



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 OCTOBER 17 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

CALL TO ORDER

PAGE

ZONING BYLAW AMENDMENTS

- 1) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 34, 2017 - Bylaw No. 13801

1

Rez . #16-27

4285 and 4295 Dawson Street

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and Brentwood Town Centre Development Plan as guidelines)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 37 storey high-rise residential building atop a 3 level commercial podium.

2) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 35, 2017 - Bylaw No. 13802

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TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to amend the Burnaby Zoning Bylaw 1965 in regard to (1) repealing screening requirements for a child care facility or home-based child care facility operated as a home occupation in R Districts; (2) to repeal the Preliminary Plan Approval (PPA) requirement for a child care facility operating in a single-family dwelling; and (3) to permit crematoria and mausoleums in P4 Cemetery District subject to rezoning to the Comprehensive Development (CD) 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:

- **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 October 17 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 October 4 to 2017 October 17 .

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

D. Back
CITY CLERK

**The following item(s) of
correspondence were received in
opposition to Rezoning Reference #
16-27.**

From: Narayan Raghunathan
Sent: October-11-17 1:47 PM
To: Clerks
Subject: REZONING # 16-27

Rez Ref # 16-27
Bylaw # 15801

To:
The Office of the City Clerk,
Dear Sir,

As occupants of #1206 - 2138 Madison Avenue, Burnaby B.C., my wife Meera Raghunathan and myself Narayan Raghunathan, would like to convey our objection to the re-zoning of the 4285 and 4295 Dawson Street. This would create unsustainable traffic in an already busy area with huge developments already coming up in the Brentwood Town centre area and in the Solo district. If it were a low rise building the damage would not be that much as opposed to a 37 storey high mega structure.

Yours truly,
Narayan Raghunathan and
Meera Raghunathan



Item
Meeting 2017 September 18

COUNCIL REPORT

TO: CITY MANAGER 2017 Sept 13

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-27**
High Rise Apartment Tower with Commercial Podium
Brentwood Town Centre Development Plan

ADDRESS: 4285 and 4295 Dawson Street (see *attached* Sketches #1 and #2)

LEGAL: Lots' 1 and 2, DL 119, Group 1, NWD Plan 70369

FROM: M1 Manufacturing District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and Brentwood Town Centre Development Plan as guidelines)

APPLICANT: IBI Group
 700 – 1285 West Pender Street
 Vancouver, BC V6E 1B1
 (Attn: Martin Bruckner)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2017 October 17.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 October 2, and to a Public Hearing on 2017 October 17 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 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.

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 Re: Rezoning Reference #16-27
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- d. The submission of an Undertaking to remove all improvements prior to Final Adoption of the Bylaw, 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. If requested, demolition may be delayed to more closely coincide with approval of building permits.
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.6 of this report.
- f. The granting of any necessary Covenants, including but not necessary limited to, Section 219 Covenants:
 - restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - providing for future air space parcels covering both the commercial and residential components to ensure that the density of development of air space parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as an integrated development;
 - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation;
 - ensuring compliance with the approved acoustic study;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring that the site can be used safely in accordance with the approved geotechnical study;
 - ensuring that the water table will not be drawn down during and after development;
 - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - ensuring the provision and ongoing maintenance of EV plug-in stations;
 - ensuring the provision and ongoing maintenance of car share vehicles;
 - ensuring the provision and ongoing maintenance of end-of-trip facilities; and,
 - restricting the use of guest rooms.
- g. The granting of any necessary easements and statutory rights-of-way.

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- h. The execution of an indemnity agreement by the developer saving the City harmless from all liability associated with this development in relation to its geotechnical and hydrological (including any potential contaminated groundwater) impacts to surrounding infrastructure and other nearby development.
- i. The approval of the Ministry of Transportation to the rezoning application.
- j. The design and provision of units adaptable to persons with disabilities with allocated handicap parking spaces protected by a Section 219 Covenant.
- k. The undergrounding of existing overhead wiring abutting the site.
- l. Compliance with the Council-adopted sound criteria.
- m. Submission of a Site Profile and resolution of any arising requirements.
- n. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- o. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- p. The review of on-site residential and commercial loading facilities by the Director Engineering.
- q. The provision of facilities for cyclists in accordance with this report.
- r. The review of a detailed Sediment Control System by the Director Engineering.
- s. Compliance with the guidelines for underground parking for visitors and commercial patrons.
- t. 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.
- u. The submission of a comprehensive sign plan.
- v. The consolidation of the net project site into one legal parcel.
- w. The deposit of the applicable Parkland Acquisition Charge.
- x. The deposit of the applicable GVS & DD Sewerage Charge.
- y. The deposit of the applicable School Site Acquisition Charge.

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- z. 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 this rezoning amendment is to permit the construction of a 37 storey high-rise residential building atop a 3 level commercial podium.

2.0 BACKGROUND

- 2.1 On 2016 July 25, 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 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.
- 2.2 The subject site is comprised of two lots currently zoned M1 Manufacturing District, which are currently occupied by three industrial buildings. Directly to the west is Phase III of the Gilmore Station Master Plan Rezoning Reference #14-21 which was granted Third Reading on 2017 July 24 and is currently occupied by older industrial buildings. Beyond and to the northwest is Phase I of the Gilmore Station Master Plan which is the subject of four rezoning applications (Rezoning References #15-54, #15-55, #15-56 and #15-57) which were granted Second Reading on 2017 January 23. To the south across Dawson Street is an industrial building with residential towers and street fronting townhouses beyond (Rezoning Reference #02-38). To the east directly across Madison Avenue is a six storey, mixed-use low-rise residential building with commercial at grade approved under Rezoning Reference #14-15 (currently under construction) with older industrial buildings on Dawson Street and Rosser Avenue beyond. Directly to the north is the Destination Honda dealership with Lougheed Highway beyond. To the northeast is a multi-family residential tower with street fronting town houses on Lougheed Highway (Rezoning Reference #02-03). Vehicular access to the site is currently from Dawson Street.
- 2.3 On 2017 July 24, Council granted Third Reading to Rezoning Reference #14-21 for the Gilmore Station Master Plan for a phased mixed-use retail, office and multiple-family redevelopment of the Gilmore Station Area. Upon Second Reading of the Master Plan rezoning, the Brentwood Town Centre Plan was amended to reflect RM5's' Multiple Family Residential District and C3 General Commercial District designations as development guidelines for lands within the block bound by Lougheed Highway, Dawson Street, Gilmore Avenue and Madison Avenue, including the subject site. In accordance with the Council-

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adopted policy regarding application of 's' category zoning, the development is subject to there being significant community benefits, a sustainable redevelopment approach, exceptional public realm improvements, a high quality urban design and superior architectural expression. This site is also considered suitable for the proposed development given its strategic location in relation to the Millennium SkyTrain line and the nearby Gilmore SkyTrain station.

In terms of the governing allowable density for the site, the maximum allowable residential floor area ratio would be 5.0 FAR applicable to the net site; this is inclusive of an available 1.6 FAR amenity bonus and the maximum allowable commercial floor area would be 6.0 FAR applicable to the net site.

- 2.4 Burnaby has and continues to benefit from some very sound planning principles established early on in the City's development. Key to these is the Official Community Plan's designation of four Town Centre areas within the City which have and are intended to continue to accommodate a significant portion of the City's population and job growth, and which provide locations for the provision of community amenities going forward.

The creation of Town Centres at Metrotown, Brentwood, Edmonds and Lougheed have served the City well in protecting single- and two-family residential neighbourhoods from pressures to accommodate new growth, and have also allowed the City to preserve a significant component of its land base for park and open space. At the same time, they contribute to Regional Planning objectives, established by Metro Vancouver in the Regional Growth Strategy, that are of benefit both locally and more broadly. Within Burnaby, and other neighbouring cities, Town Centres are helping to meet regional goals to reduce pressures for development of habitat and agricultural lands, to focus jobs, people and services in walkable neighbourhoods that are and can be efficiently served by transit, and to reduce overall demands for travel by car with direct benefits to the environment, economy and the quality of life in the Region.

Further, Burnaby's Economic Development, Social and Environmental Sustainability Strategies, in addition to the Town Centre Plan, encourage: a varied range of housing options (including ground orientation); improved neighborhood livability, stability and accessibility; transit access and alternative forms of transportation; as well as green building policies. The subject rezoning application is consistent with these regional and municipal plans and policies.

- 2.5 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 37 storey apartment tower, located at the northwest corner of Madison Avenue and Dawson Street, above a 3 storey commercial podium – 2 stories of office above 1 storey of retail. The proposed development is in line with the Council adopted Brentwood Town Centre Development Plan.

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A total of 350 stratified apartment units, 44,982 sq.ft. office and 12,383 sq.ft. retail space are proposed. Parking for the proposed residential, office and retail development will be located underground with some at grade retail convenience parking located behind the building. Vehicular access to the parking area is through a proposed east-west lane located on a proposed statutory right of way on the north side of the site. Overall, the subject proposal exemplifies exceptional urban design and architectural expression related to the building's siting, massing, pedestrian orientation and materiality; meeting the standard expected for 's' Category development in the City's Town Centre areas.

- 3.2 The proposed tower design marks the corner of Dawson Street and Madison Avenue through a series of stacked, white painted concrete balconies, placed to create a unique and sculptural effect to the top of the tower, against a background of grey metal panel walls, and vision glass. The northwest corner of the tower is stepped back at the top levels so that the southeast corner stands alone and reads as the highest point of the tower to further enhance the corner expression at Dawson Street and Madison Avenue. The three story podium runs the length of the Dawson frontage, with vision glass window walls, and a repeating panel of dark grey spandrel glass running from top to bottom. An office lobby is located in the middle of the Dawson Street frontage to visually break up the length of the podium with a vertical indentation. The podium is also split horizontally between the 18 foot high retail space at street level and the two stories of office space above, by oversized white metal frames around the office space that help to ground the zig zagging balconies on the tower above to the ground plane. The frames split on Dawson Street to accentuate the office lobby and also on Madison Avenue to emphasise the residential entrance. On the northeast corner, a gracious amenity lobby is proposed, complete with meeting room, lounge area, mail room, separate elevator banks, and concierge services flanking Madison Avenue and opening out onto a lushly landscaped auto court and plaza at the rear of the building. Atop the commercial podium is an amenity level, complete with an indoor amenity area with fitness facility, multi-purpose lounge and games room, and a guest suite. The outdoor amenity area includes an outdoor fitness area, outdoor seating, children's play, BBQ area, vegetable garden and extensive rooftop landscaping. A significant public art piece will be provided on Madison Avenue in front of the lobby area in a publically accessible green space.

- 3.3 The applicant has submitted a Transportation Impact Analysis report. The subject development proposal will comply with the findings and recommendations of this study and will provide for the servicing applicable to the development.

The development proposal meets the required Burnaby Zoning Bylaw parking ratio of 1.1 spaces per residential unit (0.1 of which is for visitor parking) and 1 space per 46 m² (495.16 sq.ft.) of commercial (office and retail) gross floor area. To support the residential and commercial parking ratio, the developer has also provided for transportation alternatives. First, given the subject site's proximity to the Gilmore SkyTrain Station, the equivalent value of two zone transit passes are to be provided to 50% of the units for one year to residents seeking an alternative to car use and ownership. Second, the proposed development is providing twice the required secured bicycle parking, a 4 station bicycle repair/maintenance area and bike trailer storage area. The development will provide 4 co-op cars (provider to be determined), including required parking, plus an initial annual car share membership fee for each unit. Finally, 43 Electric Vehicle (EV) plug-in stations (10% of the residential parking)

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and 1 Level 2 DC fast charge stall available to all residents - including all necessary wiring, electrical transformer and mechanical ventilation modifications will be provided. This arrangement would provide greater access to alternative transportation for a greater number of residents. Moreover, by providing a significant number of EV plug-ins, electric vehicle ownership in a multi-family context is facilitated, thus further enabling sustainable transportation choices. A Section 219 Covenant and sufficient financial securities will be required to guarantee the provision and ongoing maintenance of provided vehicles, car share memberships, and EV plug-in stations.

- 3.4 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 or equivalent.
- 3.5 It is intended that the overall project would accommodate a broader spectrum of housing needs. To support this, the one bedroom unit sizes are generally based on the Zoning Bylaw minimum unit sizes for such dwellings in the P11e District (SFU), which requires a minimum area of 50m² (538.21 sq.ft.). Smaller one bedroom units (574 to 584 sq.ft.) are intended to provide a level of affordability for new home ownership, providing access to the market for first time home buyers. To offset the number of smaller one bedroom units, a commensurate number of larger two bedroom and den, and three bedroom units is proposed.
- 3.6 Given the site's Town Centre location, the applicant is proposing to utilize the allowable supplemental density provisions indicated within the Zoning Bylaw. In so doing, the applicant would achieve an additional 1.6 FAR in amenity bonus, which translates into 89,955.68 sq.ft. of bonused gross floor area (GFA) included in the development proposal. The Realty and Lands Division has initiated discussion with the applicant on the amenity bonus value. A separate report detailing the value of the density bonus will be forwarded to Council for consideration and approval prior to the subject amendment bylaw receiving Third Reading. Council approval of the density bonus value is a prerequisite condition of the rezoning.

In accordance with Council's adopted Community Benefit Bonus Policy, it is recommended that the community benefit funds be received as an undesignated cash contribution-in-lieu for the future provision of a community benefit with 80% of the cash-in-lieu contributions applied toward a Town Centre Financial Account to be utilized in the future to achieve priority amenities, as established by Council, including a new Brentwood Community Centre and Willingdon Parkway and 20% to the City wide Housing Fund.

- 3.7 The Director Engineering will assess the need for any further required services to the site, including, but not necessarily limited to:
 - construction of Madison Avenue to its final standard across the development frontage, with curb and gutter on both sides of Madison, separated sidewalks and bicycle facilities, street trees, rain gardens, street and pedestrian lighting with related public amenities;
 - construction of Dawson Street to its final standard across the development frontage, with separated sidewalks and bicycle facilities, street trees, street and pedestrian lighting with related public amenities;

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- construction of the East-West Lane, within a statutory right-of-way, to its approved standard across the north side of the development frontage;
 - construction of the North-South Lane, within a statutory right-of-way, to its approved standard on the west side of the development frontage;
 - undergrounding of overhead lines across the development frontage;
 - a contribution towards the proposed pedestrian and cycling overpasses at Beta Avenue, Willingdon Avenue, and Alaska Way; and
 - storm, sanitary sewer and water main upgrades as required.
- 3.8 The developer is providing 71 adaptable units (20% of total number of single-level residential units), in line with the Council-adopted Adaptable Housing policy. A total of 4 handicapped parking stalls are required in relation to the residential components of the development. All of the stalls are located within the underground residential parking areas. Residential handicap parking stalls will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.9 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant restricting enclosure of balconies;
 - Section 219 Covenant to ensure project surface driveway access will not be restricted by gates;
 - Section 219 Covenant guaranteeing the provision and maintenance of public art;
 - Section 219 Covenant to ensure that the density of development of air space parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as a single, integrated development;
 - Section 219 Covenant ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation;
 - Section 219 Covenant ensuring compliance with the approved acoustical study;
 - Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - Section 219 Covenant ensuring that the site can be used safely in accordance with the approved geotechnical study;
 - Section 219 Covenant ensuring that the water table will not be drawn down during and after development;
 - Section 219 Covenant ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - Section 219 Covenant ensuring the provision and ongoing maintenance of electric vehicles and EV plug-in stations;

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- Section 219 Covenant ensuring the provision and ongoing maintenance of four car share vehicles and allocated parking spaces;
 - Section 219 Covenant ensuring the provision and ongoing maintenance of End of Trip facilities;
 - Section 219 Covenant restricting the use of guest rooms; and,
 - Statutory Right-of-Way for:
 - public access laneway and sidewalks on the East-West Lane;
 - public access and sidewalks on the North-South Lane; and,
 - public access and sidewalks on Dawson Street frontages.
- 3.10 Due to the proximity of the subject site to the Millennium SkyTrain Line, Dawson Street, and the Lougheed Highway, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 3.11 Provision of four separate car wash stalls are required.
- 3.12 The developer is responsible for the undergrounding of the overhead wiring abutting the site.
- 3.13 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. The deposit of sufficient monies to guarantee the provision of the stormwater management features will be required.
- 3.14 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.
- 3.15 The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering is required.
- 3.16 The submission of a detailed residential loading management plan to the approval of the Director Engineering is required.
- 3.17 Bicycle storage space and surface parking racks are to be provided for the residential tenants and visitors of the development.
- 3.18 A Comprehensive Sign Plan detailing sign numbers, locations, sizes and attachment details will be required.
- 3.19
- a) Parkland Acquisition Charge of \$3.55 per sq.ft. of residential gross floor area;
 - b) School Site Acquisition Charge of \$600.00 per unit ; and,
 - c) GVS&DD Sewerage Charge of \$590.00 per apartment unit.

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4.0 DEVELOPMENT PROPOSAL

4.1 Site Area

Gross Site Area:	-	5,249 m ² (56,500 sq.ft.)
Dedications:	-	25.8 m ² (278 sq.ft.)
Net Site Area:	-	5,223.22 m ² (56,222 sq.ft.) (subject to detailed survey)

4.2 Density

FAR Permitted and Provided:

Residential	-	5.0 FAR (inclusive of 1.6 FAR amenity bonus)
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Gross Floor Area Permitted and Provided:

Residential	-	26,116.11 m ² (281,112 sq.ft.) (inclusive of 89,956 sq.ft. amenity bonus)
Residential Amenity Space	-	1,305.80 m ² (14,056 sq.ft.) (exempted from FAR calculations)
Adaptable Unit Exemption (20 sq.ft./unit)	-	131.92 m ² (1,420 sq.ft.)
Office Gross Floor Area (GFA)	-	4,178.96 m ² (44,982 sq.ft.)
Retail Gross Floor Area (GFA)	-	1,150.42 m ² (12,383 sq.ft.)
Combined TOTAL GFA	-	31,445.50 m ² (338,477 sq.ft.)
Site Coverage:	-	40%

4.3 Height

Proposed Residential Tower	-	37 storeys
Commercial Podium	-	3 storeys
Combined TOTAL HEIGHT	-	40 storeys

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4.4 Residential Unit Mix

<u>Unit Type</u>	<u>Unit Size</u>
34 – Studio	456 sq.ft.
35 – Adaptable Studio	481 sq.ft.
102 – 1 Bedroom (P11e)	538.21 – 602.8 sq.ft.
35 – 1 Bedroom + Den	737 sq.ft.
34 – 2 Bedroom	727 - 791 sq.ft.
35 – Adaptable 2 Bedroom	784 sq.ft.
59 – 2 Bedroom + Den	844 - 905 sq.ft.
15 – 3 Bedroom	1178 sq.ft.
1 – Adaptable 3 Bedroom	1170 sq.ft.
TOTAL: 350 High Rise Apartment Units	

4.5 Parking

Vehicle Parking	<u>Required</u>	<u>Provided Spaces</u>
<u>Residential Parking</u>		
350 Units (Required 1.1 spaces/unit)	- 385	400 (inclusive of 35 visitor spaces, 4 handicapped parking stalls and 39 EV plug-in stations)
Car Wash Stalls	- 4	4
Car Share Vehicles	- 4	4
Residential Loading	- 2	2
<u>Commercial Parking</u>		
<u>Office & Retail</u>		
57,365 sq.ft. @ 1 spaces / 495.16 sq.ft. of Gross Floor Area	- 116	
<u>Commercial Loading</u>		
Office: 44,982 sq.ft.	- 1	
Retail: 12,383 sq.ft.	- 2	

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Bicycle Parking

Required and Provided Spaces

Resident - 2/unit @ 350 units	- 738 in double storage lockers
Visitor - 0.2/unit @ 350 units	- 35 in racks
Commercial – 10% of required parking	- 12 in racks

4.6 Communal Facilities *(Excluded from F.A.R. Calculations)*

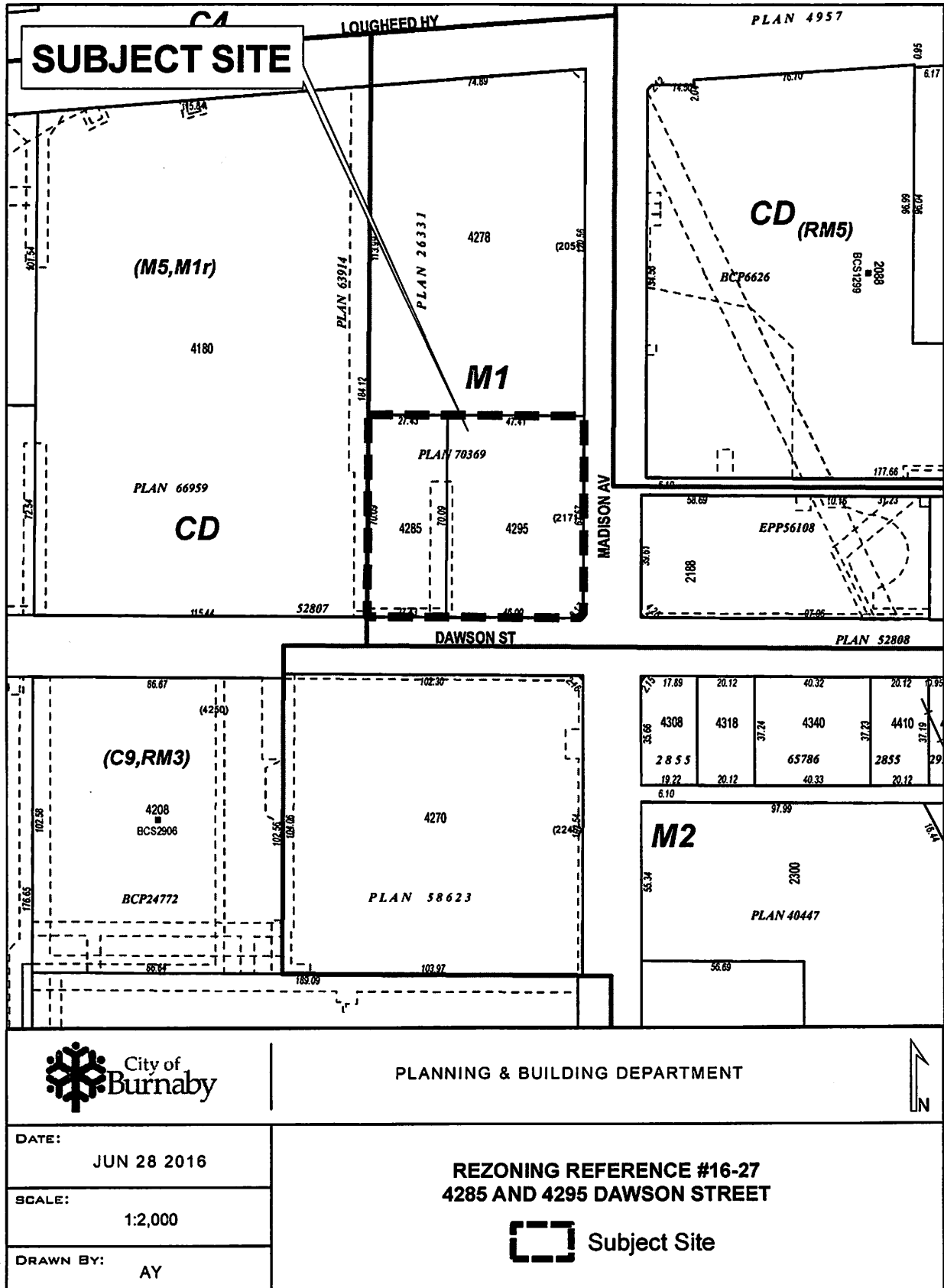
Primary communal facilities for residents include an amenity lobby located at the ground floor level flanking Madison Avenue with mail rooms, a meeting room, lounge and concierge area and at the podium deck level of the residential tower, which includes an indoor fitness facility, multi-purpose games/ lounge/ party room with a kitchen and dining area, and a guest suite. The outdoor amenity area includes an outdoor fitness area, outdoor seating, children's play, vegetable garden, dining area and extensive rooftop landscaping. The internal amenity area amounts to 643.07 m² (6,922 sq.ft.) which is less than the permitted 5% (14,056 sq.ft.) exemption from Gross Floor Area permitted within the Zoning Bylaw. At ground level are various landscape elements located throughout the site, as well as a feature art contribution installation to be located within a publically accessible lushly landscaped walking path at the rear of the building, and connecting in the future to the Gilmore Station.

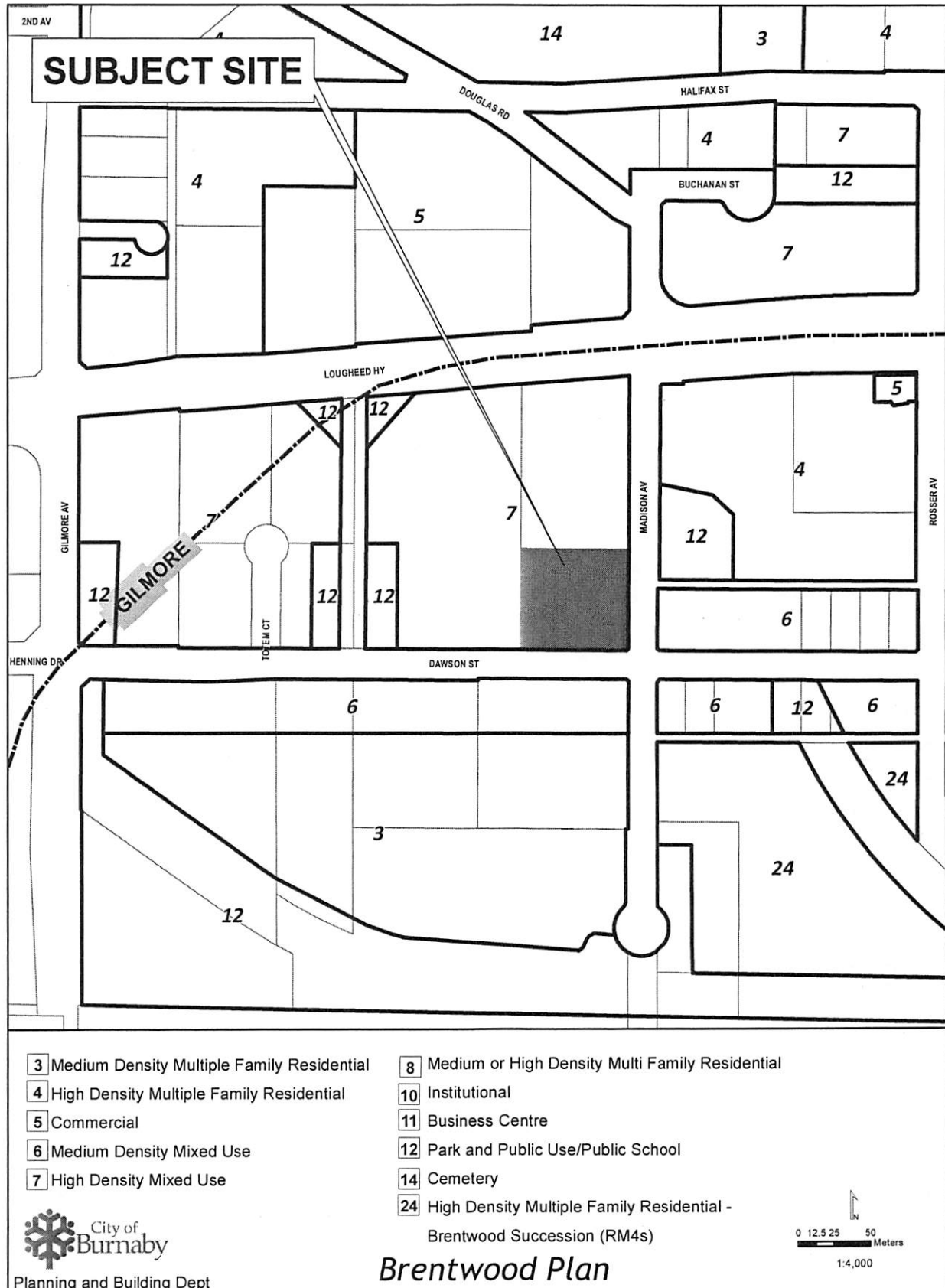

 Jon Pelletier, Director
 PLANNING AND BUILDING

IW:eb
Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

P:\49500 Rezoning\20 Applications\2016\16-27 4285 & 4295 Dawson Street\Council Reports\Rezoning Reference #16-27 PH Report
 2017.09.13.Docx





Sketch #2



Meeting 2017 August 28

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2017 August 23

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 42000 20
Reference: Text Amendment

SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS – 2017 AUGUST

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 the Public Hearing on 2017 October 17.

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 four Zoning Bylaw text amendments regarding: 1) screening requirements for a child care facility or home-based child care facility operated as a home occupation in R Districts; 2) Preliminary Plan Approval (PPA) for a child care facility operating in a single-family dwelling; and 3) crematoria and mausoleums in the P4 Cemetery District.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 *Screening Requirements for a Child Care Facility or Home-Based Child Care Facility Operated as a Home Occupation in R Districts*

Issue

Section 6.15(1)(e) of the Zoning Bylaw requires that, in R Districts, where a child care facility or home-based child care facility is operated as a home occupation, a 1.8 m (5.91 ft.) high fence shall be provided along the rear boundary of the required front yard setback. The purpose of the requirement is to ensure that the outdoor play area in a child care facility is appropriately enclosed.

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This requirement is unnecessary as the Community Care and Assisted Living Act (CCALA) and the Child Care Licensing Regulation (CCLR) are Provincial regulations that set out the minimum health, safety, and care standards that must be met by all licensed child care facilities, including appropriate enclosure.

Discussion

In 2012, Council adopted a Zoning Bylaw amendment to allow a child care facility with up to ten children to operate in a single-family dwelling as a home occupation, subject to a number of conditions. One such condition was that the subject property must be screened with a 1.8 m (5.91 ft.) high solid fence along the rear of the front yard setback.

Child care facilities are regulated under the CCALA, which is administered by the Fraser Health Authority through the CCLR. Fraser Health regulates the establishment of child care facilities, including employee qualifications, group size, employee to child ratios, indoor and outdoor physical space limits, and other general care requirements. According to Division 2 of the CCLR, a licensee must ensure that the entire play area in a child care facility is enclosed in a manner that is suitable for the age and development of children.

Considering that the Fraser Health Authority is an administrative body to ensure that the CCALA and CCLR are being met, the additional Zoning Bylaw requirement for a 1.8 m fence along the rear boundary of the required front yard setback is redundant, and as such it is recommended that the Zoning Bylaw screening requirement, applicable to a child care facility or home-based child care facility operated as a home occupation, be repealed.

Recommended Bylaw Amendment

1. **THAT** Section 6.15(1)(e) of the Zoning Bylaw be repealed.

2.2 Preliminary Plan Approval for a Child Care Facility Operating in a Single Family Dwelling

Issue

Section 7.3(1)(g) of the Zoning Bylaw exempts home occupations from PPA requirements, except for the operation of a child care facility in a single-family dwelling. Given recent and proposed Zoning Bylaw amendments, the PPA requirement is redundant and should be removed.

Discussion

In 2012, Council adopted a Zoning Bylaw amendment to allow a child care facility with up to ten children and one non-resident employee in a single-family dwelling, as a home occupation. The intent was to simplify the approvals process for a child care facility with nine or ten children in care and operating in a single-family dwelling, which previously required a rezoning to the R“b”

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subcategory. While eliminating the rezoning process, PPA became necessary to ensure that such proposals could meet the requirements of the Zoning Bylaw, including off-street parking and screening requirements.

Since 2012, an amendment to the CCALA lowered the occupancy threshold for home-based child care facilities from ten to eight children. On 2016 December 12, Council adopted a Zoning Bylaw amendment which defined a child care facility operating in a single dwelling as a “home-based child care facility” and referenced such a facility to the definition and requirements of the CCALA. The 2016 Zoning Bylaw amendment also permitted one non-resident employee in all home-based child care facilities. Given that the PPA requirement for child care facilities operating in a single-family dwelling was intended to apply only to facilities with nine or ten children in care, the PPA requirement is now redundant.

Furthermore, if Section 6.15(1)(e) of the Zoning Bylaw is repealed as recommended in section 2.1 of this report, the PPA requirement for a child care facility operating in a single-family dwelling would in effect, serve only as a check on parking compliance.

The removal of the PPA requirement for a child care facility operating in a single-family dwelling will benefit Burnaby residents by simplifying the City’s approvals process, and reducing the time and costs to process such applications. Applicants would be advised of the required parking provision to be met, similar to other home occupation applications. Therefore, in view of the above, it is recommended that the text “except for the operation of a child care facility in a single-family dwelling” be deleted from Section 7.3(1)(g) of the Zoning Bylaw.

Recommended Bylaw Amendment

1. **THAT** Section 7.3(1)(g) of the Zoning Bylaw be amended by deleting the text “except for the operation of a child care facility in a single family dwelling”.

2.3 Crematoria and Mausoleums in the P4 Cemetery District

Issue

Crematoria and mausoleums are currently permitted through the PPA process subject to compliance with setback, height, parking, and loading requirements of the P4 Cemetery District. Given the scale and nature of such developments, and the proximity of cemeteries to residential and emerging high-density mixed-use neighbourhoods, the current approvals process does not provide adequate opportunity for public input and City review.

Discussion

Crematoria and mausoleums are currently permitted in the P4 Cemetery District, provided that such uses are located within a cemetery and are not less than 30 m (98.43 ft.) from any lot line, nor less than 61 m (200.13 ft.) from any lot in an A, R or RM District. Such uses must also not exceed 12 m (39.37 ft.) and 2 storeys, and must comply with applicable parking and loading

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requirements. Crematoria or mausoleum proposals that meet the above requirements are permitted through the PPA process, without public input or review by Council.

Despite the above setback and height restrictions, which are intended to minimise the impact of crematoria and mausoleums on surrounding land uses, past crematoria and mausoleum proposals have caused significant concern from neighbouring residents. Primary concerns included perceived loss of open space, proximity to the deceased, emissions from crematoria, and a lack of public input in the approvals process. Recent inquiries have again raised concerns regarding the efficacy of the current approvals process for crematoria and mausoleums, and their compatibility with surrounding land uses, particularly in the context of Brentwood Town Centre, where high-density mixed-use developments are planned in close proximity to multiple cemeteries.

Given the above, staff acknowledge the need for a more balanced approach to the approvals process for crematoria and mausoleums, that allows for discretionary review and public input, particularly on aspects such as siting, size, and architectural design. Therefore, it is recommended that the Zoning Bylaw be amended to require review of all proposed crematoria and mausoleums through a Comprehensive Development (CD) District rezoning process. This requirement will ensure that the community will have sufficient input in the approvals process, and that full review and consideration can be given to such development proposals. It will also ensure that any changes to an approved plan of development will require further rezoning approval.

It is also recommended that current setback requirements for crematoria and mausoleums be retained as a condition of approval. This will ensure that setbacks cannot be varied below current setback requirements through the CD rezoning process.

Recommended Bylaw Amendment

1. **THAT** Section 504.1(3) of the Zoning Bylaw be amended as follows:


- (3) Crematoria and mausoleums, subject to the following conditions:
 - (a) the use is located within a cemetery and not less than 30 m (98.43 ft.) from any lot line, nor less than 61 m (200.13 ft.) from any lot in an A, R or RM District; and,
 - (b) the use is included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District.

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 and Council policies, and achieve other regulatory changes. It is recommended that Council authorize preparation of a Zoning

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Bylaw text amendment to implement the amendments outlined in Section 2.0 of the report, for advancement to the Public Hearing on 2017 October 17.



Lou Pelletier, Director
PLANNING AND BUILDING

MN:eb

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

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