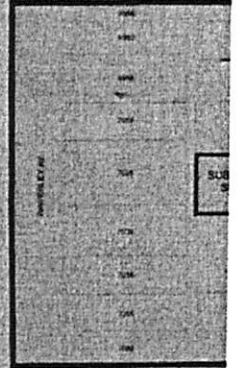
**Major Singh Gadey****REZONING APPLICATION**

has made an application to the City of Burnaby to change the zoning of this site

**From:** R5 Residential District

**To:** R5a Residential District

**Purpose:** To permit the construction of a single-family dwelling with a gross floor area beyond that permitted under the prevailing zoning.



**PUBLIC HEARING TO BE HELD:** January 26, 2016  
at 7:00pm in the Council Chambers, City Hall, 4949 Canada Way, Burnaby

**INPUT WILL NOT BE CONSIDERED BY COUNCIL AFTER THE PUBLIC HEARING**

For further information on this rezoning application, contact the Planning Department at Burnaby City Hall at 604.294.7400 or call: Major Singh Gadey, 5193 Portlanoak Avenue, Burnaby, BC V5J 2R1 Phone Number: 604.729.5773

Rez Ref # \_\_\_\_\_  
Bylaw # \_\_\_\_\_

fde

**From:** Thomas Hasek  
**Sent:** January-25-16 11:06 AM  
**To:** Clerks  
**Subject:** R5a Rezoning of 7007 Jubilee Avenue

**Rez Ref #** 14-18  
**Bylaw #** 13553

This council received an overwhelming vote of confidence in the last election, from an electorate who were apparently so satisfied with the status quo that 69% of them did not bother to show up at the polls. So the citizens of Burnaby, by and large, appear to be in favour of council's support of virtually every development proposal, and the will of the majority prevails.

In this instance there appears to be a substantial number of residents in the locality of the proposed development who are opposed to the proposal. I have heard the sentiment expressed that the prevalence of monster homes in our neighborhood has already had such a negative impact that it's time to move to a more stable environment. I believe that it is not too late to save the neighborhood, and I hope that council will be influenced by the will of the local majority and stop this unprecedented palace on a postage stamp.

Thomas Hasek  
4758 Victory Street  
Burnaby, BC V5J 1S2



**From:** Thomas Hasek  
**Sent:** January-25-16 9:15 PM  
**To:** Bill Malkin  
**Cc:** Dale Rusnell; Clerks  
**Subject:** Re: Rezoning Petition

**Rez Ref #** 14-18  
**Bylaw #** 13553

Thanks for forwarding this to me Bill, and thanks to Dale and Patricia for the letter of support. I am copying this to the City Clerk in the hope that this will be sufficient to form part of the public record of your protest. I shall in any event present it at the hearing if not. If you would like to sign on with the on line petition anyway, here is the link for it.

Thomas

On Mon, Jan 25, 2016 at 4:17 PM, Bill Malkin

wrote:

Thanks, Dale,

I'm going to pass this on to Thomas Hasek, who runs Ledingham neighbourhood fan out list and could tell you how to access the petition (I'm not a techy guy!)

If you're not on the list and would like to join to ensure you're included on any mail outs re neighbourhood concerns, let Thomas know.

I'd also email your letter of opposition to the City Clerk's office [clerks@burnaby.ca](mailto:clerks@burnaby.ca) for inclusion on the agenda.

Regards,

Bill

**From:** Dale Rusnell  
**Sent:** Monday, January 25, 2016 10:11 AM  
**To:**  
**Subject:** Rezoning Petition

Hi Bill,

Thanks for bringing this issue to our attention. We have been unable to sign the petition because we cannot find it online and we have not seen a hard copy but we would like to have our names added. Like most other neighbours we believe that 4000 sq. ft. is a reasonable maximum size for this area and we are not interested in having any precedents set for development of monster houses. This is the first we have heard of this proposal so we cannot believe the developer put much effort into consulting neighbours since we live about one-half block from the proposed change.

At the current time there are people living nearby on Waverly Ave. who park their cars beside our home at the corner of Gray Ave. and Victory St. because of parking complaints from Waverly residents near their rental locations. The people who park on our street do not cause any problems for us because we do not use the street ourselves and we do not want to complain specifically about those individuals, but we find it very insulting that some home owners who have renters believe it is acceptable to pass their parking problems on to other neighbours. This is the kind of potential problem that will only increase with monster homes built to operate BnBs or accommodate small villages. We cannot believe any Burnaby City staff members would think this zoning application is a good idea unless they do not live in this neighbourhood and do not care what happens to it.

We are not able to attend the Jan 26 meeting but we want to lend our support to ensure the zoning change is not permitted.

Dale and Patricia Rusnell  
4608 Victory St.  
Burnaby, BC V5J 1R

file

**From:** Thomas Hasek  
**Sent:** January-23-16 8:18 PM  
**To:** Pacific Rim Technical Services  
**Cc:** Donna Polos; Clerks  
**Subject:** Re: R5a Zoning Application  
**Importance:** Low

**Rez Ref #** 14-18  
**Bylaw #** 13553

I suspect there is some interpretation involved in the presentation of these numbers. I think these are questions that should be posed to the regulators who set the rules for these matters. I have to admit, I am confused by this issue. But I suspect if we do not formulate the question clearly, we will not get an acceptable answer. If I read this email string correctly, the question that needs answering is as follows.

In the application for rezoning for 7007 Jubilee Ave. the horizontal projection of the roof area of single storey building measured on the city web site (see below) is 2,126.24 square feet. Assuming that the roof has some overhang, it is reasonable to reduce this to a 2,000 square foot floor area. On that basis, the 4000 square foot floor area of the building as reported in the application for rezoning is double the area of the main (ground) floor, and therefore includes 100% of the basement area under the building, whether it is finished and usable or not. Please confirm that this is the correct derivation of the number in the rezoning application, or otherwise indicate how it was derived.



On Sat, Jan 23, 2016 at 5:38 PM,  
 Hi Donna,

wrote:

I wouldn't think that a "cellar" is counted as living space, but then, who am I to question the guys who earn the big bucks!

It seemed like a awful lot of floor space for the little building from the street anyways.

Ken

1/4

**From:** Donna Polos  
**Sent:** January-23-16 6:09 PM  
**To:**  
**Cc:**

**Subject:** Re: R5a Zoning Application

Hi Thomas and Ken,

I did the math and the existing house's footprint is an exaggeration. If the lot is say 70 feet wide, it is stated that there are 12 feet of north and south setbacks. That would reduce the width to 58 feet. If they are counting just the first floor and not the cellar, then 4000 divided into 58= just under 69 feet deep. That house is not 69 feet long.

If they are counting the cellar than the length of the house would be reduced by half which is just under 35 feet.. That house does not look 35 feet long.

This whole proposal is biased.

Donna

On 2016-01-23, at 5:12 PM,

wrote:

Hi Thomas & Donna,

Just reading the 7 page rezoning application and got stuck at page 2 where they indicate the "subject property contains an approximately 371.6 sq. meter ( 4,000 sq. ft.) one story single-family dwelling with cellar....." Is it just me or is there more to the little house than meets the eye from the street? Is there 4,000 sq. ft. on the one floor of that house? So the existing house covers approximately 1/3 of the 12,429 sq. ft. lot area!

Thanks,

Ken

**From:** Thomas Hasek  
**Sent:** January-20-16 9:28 AM  
**To:** Donna Polos  
**Cc:** Ken Mah  
**Subject:** Re: R5a Zoning Application

Thanks, Donna. I guess I was only scanning the text by the time I reached that point in the document. In any event, that's a pretty loose statement with lots of scope for interpretation.



I shall start drafting a petition for opposition to the rezoning and take it to the neighbours. If you have any suggestions for the contents of the petition, please let me know.

Thomas

On Wed, Jan 20, 2016 at 9:26 AM, Donna Polos

wrote:

Hi Thomas and Ken,

If you look on the attachment that Bill sent and scroll down to 3.7, you will find out that the applicant did contact neighbours.

Donna

On 2016-01-19, at 6:41 PM, Thomas Hasek wrote:

Ken -

I have a couple of comments on what you propose. First, I may have missed something, but I have not been able to find the applicant's claim to have consulted neighbours, so I would ask Donna and Bill where that comes from. Secondly, if the applicant did in fact contact neighbours, I would want to know which ones and what information he provided. I am afraid that the only way we can determine this is to contact the neighbours ourselves.

I am including Rod Van Dorn in this response - and answering his query as to where to send written objections: [Clerks@burnaby.ca](mailto:Clerks@burnaby.ca) clearly identifying the subject property and including your own contact details.

Thomas

On Tue, Jan 19, 2016 at 5:12 PM, Pacific Rim Technical Services

wrote:

Hi Thomas

One question we should ask at the Public Hearing would be to verify the applicant's claim that the neighbours he asked had no objections, specifically how many property owners or renters he asked, which owners by name & address and the exact wording of his query. These claims tend to be far fetch as they hear what they want to hear.

Thanks,

Ken Mah

**From:** Thomas Hasek  
**Sent:** January-19-16 4:28 PM  
**To:** Donna Polos; Bill Malkin  
**Cc:** Joyce Spencer; Gillian & Tom Storey; Pat Rusnell; Ken Mah; Elaine Hasek  
**Subject:** R5a Zoning Application

Hi Donna and Bill -

I am copying this only to the folk who responded to Donna's note this morning, and I shall make up something for the rest of our neighbours later.

So far I have only looked at two issues.

R5a zoning must be pretty new, and is pretty rare. I can only find two properties in south Burnaby that are zoned R5a, and none in the north. Both of these properties are on the southeastern portion of Marine Drive near the Jewish cemetery.

<image002.png>

Plunking a new zoning designation into the middle of a large area with long established current zoning would set a precedent which would impact the whole neighborhood and change its character.

<image003.png>

The other issue I chose is to try and find out who the applicant might be. That in itself is a bit of a puzzle. He claims to reside at 5193 Portland Street, but googling the name yields a Redmond, Washington, businessman with family connections to Burnaby.

MAJOR PLUMBING AND HEATING, INC.

President - GADEY, MAJOR SINGH, 16324 NE 104TH ST, REDMOND, WA 98052

Secretary - GADEY, KIRAN, 4329 HURST ST, BURNABY BC V5J1N1

Vice President - GADEY, KAMALJIT SINGH, 4329 HURST ST, BURNABY BC V5G 1N1

Thomas

**From:** Jonna Morse  
**Sent:** January-26-16 10:13 AM  
**To:** Clerks  
**Subject:** re zoning of Burnaby

**Rez Ref #** 14-18  
**Bylaw #** 13553

Hi

My name is Jonna Morse and lived on Jubilee for 40 years. Just moved so I could be closer to my kids who live in Coquitlam and Maple Ridge. They could not afford to buy a house in Burnaby, like most young people.

I am against re zoning, so more monster houses can be built. It only invites more than one family to live in one house and creates a parking lot of cars.

I lived on Jubilee for 40 years. It was a nice place to bring up a family. Now it is so congested with large homes and too many HIGH Rises.

I now live at 19639 Meadow Gardens Way, Pitt Meadows, V3Y 2T5.

Jonna Morse

**From:** Jonna Morse  
**Sent:** January-26-16 8:27 AM  
**To:** Clerks  
**Subject:** rezoning

I am against rezoning to have monster homes built.

Jonna Morse

fu

1)

**From:** Ledingham Neighborhood  
**Sent:** January-25-16 10:29 PM  
**To:** Clerks  
**Cc:** Donna Polos  
**Subject:** Fwd: letter

**Rez Ref #** 14-18  
**Bylaw #** 13553

Please enter the attached letter into the public record for tomorrow's hearing for the rezoning application for 7007 Jubilee Ave.

----- Forwarded message -----

**From:** Donna Polos  
**Date:** Sun, Jan 24, 2016 at 2:36 PM  
**Subject:** letter  
**To:**

Hi Everyone,  
I have written a letter. I am not sure if I can make the meeting on Tues. I am sceptical of sending it to the clerks office. I feel that this application is very biased and I don't trust them to read it and present it to the public.

Would someone present the letter for me? Let me know.  
Donna Polos

-----  
**Opposition to 7007 Jubilee St. Rezoning Application**

My name is Donna Polos. I have lived on Victory St. for 40 years. I am opposed to the proposal to rezone 7007 Jubilee from R5 to R5A. In 1991, we had a public hearing to stop large development of houses on large lots. The outcome was restrictions were placed on the size of houses being built on these lots. Now 25 years later, you want to allow the doubling of house sizes on large lots. When residents are being faced with densification and many citizens having to live in smaller spaces, this is illogical. Research shows, that R5A zoning exists in only 2 places in Burnaby. This development would be an eyesore in the neighbourhood.

Also, what would stop developers from purchasing double lots and building castles on them? That would mean less space for residents to live on. Your proposal also states that landscaping proposed along the front of the property will help reduce the prominence of the residence as viewed from the street. So, in other words, in the proposal you have acknowledged that this residence would be prominent and it could be disguised with landscaping. A simple solution is to reject the proposal. In one part of the proposal, you have stated that mature trees will be encouraged to remain. The next paragraph states all the trees will come down at the back of the house to build 3 car garage. If we reduced the size of the house, then perhaps a 2 car garage could be built instead, thus protecting some of the trees, as there is a tree bylaw in Burnaby. Furthermore, I feel that this proposal should have been written objectively and I find it very biased towards the developer. It is stated that the owner has approached residents in the neighbourhood and has received no opposition. Was this included to influence the public? To make them think that this development is acceptable as others according to the developer are okay with this application.

Donna Polos  
4652 Victory St.  
Burnaby B.C.  
V5J 1R9

**From:** Bill Malkin  
**Sent:** January-24-16 7:39 PM  
**To:** Clerks  
**Cc:** 'Donna Polos'  
**Subject:** Rezoning application #14-18 (7007 Jubilee Avenue)

**Rez Ref #** 14-18  
**Bylaw #** 13553

**RE: Rezoning application #14-18 (7007 Jubilee Avenue)**

I am writing to voice my opposition to the proposed re-zoning of 7007 Jubilee Street. As per the report from the *Director of Planning and Building*, the current R5 zoning allows for almost 4,000 square feet to be built. To increase this by 86% to over 7,400 square feet is in no way compatible with the neighbourhood, where all the newer homes (including the two on either side of the subject property) are restricted to the R5 maximum gross floor space area of "the lesser of .60 floor area ratio or 3,982.8 square feet,". This means there is no single family home in the neighbourhood over the R5 maximum of 3,982.80 square feet. I can see no valid reason to approve an "upzoning" to R5a that will allow 7,400 square feet to be built. According to *BC Assessment* records, this property sold in April, 2014, so the applicant knew of the R5 zoning and allowable building size on purchase. If the close to 4,000 square foot allowable gross floor area was not suitable for his needs, he should not have bought the property.

Bill Malkin  
 7269 Gray Avenue





The following photos show the before and after of just three properties in our neighbourhood, which show the even the **existing allowable square footage under current zoning schedules is more than enough.**













## PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

**REZONING REFERENCE #** 15-00024

**Meeting Date:** 2016 January 14

**ADDRESS:** 6755 Canada Way

### DEVELOPMENT PROPOSAL:

Rezoning from the C4 Service Commercial District to the R5 Residential District in order to permit the subdivision of the site into three two family residential lots with a rear lane.

1. **Site Area:** 2,302.15 m<sup>2</sup>(24,780.14 ft<sup>2</sup>)
2. **Existing Use:** Vacant
- Adjacent Use:** Single and two family dwellings
- Proposed Use:** Three two family residential lots

	Permitted/Required	Proposed/Provided
3. <b>Gross Floor Area:</b>	N/A	N/A
4. <b>Site Coverage:</b>	N/A	N/A
5. <b>Building Height:</b>	N/A	N/A
6. <b>Vehicular Access from:</b>	Proposed Rear Lane	Proposed Rear Lane
7. <b>Parking Spaces:</b>	N/A	N/A
8. <b>Loading Spaces:</b>	N/A	N/A
9. <b>Communal Facilities:</b>	N/A	N/A
10. <b>Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

*Note: N/A where not applicable*



Item .....
Meeting ..... 2015 November 23

## COUNCIL REPORT

**TO:** CITY MANAGER 2015 November 18

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #15-24**  
**Proposed Three Lot Residential Subdivision**

**ADDRESS:** 6755 Canada Way (see *attached* Sketches #1 and #2)

**LEGAL:** Lot 253, DL 91, Group 1, NWD Plan 41113

**FROM:** C4 Service Commercial District

**TO:** R5 Residential District

**APPLICANT:** Bob Cheema  
 Unit #1 – 5730 Carnarvon Street  
 Vancouver, BC V6N 4E7

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2016 January 26.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be advanced to First Reading on 2015 December 14, and to a Public Hearing on 2016 January 26 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, including the completion of the necessary subdivision.
  - 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. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-24  
 Proposed Three-lot Residential Subdivision  
 2015 November 18 ..... Page 2

- 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 dedication of any rights-of-way deemed requisite.
- e) A Letter of Undertaking to offer to renew or upgrade fencing adjacent to the lane for the property owners of 7670 Formby Street and 7671 Ulster Street, with bonding if accepted, is required.
- f) The granting of a Section 219 covenant to ensure that no vehicular access is to be taken via Canada Way.
- g) The granting of a Section 219 covenant to ensure that the conditions outlined in "Schedule B" of the Certificate of Compliance issued on 2013 July 23 have been met.
- h) Release of Restrictive Covenant Filing No. CA3321800 on Title.
- i) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- j) Submittal of a tree survey and arborist report, and issuance of a Tree Cutting Permit as required.
- k) The deposit of the applicable Parkland Acquisition Charge.
- l) The deposit of the applicable School Site Acquisition Charge.
- m) The deposit of the applicable GVS & DD Sewerage Charge.

## REPORT

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning is to permit the subdivision of the site into three two family residential lots.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-24  
 Proposed Three-lot Residential Subdivision  
 2015 November 18 ..... Page 3

## 2.0 BACKGROUND

- 2.1 The subject property is located on Canada Way and spans the block between Formby Street and Ulster Street. The site is located within a single and two family residential neighbourhood and is designated within the Official Community Plan (OCP) for Single and Two Family Urban residential use. Immediately to the southeast across Ulster Street are single family dwellings zoned R3 Residential District, while to the northwest across Formby Street are single family dwellings zoned R5 Residential District. To the northeast across Canada Way are single family dwellings zoned R2 Residential District, and to the southeast across Canada Way are single family dwellings zoned R5 Residential District.
- 2.2 The subject site is currently zoned C4 Service Commercial District. The site was originally zoned R5 Residential District, but was rezoned to the C6 Gasoline Service Station District in 1968 (Rezoning Reference #64/68) in order to permit the expansion and renovation of a legal non-conforming gasoline service station that had existed prior to 1965. In 1971, the property was rezoned to the C4 Service Commercial District (Rezoning Reference #10/71), in order to permit the addition of a car wash to the site. In 2001, the car wash and gas station were demolished, and the site has since remained vacant.
- 2.3 On 2013 April 26, the applicant submitted an application (Rezoning Reference #13-13) to rezone the property to the R5 Residential District to permit a three lot residential subdivision. On 2013 May 27, Council authorized staff to work with the applicant towards the preparation of a suitable plan of development for presentation at Public Hearing.
- Prior to achieving a suitable plan of development under the proposed R5 District, the applicant initiated an area rezoning process to rezone the property, which spans the full block front, to the R12 Residential District. On 2014 April 07, Council authorized the initiation of an area rezoning consultation process to consider the proposal. The public consultation process was undertaken and a proposal to subdivide the property into six residential lots suitable for two family development was presented to a Public Hearing on 2015 February 24. On 2015 March 09, Council defeated the proposal.
- 2.4 The current application was submitted on 2015 June 26. On 2015 July 15, Council authorized staff to work with the applicant towards the preparation of a plan of development suitable for presentation at a Public Hearing. The applicant has now submitted a suitable plan of development.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-24  
 Proposed Three-lot Residential Subdivision  
 2015 November 18 ..... Page 4

### 3.0 GENERAL COMMENTS

3.1 The applicant proposes rezoning of the site to the R5 Residential District to permit subdivision of the site into three two family residential lots with a rear lane (Sketch #2 *attached*). The proposed lots have the following approximate dimensions:

- Lot 1: 679.5 m<sup>2</sup> (7,314.1 ft<sup>2</sup>) with a width of 20.1 m (65.94 ft.)
- Lot 2: 676.9 m<sup>2</sup> (7,286.1 ft<sup>2</sup>) with a width of 20.1 m (65.94 ft.)
- Lot 3: 678.7 m<sup>2</sup> (7,305.5 ft<sup>2</sup>) with a width of 19.9 m (65.28 ft.)

As such, the lots are eligible for two family residential development under R5 District regulations.

3.2 The proposed lot dimensions reflect the proposed closure and consolidation of approximately 89.9 m<sup>2</sup> (967.7 ft<sup>2</sup>) of redundant road right of way on the southeast side of Formby Street with the adjacent subject site, in exchange for the dedication of an approximately 350.75 m<sup>2</sup> (3,775.4 ft<sup>2</sup>) area to establish a 6.1 m wide rear lane. As the road dedication area exceeds the road closure area, no sale of City land is required. The applicant also proposes a 0.8 m wide statutory right of way for sidewalk purposes.

3.3 The proposal would permit six residential units on three lots, consistent with the density permitted on neighbouring R5 District lots. The proposed lot configuration meets the technical requirements of the R5 District and would be consistent with the prevailing development pattern along this section of Canada Way. It is noted that the previous proposal to rezone to the R12 District, which was defeated by Council, would have permitted six lots and 12 residential units, twice the number currently proposed.

3.4 The proposed lot orientation and rear lane would eliminate driveway crossings on the flanking side streets, thus maximizing the availability of on-street parking on the side streets and increasing pedestrian and vehicle traffic safety. More specifically, the proposal would result in an approximately 24.8 m continuous curb on both Formby Street and Ulster Street, excluding required parking setbacks from Canada Way and the rear lane. This distance would provide approximately seven on-street parking spaces. In contrast, if the lots were oriented to face the side streets, the provision of two driveway crossings in the same distance would yield only four on-street parking spaces. If the proposed rezoning is approved by Council, staff will work to identify opportunities for parking, in addition to the bylaw requirements, on the proposed lots during Building Permit application review.

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

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-24  
 Proposed Three-lot Residential Subdivision  
 2015 November 18 ..... Page 5

- upgrading of water mains, sanitary sewers, and storm sewers as required;
  - construction of the proposed 6.1 m wide lane at the rear of the subject property;
  - removal of the existing driveway access on Ulster Street and reinstatement of the front boulevard, curb and gutter;
  - construction of separated sidewalks, with street trees, and street lighting on Canada Way and Ulster Street; and,
  - construction of a sidewalk, curb and gutter on Formby Street.
- 3.6 Road dedication is required for the proposed 6.1 m wide lane at the rear of the subject property.
- 3.7 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, is required.
- 3.8 A Letter of Undertaking to offer to renew or upgrade fencing adjacent to the lane for the property owners of 7670 Formby Street and 7671 Ulster Street, with bonding if accepted, is required. This provision, along with the reduced unit and lot count and the effort to maximize available on-street and off-street parking, are proposed in response to public input received at the Public Hearing on 2015 February 24.
- 3.9 The granting of a Section 219 covenant will be required to ensure that no vehicular access is to be taken via Canada Way.
- 3.10 Due to the past use of the subject property as a gas station, the granting of a Section 219 is required to ensure compliance with the conditions of Schedule B of the Certificate of Compliance issued on 2013 July 23 by the Ministry of Environment.
- 3.11 Given the size of the site, best management practices are acceptable in lieu of a formal storm water management plan.
- 3.12 Given that there are mature trees on the subject site, a tree survey and arborist report will be required. A Tree Cutting Permit will be required for the removal of any protected trees.
- 3.13 A Parkland Acquisition Charge of \$13,042.00 (for three lots minus credit for one lot) applies.
- 3.14 A School Site Acquisition Charge (SSAC) of \$5,400.00 (for six residential units at a density of 10 du/acre) applies.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-24  
 Proposed Three-lot Residential Subdivision  
 2015 November 18 ..... Page 6

- 3.15 The GVS & DD Sewerage Development Cost Charge of \$10,386.00 (for six residential units) applies.

#### 4.0 DEVELOPMENT PROPOSAL

All measures are approximate:

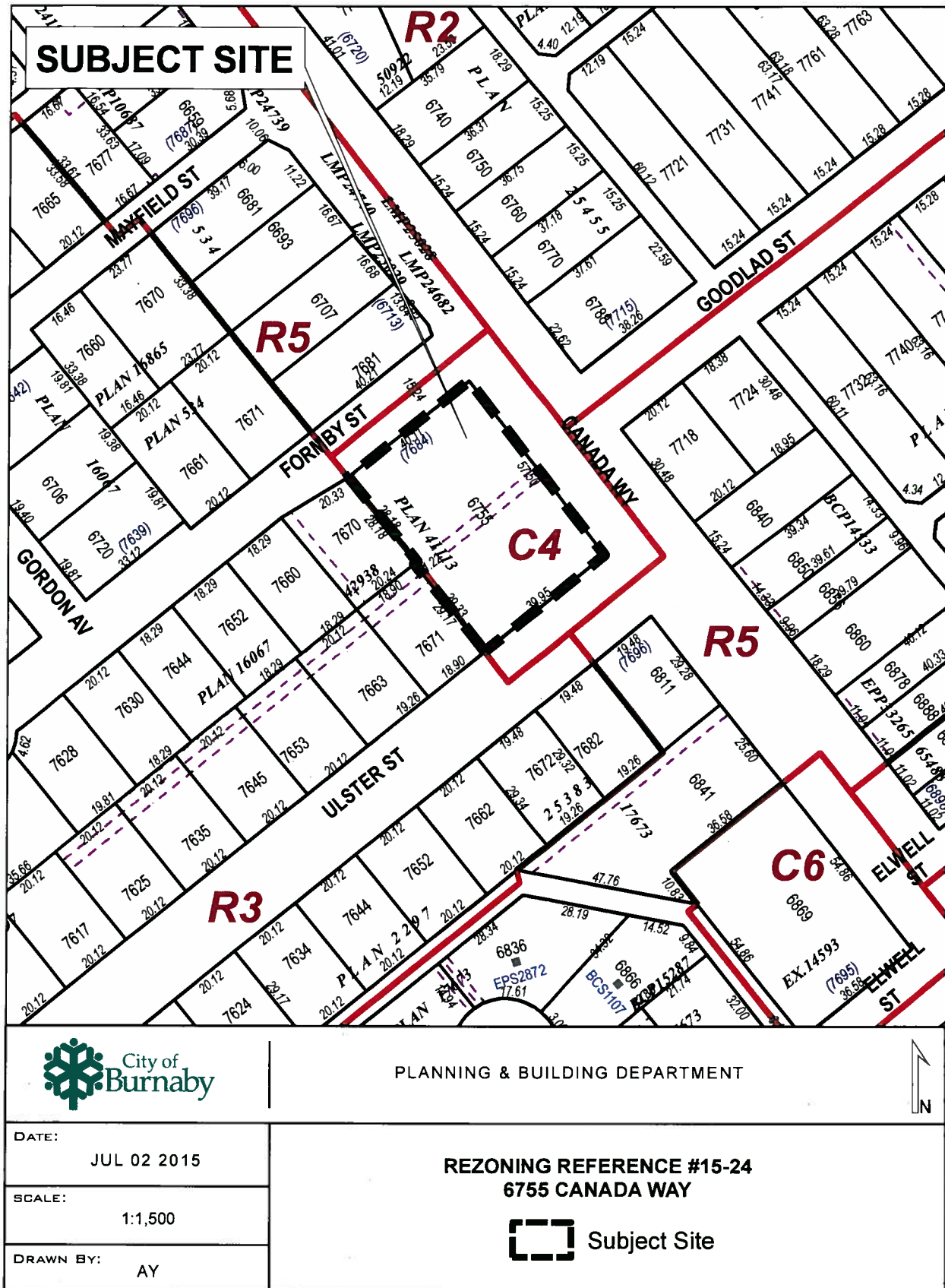
4.1	Site Area	2,302.15 m <sup>2</sup> (24,780.14 ft <sup>2</sup> )	
4.2	<u>Proposed Lots</u>	<u>Area</u>	<u>Width</u>
	Lot 1	679.5 m <sup>2</sup> (7,314.07 ft <sup>2</sup> )	20.1 m (65.95 ft)
	Lot 2	676.9 m <sup>2</sup> (7,286.09 ft <sup>2</sup> )	20.1 m (65.95 ft)
	Lot 3	678.7 m <sup>2</sup> (7,305.47 ft <sup>2</sup> )	19.9 m (65.28 ft)
4.3	<u>Required Dedications</u>	<u>Area</u>	<u>Width</u>
	Lane	368.8 m <sup>2</sup> (3,969.73 ft <sup>2</sup> )	6.1 m (20.00 ft)
	Road Closure Area	89.9 m <sup>2</sup> (967.68 ft <sup>2</sup> )	2.7 m (8.86 ft)
	Statutory ROW	27.7 m <sup>2</sup> (298.16 ft <sup>2</sup> )	0.8 m (2.62 ft)

  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

LF:spf/tn  
**Attachments**

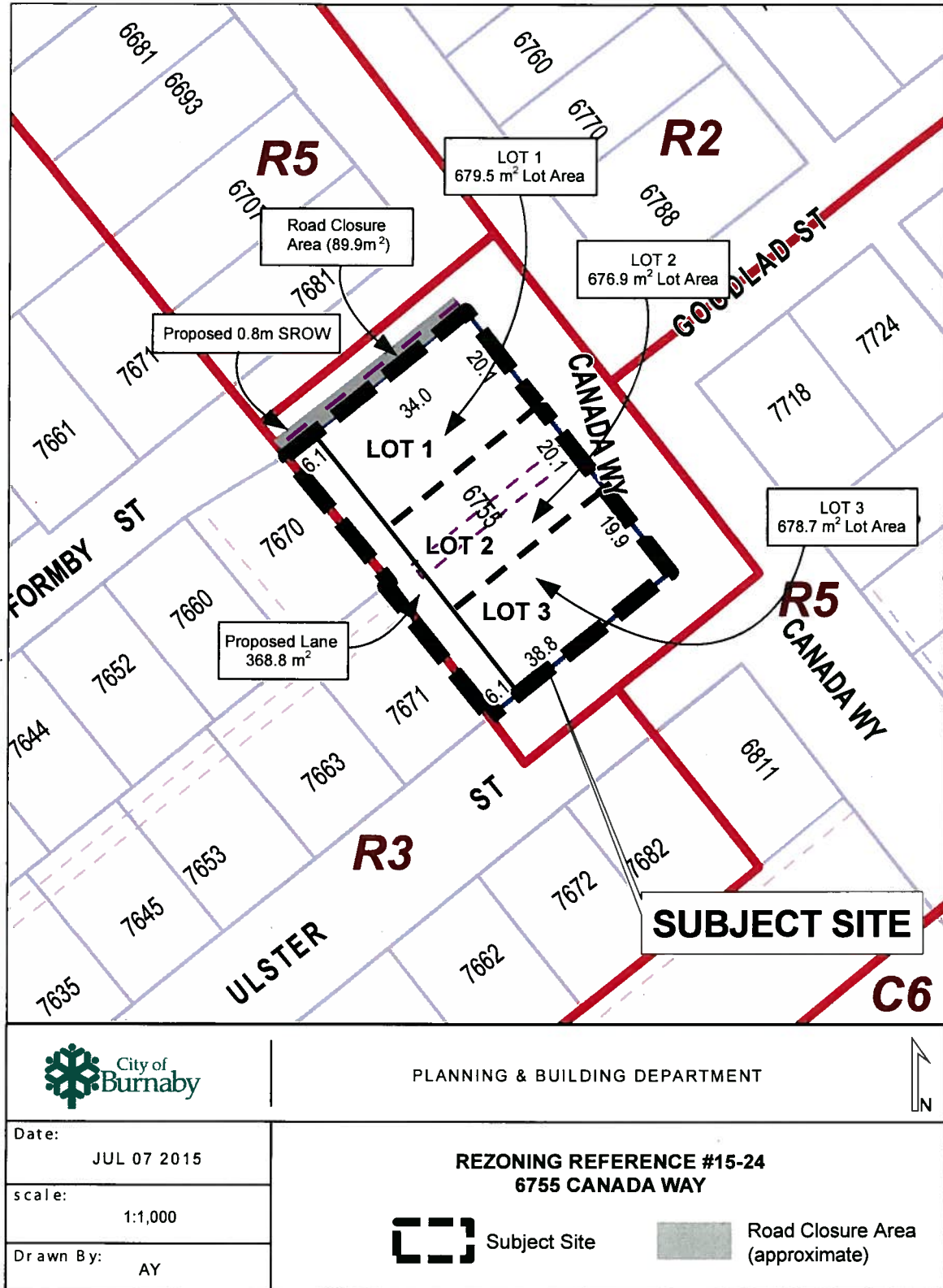
cc: Director Engineering  
 City Solicitor  
 City Clerk

P:\REZONING\Applications\2015\Rez 15-24 6755 Canada Way\Rezoning Reference 15-24 PH Report 20151123



Sketch #1





Sketch #2

**From:** antonio matias  
**Sent:** January-26-16 1:26 PM  
**To:** Clerks  
**Subject:** Rezoning Reference #15-24

**Rez Ref #** 15-24

**Bylaw #** 13554

January 25, 2016

Council of the City of Burnaby  
 Council Chamber, Burnaby City Hall  
 4949 Canada Way  
 Burnaby, BC V5G 1M2

**Re: Rezoning Reference #15-24**  
**6755 Canada Way**

The Honorable Mayor Derek Corrigan and Council Members:

With reference to the Rezoning application for 6755 Canada Way, we, the residents of cul-de-sac Formby St., cul-de-sac Mayfield St., Gordon Avenue and Ulster St., would like to reiterate our objections to the proposal to subdivide the property to a multi-family R5 Residential Duplex lots.

We cite the same justifications for our objection in the development of the property per Zoning Application 13-13 for a 12 multi-family dwelling and most notably the proposal to build an alley linking Ulster St. and Formby St. which would increase **vehicular traffic, parking issues** in this community and **safety of the residents**-mixture of retirees and new families with children.

As a result of a door to door consultations with current residents from previous Rezoning Application to a 12-family small units and to the new proposal for a 6-family configurations, the residents would like to request the Honorable Mayor Derek Corrigan and Council Members to declare this property and rezone it as single dwelling Zone. This property should conform with the original plan of the community, which is single family dwelling and preserve the community as is. This is a community built by the residents and living harmoniously together.

Councillor Nick Volkow summed it up from his statement in previous interview at NOW, "**You're buying a home to establish a family, to establish yourself in the community.**" And this is the community that we built and asked everyone to preserve. We have the Burnaby Village Museum as a showcase of a bygone era, and we have this small patch of close knit families, a very example of co-existence and a real community nurtured by different cultures. Help us preserve our community.

## **Original Plan for the Community**

Long time residents remember that this community was built to support the developments around the prison in the area. Some of the current residents moved here as an alternative and to more modern homes. Along Formby St., it is noticeable that they are of the same design and middle class. Some of the residents were attracted to this area because of the unobstructed view of the mountains. Living rooms and kitchens were situated on the main floor to maximize the view. 6755 Canada Way was also planned like every house along the Canada Way, but was converted to a commercial zone, which up to this day, had some very horrible memories for the residents.

## **VEHICULAR TRAFFIC**

The community vehemently oppose the construction of a back alley. It is like reliving the condition that the residents endured when vehicles roam around connecting Ulster and Formby streets. It will be a flood-gate for vehicles.

Formby St and Mayfield St are cul-de sac road for only one reason, to calm vehicle traffic. Hence, the original plan for this community without sidewalks. Streets are narrower and expanded only when the ditch, servicing these streets were covered. In the absence of sidewalks along these cul-de-sac streets, vehicles and residents share the use of the street. The residential lots allocated an ample space within their property for provisions for their vehicles and guests. Street parking is resorted occasionally to facilitate the in and out from their properties.

Back alleys were planned with ample distance between properties to enable them to enjoy their properties, vehicular access to garage and minimize the noise.

Back alley was also constructed for homes along Imperial, Canada Way, and Mayfield. The alley was constructed as a dead-end and does not connect to Gordon St. This is to limit the flow of traffic for actual residents and not a through traffic.

If a back alley is allowed as per the proposal, it would open a link between Ulster St and Formby St and Gordon St. With the 6-unit proposal, additional traffic will result. This will be a short-cut between residents. Homes adjacent to the back alley have to endure the extra traffic from the residents and other users and view of the garages and backyards, including the traffic from trucks for services.

Since left turn to Formby St is not allowed when travelling Canada Way west ward, Ulster St. will be the alternative, on to the alley and on to Formby. Traffic along Canada Way is heavy during rush hours and these areas are also accident prone. Left turn to Goodlad from Canada Way is also accident prone area with accelerating vehicles from Imperial/Canada Way. Diversion traffic when we have accidents will also be piling in to these streets.

Without the back alley, we can avoid these short cuts and also reduce the traffic for both Ulster St and Formby St.

## **PARKING ISSUES**

Parking issue is a big concern. With smaller lot, the extra parking requirement is being pushed to the streets. The current residents have at least 6 car parking accommodated in their driveways. It is part of their lot which they paid for and not resorting to street parking.

Zoning this parcel of land into single homes would allow them to have ample parking space for them and their guest.

## **SAFETY CONCERNS – Senior Citizens, Retirees, Children**

With traffic and parking issues, come the SAFETY concerns for the residents. Considering that the cul-de-sac Formby, Gordon and Mayfield Streets have no sidewalks residents are forced to use the street. As experienced when the traffic being diverted to Gordon and Formby, drivers treat these streets as equal to Canada Way. And if cars are parked on both sides of these cul-de-sac streets, it would leave a one car lane to navigate.

Original families who relocated and nurture this community still live here. Several retirees use the streets for their leisurely walk with no concerns for a regular traffic.

Bob is 84 years old, used a walker or sometimes just walking cane to bring his 18 years old dog for an exercise. Street conversation would ensue like the old days. When you are tilling your yard, you stop, meet with them and learn about their well being. Bob is living alone after the wife died in 2006. The children visit him regularly as they cannot convince Bob to go to a facility. He still mows the lawn. And Bob was burglarized three times. First time while they went camping, the neighbor intervened. The second time Bob lost his hunting rifle, but was able to recover then the burglar tried to sell the rifle. The third time, Bob and his wife were in their bedroom when they were again visited by the burglar. Glass front side door were smashed, but Bob stayed with his wife and luckily both survived. With these incidents, Bob can afford to go somewhere else, but he decided to stay and lived here. He helped the community survived as it is. Now when he walks his dog, shall we allow these changes to endanger him? He will slowly glide on the streets in the absence of a side walk.

Tony at the end of the Formby cul-the-sac. I would estimate his age as 86. It is the same house, but gave a facelift. He scrubbed the old paint and apply a new color. He had the trees cut to secure the house. He walks also slowly without any assistance. He still travels to Metro town by himself using the public transportation. He is also concerned about these pending issues.

Anthony moved to the community and restored the old house into a more livable area. New lawn and new garage. Their son rides the bike since they are at a cul-de-sac and build a garage and driveway for their vehicles.

My neighbor's mom had a by-pass operations and uses the street for her exercise. She can still pick up her granddaughter from the school nearby and walked on the streets with no fear of

accidents. When somebody threw a can-filled of beer at their garage door, she discussed it with me and she also discussed it with other neighbors. We identified the culprit as one of the guests of one of the residents. We talked about it and discuss for the best way to handle it. You have a ready neighbor to talk to. The couple also takes care of the newspapers when we are away and also the fence when when they are falling apart.

One of the old houses at Mayfield St had been demolished and a new single home is being constructed. Before he closed the sale, the new owner had been asking about the community. He intends to live here, rather than a plain investor.

These are the activities in our community and we would like to preserve them and keep our residents safe and enjoy the community.

### **NEIGHBOR WATCH**

We monitor the community to continue and enjoy peace and livability. When rowdy residents and guests go beyond the norm, we report them to the police. Instances when renters are drunk and rowdy until 4:00 AM at their backyard, we called the police. Concerns about shouting and apparent quarrels have to be reported to prevent further devastating result. Every car break-ins incident is being reported.

### **SUMMARY:**

The details of the Rezoning Application 15-24 were not available and the letter notifications were sent only to the neighbors within 100 meters. We have no further information about any changes from the original application except it was reduced from 6 lots for 12 units to 3 lots for 6 units.

When the notice board was posted, some of the residents were waiting for the letter notifications. Since most of the residents did not receive a copy, photocopies were provided and the application was discussed.

Consensus of the residents is to **disallow** the construction of an alley and to allow only R3 single-family zoning for 6755 Canada Way.

The application appears to be a development of a community within the community. Sidewalks are being constructed and alleys are proposed to justify the lay-out. Considerations on the main issues are not being addressed and the community is being left out in favor of the maximized profit for the developer. The community is maintaining the same position and this should be noted on all zoning applications for the property. The Planning Department only considered the measurements in accordance with the Zoning-Bylaws and we don't see any consideration of the effects on the community.



We would like to request the council to reject the application and emphasize that the community should be given the utmost consideration. Approval on 6755 Canada Way should conform with our community.

The Community consulted the following residents:

Shirley Matias/Antonio Matias	7671 Formby Street
Dara Bring	7670 Formby Street
Robert Potter	7644 Formby Street
Michael Lu	7630 Formby Street
Rob Granados	7628 Formby Street
Alicia Iglesias	7610 Formby Street
Anthony Serky	7621 Formby Street
Kelly Kwon	6720 Gordon Street
Jimana Bansan	7610 Mayfield Street
Bernard Tong	7630 Mayfield Street
Trevor Bencze	7629 Mayfield Street
Gino Calotti	6706 Gordon Avenue
Mr & Mrs. Raghu Bans	7616 Ulster Street
Mr. & Mrs. Kasho Sharma	7617 Ulster Street



**Arriola, Ginger**

---

**From:** Clerks  
**To:** a7a95902  
**Subject:** RE: Reference # 15-24 6755 Canada way

**From:** a7a95902  
**Sent:** January 26, 2016 11:36 AM  
**To:** Clerks  
**Subject:** Reference # 15-24 6755 Canada way

**Rez Ref #** 15-24  
**Bylaw #** 13554

To whom it may concern,  
Please give to Council for tonight's meeting regarding Reference# 15-24 6755 Canada Way.

Thank You  
Dara Bring  
7670 Formby St. Burnaby

Please e-mail to confirm receipt.

To whom it may Concern,

January 26<sup>th</sup>, 2016

Regarding Rezoning Reference #15-24-6755 Canada Way.

I would like to voice my concern that the proposed zoning bylaw not be changed to allow an alley that will add to traffic in an out of the area which will lead to a serious safety concern. At present there are no sidewalks along Formby Street and people use the road to walk to and from Canada Way. Children ride their bikes and roller skate on the road. Putting in an alley will allow increased traffic to cut through this quiet tranquil family neighborhood. Please take this in serious consideration and not allow this to pass.

Thank You

Dara Bring



7670 Formby St-



## PROPOSED DEVELOPMENT SUMMARY FOR ADVISORY PLANNING COMMISSION (APC)

**REZONING REFERENCE # 15-13**  
**ADDRESS: 4350/56 Albert Street**

**Meeting Date: 2016 January 14**

### DEVELOPMENT PROPOSAL:

Permit the construction of a four unit multiple-family development with enclosed parking at grade.

- |                         |  |
|-------------------------|--|
| 1. <b>Site Area:</b>    | 748.3 m2 (8,055 sq.ft.)  |
| 2. <b>Existing Use:</b> | 4350 Albert Street has single family dwelling; 4356 Albert Street is vacant                          |
| <b>Adjacent Use:</b>    | Single and two-family dwellings to east, west, and north; four storey mixed-use development to south |
| <b>Proposed Use:</b>    | Four unit multiple-family development with enclosed parking at grade.                                |

	Permitted/Required	Proposed/Provided
3. <b>Gross Floor Area:</b>	523.8 m2 (5,638 sq.ft.)	523.8 m2 (5,638 sq.ft.)
4. <b>Site Coverage:</b>	47%	47%
5. <b>Building Height:</b>	2 Storeys	2 Storeys
6. <b>Vehicular Access from:</b>	Rear Lane	Rear Lane
7. <b>Parking Spaces:</b>	5 Spaces	5 Spaces
8. <b>Loading Spaces:</b>	N/A	N/A
9. <b>Communal Facilities:</b>	N/A	N/A
10. <b>Proposed development consistent with adopted plan? (i.e. Development Plan, Community Plan, or OCP)</b>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

*Note: N/A where not applicable*



Item .....
Meeting ..... 2015 December 14

## COUNCIL REPORT

**TO:** CITY MANAGER 2015 December 09

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #15-13**  
**MULTIPLE FAMILY INFILL DEVELOPMENT**  
**Hastings Street Area Plan**

**ADDRESS:** 4350 and 4356 Albert Street (see *attached* Sketches #1 and #2)

**LEGAL:** Lots 13 and 14, Block 6, DL 121, Group 1, NWD Plan 1054

**FROM:** RM6 Hastings Village Multiple Family Residential District

**TO:** CD Comprehensive Development District (based on RM6 Hastings Village Multiple Family Residential District and Hastings Street Area Plan guidelines, and in accordance with the development plan entitled "4350-4356 Albert Street, 4 Unit Residential Development" prepared by Hearth Architectural Inc.)

**APPLICANT:** Hearth Architectural Inc.  
 #205 – 1730 West 2<sup>nd</sup> Avenue  
 Vancouver BC V6J 1H6  
 (Attn: Carman Kwan)

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2016 January 26.

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**RECOMMENDATIONS:**

1. **THAT** the sale be approved of City-owned property for inclusion within the subject development site in accordance with the terms outlined in Section 3.4 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 December 14 and to a Public Hearing on 2016 January 26 at 7:00 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development.



To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-13  
 Multi-family Infill Development

2015 December 09..... Page 2

- 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. 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 submission of an undertaking to remove all existing improvements from the site within six months of the rezoning being effected but not prior to Third Reading of the Bylaw.

Demolition of any improvements 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 and vandalism.

- e) The completion of the sale of City property.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants including the granting of Section 219 Covenants:
  - a) restricting enclosure of balconies; and,
  - b) assuring that any individually secured parking spaces allocated to a specific residential unit cannot be utilized for any other purpose.
- h) The review of a detailed Sediment Control System by the Director Engineering.
- i) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- j) The provision of 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.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-13  
 Multi-family Infill Development

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- k) The provision of facilities for cyclists in accordance with this report.
- l) The deposit of the applicable Parkland Acquisition Charge.
- m) The deposit of the applicable GVS & DD Sewerage Charge.
- n) The deposit of the applicable School Site Acquisition Charge.
- 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.

## R E P O R T

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a four unit multiple-family development with enclosed parking at grade.

### 2.0 BACKGROUND

- 2.1 The subject site is located on the south side of Albert Street between Madison Avenue and Rosser Avenue and is comprised of two lots at 4350 and 4356 Albert Street. The privately owned 4350 Albert Street currently accommodates a single family dwelling, and the City-owned 4356 Albert Street is currently vacant. To the east, west and north, are single and two-family dwellings. To the south, across the lane, is a four storey mixed-use development, approved under Preliminary Plan Approval #05-343. Vehicular access to the site is from the rear lane.
- 2.2 The site is located within the adopted Hastings Street Area Plan, and is zoned RM6 Multiple-Family Residential District. The proposed two-lot consolidation meets the site area requirement for townhouse development under the RM6 District. Given that the proposed lot's width is less than 25.14 m, a maximum of four units will be permitted under the RM6 Multiple-Family Residential District. Further, the proposed consolidation does not result in the inability of adjacent sites to achieve the designated development potential under the adopted Plan.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-13  
 Multi-family Infill Development

2015 December 09..... Page 4

- 2.3 On 2015 May 25, Council received the report of the Planning and Building Department concerning the rezoning of the subject site (see *attached* Sketch #1) 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 at a Public Hearing.

### 3.0 GENERAL COMMENTS

- 3.1 The development proposal is for an infill two-storey multiple family residential building, with four ground-oriented units. Vehicular access is proposed to be from the rear lane. The maximum proposed density of the project is 0.7 F.A.R. with at grade detached garage parking.
- 3.2 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site including, but not necessarily be limited to: separated sidewalk on Albert Street; lighting in the lane; and water, sanitary, and storm upgrades as required.
- 3.3 Any necessary easements, covenants, and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to a Section 219 Covenant restricting enclosure of balconies and assuring that any individually secured parking spaces allocated to a specific residential unit cannot be utilized for any other purpose (i.e. storage).
- 3.4 Council, on 2015 May 25, approved in principle, the sale of City-owned land at 4356 Albert Street (approximately 4,026 sq. ft.) for inclusion in the subject site. The Legal and Lands Department determined that the applicable value of the City land is approximately \$216.00 per sq.ft. On 2015 November 26, an agreement was reached with the applicant for an amount of \$870,000 for the City property. This value would be valid for one year from the date of Second Reading of the rezoning amendment bylaw. At that time, and every six months thereafter until the sale is completed, the land value would be updated by the Legal and Lands Department. If there is a decrease in land value, further Council approval would be required for a reduction in the sale price. If there is an increase in value, the developer would be informed and the sale price for the City land would be based on that increased value.
- 3.5 One small car visitor parking stall and adequately sized and sited garbage handling and recycling holding areas will be provided on site.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-13  
 Multi-family Infill Development

2015 December 09 .....Page 5


- 3.6 Engineering Environmental Services Division will need to review a 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.
- 3.7 Given the size of the site, best management practices are acceptable in lieu of a formal storm water management plan.
- 3.8 A tree survey and arborist report has been provided which recommends that all trees on site be removed and replaced. Two trees located on neighbouring properties in close proximity to the development are to be protected during construction. In accordance with the Burnaby Tree Bylaw, a tree cutting permit will be required for the removal of any tree over 20.3 cm (8 in.) in diameter.
- 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 \$826 per dwelling unit
  - c) School Site Acquisition Charge of \$800 per unit

#### 4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area - 748.3 m<sup>2</sup> (8,055 sq.ft.)
- 4.2 Site Coverage - 47 %
- 4.3 Density and Gross Floor Area Required and Provided
- |                        |                                       |
|------------------------|---------------------------------------|
| Floor Area Ratio (FAR) | - 0.7 FAR                             |
| Gross Floor Area (GFA) | - 523.8 m <sup>2</sup> (5,638 sq.ft.) |
- 4.4 Unit Mix
- |                         |  |
|-------------------------|--|
| 4 – Three bedroom units | - 123.2 m <sup>2</sup> to 138.7 m <sup>2</sup><br>(1,326 sq.ft. to 1,493 sq.ft.) |
|-------------------------|--|
- 4 Units Total**
- 4.5 Building Height - 2 storeys

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #15-13  
 Multi-family Infill Development  
 2015 December 09 .....Page 6

- 4.6 Vehicle Parking Required and Provided
- Residential: 4 units @ 1 space per unit - 5 spaces  
 (including 1 visitor parking space)
- 4.7 Bicycle Parking Required and Provided
- Residential 4 units @ 1 space per unit - 5 spaces (4 wall-mounted brackets in  
 garages plus 1 visitor space)

  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

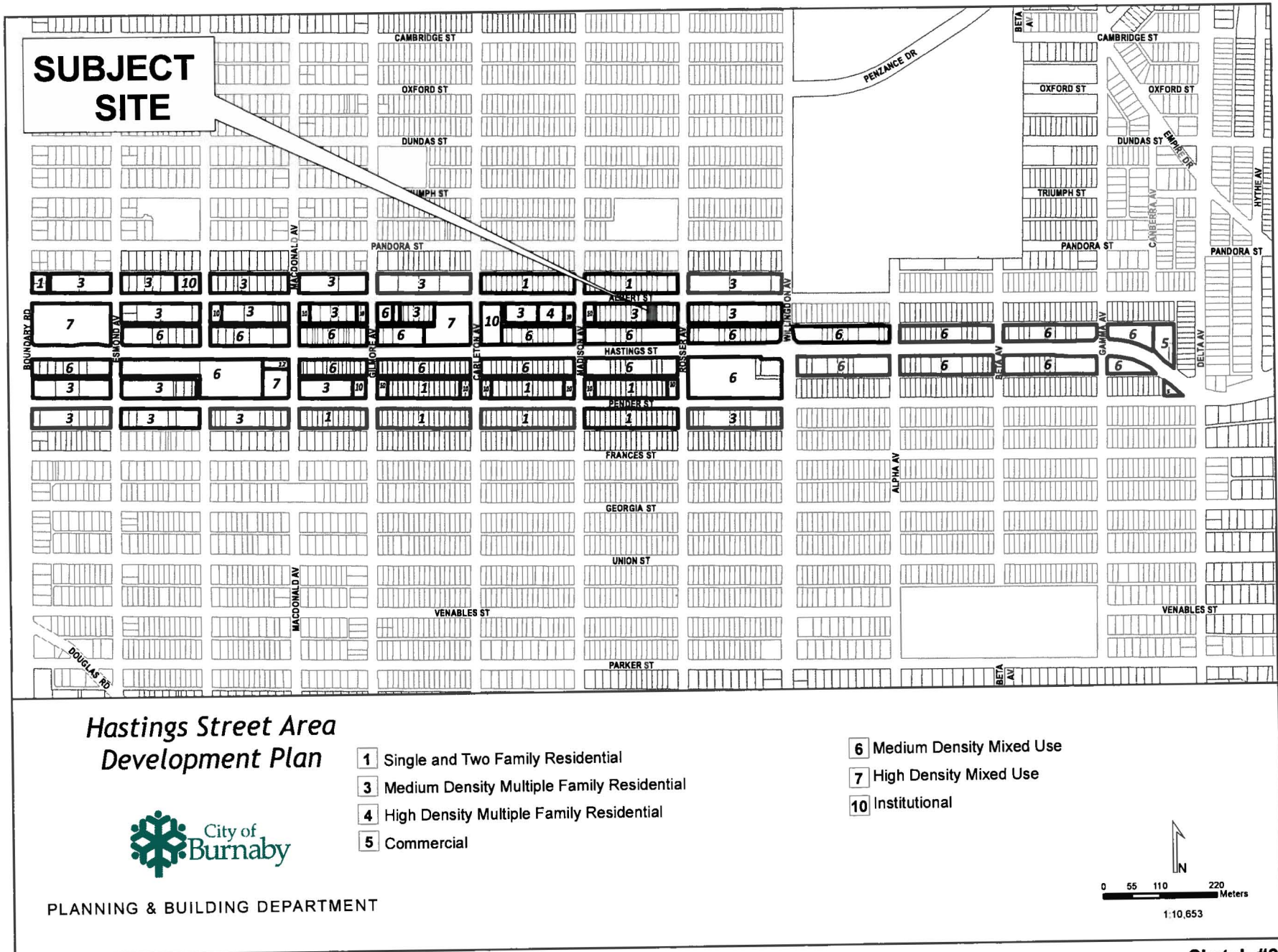
LS:tn:spf  
**Attachments**

cc: Director Engineering  
 City Solicitor  
 City Clerk

P:\REZONING\Applications\2015\15-00013 4350.56 Albert Street\Rezoning Reference 15-13 PH Report 20151026.docx







Printed on Aug 12, 2015

Sketch #2

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**From:** D Pawn  
**Sent:** January-19-16 11:10 AM  
**To:** Clerks  
**Subject:** Burnaby office of the city clerk K. O'Connell

This is a letter regarding:  
Burnaby Zoning bylaw 1965, Amendment bylaw no. 40, 2015; bylaw no. 13557, Rezoning reference #15-13  
Regarding 4350/4356 Albert st North Burnaby, BC.

I am David Paunonen, a resident of 4360 Albert st and I am concerned as to the state of this amendment. I feel like the traffic in my neighbourhood is already at a peak level. Having a 4 unit development built so close to my home will add an inordinate amount of congestion in an already stifling environment. Adding to that, a 4 suite multiplex is unseemly and downright ridiculous. There is already enough traffic, not to mention people, in my neighbourhood, with a large condo complex behind my home and multiple businesses on the adjoining Hastings strip.

I wish to oppose this unnecessary development in full, as I am a resident of this neighbourhood and this maneuver will most definitely impact me and my living arrangement, as well as that of my neighbours.

Thank you for your time,

David Paunonen  
4360 Albert st.  
V5C 2G1  
Burnaby BC

Rez Ref # 15-13 P  
Bylaw # 13557



Meeting 2015 November 24

## COMMITTEE REPORT

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**TO:** CHAIR AND MEMBERS  
PLANNING AND DEVELOPMENT COMMITTEE

**DATE:** 2015 November 19

**FROM:** DIRECTOR PLANNING AND BUILDING

**FILE:** 42000 20  
*Reference: Bylaw Text Amendment*

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENT -  
PERMITTED USES IN FARMERS MARKETS**

**PURPOSE:** To propose text amendments to the Burnaby Zoning Bylaw to permit the limited sale of liquor and other accessory uses at farmers markets.

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**RECOMMENDATIONS:**

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 3.0 of this report, for advancement to First Reading on 2015 December 14 and to Public Hearing on 2016 January 26 at 7:00 pm.
2. **THAT** a copy of this report be sent to Artisan Farmers Market Society, Box 74589, Kitsilano P.O., Vancouver, BC V6K 4P4.

**REPORT****1.0 INTRODUCTION**

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the bylaw and the general need to update it, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarification and improvements to the wording of the bylaw, and to respond to changes in related legislation and forms of development, land uses and social trends.

In this case, the proposed text amendments respond to new Provincial legislation that allows manufacturers to sell and offer samples of liquor at farmers markets, and seek to clarify that the full range of activities customary to farmers markets are permitted on an accessory basis. As detailed below, this report recommends that the uses permitted in the P2g Public Assembly and Administration District be amended to permit limited liquor sales and other accessory uses, such as wellness services and community activities, in association with farmers markets.

To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Burnaby Zoning Bylaw Text Amendment – Farmers Markets  
 2015 November 19..... Page 2

## **2.0 BACKGROUND INFORMATION**

- 2.1 On 2008 January 14, Council gave Final Adoption to an amendment to the Burnaby Zoning Bylaw that established the P2g Administration and Assembly District, with “farmers markets for the retail sale of agricultural products, prepared foods and crafts” as a permitted use. The intent of the amendment was to enable the establishment of a seasonal farmers market in the north parking lot at City Hall.
- 2.2 Since 2008, Artisan Farmers Market Society has operated the Burnaby Farmers Market on Saturdays, from May to October, at this location (with the exception of the 2011 season, when the market was held at Burnaby Village Museum). The terms of operation for the market are governed by a Licensing Agreement with the City, which is renewed annually.
- 2.3 On 2014 June 21, the Province amended the *Liquor Control and Licensing Act* to permit the sale of BC manufactured liquor at farmers markets. Under the *Act*, licensed manufacturers may sell and offer samples of beer, wine, cider and spirits at farmers markets, subject to approval from market management and compliance with local bylaws. All vendors must have Farmers Market Authorization from the Liquor Control and Licensing Branch (LCLB). A full outline of LCLB requirements is provided in Section 3.2 below.

## **3.0 PROPOSED ZONING BYLAW AMENDMENTS**

### **3.1 Accessory Uses**

Farmers markets function not only as retail sales venues but as community gathering places. As such, activities that promote community involvement and a festival atmosphere are commonly found at farmers markets. These activities, which are typically accessory to the principal retail use, include the following:

- live music and entertainment
- non-profit community group information booths
- book exchanges
- children’s activities
- wellness services

These accessory activities are offered at the Burnaby Farmers Market and have helped the market become an established and well attended community event, as evidenced by Artisan Farmers Market Society observations of yearly growth in attendance and interest from vendors. These activities are consistent with the original vision for the market, which, as stated in the 2007 October 18 report, was to help create a “sense of community and vitality for the City through a wholesome community event” that could serve as a community gathering place.

To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Burnaby Zoning Bylaw Text Amendment – Farmers Markets  
 2015 November 19..... Page 3

In order to ensure that these activities are formally recognized in conjunction with the principal use of marketing agricultural products, prepared foods, and crafts, it is recommended that the bylaw be amended to permit these uses on an accessory basis.

### 3.2 Liquor Sales

In 2014 June 21, the Province amended the *Liquor Control and Licensing Act* to permit sale of BC manufactured liquor at farmers markets. Under the *Act*, licensed manufacturers may sell and offer samples of beer, wine, cider and spirits at farmers markets, subject to approval from market management and compliance with local bylaws. Licensing is obtained by the manufacturer, who must already possess an on-site store endorsement in order to obtain the necessary Farmers Market Authorization. Sales can only occur at a farmers market managed by a registered Society and comprised of at least six vendors.

Markets have no obligation to host liquor vendors, and need no authorization from the LCLB should they choose to do so. Markets can limit the number of vendors and the type of liquor sold. As with any vendor, markets must provide the invited liquor vendors with a defined sales area, within which all sales and sampling will occur. Patrons may not remove samples from the sales area.

Other LCLB regulations include the following:

- Sales may occur only between the hours of 9:00 a.m. and 11:00 p.m.
- Licensees may sell only the products registered to the licence and permitted in the manufacturer's on-site store. All market sales must be reported as usual through the on-site store endorsement.
- Staff at the market stall must have Serving it Right certification and must not be minors.
- Licensees may not charge for samples and sample sizes are restricted as follows (per person per day):
  - Wine: 20 ml for a single product and 30 ml for multiple products
  - Spirits: 10 ml for a single product and 20 ml for multiple products
  - Beer/Cider/Coolers: 30 ml for a single product and 45 ml for multiple products

Currently, the Burnaby Zoning Bylaw permits private liquor sales only in "licensee retail stores" (LRS), which is defined in Section 3 as

*a store licensed under the provisions of the Liquor Control and Licensing Act to sell liquor for off-premises consumption and includes an agency store established under the provisions of the Liquor Distribution Act.*



To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Burnaby Zoning Bylaw Text Amendment – Farmers Markets  
 2015 November 19..... Page 4

LRS are permitted only in the C2a Community Commercial District and the C3a General Commercial District. In addition, LRS are subject to the Council-adopted Liquor Store Location Framework, which seeks an appropriate balance between Liquor Distribution Branch (LDB) locations and private Liquor Retail Stores (LRS), and to additional locational guidelines that require consideration of surrounding uses.

The scale of liquor sales at farmers markets is considerably less than found in LRS, due to the relatively small size of vendor booths and available stock on hand, and limitations on the number of liquor vendors. At the Burnaby Farmers Market, the maximum booth size is 18.6 m<sup>2</sup> (200 ft<sup>2</sup>) and it is recommended that the number of liquor vendors be limited. For these reasons, it is anticipated that the addition of liquor sales as a permitted use in the P2g District, on an accessory basis, would have little impact on liquor sales in Burnaby as a whole and should therefore be exempt from the Liquor Store Location Framework. In order to ensure that liquor sales are maintained at an accessory level, it is recommended that the bylaw permit a maximum of three liquor vendors per market. This number represents 7.5% of the approximately 40 vendors present each week at the market.

Regarding sampling, the permitted sampling amounts per customer are small (less than 100 ml in total) and are not expected to contribute to nuisance behaviour. Moreover, the only existing P2g District property is the site of the Burnaby Farmers Market at City Hall, which is subject to a Licence Agreement with the City that can be reviewed should any concerns arise.

Overall, it is anticipated that the addition of a limited number of liquor vendors would enhance the experience of marketgoers by providing a wider product selection and the opportunity to sample locally produced liquor products in a community-oriented setting.

### 3.3 Recommended Bylaw Amendment

In order to implement the recommendations discussed above, the following amendment to the Burnaby Zoning Bylaw is proposed:

1. **THAT** Section 502.1B (Uses Permitted in a P2g Zoning District) be amended to permit liquor sales and other accessory uses in conjunction with farmers markets, consistent with the following:

...(2) Farmers markets for the retail sale of agricultural products, prepared foods and crafts, and the following accessory uses: non-amplified entertainment, personal services including massage and similar wellness services, community information booths, book exchange programs, children's recreational activities, and, for each market, a maximum of three licensed liquor manufacturers authorized to sell at farmers markets under the BC Liquor Control and Licensing Act.



To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Burnaby Zoning Bylaw Text Amendment – Farmers Markets  
 2015 November 19..... Page 5

#### 4.0 CONCLUSION

The above amendment is proposed in order to expand the uses permitted in the P2g Assembly and Public Administration District to include a range of accessory uses customarily found at farmers markets, as well as limited sales and sampling of BC produced liquor. It is recommended that Council approve the proposed text amendment outlined in Section 3.0 of this report for advancement to First Reading on 2015 December 14 and Public Hearing on 2016 January 26 at 7:00 p.m.



Lou Pelletier, Director  
 PLANNING AND BUILDING

LF/MS:tn

cc: City Manager  
 Director Engineering  
 Chief Licence Inspector  
 City Solicitor  
 City Clerk

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Meeting 2015 December 14

## COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2015 December 9

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 42000 20  
*Reference: Antennas*

**SUBJECT:** ANTENNA DEVELOPMENTS IN THE P2 DISTRICT

**PURPOSE:** To propose text amendments to the Burnaby Zoning Bylaw regarding regulation of antennas in the P2 Administration and Assembly District.

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**RECOMMENDATION:**

1. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 2.0 of this report, and that the bylaw be advanced to First Reading on 2015 December 14 and to a Public Hearing on 2016 January 26 at 7:00 pm.

**REPORT****1.0 INTRODUCTION**

The Zoning Bylaw permits antennas as a principal permitted use either on buildings, subject to the provisions of Section 6.21, or outright in the P2 Administration and Assembly District. This report recommends that antennas in the P2 District that do not meet the provisions of Section 6.21 (e.g., freestanding or monopole antennas) require public input and Council approval through the Comprehensive Development (CD) rezoning process.

On 2015 October 05, Council received a report from the Planning and Development Committee recommending text amendments to permit small cell antenna installations on City street light standards and traffic light poles. The current proposal was included in that report as a related item. The report was tabled to allow further consideration. Given its limited scope, and the relative immediacy of the concerns that it addresses, the proposed amendment is being advanced independently in this report.

**2.0 PROPOSED ZONING BYLAW AMENDMENT**

The Zoning Bylaw permits antennas as an outright use in the P2 Administration and Assembly District. Few conditions apply to this use, as antennas are exempt from building height restrictions and setbacks and require no off-street parking. At the same time, free-standing antennas can be unsightly due to excessive height, numerous equipment attachments, and utilitarian, pre-fabricated design. In addition, these antennas can generate concern from neighbouring residents and the larger public. While monopole antennas have rarely been

To: City Manager  
 From: Director Planning and Building  
 Re: Antenna Developments in the P2 District  
 2015 December 9..... Page 2

constructed on P2 District properties, the potential exists for this to occur under prevailing zoning with little regulatory control over siting and design.

Typically, free-standing antenna installations have been sited on industrial properties that have required rezoning to accommodate the use. In those instances, staff have supported rezoning proposals to the CD Comprehensive Development District based on the P2 District, rather than to the P2 District itself, as rezoning to the CD District limits development to that shown on the approved plan and allows for broader consideration of siting, design and other matters. As such, the initial design and any subsequent additions or changes must be approved through the rezoning process.

In order to ensure that all antenna proposals, other than those permitted under Section 6.21 of the Zoning Bylaw, require approval through the rezoning process, it is recommended that the P2 District schedule be amended to only permit antenna developments if they are included as part of a comprehensive development plan subject to the CD Comprehensive Development District.

### **Recommended Zoning Bylaw Amendment**

THAT Section 502.1 (14) be amended similar to the following (proposed additions are underlined):

*Antenna developments not included in section 6.21, subject to the condition that such use is included as part of a comprehensive development plan to which the provisions of the Comprehensive Development District apply.*

### **3.0 CONCLUSION**

This report presents Zoning Bylaw text amendments in order to ensure that antennas that do not meet the provisions of Section 6.21 (e.g., freestanding or monopole antennas) require public input and Council approval through the CD rezoning process. It is recommended that Council approve the proposed Zoning Bylaw amendments, as outlined in Section 2.0 of this report, for advancement to First Reading on 2015 December 14 and Public Hearing on 2016 January 26 at 7:00 pm.

  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

LF:sla

cc: Deputy City Managers  
 City Solicitor  
 City Clerk

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