



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, 2017 MARCH 28 AT 7:00 PM

in the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C., V5G 1M2 to receive representations in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965".

1) Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 9, 2017 - Bylaw No. 13728

Rez . #16-02

7770 North Fraser Way

From: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan as guidelines, and in accordance with the development plan entitled "New Multi-Tenant Facility 7770 North Fraser Way, Burnaby, BC" prepared by CTA Design Group)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a multi-tenant industrial development in accordance with the Burnaby Business Park Concept Plan.

2) Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 10, 2017 - Bylaw No. 13729

Rez. #16-08

Portion of 7788 18th Street (formerly Portion of 7201 11th Avenue [Island 6])

From: CD Comprehensive Development District (based on RM5, RM1 Multiple Family Residential Districts and C2 Community Commercial District)

To: Amended CD Comprehensive Development District (based on RM5 and RM1 Multiple Family Residential Districts, C2 Community Commercial District, Southgate Neighbourhood Master Plan and Edmonds Town Centre Plan guidelines, and in accordance with the development plan entitled “Icon” prepared by IBI Group and PWL Partnership Landscape Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 46-storey residential tower in the Island neighbourhood of the multi-phased Southgate Master Plan Area.

3) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 11, 2017 - Bylaw No. 13730

Rez. #16-46

3550 Wayburne Drive

From: P2 Administration and Assembly District

To: R3 Residential District

The purpose of the proposed zoning bylaw amendment is to facilitate subdivision of the subject property into 16 residential lots, and to allow for construction of one single family dwelling on each created lot.

4) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 12, 2017 - Bylaw No. 13731

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to amend the Burnaby Zoning Bylaw 1965 in regard to (1) parking space requirements for liquor licence and similar establishments for the sale and consumption of food or beverages on the premises; (2) to exclude mobile retail carts from building enclosure requirements; (3) to define public assembly and entertainment uses; (4) to align maximum height of fences/walls located anywhere on a property with 2012 BC Building Code regulations; and (5) to align minimum clearance of required off-street parking spaces with 2012 BC Building Code regulations.

All persons who believe that their interest in property is affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard:

- **in person** at the Public Hearing
- **in writing** should you be unable to attend the Public Hearing;
 - **Email:** clerks@burnaby.ca
 - **Letter:** Office of the City Clerk, 4949 Canada Way, Burnaby V5G 1M2
 - **Fax:** (604) 294-7537

Please note all submissions must be received by 4:45 p.m. on 2017 March 28 and contain the writer's 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 2017 March 15 to 2017 March 28.

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

D. Back
CITY CLERK



Item
Meeting 2017 February 27

COUNCIL REPORT

TO: CITY MANAGER 2017 February 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-02**
Multi-Tenant Light Industrial Development
Big Bend Development Plan

ADDRESS: 7770 North Fraser Way (see *attached* Sketches #1 and #2)

LEGAL: Lot 1, DL 66, Group 1, NWD Plan BCP36851

FROM: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

TO: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan as guidelines and in accordance with the development plan entitled "New Multi-Tenant Facility 7770 North Fraser Way, Burnaby, BC" prepared by CTA Design Group)

APPLICANT: CTA Design Group
101 – 925 West 8th Avenue
Vancouver, BC V5Z 1E4
(Attention: John E. Kristianson)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2017 March 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 March 06 and to a Public Hearing on 2017 March 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

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- 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 review of a detailed Sediment Control System by the Director Engineering.
- e) The granting of a Section 219 Covenant respecting flood proofing requirements.
- f) The submission of a geotechnical review regarding stability confirming that the site may be used safely for the intended use, for review by the Chief Building Inspector and granting of a Section 219 Covenant respecting the submitted report.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- h) The deposit of the applicable GVS & DD Sewerage Charge.
- i) The provision of facilities for cyclists in accordance with Section 4.8 of the rezoning report.
- 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.
- k) The submission of a detailed comprehensive sign plan.
- l) The submission of a Site Profile and resolution of any arising requirements.
- m) The review of on-site commercial loading facilities by the Director Engineering.
- n) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a multi-tenant industrial development in accordance with the Burnaby Business Park Concept Plan.

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2.0 BACKGROUND

- 2.1 The subject property is located on the northeast corner of North Fraser Way and Tillicum Street within the Burnaby Business Park Concept Plan component of the Council-adopted Big Bend Development Plan area. Directly to the north and west is a City owned lot that provides for a linear parkway and an agricultural buffer, beyond which is the Mayberry Cranberry Farm. Directly to the east are new office/light industrial developments constructed in-line with the Burnaby Business Park Concept Plan. To the south, across North Fraser Way, are office/industrial buildings developed in line with the Burnaby Business Park Concept Plan and a vacant lot that is the subject of Rezoning Reference #14-48 for the development of an office and light-industrial development in line with the Burnaby Business Park Concept Plan.
- 2.2 The applicant is requesting a rezoning to the CD Comprehensive Development District (utilizing the M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan as guidelines) in order to permit the construction of a light-industrial and office development. Vehicular access will be provided from North Fraser Way.
- 2.3 On 2016 April 04, Council received the report of the Planning and Building Department concerning the rezoning of the subject property and authorized the Department to continue 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 submitted a plan of development for the subject lot considered suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The applicant is requesting rezoning to the CD Comprehensive Development District (utilizing the M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Plan as guidelines) in order to permit the construction of a two-storey light-industrial and office development. Vehicular access will be provided from North Fraser Way.
- 3.2 Primary servicing for the subject site has been provided through Subdivision References #01-64, #02-44, #04-69 and #07-69, however, the Director Engineering will be requested to provide an estimate for any further services necessary to serve this site.
- 3.3 Detailed plans for an engineered Sediment Control System to the approval of the Director Engineering will be required.
- 3.4 An appropriately screened garbage handling and recycling holding area will be provided on site.

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- 3.5 The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation is required.
- 3.6 A Site Profile and resolution of any arising requirements will be required.
- 3.7 The granting of any necessary statutory rights-of-way, easements, dedications and/or covenants will be required.
- 3.8 The approval of a detailed commercial loading plan by the Director Engineering is required.
- 3.9 There are no trees on the site, therefore a tree survey will not be required.
- 3.10 The GVS & DD Sewerage Development Cost Charge (Fraser Sewerage Area) of \$8.73 per m² (\$0.811 per sq.ft.) of gross floor area will apply to this rezoning.
- 3.11 A geotechnical review of the subject site's soil stability and registration of a Section 219 Covenant regarding the findings of the approved report will be required.

4.0 DEVELOPMENT PROPOSAL

- | | | | |
|-----|---|---|---|
| 4.1 | Site Area: | - | 1.81 hectares (4.47 acres) |
| 4.2 | Site Coverage: | - | 38% |
| 4.3 | Floor Area: | - | 9,053.0 m ² (97,446 sq.ft.) |
| | Office Space | - | 2,263.25 m ² (24,361.5 sq.ft.) |
| | Manufacturing | - | 2,263.25 m ² (24,361.5 sq.ft.) |
| | Warehousing | - | 4,526.5 m ² (48,723 sq.ft.) |
| | Total G.F.A. | - | 9,053.0 m ² (97,446 sq.ft.) |
| 4.4 | Floor Area Ratio: | - | 0.50 FAR |
| 4.5 | Building Height: | - | 2 storeys |
| 4.6 | Parking: | | |
| | 2,263.25 m ² Office @ 1/46 m ² | - | 50 spaces |
| | 2,263.25 m ² Manufacturing @ 1/93 m ² | - | 25 spaces |
| | 4,526.5 m ² Warehousing @ 1/186 m ² | - | 25 spaces |
| | Total Parking Required and Provided: | - | 100 spaces |

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- | | | | |
|-----|---|---|-----------|
| 4.7 | Loading Bays Required | - | 05 spaces |
| | Loading Bays Provided: | - | 13 spaces |
| 4.8 | Bicycle Provisions Required and Provided:
(including end of trip facilities) | - | 11 spaces |


 Lou Pelletier, Director
 PLANNING AND BUILDING

GT:spf
Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

P:\REZONING\Applications\2016\16-02 7770 North Fraser Way\Rezoning Reference 16-02 Public Hearing Report 20170227.docx

A1

P3

PLAN / BCP36851

(M2,M5)

7898
BCS3792

CD

NORTH FRASER WY

(M2,M5)

PLAN BCP2106

(M2,M5)

PLAN BCP11469

(M5)



PLANNING & BUILDING DEPARTMENT



DATE: FEB 15 2017

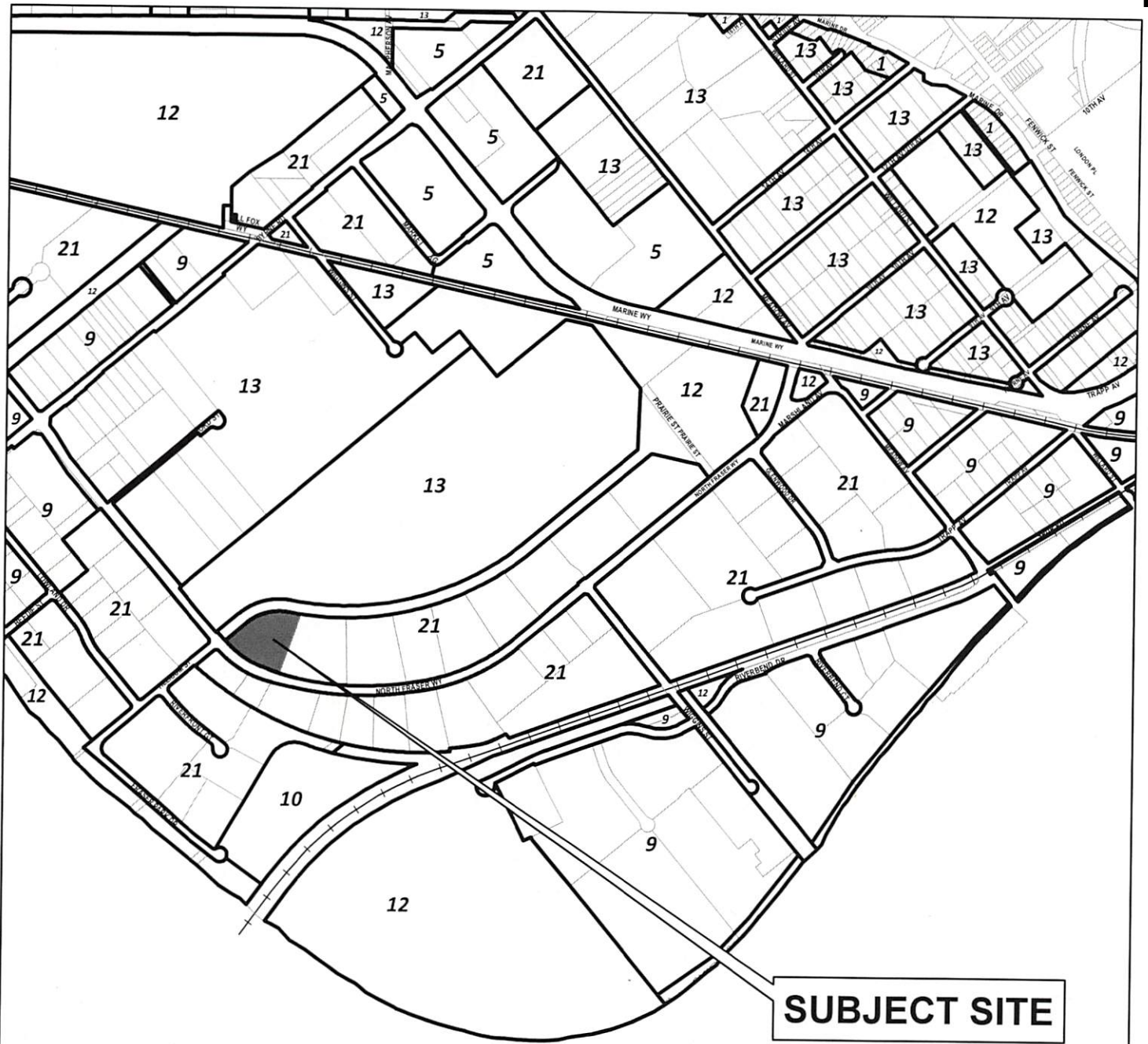
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DRAWN BY: AY

**REZONING REFERENCE #16-02
7770 NORTH FRASER WAY**

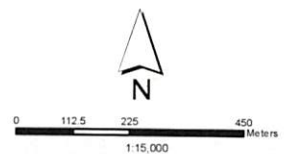


Sketch #1



- 1 Single and Two Family Residential
- 2 Low Density Multiple Family Residential
- 5 Commercial
- 9 Industrial

- 10 Institutional
- 12 Park and Public Use
- 13 Agricultural
- 21 Big Bend Business Centre



PLANNING & BUILDING DEPARTMENT

Big Bend Community Plan



Item
Meeting 2017 February 27

COUNCIL REPORT

TO: CITY MANAGER 2017 February 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-08**
Apartment Tower (Southgate Neighbourhood)
Edmonds Town Centre

ADDRESS: Portion of 7201 11th Avenue (Island 6)

LEGAL: Portion of Lot A, DL 53, Group 1, NWD Plan EPP53090

FROM: CD Comprehensive Development District (based on RM5, RM1 Multiple Family Residential Districts and C2 Community Commercial District)

TO: Amended CD Comprehensive Development District (based on RM5 and RM1 Multiple Family Residential Districts, C2 Community Commercial District, Southgate Neighbourhood Master Plan and Edmonds Town Centre Plan guidelines and in accordance with the development plan entitled "Icon" prepared by IBI Group and PWL Partnership Landscape Architects Inc.)

APPLICANT: Ledingham McAllister Communities Ltd.
 3rd Floor, 1285 West Pender Street
 Vancouver, BC V6E 4B1
 (Attention: Robert Estey)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2017 March 28

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 March 06 and to a Public Hearing on 2017 March 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One

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 High-rise Development (Southgate Neighbourhood)
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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 (as well as underground switching and transformer/service boxes in Town Centre locations), and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The utilization of an amenity bonus in accordance with Section 3.5 of this report.
- e) The dedication of any rights-of-way deemed requisite.
- f) The completion of the necessary subdivision.
- g) The approval of a detailed park master plan for the future City-owned park.
- h) The granting of any necessary statutory rights-of-way and/or easements including but not limited to the following:
 - Statutory right-of-way for the provision, ongoing maintenance and public access and use of identified pedestrian walkways, park/open space features and private roads; and,
 - Statutory right-of-way for a pedestrian pathway across the site.
- i) The granting of Section 219 Covenants as described in Section 3.7 of this report.
- j) The review of a detailed Sediment Control System by the Director Engineering.
- k) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation in accordance with the adopted Southgate Master Storm Water Management Plan.
- l) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- m) The submission of a Site Profile and resolution of any arising requirements.
- n) The design and provision of units adaptable to persons with disabilities.
- o) The provision of four covered car wash stalls and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.

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- p) The review of on-site residential loading facilities by the Director Engineering.
- q) Compliance with the Council-adopted sound criteria.
- r) The deposit of the applicable Parkland Acquisition Charge.
- s) The deposit of the applicable GVS & DD Sewerage Charge.
- t) The deposit of the applicable School Site Acquisition Charge.
- u) The submission of a written undertaking to comply with all the prerequisites of the previous rezoning of the site (Rezoning Reference #14-25).
- v) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit construction of a 46-storey residential tower in the Island neighbourhood of the multi-phased Southgate Master Plan Area.

2.0 BACKGROUND

- 2.1 The subject development site is a portion of 7201 11th Avenue (see *attached* Sketch #1), which is currently zoned CD Comprehensive Development District (based on RM5, RM1 Multiple Family Residential Districts and C2 Community Commercial District). The site is currently occupied by an industrial warehouse building and related surface parking and loading facilities. Vehicular access is currently available from 18th Street and 11th Avenue. Existing adjacent uses include a dairy plant to the north; two large industrial warehouse buildings and several accessory buildings/structures to the east; a single-family neighbourhood to the south across 11th Avenue; and vacant City-owned properties to the west across 18th Street.
- 2.2 On 2015 July 20, Council granted Final Adoption to Rezoning Reference #14-25, which established the Master Plan for the newly formed Southgate community. It is noted that, upon Second Reading of the Master Plan rezoning being granted, the Edmonds Town Centre Development Plan was amended to reflect the RM5, RM1, C2 and P3 designations as guidelines. The Master Plan is intended to guide further site specific rezoning applications within the multi-phased, mixed-use, multiple-family residential neighbourhood.

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The Master Plan, which consists of a Concept Book and compendium Design Guidelines, provides the policy framework and general development guidelines for future site specific rezoning applications within the Southgate community. In this regard, the Master Plan establishes general networks and connections, land use and density, built form, public realm character and landscape expression, park and open space, site servicing, and phasing pattern for the neighbourhood.

With respect to land use and density, the adopted Southgate Master Plan permits an overall residential density of 2.86 Floor Area Ratio (of which 0.4 FAR is bonused and an additional 0.26 FAR is designated for alternative housing). The maximum allowable market residential gross floor area for the Southgate community is 546,611.6 m² (5,883,678 sq. ft.) across five neighbourhood areas. A Density Allocation Covenant details this arrangement, as well as establishes provisions for the transfer of gross floor area (15%) from one neighbourhood area to another.

- 2.3 The subject development site forms the final component of the Island neighborhood area within the Southgate community (see Figure 1). Located at Southgate's southwest corner, the Master Plan notes that the Island neighbourhood area is intended to be a tranquil residential enclave that provides a transition and connection to a more naturalized environment and public realm, as well as a diagonal connection to the future City park from the corner of 18th Street/11th Avenue (see Figures 2 and 3). Primary land uses include multiple family residential and a small locally-oriented commercial component (5,000 sq. ft.). A community building is proposed at the corner of Southgate Boulevard and 18th Street functioning as a gateway to the City park.

Residential townhomes and stacked flats up to four storeys frame 11th Avenue and 18th Street and provide a height transition between existing single family homes and proposed higher buildings within Southgate. These low rise buildings also frame a 'parkette' at the corner of 11th Avenue and 18th Street. Three apartment towers internally oriented towards the western edge of the City park are also proposed.

The tallest tower forms a central radial point for the feature tower of the Island neighbourhood. This feature tower is also a focal point for the corner parkette, as it will form the visual terminus when looking into the site.

The public realm is a network of spaces that connect from existing City streets to the proposed City park. The parkette is a tranquil and intimate space for relaxing, but also functions as a gateway to the Island neighbourhood area and the City park beyond. A diagonal path connects the parkette and the City park.

A public pedestrian and cycle path, part of the community-wide system along 12th Avenue (statutory right-of-way), connects the north and south portions of the City park and link the two publically dedicated roads within the overall Southgate area.

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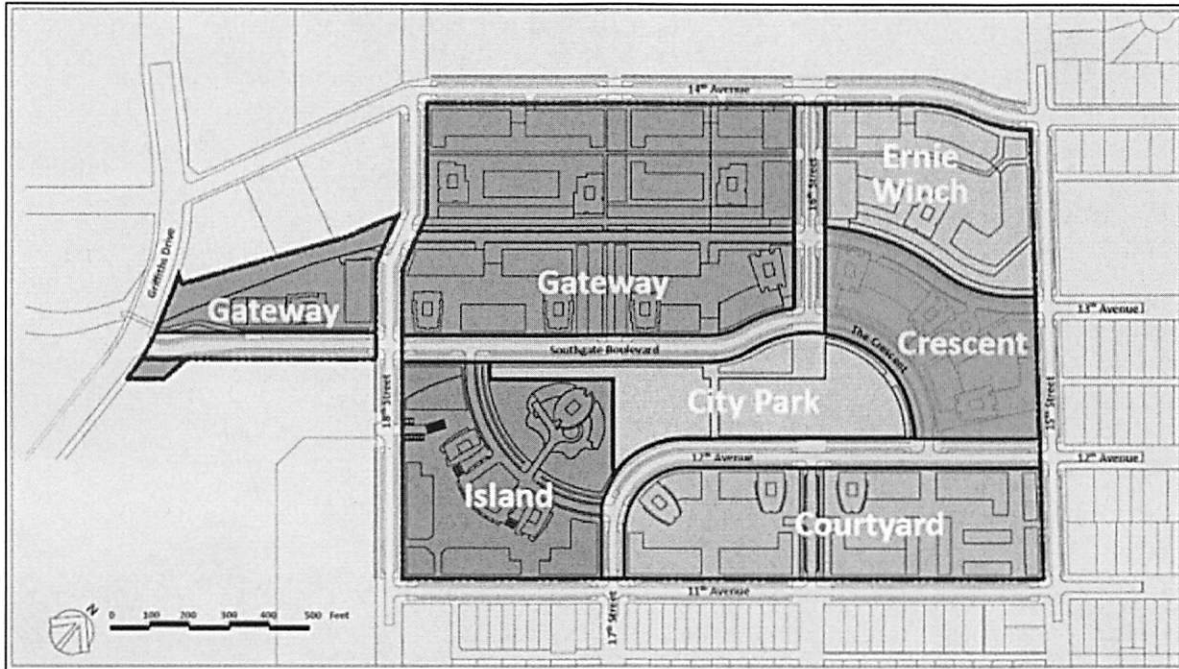


Figure 1 - Map showing the neighbourhoods that make up the Southgate Community

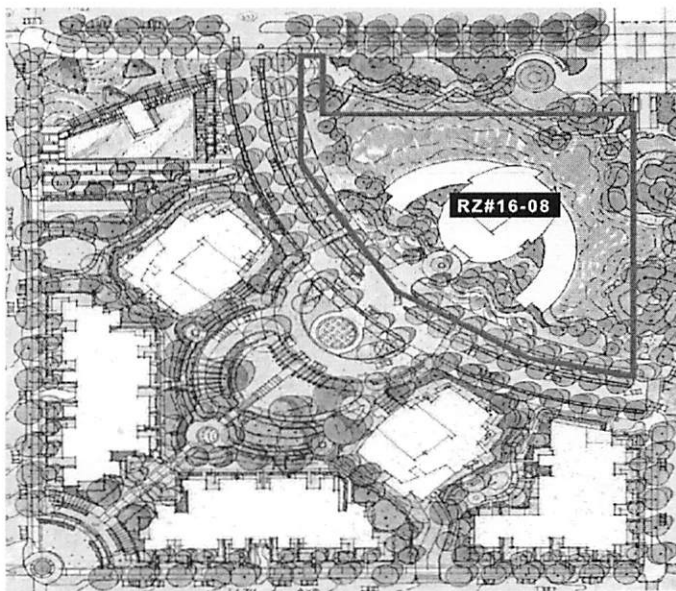


Figure 2 - Overall concept for the Island Neighbourhood
 (subject rezoning boundary shown)

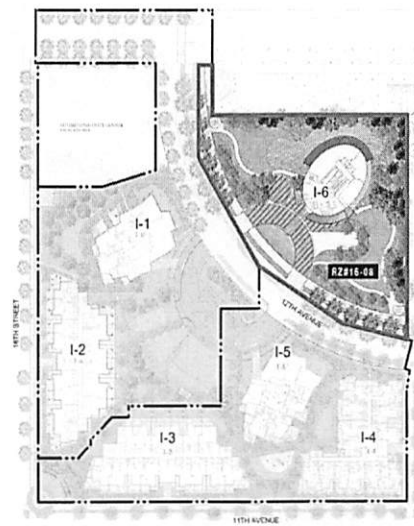


Figure 3 - Phase 3 development within the Island
 Neighbourhood

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- 2.4 The Island neighbourhood is intended to be constructed over several phases. The subject rezoning application is for the third and final of those phases, and encompasses a single high-rise apartment tower (46-storeys). The rezoning applications for the first two phases of the neighbourhood (Rezoning Reference #14-28 which received Second Reading on 2016 May 09 and Rezoning Reference #16-10 which received Second Reading on 2016 October 03) are being advanced separately.

As part of the subject site's development, the applicant will be responsible for providing the following public realm improvements, as identified in the Southgate Master Plan:

- a publically accessible road (12th Avenue) connecting this phase of development to the new north-south public road; and,
- a pedestrian pathway providing public access to the on-site water feature.

- 2.5 On 2016 April 04, Council received the report of the Planning and Building Department regarding the rezoning of the subject development site and authorized the Department to continue 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.

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

3.0 GENERAL COMMENTS

- 3.1 The proposed development plan is for a single 46-storey apartment tower which is intended to form the focal point of the Island neighbourhood. This rezoning application proposes to utilize 31,679.7 m² (340,997 sq. ft.) of the allowable gross floor area (86,179.5 m² (927,628 sq. ft.)) within the Island neighbourhood area, yielding a total of 352 units.

The proposed form of development proposes minor changes from the master plan in that the at grade townhouses have been removed and the related floor area has been incorporated into the tower form. The result is a visually striking and sleek, elliptically shaped tower which is intended to create the architectural centrepiece of the Island neighbourhood and one of the more creatively designed buildings within the Edmonds Town Centre.

Overall, the subject proposal is considered to embody exceptional urban design and architectural expression in terms of the building's siting, massing and materiality. It meets the standards and objectives of the Southgate Master Plan and Design Guidelines. To complement the built form, a progressive landscape treatment is proposed which includes boulevards and street trees on all street frontages. Substantial on-site planting is

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also proposed to further enhance the development, including a large pond area, rain gardens, children's play areas and extensive landscaping.

- 3.2 All required parking is proposed to be located underground, and access taken from a driveway off 12th Avenue. The development proposal exceeds the minimum required Burnaby Zoning Bylaw parking ratio of 1.1 spaces per unit, by providing 442 spaces (1.23 spaces per unit). The developer has also provided other transportation alternatives. First, given the subject site's proximity to the Edmonds SkyTrain Station, as well as other transit routes operating in the vicinity of the development, the development is providing a 70% transit pass subsidy (two zones) for one year to each strata unit, which is to be made available to residents seeking an alternative to car use and ownership. Second, the development is providing 43 (Level 2 AC) Electric Vehicle charging stations, of which five are to be provided within the visitors' parking area for the benefit of the residents and their visitors, and 33 are to be provided in the residents parking area as part of the required parking. A Section 219 Covenant will be required to guarantee these provisions including all necessary wiring, electrical transformer, and mechanical ventilation modifications. Third, the development is providing twice the required secured bicycle parking and a bicycle repair area. Fourth, the development is providing a commuter bicycle for each strata unit to encourage residents to cycle to and from destinations. Fifth, the applicant is investigating the feasibility of providing a community shuttle.
- 3.3 The developer has agreed to pursue green building practices by committing to achieve a Silver rating under the Leadership in Energy and Environmental Design (LEED) program.
- 3.4 In accordance with the City's policy for adaptable units, 20% of the total number of residential units (total of 71 units) has been provided meeting adaptable standards. As permitted under the adopted policy, 1.86 m² (20 sq. ft.) for each adaptable unit is exempt from Gross Floor Area (GFA), resulting in a total adaptable unit GFA exemption of 131.9 m² (1,420 sq. ft.). The development is providing five handicapped parking stalls (two in visitors' parking area; three in residents' parking area), which will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.5 The proposed development is utilizing 31,679.7 m² (340,997 sq. ft.) of the market residential density available to the Southgate neighbourhood, of which 2,437.5 m² (26,237 sq. ft.) is a density bonus component. A separate report detailing the market value of the density bonus will be forwarded to Council for consideration and approval prior to the subject rezoning amendment bylaw receiving Third Reading.
- 3.6 The Director Engineering will assess the need for any further required services to the site, including, but not necessarily limited to:
 - storm sewer, water, and sanitary sewer improvements as identified in the Master Servicing Plan established for the development.

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- 3.7 Any necessary easements and covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant restricting enclosure of balconies;
 - Section 219 Covenant ensuring compliance with the approved acoustical study;
 - Section 219 Covenant ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating or equivalent;
 - Section 219 Covenant restricting the use of guest suites;
 - Section 219 Covenant ensuring the provision and ongoing maintenance of 43 (Level 2 – 40 amp) Electric Vehicle charging stations (including all necessary wiring, electrical transformer, and mechanical ventilation modifications);
 - Section 219 Covenant ensuring that handicap accessible parking stalls in the underground parking areas be held in common property to be administered by the Strata Corporation;
 - Statutory right-of-way for the provision, ongoing maintenance, and public access and use of a private road (12th Avenue) and,
 - Statutory right-of-way for a pedestrian pathway across the site.
- 3.8 Due to the proximity of the subject site to 10th Avenue, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 3.9 Provision of four separate car wash stalls is required.
- 3.10 As the site will be fully excavated for development, an arborist's report and tree survey will be required prior to Final Adoption identifying trees to be removed from the site. The applicant will be required to obtain a tree removal permit for all trees over 20 cm (8 inches) in diameter. A detailed landscape and tree planting plan has been provided as part of the suitable plan of development to replace existing trees to be removed from the site.
- 3.11 A suitable engineered design to the approval of the Director Engineering will be required for the on-site stormwater management system, as well as a Section 219 Covenant to guarantee its provision and continuing operation, in accordance with the Southgate Stormwater Management Master Plan. The deposit of sufficient monies to guarantee the provision of the stormwater drainage and landscape features will be required.
- 3.12 The 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.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #16-08
 High-rise Development (Southgate Neighbourhood)
 2017 February 22 Page 9

- 3.13 The approval of a detailed design for the future City park is required in connection with the approval of the subject rezoning application.
- 3.14 The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering is required.
- 3.15 A site profile application is required for the subject development site, given its past industrial use.
- 3.16 The following Development Cost Charges apply:
- a) Parkland Acquisition Charge of \$3.55 per sq. ft.
 - b) School Site Acquisition Charge of \$600.00 per unit.
 - c) GVS&DD Sewerage Charge of \$1,082 per apartment unit.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area (subject to detailed survey) - 6,206.3 m² (66,804 sq. ft.)
- 4.2 Site Coverage - 10.4 %
- 4.3 Density and Gross Floor Area (as per Density Allocation Covenant)
- | | |
|---|---|
| Residential Density Permitted and Provided | - 31,679.7 m ² (340,997 sq. ft.) |
| Derived from base density | - 29,242.2 m ² (314,760 sq. ft.) |
| Derived from bonus density | - 2,437.5 m ² (26,237 sq. ft.) |
| Total Permitted Gross Floor Area (Subject Application) | - 31,679.7 m ² (340,997 sq. ft.)
(excluding permitted 6,941 sq. ft. amenity exemption and adaptable unit exemption) |
- 4.4 Residential Unit Mix
- Apartment Tower**
- | | |
|--------------------------|--|
| 86 - One bedroom + Den | - 56.1 m ² (604 sq. ft.) |
| 3 - Two bedrooms | - 105.4 m ² - 106.4 m ²
(1135 sq.ft - 1145 sq.ft) |
| 258 - Two bedrooms + Den | - 86.7 m ² - 105.9 m ² (933 sq.ft. - 1,140 sq.ft.) |
| 5 - Three bedrooms | - 102.0 m ² - 121.2 m ²
(1,098 sq.ft. - 1,305 sq.ft.) |

Total number of high-rise apartment units: 352 units (of which 71 units are adaptable)

To: City Manager
 From: Director Planning and Building
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 High-rise Development (Southgate Neighbourhood)
 2017 February 22Page 10

4.5 Building Height
 Apartment Tower - 46 storeys

4.6 Parking
Total Required
 352 units @ 1.1 spaces per unit - 387 spaces (including 32 visitor parking spaces and 3 handicapped parking spaces)

Total Provided
 352 units @ 1.26 spaces per unit - 443 spaces (including 32 visitor parking spaces, 43 EV Charging Stations and 5 handicapped parking spaces)

Bicycle Parking Required and Provided
 352 units @ 2.0 resident lockers/unit - 704 secure spaces
 352 units @ 0.2 visitors' spaces/unit - 70 spaces in racks

Bicycle repair room provided in underground parking garage area

4.8 Residential Loading - 2 spaces

4.9 Communal Facilities (Excluded from FAR Calculations)

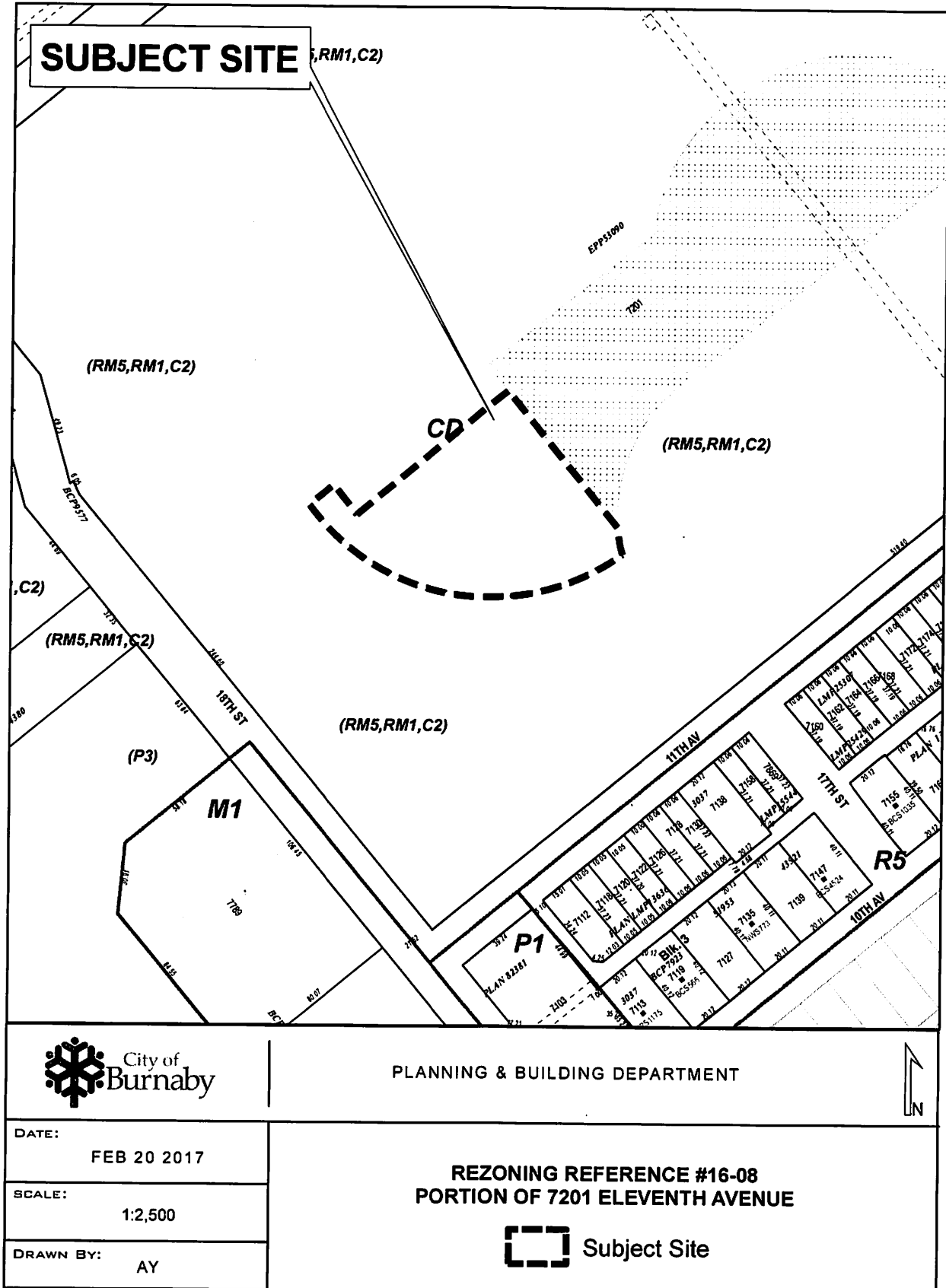
Primary communal facilities for residents include the amenity lobby, lounge/party room, fitness room, and guest suite. The amenity area amounts to 512.9 m² (5,521 sq. ft.), which is within the permitted 5% exemption from Gross Floor Area permitted within the Zoning Bylaw. The applicant has also provided an outdoor BBQ area, water features, rain gardens, and landscape elements located throughout the site, as well as opportunities for public art installation to be located on-site.


 Lou Pelletier, Director
 PLANNING AND BUILDING

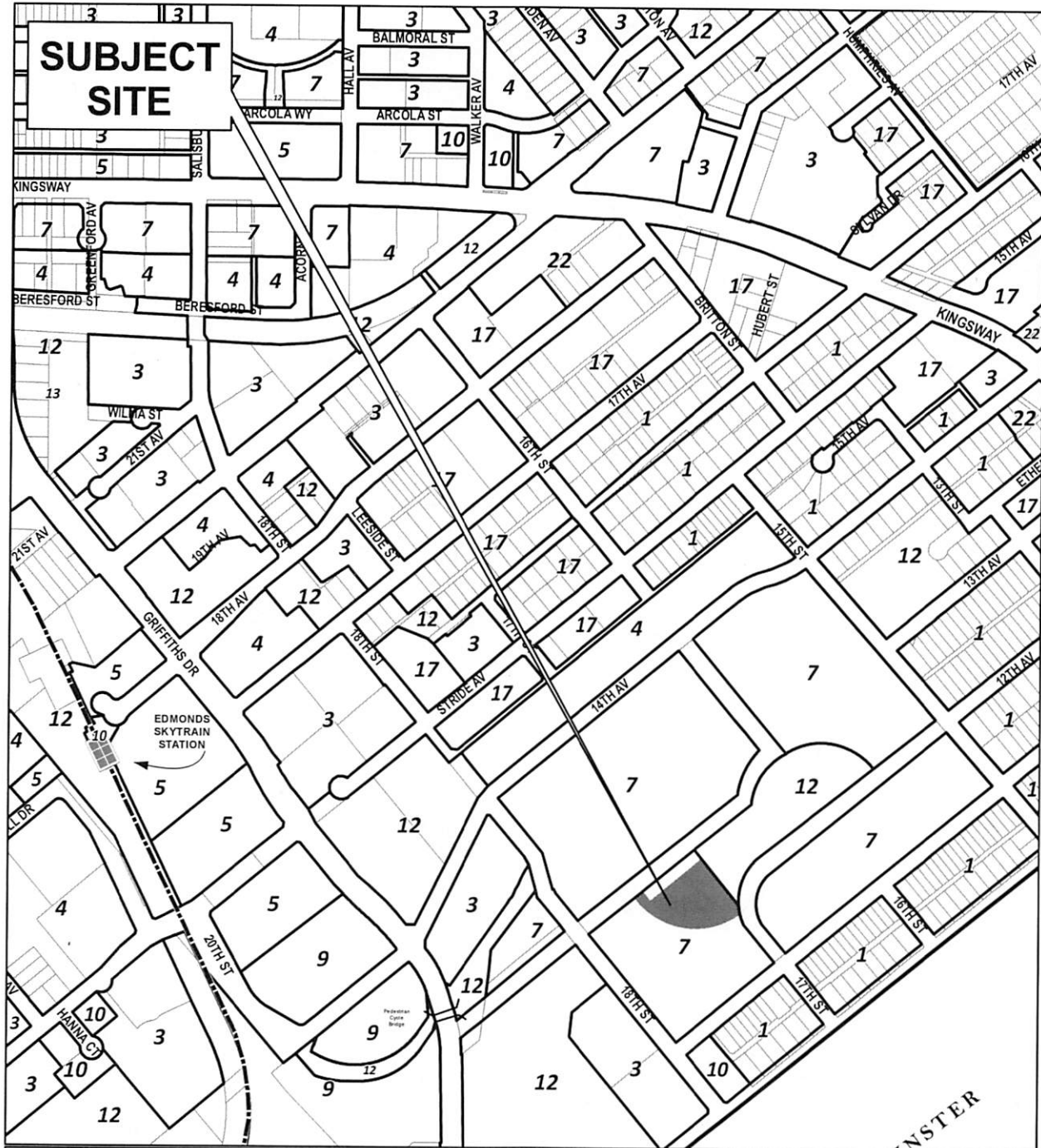
DR:spf

Attachments

cc: Director Engineering
 City Solicitor
 City Clerk



Sketch #1



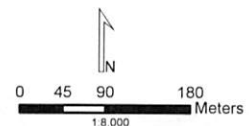
- | | |
|--|--|
| 1 Single and Two Family Residential | 9 Industrial |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | 17 Low or Medium Density Multiple Family Residential (Ground Oriented) |
| 6 Medium Density Mixed Use | 22 Low/Medium Density Mixed Use |
| 7 High Density Mixed Use | |

Edmonds Town Centre Plan Development Guidelines

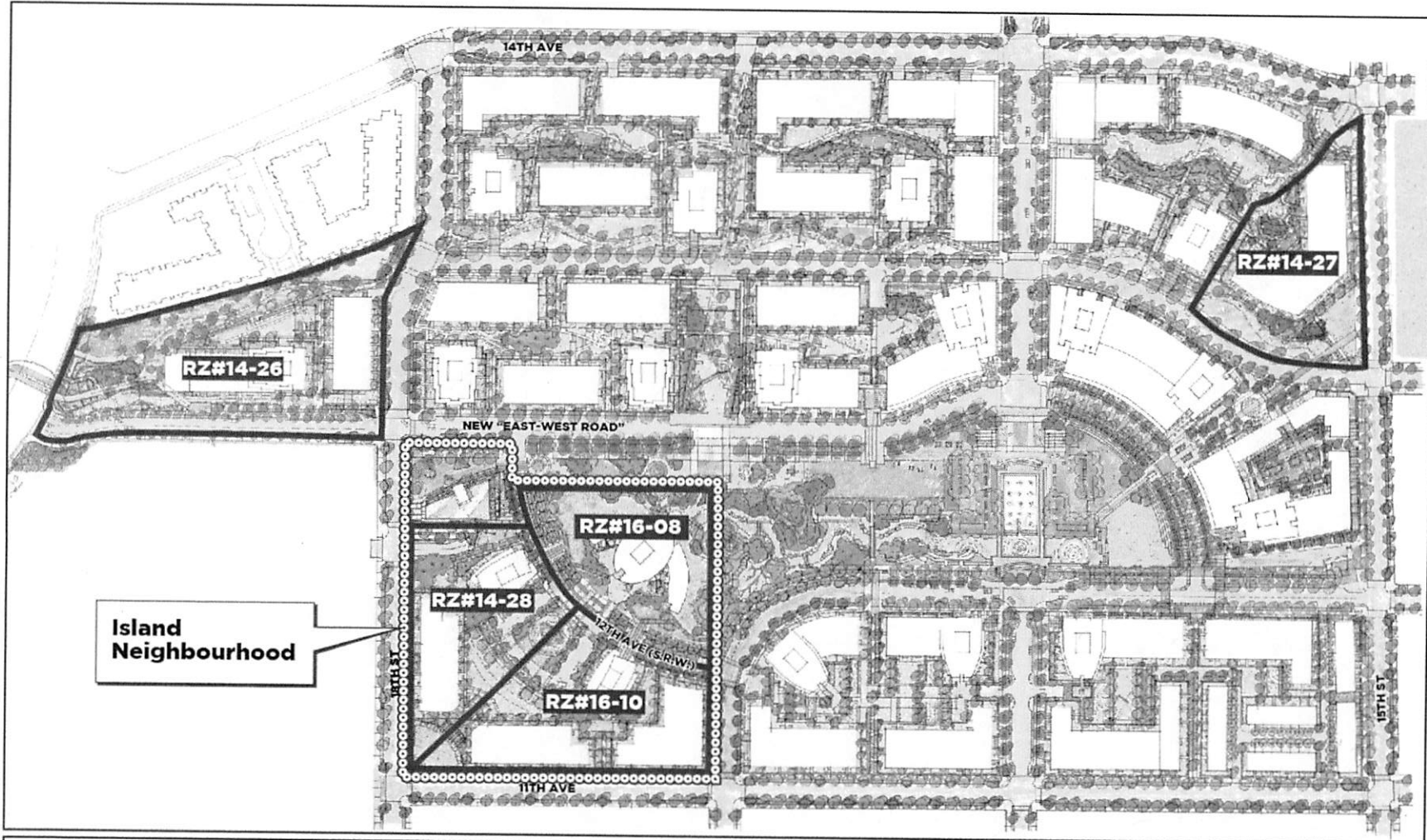


PLANNING & BUILDING DEPARTMENT

Note: Composite Site Plan to Change



Printed on February 20, 2017



SKETCH 3
Southgate Master Plan Rezoning



PLANNING AND BUILDING DEPT.
2016 03 14



Item
Meeting 2017 February 27

COUNCIL REPORT

TO: CITY MANAGER 2017 February 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-46**
Rezoning and Sixteen Lot Subdivision

ADDRESS: 3550 Wayburne Drive (see *attached* Sketch #1)

LEGAL: Lot 5, DL 73, Group 1, NWD Plan 29441

FROM: P2 Administration and Assembly District

TO: R3 Residential District

APPLICANT: Symphony Homes Limited
234 - 4820 Kingsway
P.O. Box 1236
Burnaby, BC V5H 4P1
(Attn: Gurdeep Kainth)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2017 March 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 March 06, and to a Public Hearing on 2017 March 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. 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 #16-46
 2017 February 22 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 submission of an undertaking to remove all existing improvements from the site prior to or within six months of the rezoning being effected.

Demolition of any improvements will be permitted at any time provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Second Reading, Third Reading and/or Final Adoption of the Rezoning Bylaw.

- e) The completion of the necessary subdivision is required.
- f) The granting of any necessary dedications, statutory rights-of-way, easements and/or covenants deemed requisite.
- g) A tree survey and arborist's report for the site will be required to determine whether any existing trees are suitable for retention. The removal of trees over 20 cm (8 inches) in diameter will require a tree removal permit.
- h) The retention of identified existing trees on the site, their protection by registration of a Section 219 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.
- i) The review of a detailed Sediment Control System by the Director Engineering.
- j) The deposit of the applicable Parkland Acquisition Charge.
- k) The deposit of the applicable GVS & DD Sewerage Charge.
- l) The deposit of the applicable School Site Acquisition Charge.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to facilitate subdivision of the subject property into 16 residential lots (see *attached* Sketch #2), and to allow for construction of one single family dwelling on each created lot.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference#16-46
 2017 February 22..... Page 3

2.0 BACKGROUND

- 2.1 On 2016 November 21, Council received the report of the Planning and Building Department regarding the rezoning of the subject site and authorized the Department to continue to work with the applicant to prepare 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 the Public Hearing.
- 2.2 The subject property is located between Wayburne Drive, Westminster Avenue and Woodsworth Street. This property, which is zoned P2 Administration and Assembly District, is located within the Douglas - Gilpin neighbourhood and is designated Single Family Suburban in the Official Community Plan (OCP).
- 2.3 The property is neighbouring Grandview Industrial Estate to the north and west with BCIT campus beyond, an R3 Residential District area to the east and Forest Lawn Cemetery and Greentree Village (a comprehensively planned residential development containing townhouse and single family dwellings) to the south.
- 2.4 The subject property was originally zoned P5 Community Institutional District, at the outset of Grandview Industrial Estate development, in order to provide a transition from the industrial area on the west to the residential area to the east and south. In 1969, the property was rezoned from P5 to P2 Administration and Assembly District (Rezoning #81-68) to allow for the construction of Gizeh Shriners' lodge facility. The existing building will be demolished as part of the proposed residential development.
- 2.5 Given the proposed change to the neighbourhood from institutional to residential uses, as a result of this rezoning application, the applicant was required to host a neighbourhood open house in advance of the application proceeding to the Public Hearing. The applicant hosted an open house on 2017 January 05 from 5:00 to 7:00 p.m. According to the applicant, notifications of the open house were hand delivered to the residential neighbourhood immediately east of the subject site. The notification was also published in the Burnaby Now on 2016 December 28.
- 2.6 As stated by the applicant, ten people attended the public open house. At the meeting, a questionnaire was provided to gauge the neighbours' support for the proposed development. In general, the applicant stated that attendees were in support of the proposed single family development. However, concerns were raised regarding an increased traffic and parking issues in the area.

3.0 GENERAL COMMENTS

- 3.1 The applicant is seeking to rezone the property from the P2 Administration and Assembly District to the R3 Residential District to facilitate subdivision of the property into 16 lots for the development of 16 new single family dwellings.

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 From: Director Planning and Building
 Re: Rezoning Reference#16-46
 2017 February 22..... Page 4

Under the R3 District, each lot with a single family dwelling shall have an area of not less than 557.40 m² (6,000 sq. ft.) and a width of not less than 15.0 m (49.2 ft.). The subject property has an area of 11,490.54 m² (123,683 sq. ft.), and an average width of 119.21 m (391 ft.). The applicant proposes to create 16 lots with an average lot area of 662.26 m² (7,129 sq. ft.), ranging from 559.3 m² (6,020 sq. ft.) to 1,037.8 m² (11,171 sq. ft.). The proposed lots have an average lot width of 21.67 m (71 ft.), ranging from 15.0 m (49 ft.) to 72.45 m (238 ft.). The proposed lots meet the minimum area and width requirements of the R3 District. The proposed subdivision is required to meet all the requirements of the R3 Residential District for the subdivision approval.

3.2 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:

- the dedication of 0.6 m (2.0 ft.) along the Wayburne Drive frontage;
- the construction of Wayburne Drive to its final standard, across the development frontage, complete with a 1.8 m (5.9 ft.) front boulevard with street trees, a 1.5 m (4.9 ft.) separated sidewalk, and a 1.2 m (3.9 ft.) back boulevard, including provision for a common fencing/hedge treatment on the lots fronting Wayburne Drive;
- the construction of Westminster Avenue to its final standard, across the development frontage, and further to the north boundary of Laurel Street right of way, complete with a 1.8 m (5.9 ft.) front boulevard with street trees and street lighting, a 1.5 m (4.9 ft.) separated sidewalk, and a 1.2 m (3.9 ft.) back boulevard;
- the construction of Woodworth Drive to its final standard, across the development frontage, complete with a 1.8 m (5.9 ft.) front boulevard with street trees, and a 1.5 m (4.9 ft.) separated sidewalk and a 1.2 m (3.9 ft.) back boulevard;
- the construction of a 1.5 m (4.9 ft.) sidewalk connecting the Wayburne Drive and Westminster Avenue sidewalks;
- the construction of driveway access on the proposed Lot 1 through Lot 8, and Lot 11 through Lot 16, from the lane;
- the construction of driveway access on the proposed Lot 9 and Lot 10, from Westminster Avenue;
- all necessary dedications will be determined by a detailed road geometric;
- the installation of sanitary sewer, storm sewer and waterline upgrades along Westminster Avenue; and,
- the consideration of Rainwater Management Amenity designs beyond the standard features, such as permeable roads and driveways, and etc.

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 Re: Rezoning Reference#16-46
 2017 February 22..... Page 5

3.3 Development Cost Charges:

- Parkland Acquisition Charge of \$6,521.00 per lot;
- School Site Acquisition Charge of \$1,000 per unit; and,
- GVS & DD Sewerage Development Cost Charge of \$1,731 per unit.

3.4 Engineering Environmental Services Division will need to review the submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.

4.0 DEVELOPMENT PROPOSAL

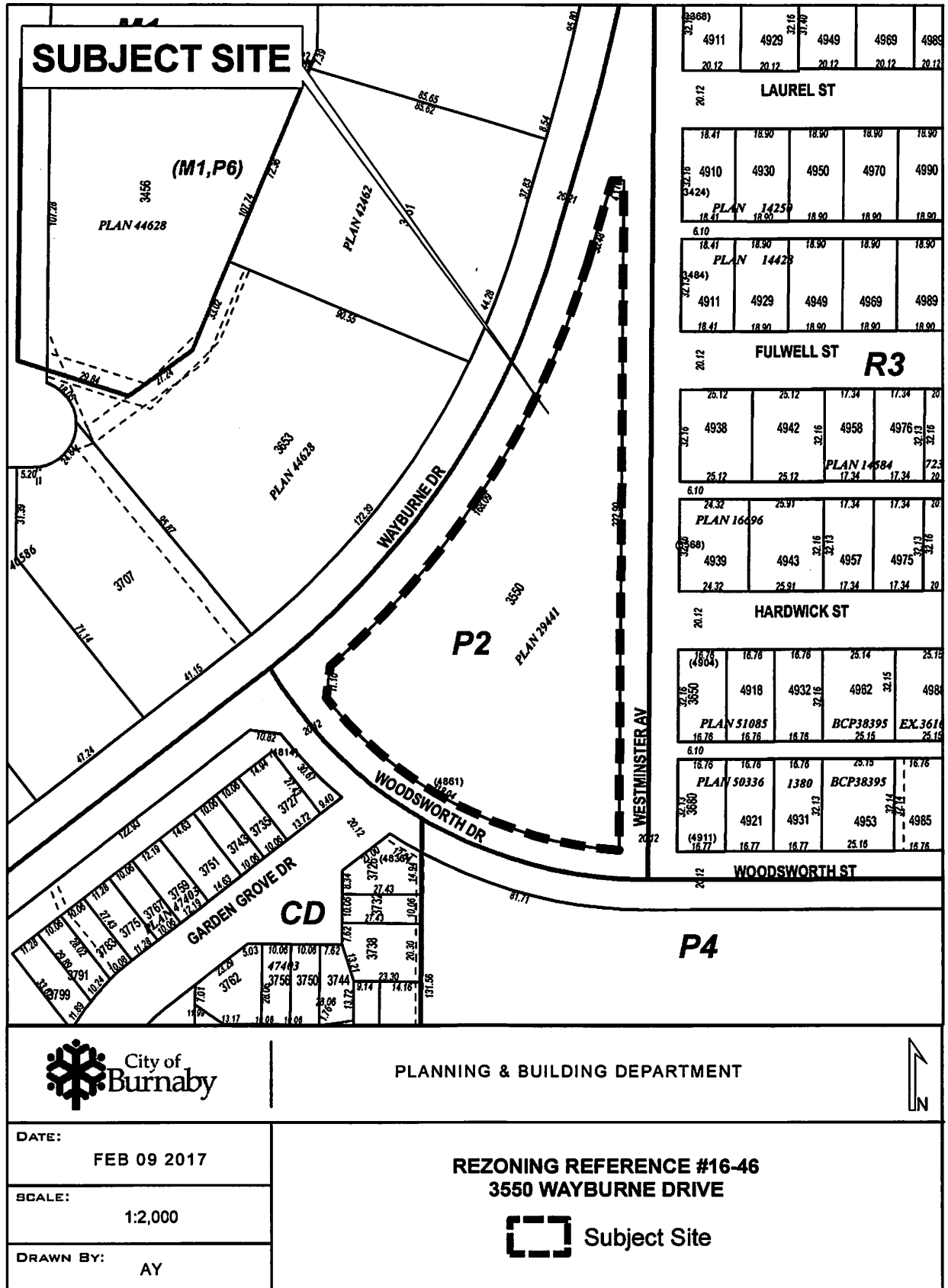
- | | | |
|-----|-------------------------------------|---|
| 4.1 | <u>Site Area</u> | - 11,490.54 m ² (123,683 sq.ft.) |
| 4.2 | <u>Proposed Lot Yield</u> | - 16 Lots |
| 4.3 | <u>Proposed Minimum Lot Area</u> | - 559.3 m ² (6,020 sq.ft.) |
| 4.4 | <u>Lot Coverage</u> | - 40% |
| 4.5 | <u>Density and Gross Floor Area</u> | - the lesser of a floor area ratio of 0.60 or
370 m ² (3,983 sq.ft.) |
| 4.6 | <u>Building Height</u> | - 2 ½ storeys and 9.0 m (29.5 ft.) for a
building with a sloping roof, or
- 2 ½ storeys and 7.4 m (24.3 ft.) for a
building with a flat roof |
| 4.7 | <u>Vehicle Parking</u> | - two spaces per single family dwelling |


 Lou Pelletier, Director
 PLANNING AND BUILDING

PS:spf
Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

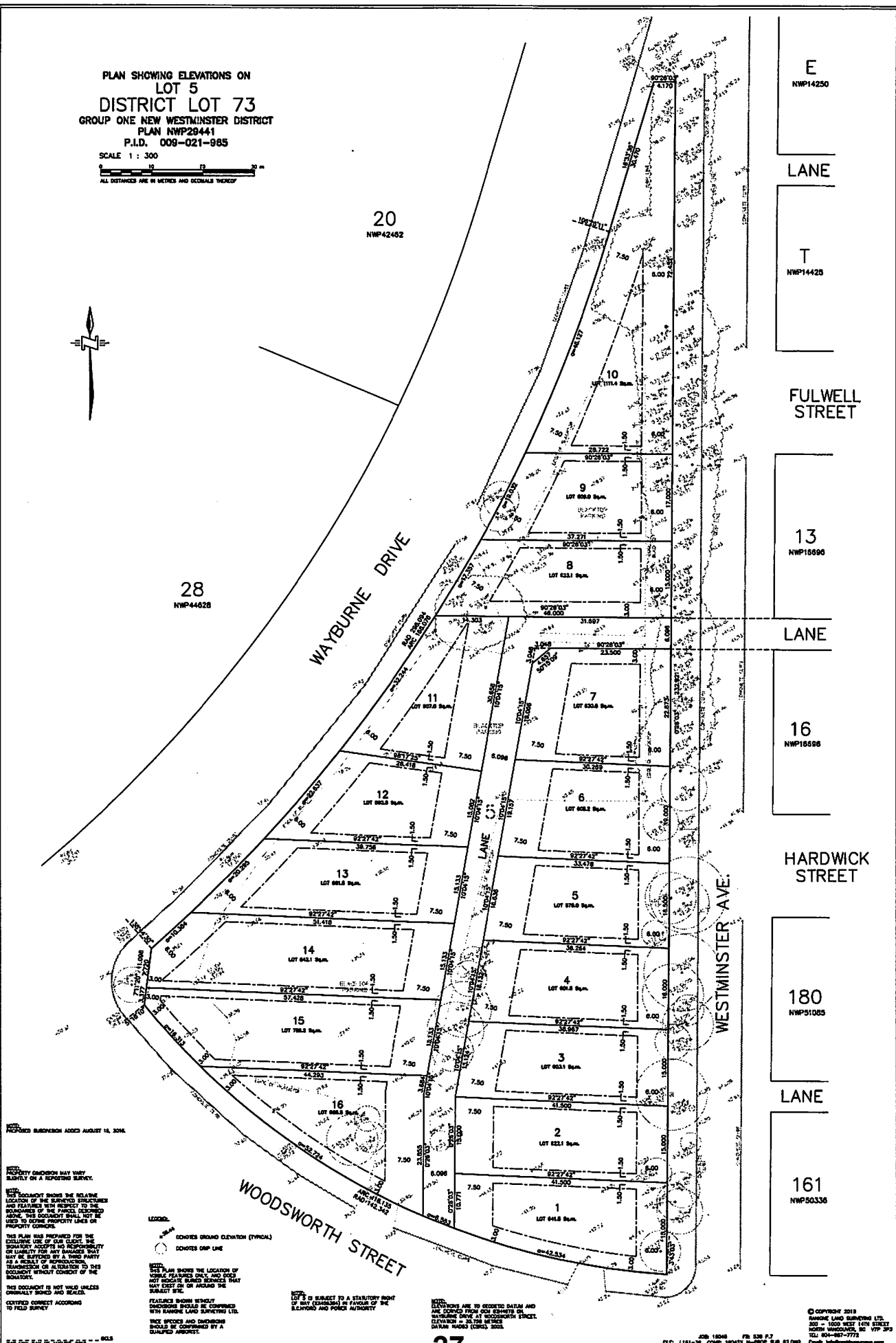
P:\REZONING\Applications\2016\16-46 3550 Wayburne Drive\Rezoning Reference 16-46 PH Report 20170227.docx



Sketch #1

PLAN SHOWING ELEVATIONS ON
LOT 5
DISTRICT LOT 73
GROUP ONE NEW WESTMINSTER DISTRICT
PLAN NWP29441
P.I.D. 009-021-985

SCALE 1 : 300
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF



RECEIVED SURVEYOR AUGUST 16, 2016

PROPERTY CHANGES MAY VARY SLIGHTLY ON A REPEATING SURVEY.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND PLANNED VEHICULAR TRAFFIC WITH RESPECT TO THE BOUNDARIES OF THE LAND. IT DOES NOT GUARANTEE THAT THE STRUCTURES WILL BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF OUR CLIENT. THE SURVEYOR ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF REPRODUCTION, TRANSMISSION OR ALTERATION TO THIS DOCUMENT WITHOUT CONSENT OF THE SURVEYOR.

THIS DOCUMENT IS NOT VALID UNLESS CORRECTED ACCORDING TO FIELD SURVEY.

LEGEND:
● BENCHMARK
○ BENCHMARK
— BENCHMARK LINE

NOTE:
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY AND DOES NOT INCLUDE BOUNDARIES THAT MAY EXIST ON OR AROUND THE SUBJECT ETC.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE COMPARED WITH BOUNDARY SURVEYING LIT.

NOTE:
LOT 3 IS SUBJECT TO A STATUTORY RIGHT OF WAY GRANTED IN FAVOR OF THE BURNABY AND FORTH AUTHORITY

NOTE:
ELEVATIONS ARE TO GEODETIC DATUM AND ARE CORRECTED FROM POS CORNERS ON WAYBURN DRIVE AT WOODSWORTH STREET. ELEVATION = 30.00 METRES. DATUM: NAD83 (CGCS 2011).

E
NWP14250

LANE

T
NWP14428

FULWELL STREET

13
NWP16690

LANE

16
NWP16698

HARDWICK STREET

180
NWP51085

LANE

161
NWP50336

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BURNABY LAND SURVEYING LTD.
300 - 1500 WEST 15TH STREET
BURNABY, BC V5P 3P3
TEL: 604-467-7778
Email: info@burnabylandsurveying.com

**The following items of
correspondence were received
expressing opposition to
Rezoning Reference # 16-46.**

Ibrahim, Sabreena

From:	Chris Puzio	Rez Ref # <u>16-46</u>
Sent:	March-27-17 2:13 PM	
To:	Clerks	Bylaw # <u>13730</u>
Subject:	Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 11, 2017 - Bylaw No. 13730	

I am writing in response to the bylaw amendment being put forward to Council on March 28th.

I am a resident at 3743 Garden Grove Dr, my house is located within 100 meters of the area being considered for the bylaw amendment.

I grew up in the Greentree Village and called have called this place home for over 20 years.

I am concerned with the proposal and bylaw amendment being put forward. I see this proposal as a missed opportunity for Barnaby to address serious local and regional concerns around affordability, family housing, and complete communities.

I am concerned that by allocating the land to build 16 residential lots for large single family homes that the City is missing the mark to help families and people struggling with affordability to settle in Burnaby.

I am concerned that the social and cultural fabric of Greentree Village will move away from being one that is inviting to families and shifts rather shifts to a community for the rich and over housed.

There is a great opportunity with this site to revitalize the Greentree Village community with affordable family housing, as well as providing purpose built rental housing for young workers, and students.

The site off of Wayburn drive is historically underutilized outside of providing parking for BCIT students. The location is prime as its close to bus stops, and easily accessible from the Trans-Canada, this space would be wasted on 16 residential lots allocated to only single family homes.

I would have specific suggestions on what i would like to see with this site: medium density RM housing with access to amenities like a grocery store, parks, and childcare services. I would encourage staff to study the demand for these services in the area, I believe they would find that residents in the Deer Lake - Douglas Road community are very much undeserved when it comes to these types of amenities. This project can potentially be flagship project for the city and its ability to deliver sustainable complete affordable communities for young families, students, and workers.

I highly encourage council and staff not to accept this bylaw amendment and instead pursue a change to an RM type zoning which will support medium density affordable living for current and future Burnaby families.

Thank you

Chris Puzio (____)
3743 Garden Grove Dr. Burnaby, BC
V5G 4A5

Ibrahim, Sabreena

From: Kristina Preston
Sent: March-25-17 9:05 PM
To: Clerks
Subject: Bylaw No. 13730

Rez Ref # 16-46
Bylaw # 13730

I am writing about

Burnaby Zoning Bylaw 1965,
 Amendment Bylaw No. 11, 2017 - Bylaw No. 13730
 Rez. #16-46
 3550 Wayburne Drive

From: P2 Administration and Assembly District
To: R3 Residential District

I am writing to say that I am against the bylaw for the following reasons:

- 16 units is too many single family dwellings on the area of land. The dwellings will have no yard/green space.
- I would like to see some of the space used for daycare which is desperately needed in the area. Most of the neighbouring residences are townhouses, which either by strata rules and/or size constraints cannot operate daycares out of their homes. All of the daycares within a 5km radius have wait lists.

Why is it when BCIT proposed putting up a sign on Willingdon notices were delivered our homes but for a potentially large development right beside us we get less than a month's notice and minimal details about proposed changes? How will this development impact traffic flow? Will any of the dwellings be rental or social housing both of which are desperately needed in this neighbourhood? Will these dwellings allow for tenants which will further impact parking in the area?

Thank you for reading and taking my concerns in account. I have spoken to neighbours but due to the short notice of the meeting none of us were able to attend in person.

Kristina Preston
 4715 Laurelwood Place
 Burnaby, BC V5G4B3



Meeting 2017 February 06

COUNCIL REPORT

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2017 JANUARY

RECOMMENDATION:

1. THAT Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 2.0 of this report, for advancement to a Public Hearing at a future date.

REPORT

The Planning and Development Committee, at its meeting held on 2017 January 31, received and adopted the attached report proposing a number of text amendments to the Burnaby Zoning Bylaw.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor S. Dhaliwal
Member

<p>Copied to: City Manager Director Planning & Building Director Public Safety & Community Services Director Engineering Chief Building Inspector Chief Licence Inspector City Solicitor</p>
--



Meeting 2017 January 31

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 2017 January 26

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20
Reference: Bylaw Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2017 JANUARY

PURPOSE: To propose a number of text amendments to the Burnaby Zoning Bylaw.

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 2.0 of this report, for advancement to a Public Hearing at a future date.

REPORT

1.0 BACKGROUND INFORMATION

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 the bylaw, 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 changes in forms of development, land uses, and social trends.

This report presents five Zoning Bylaw text amendments regarding: (1) required parking spaces for liquor licence and similar establishments for the sale and consumption of food or beverages on the premises; (2) mobile retail carts; (3) public assembly and entertainment uses; (4) maximum height of fences/walls located anywhere on a property; and (5) minimum clearance of required off-street parking spaces.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 Parking Requirements for Liquor Licence and Similar Establishments

Issue

Section 800.4(19) of the Zoning Bylaw requires “liquor licence and similar establishments for the sale and consumption of food or beverage on the premises” to provide one parking space per

To: Community Development Committee
 From: Director Planning and Building
 Re: Burnaby Zoning Bylaw Text Amendments – January 2017
 2017 January 26..... Page 2

five seats, regardless of the number of seats in the facility. This contrasts from the parking requirements for “restaurants or eating establishments”, which have varying parking requirements based on the number of seats. The parking standard in Section 800.4(19) therefore unnecessarily restricts the permitted number of seats in liquor licence and similar establishments with 50 seats or less.

Discussion

On July 20, 2016, Council received a report regarding a lounge endorsement application for Dageraad Brewing, a liquor manufacturer located at #114 and #116 – 3191 Thunderbird Crescent. The purpose of the application was to propose an accessory lounge¹ with a total area of approximately 79.19 m² (852 sq.ft.) and a maximum of 50 seats. The report supported the proposed accessory lounge use and also recommended a text amendment to the parking requirements of the Zoning Bylaw.

“Liquor licence and similar establishments for the sale and consumption of food or beverages on the premises” are similar to “restaurants and eating establishments” with regards to parking needs. However, the Zoning Bylaw defines different parking requirements for these two uses. Section 800.4(19) of the Zoning Bylaw requires liquor licence and similar establishments to provide one parking space per five seats. This differs from the parking requirements for restaurants and eating establishments, which are as follows:

- a) establishments with more than 50 seats: one parking space per five seats;
- b) establishments with 50 seats or less not located in a shopping centre: one parking space per 46 m² (495 sq.ft.) of gross floor area; and,
- c) establishments with 50 seats or less located in a shopping centre: equal number to that required for a retail store occupying equal floor space in a shopping centre.

Based on these requirements, the Zoning Bylaw requires more parking spaces for liquor licence and similar establishments than the same size restaurant or eating establishment with 50 seats or less. In many cases, this parking requirement unnecessarily restricts the permitted number of seats in liquor licence and similar establishments with less than 50 seats. For instance, based on the eight parking spaces available at the subject site for Dageraad Brewing lounge customers, the maximum number of seats permitted is 40. A restaurant occupying the same space would be permitted 50 seats. A text amendment to the parking requirements of the Zoning Bylaw is therefore recommended in order to align the parking requirements of “liquor licence and similar

¹ A liquor licence establishment requires a liquor primary licence or a liquor primary club licence under the *Liquor Control and Licensing Act*. An “accessory lounge” is distinct from a liquor licence establishment in that a lounge endorsement is an accessory use that is permitted as an endorsement to a liquor manufacturer’s licence. The accessory lounge use is considered as a “similar establishment” to the liquor licence establishment in the Zoning Bylaw.

To: Community Development Committee
 From: Director Planning and Building
 Re: Burnaby Zoning Bylaw Text Amendments – January 2017
 2017 January 26..... Page 3

establishments for the sale and consumption of food or beverages on the premises” with that of “restaurants and eating establishments”.

It should be noted that the implications of the proposed text amendment on other existing liquor licence and similar establishments in the City would be minimal, as only three existing establishments (two within hotels and one within a bowling alley) have 50 seats or less. The parking requirements for establishments having more than 50 seats would remain the same.

Recommended Bylaw Amendment

1. **THAT** Section 800.4(19) of the Zoning Bylaw be amended to require liquor licence and similar establishments for the sale and consumption of food or beverages on the premises having more than 50 seats, to provide one parking space for each five seats.
2. **THAT** Section 800.4(19a) of the Zoning Bylaw be amended to require liquor licence and similar establishments for the sale and consumption of food or beverages on the premises having 50 seats or less and are not located in a shopping centre, to provide one parking space per 46 m² (495.16 sq.ft.) of gross floor area.
3. **THAT** Section 800.4(19b) of the Zoning Bylaw be amended to require liquor licence and similar establishments for the sale and consumption of food or beverages on the premises that are located in a shopping centre and have 50 seats or less to provide an equal number of parking spaces to that required for a retail store occupying equal floor space in a shopping centre.

2.2 Mobile Retail Carts

Issue

The mobile retail cart² is a permitted use in the C2 Community Commercial, C3 General Commercial, C4 Service Commercial, C8 Urban Village Commercial (Hastings), and M1 Manufacturing Districts. These zoning districts require that all permitted businesses and undertakings be conducted within a completely enclosed building, as a condition of use. This limits the location and operation of mobile retail carts in the subject districts to the indoors..

Discussion

The Zoning Bylaw requires that all permitted businesses and undertakings in most commercial and industrial districts be located within an enclosed building, with the exception of certain outdoor uses.

² A mobile retail cart is defined in the Zoning Bylaw as a cart having maximum ground coverage of 3.72 m² (40 sq.ft.) that is capable of being moved by one person and is intended for use as a temporary location for the retail of goods or services on an appropriately zoned property.

To: Community Development Committee
 From: Director Planning and Building
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“Mobile retail carts” were first introduced as a permitted use in Burnaby when the Zoning Bylaw was amended in 1993, to permit their operation in the finished and pedestrian-oriented open spaces in the C3 District. The Bylaw was also amended to exclude mobile retail carts from being enclosed within a building. In 1995, the Zoning Bylaw was further amended to permit “mobile retail carts” as an accessory use to principal retail uses in the C2, C4, C8, M1, M2 and M3 Districts. The Bylaw was not amended at that time to exclude mobile retail carts operating in the C2, C4, C8, M1 and M2 districts from being enclosed within a building.

Considering mobile retail cart businesses often operate outdoors and cater to pedestrians, it is recommended that mobile retail carts be excluded from being enclosed within a building in the subject districts of C2, C4, C8, M1 and M2.

Recommended Bylaw Amendment

1. **THAT** Section 302.2(1) of the Zoning Bylaw (C2 Community Commercial District’s Conditions of Use) be amended to include “mobile retail cart”.
2. **THAT** Section 304.2(1) of the Zoning Bylaw (C4 Service Commercial District’s Conditions of Use) be amended to include “mobile retail cart”.
3. **THAT** Section 308.3(1) of the Zoning Bylaw (C8 Urban Village Commercial (Hastings) District’s Conditions of Use) be amended to include “mobile retail cart”.
4. **THAT** Section 401.2(1) of the Zoning Bylaw (M1 Manufacturing District’s Conditions of Use) be amended to include “mobile retail cart”.
5. **THAT** Section 402.2(1) of the Zoning Bylaw (M2 General Industrial District’s Conditions of Use) be amended to include “mobile retail cart”.

2.3 Public Assembly and Entertainment Uses

Issue

Public assembly and entertainment uses are permitted in the C2 Community Commercial, C3 General Commercial, C4 Service Commercial, and C8 and C9 Urban Village Commercial Districts. Each zoning district schedule lists examples of the type of public assembly and entertainment uses, but no definition is contained in the Bylaw. To address this matter, a definition is proposed.

Discussion

Due to the evolving nature of entertainment and lifestyle needs, many of the examples, such as catering establishments, roller rinks, and etc. that were specified at the time the Zoning Bylaw was first adopted in 1965 are no longer common or relevant. The inclusion of a definition for the

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“public assembly and entertainment uses” in the Zoning Bylaw will support clarity in the Bylaw for accommodation of contemporary assembly/entertainment uses.

In order to better accommodate emerging uses while also addressing the community’s assembly/entertainment needs at the neighbourhood, local, and municipal levels, it is recommended that: (1) “Public Assembly and Entertainment Use” be defined in the Zoning Bylaw; and (2) “Public Assembly and Entertainment Use” be permitted in the C2, C3 and C4 Districts as a general use, with examples of specific uses only being provided in the definition. It is anticipated that this amendment would better accommodate assembly/entertainment uses that meet market demand and needs into the future. It should be noted the public assembly and entertainment uses are currently permitted in the C8 and C9 Districts without providing examples of specific uses.

Recommended Bylaw Amendment

1. **THAT** Section 3 of the Zoning Bylaw be amended to include a definition of “Public Assembly and Entertainment Use”, same or similar to the following definition:

“Public Assembly and Entertainment Use” means the use of a building or an establishment for assembly or entertainment, including bowling alleys, meeting halls, theaters, auditoriums, swimming pools, curling rinks and similar uses, but excludes amusement arcades, billiard halls, discotheques, gaming facilities and gaming houses.

2. **THAT** Section 302.1(7) of the Zoning Bylaw (C2 Community Commercial District’s Permitted Uses) be replaced with the same or similar wording as follows:

Public assembly and entertainment uses, excluding drive-in theatres.

3. **THAT** Section 303.1(13) of the Zoning Bylaw (C3 General Commercial District’s Permitted Uses) be replaced with the same or similar wording as follows:

Public assembly and entertainment uses, excluding drive-in theatres.

4. **THAT** Section 304.1(23) of the Zoning Bylaw (C4 Service Commercial District’s Permitted Uses) be replaced with the same or similar wording as follows:

Public assembly and entertainment uses.

2.4 Maximum Height of Fences/Walls Located Anywhere on the Property

Issue

Sections 6.14(5)(a) of the Zoning Bylaw allows fences or walls not greater than 1.0 m (3.28 ft.) in height to be located anywhere on a property in all zoning districts. Section 6.13(1) further

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regulates this maximum 1.0 m (3.28 ft.) height within defined vision clearance areas at intersections. This specified height is not consistent with the BC Building Code's (BCBC) minimum height requirement for exterior guards.

Discussion

Section 9.8.8.3(1) of the 2012 BCBC requires that all exterior guards, with some exceptions, be not less than 1.07 m (3.51 ft.) in height. However, sections 6.13(1) and 6.14(5a) of Zoning Bylaw limits fence or wall height to a maximum 1.0 m (3.28 ft.).

The BCBC requires that all municipal bylaws regulating construction of buildings and structures comply with the Code. Accordingly, a variance to the Zoning Bylaw is required on a case by case basis to ensure the BCBC's minimum 1.07 m (3.51 ft.) height requirement is met. Considering the minor difference (0.07 m [0.23 ft.]) between the height limitation of the Zoning Bylaw and the minimum height requirement of the BCBC for the fence, wall, or guard, it is recommended that the height specifications in sections 6.13(1) and 6.14(5)(a) of the Zoning Bylaw be amended to be consistent with the minimum height requirement of the BCBC. The proposed amendment will not impact the Bylaw's objective of ensuring vision clearance at intersections.

Recommended Bylaw Amendment

1. **THAT** Section 6.13(1) of the Zoning Bylaw (Vision Clearance at Intersections) be amended to increase the maximum height of a fence, wall or structure, other than a permitted street canopy in a C2, C3 or C4 District or a permitted principal building, from 1.0 m (3.28 ft.) to 1.07 m (3.51 ft.).
2. **THAT** Section 6.14(5)(a) of the Zoning Bylaw (Fences) be amended to increase the maximum height of fences or walls located anywhere on the lot, in all zoning districts, from 1.0 m (3.28 ft.) to 1.07 m (3.51 ft.).

2.5 Minimum Clearance Required for Off-Street Parking Spaces

Issue

Section 800.7(2) of the Zoning Bylaw requires a minimum clear height of 2.1 m (6.89 ft.) for off-street parking spaces. This provision of the Bylaw is not consistent with the minimum height requirement of the British Columbia Building Code (BCBC) for a storage garage.

Discussion

The 2012 BCBC requires that the clear height in a storage garage shall be not less than 2.0 m (6.56 ft.). However, the Zoning Bylaw specifies a minimum clear height of 2.1 m (6.89 ft.) for off-street parking. The purpose of this bylaw provision is to ensure adequate ceiling height of the parking spaces.

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Given the BCBC requires that all municipal bylaws regulating construction of buildings and structures comply with the Code, it is recommended that Section 800.7(2) of the Zoning Bylaw be amended to reflect the minimum clear height requirement of the BCBC for a storage garage. The proposed amendment will not impact the Bylaw's objective of ensuring the adequate ceiling height of the parking spaces.

Recommended Bylaw Amendment

1. **THAT** Section 800.7(2) of the Zoning Bylaw (the minimum dimensions of off-street parking spaces) be amended to reduce the minimum height of the parking spaces from 2.1 m (6.89 ft.) to 2.0 m (6.56 ft.).

3.0 CONCLUSION

The above zoning bylaw text amendments are proposed in order to clarify certain aspects of the bylaw, make amendments in support of existing practices, as well as respond to changes in related legislation. It is recommended that Council approve the above proposed text amendments, as outlined in Section 2.0, of this report for advancement to a Public Hearing at a future date.


 Lou Pelletier, Director
 PLANNING AND BUILDING

PS:spf

cc: City Manager
 Director Engineering
 Director Public Safety and Community Services
 Chief Building Inspector
 Chief Licence Inspector
 City Solicitor
 City Clerk

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