



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, 2018 JANUARY 30 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. 41, 2017 - Bylaw No. 13826

1

Rez . #17-21

8687 and 8689 Tenth Avenue

From: C1 Neighbourhood Commercial District

To: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District as guidelines, and in accordance with the development plan entitled "Proposed Liquor Store" prepared by John McNally Designers Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a private liquor store.

2) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 42, 2017 - Bylaw No. 13827

10

Rez . #17-19

8327 Eastlake Drive

From: CD Comprehensive Development District (based on M5 and M5r Light Industrial District, B1 Suburban Office District, and Lake City Business Centre as guidelines)

To: Amended CD Comprehensive Development District (based on M5 and M5r Light Industrial District, B1 Suburban Office District, and Lake City Business Centre as guidelines, and in accordance with the development plan entitled “Eastlake Campus” prepared by Chip Barrett Architect)

The purpose of the proposed zoning bylaw amendment is to permit a minor increase in interior floor area.

3) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 43, 2017 - Bylaw No. 13828

17

Rez . #16-53

Portion of 9855 Austin Road

From: CD Comprehensive Development District (based on Lougheed Town Centre Core Area Master Plan and Lougheed Town Centre Plan as guidelines)

To: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled “Lougheed Town Centre – Phase 1 Tower 4” prepared by GBL Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of the last of four residential towers on the Lougheed Core Area Phase 1 site, which incorporates a commercial space on the ground floor, within the Lougheed Town Centre Core area.

4) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 44, 2017 - Bylaw No. 13829

31

Text Amendment

The purpose of the proposed zoning bylaw text amendment is to amend the Burnaby Zoning Bylaw 1965 in regard to (1) clarifying definitions of certain dwelling types; (2) revising the conditions that apply when determining average front yard depth; (3) revising the definitions of side lot line, front yard, rear yard, and side yard; (4) revising front yard requirements for lots which qualify as both a corner lot and through lot; (5) requiring car wash stalls in the RM6, C8, and C9 Districts; (6) permitting a Floor Area Ratio (FAR) exemption for amenity spaces in private hospitals and supportive housing facilities.

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 2018 January 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 2018 January 17 to 2018 January 30.

**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 #
17-21.**

306 E. 10th Ave.
New Westminster, BC
V3L 4R7

Jan 21, 2018

Re: Rezoning Application
17-21

I wish to state my opposition to the application for a liquor store in the vacant KFC location in the Crest Plaza.

I feel a liquor store is not a good fit for this family oriented neighborhood. I worked at the Pharmasave for thirty years and we live right across the street from the KFC. Break-ins could be a problem and also a liquor store could attract some folks that would not mix well with all the youngsters in the area.

I appreciate that all the stores close by 9pm and the mall is usually quiet by 9:30.

Thank you for considering my opinion in this matter

Sincerely,

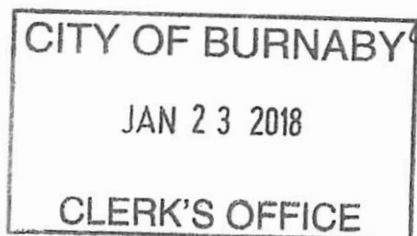
(Mrs.) Sharon Treca



Mr. & Mrs. D. Treca
306 Tenth Ave E
New Westminster BC V3L 4R7

1801230024

3715 VVB



City of Burnaby
Office of the City Clerk
4949 Canada Way
Burnaby, B.C.
V5C 1M2

Re: Rezoning Appl.
17-21



Item
Meeting 2017 December 11

COUNCIL REPORT

TO: CITY MANAGER 2017 December 06

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #17-21
Private Liquor Store

SUBJECT SITE:

ADDRESS: 8687 and 8689 Tenth Avenue (see *attached* Sketch #1)

LEGAL: Lot N, DL 13, Group 1, NWD Plan 13703

FROM: C1 Neighbourhood Commercial District

TO: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District as guidelines and in accordance with the development plan entitled "Proposed Liquor Store" prepared by John McNally Designers Inc.)

EXISTING SITE:

ADDRESS: #8 – 1601 Burnwood Drive (see *attached* Sketch #2)

LEGAL: Portion of Lot 526, DLs 135 and 138, Group 1, NWD Plan 66144, as shown on *attached* Sketch #2

FROM: CD Comprehensive Development District (based on C2, C2h Community Commercial District as guidelines)

TO: Repeal C2h District zoning as shown on *attached* Sketch #2

APPLICANT: Jisbender Kooner
7125 Curragh Avenue
Burnaby, BC V5J 4V6

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 January 30.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
 2017 December 06..... Page 2

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 December 11 and to a Public Hearing on 2018 January 30 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 3.2.3 of this report and to permit only C1 Commercial District and Licensee Retail Store (LRS) uses.
 - c) The submission of an undertaking to ensure removal of the existing private liquor store as described in Section 3.6 of this report.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a private liquor store.

2.0 BACKGROUND

- 2.1 The subject site is located within a small shopping mall situated on the west corner of 10th Avenue and Langley Street. The site is improved with surface parking and three one-storey commercial buildings. There are currently twelve (12) active business licences issued for the site's tenants, which include a supermarket, a pharmacy, five restaurants, a salon, an esthetic studio, a bakery, a bank, and an insurance company. The proposed liquor store, located between the bakery and the bank, is currently occupied by the show suite for Derby Manor, a nearby affordable senior's rental housing development.

The subject site is located within the Cariboo-Armstrong residential neighbourhood, with R10 Residential District properties to the southwest and to the northwest across 11th Avenue. To the northeast across Langley Street are R10 and R2 Residential District properties. To the southeast and southwest across 10th Avenue in New Westminster is a single-family residential neighbourhood and Westburnco Park. Vehicular access to the site is from 10th Avenue, 11th Avenue, and Langley Street.

- 2.2 The subject site and the adjacent single family residential neighbourhood are not located within a Community Plan area. The Commercial Policy Framework of the Burnaby Official Community Plan (OCP) identifies the subject site as a Neighbourhood Centre.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
 2017 December 06..... Page 3

- 2.3 On 2006 May 08, Council adopted a Liquor Store Location Framework (“Framework”) for Burnaby, along with the Guidelines for Assessing Rezoning Applications for Liquor Stores. The Framework divides the City into four quadrants based on the Town Centres, in order to ensure a balanced distribution of liquor stores throughout the City. Principal objectives of the Framework include the establishment of a Liquor Distribution Branch (LDB) Signature Liquor Store in each Town Centre prior to the establishment of smaller LDB and private liquor stores, or Licensee Retail Stores (LRS), in the respective quadrants. The Framework also prioritized the establishment of LDB stores in the Big Bend Community Plan area and at the Kensington Shopping Centre. The purpose of these objectives is to offer equity and certainty for consumers throughout the City in terms of product availability, convenience, and stable pricing.
- 2.4 On 2017 July 24, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue to work with the applicant with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The applicant is seeking to rezone a 152.18 m² (1,638 sq. ft.) CRU (commercial retail unit) within the shopping mall from the C1 Neighbourhood Commercial District to the CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District as guidelines) in order to permit the establishment of an LRS (see *attached* Sketch #1). The proposed use is located within an interior CRU in the northernmost building of the shopping mall. No changes are proposed to the exterior of the building. Under the proposed amendment, the subject unit would retain the underlying C1 District zoning, in addition to the proposed C2h District zoning for the LRS use, in order to allow future reversion of the unit to C1 District uses should the private liquor store use cease.

The applicant is seeking rezoning in order to relocate their existing LRS, the Hop and Vine Liquor Store, 5 km (3.1 miles) from their current location at #8 - 1601 Burnwood Drive. Rezoning Reference #05-02c was given Final Adoption by Council on 2005 April 11 to rezone the existing LRS location at #8 – 1601 Burnwood Drive from the CD (C2, C2a District) to the CD (C2, C2h District). The applicant has indicated that the move is requested as the current landlord wishes to repurpose the existing LRS space for a coffee shop; the pub associated with the Hop and Vine Liquor Store is not proposed to move.

It is noted that Liquor Control and Licensing Branch (LCLB) regulations allow LRSs to apply to relocate anywhere within the province, provided they do not relocate within 1 km of another existing or proposed LRS or LDB store. In this regard, the former location under its existing zoning could potentially be reoccupied or redeveloped with a future

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
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LRS; however, this rezoning application includes the repealing of Bylaw #11891 to eliminate the existing C2h District zoning at #8 – 1601 Burnwood Drive (see *attached* Sketch #2) and thereby remove the permitted LRS use at that address. The applicant has indicated that the owner of 1601 Burnwood Drive has been advised that the C2h District zoning currently in place will be removed. Once the C2h District zoning has been removed from #8 – 1601 Burnwood Drive, the current liquor store use will be legal non-conforming.

- 3.2 The Liquor Store Location Framework contains Guidelines for Assessing Rezoning Applications for Liquor Stores, including locational, store size, and operational criteria. The following subsections review the consistency of the proposed development with these criteria:

3.2.1 Locational Criteria

The locational criteria for liquor stores require establishment of an LDB Signature Store in a Town Centre prior to establishment of supporting LDB stores or LRSs in the same quadrant. In the City's southeast quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Edmonds Town Centre area. As the HighGate Village Liquor Store is an LDB Signature store, this criteria has been met.

Additional locational criteria require that supporting LRSs are a component of an established or new commercial service centre (Town Centre, Urban Village, or Neighbourhood Centre as outlined in the OCP). The proposed LRS location is part of an established commercial development which, as indicated above, is identified as a Neighbourhood Centre in the OCP.

Further locational criteria require that there is a reasonable distribution of both LDB liquor stores and LRS stores. The Northgate Signature store in the Lougheed Town Centre (#103 – 3433 North Road) is located approximately 2.5 km away from the proposed LRS, while the HighGate Village Signature store (#235 – 7155 Kingsway) in the Edmonds Town Centre is located more than 3.5 km away. The Oliver Twist Liquor Store (7557 Edmonds Street), the only LRS in the southeast quadrant, is located approximately 3 km away, while Wings Tap and Grill (6879 Kingsway), a Liquor Primary facility with an endorsement for off-premises sales, is located more than 4 km away. As such, there is a reasonable distribution of both LDB and LRS liquor stores within this area of Burnaby, and the proposed LRS does not present a concern with regard to oversaturation in the quadrant.¹

¹ It is noted that there are two liquor stores approximately 1 km away (as well as additional liquor stores more than 2.5 km away) from the subject site in New Westminster. The applicant will need to ensure that these liquor stores are not within the 1 km minimum distance mandated by the LCLB.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
 2017 December 06..... Page 5

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

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

The proposed LRS is located in the interior of a small shopping mall and is oriented to the southeast towards the mall's surface parking lot. Armstrong Elementary School and Cariboo Hill Secondary School are located more than 250 m (820 ft.) north and northwest of the site. A family childcare centre is located 100 m (328 ft.) to the southwest of the site, an in-home multi-age child care facility is located 250 m (820 ft.) to the west, and a preschool operates from Armstrong Elementary School.

The overall shopping centre site is adjacent and across the street from residential dwellings, across from Westburnco Park in New Westminster, and more than 250 m (820 ft.) from Cariboo Park; however, the proposed CRU for the LRS is located at the centre of the northernmost building and is oriented to the parking lot, not towards any residential dwellings or parks. Given the modest size of the proposed LRS and its integration into an established commercial development, the opportunity for nuisance behaviours, such as public drinking, panhandling or loitering, is considered low. As such, the proposed LRS outlet is not expected to pose a conflict with nearby child-oriented uses neighbouring residential dwellings, or parks.

Proposals must also provide adequate vehicular and pedestrian circulation, and allow for safe and convenient vehicular access to the site, without causing undue traffic impacts on the surrounding area. Vehicular access to the subject site is from 10th Avenue, 11th Avenue, and Langley Street, and there is sufficient off-street parking and loading provided under previous Preliminary Plan Approval (PPA) applications. Sidewalks are provided on all abutting streets and the site is located approximately 250 m (820 ft.) from bus stops located on Armstrong Avenue. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

3.2.2 Store Size Criteria

The proposed LRS, at 152.18 m² (1,638 sq. ft.) does not exceed the maximum store size criteria of 418.06 m² (4,500 sq. ft.).

3.2.3 Operational Criteria

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

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
 2017 December 06..... Page 6

businesses be considered. The LCLB permits LRS establishments to be open from 9:00 am to 11:00 pm, seven days a week.

At the subject site, the other tenant spaces are occupied by a variety of businesses with varying hours, none of which are open past 9:00 pm. The applicant has indicated that the proposed hours of operation are 10:00 am to 9:00 pm, seven days a week, which are generally consistent with those of other commercial tenants. To ensure that the proposed hours are maintained, it is recommended that, as a condition of rezoning approval, the operating hours are established under a Section 219 Covenant.

The Guidelines also recommend that, for safety and security purposes, a minimum of two employees be present at all times and video surveillance systems be installed. The applicant has indicated that these measures will be undertaken.

- 3.3 No servicing is required in conjunction with this rezoning.
- 3.4 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 3.2.3 and to permit only C1 Commercial District and LRS uses.
- 3.5 Given there is no additional gross floor area proposed as part of the subject rezoning application, the GVS & DD Sewerage Charge does not apply to this rezoning.
- 3.6 As noted above, the subject rezoning includes the repealing of the bylaw that permitted the existing LRS location at #8 – 1601 Burnwood Drive in order to remove that property's C2h District zoning. Should this rezoning application receive Final Adoption, the existing LRS at #8 – 1601 Burnwood Drive will become legal non-conforming and allow the applicant to transition to the proposed new location. The applicant will be required to submit a letter of undertaking indicating that the existing LRS will cease operation immediately upon the first day of operation of the new liquor store proposed to be located at 8687 and 8689 Tenth Avenue.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Lot Area (no change) - 10,099.44 m² (108,709.44 sq. ft.)
- 4.2 Gross Floor Area (no change)
 - All Buildings - 2,997.05 m² (32,260 sq. ft.)
 - 8687 and 8689 Tenth Avenue - 152.18 m² (1,638 sq. ft.)
- 4.3 Height (no change) - 1 storey

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-21
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4.4	<u>Parking (no change)</u>	<u>Required</u>	<u>Provided</u>
	Parking (8687 and 8689 Tenth Avenue)	10.19	10.19
	Loading (8687 and 8689 Tenth Avenue)	1	1 (shared)

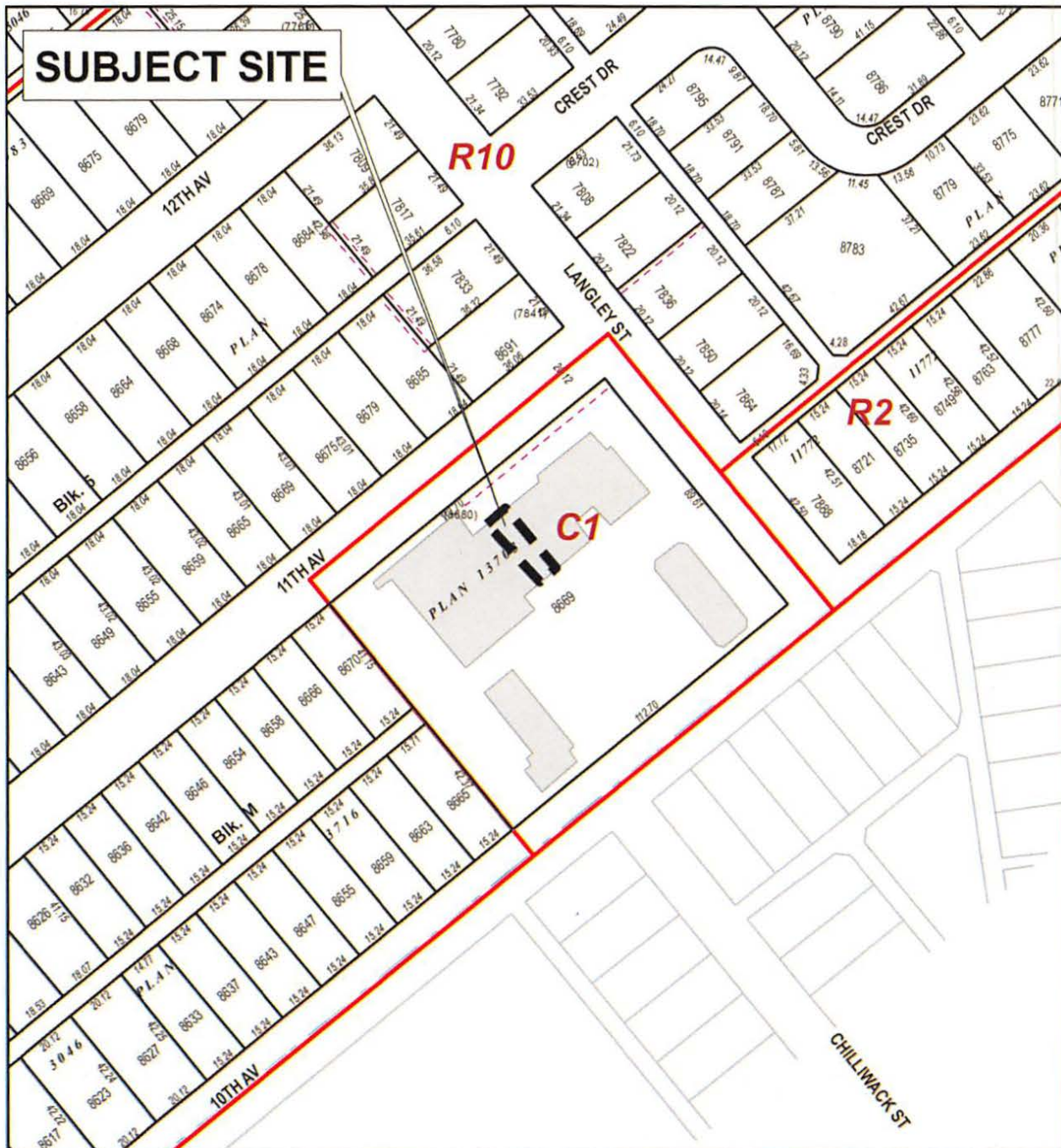

 Lou Pelletier, Director
 PLANNING AND BUILDING

LS:eb

Attachments

cc: Director Engineering
 Officer-in-Charge, RCMP, Burnaby Detachment
 City Solicitor
 City Clerk

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PLANNING & BUILDING DEPARTMENT




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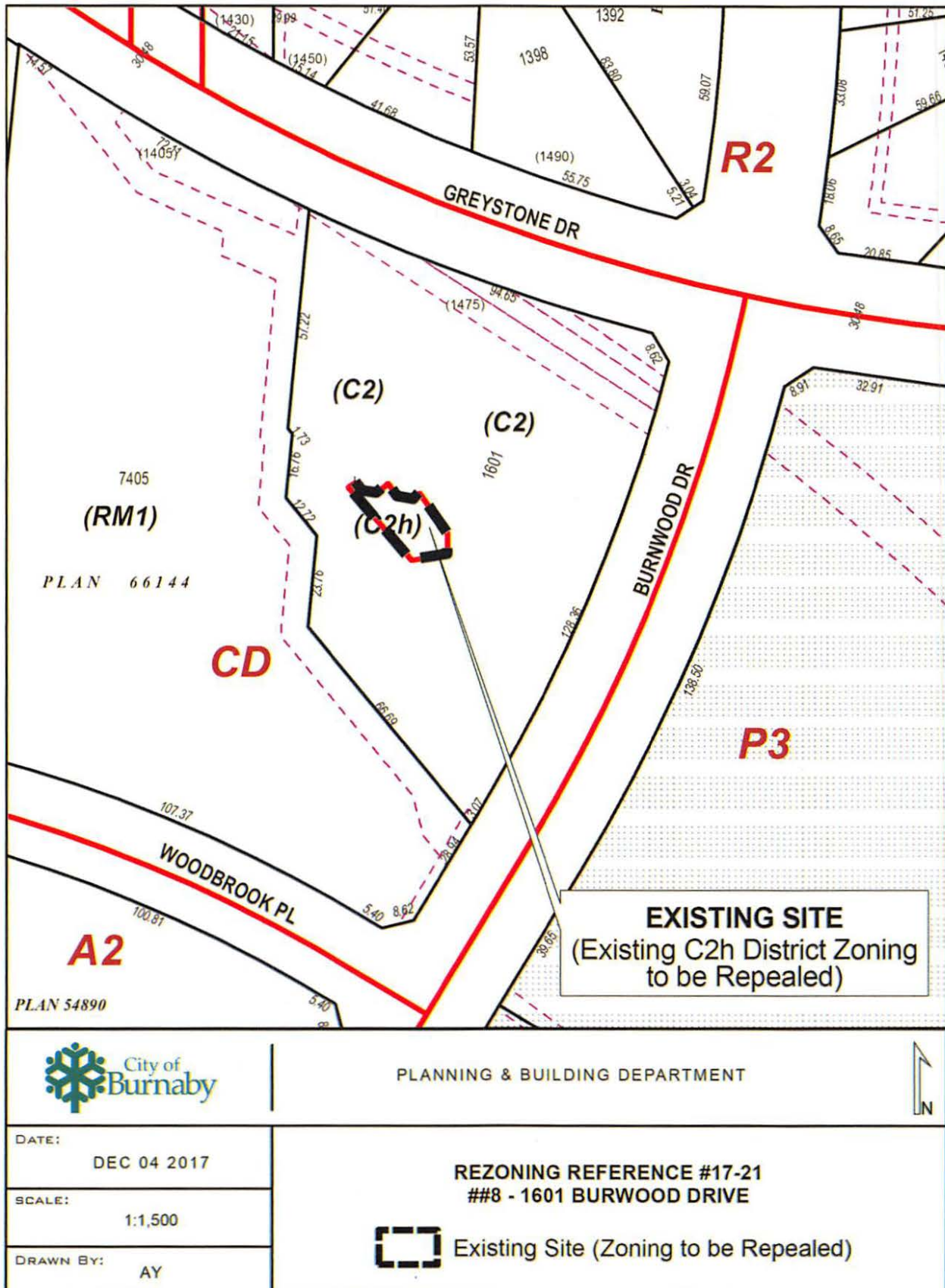
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REZONING REFERENCE #17-21
8687 AND 8689 10TH AVENUE

 Subject Site

Sketch #1



Sketch #2



Item
Meeting 2017 December 11

COUNCIL REPORT

TO: CITY MANAGER 2017 December 06

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-19**
Minor increase in interior floor area
Lake City Business Centre

ADDRESS: 8327 Eastlake Drive (see *attached* Sketch #1)

LEGAL: Lot A, DL 57, Plan EPP35080

FROM: CD Comprehensive Development District (based on M5 and M5r Light Industrial District, B1 Suburban Office District, and Lake City Business Centre as guidelines)

TO: Amended CD Comprehensive Development District (based on M5 and M5r Light Industrial District, B1 Suburban Office District, and Lake City Business Centre as guidelines, and in accordance with the development plan entitled "Eastlake Campus" prepared by Chip Barrett Architect)

APPLICANT: Eastlake Adera Projects Ltd.
 Attn: Norm Couttie
 2200 – 1055 Dunsmuir Street
 PO Box 49214
 Vancouver, BC V7X 1K8

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 January 30.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 December 11 and to a Public Hearing on 2018 January 30 at 7:00 p.m.
2. **THAT** the following be established as a prerequisite to the completion of the rezoning:
 - a) The submission of a suitable plan of development.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-19
 2017 December 06..... Page 2

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a minor increase in interior floor area.

2.0 BACKGROUND

- 2.1 The subject site slopes down from the north and is currently improved with six buildings which are either fully constructed or have been issued Building Permits and are in various stages of construction. The minor increase in interior floor area pertains to 8339 Eastlake Drive, Building 3B (see *attached* Sketch #2), the northernmost building in the development. There are two open watercourses with adjacent protected riparian areas at the southwestern and eastern portions of the site.

Adjacent uses include: Mammoth Studio to the west; a Metro Vancouver operation centre and a warehouse/distribution facility to the east; the Imperial Oil tank site and an ICBC research and training centre to the south; and a closed portion of the Broadway right-of-way, which functions as a greenway, to the north. Vehicular access to the site is from Eastlake Drive, which is currently improved with an urban trail on the south side and a separated sidewalk on the north side.

- 2.2 The property is located within the north central portion of the Council-adopted Lake City Business Centre Plan area (see *attached* Sketch #3). The Plan anticipates the transition of the area from predominantly heavy industrial uses to more employment intensive office and specialized light industrial uses, given the area's strategic location between the developing Lougheed and Brentwood Town Centres and adjacent rapid transit service on Lougheed Highway. The subject site is designated B1 Suburban Office development, which is expected to accommodate specialized manufacturing and other compatible light industrial uses, at a development density of up to 1.0 FAR. The site has been developed generally according to plan under Rezoning Reference #08-21, with four buildings completed and two, including the subject building, currently under construction.
- 2.3 On 2017 July 24, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue to work with the applicant with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-19
 2017 December 06..... Page 3

3.0 GENERAL COMMENTS

- 3.1 The applicant is requesting rezoning to the amended CD Comprehensive Development District (based on M5 and M5r Light Industrial District, B1 Suburban Office District, and Lake City Business Centre as guidelines) in order to permit a minor increase in the interior floor area of 8339 Eastlake Drive (Building 3B) of approximately 166.11 m² (1,788 sq. ft.), which is beyond the gross floor area approved under Rezoning Reference #08-21. Specifically, the applicant is proposing to add a second floor to one unit and to fill in the open area above an electrical room, both within the existing volume of the building.

It is noted that the last approved Preliminary Plan Approval #16-45 for the subject site indicated that the site has reached the maximum gross floor area approved under Rezoning Reference #08-21. However, as the site's Floor Area Ratio is 0.448, whereas a maximum FAR of 1.0 is permitted under the Lake City Plan, an increase in gross floor area could be permitted subject to rezoning and the provision of sufficient parking.

The only change proposed to the exterior of the building is the addition of second floor windows. Other minor changes to the common property of the site are the addition of five parking spaces and minor landscape revisions, including the deletion of an unnecessary retaining wall along the most northerly parking lot.

- 3.2 The GVS & DD Sewerage Charge (Fraser Area) of \$0.811 per sq. ft. of additional gross floor area will apply to this rezoning.

4.0 DEVELOPMENT PROPOSAL

- | | | |
|-----|-----------------------------------|--|
| 4.1 | <u>Lot Area (no change)</u> | - approximately 6.46 ha (15.96 acres). |
| 4.2 | <u>Gross Floor Area</u> | |
| | All Buildings | - 29,081.71 m ² (313,033 sq. ft.) |
| | 8339 Eastlake Drive (Building 3B) | - 6,597.88 m ² (71,019 sq. ft.) |
| 4.3 | <u>FAR (all buildings)</u> | - 0.45 |
| 4.4 | <u>Height (no change)</u> | |
| | 8339 Eastlake Drive (Building 3B) | - 2 storeys |

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-19
 2017 December 06..... Page 4

4.5	<u>Parking</u>	<u>Required</u>	<u>Provided</u>
	Parking (all buildings)	530	530
	Loading (all buildings) <i>(no change)</i>	6	13
	Bicycle (all buildings)	53	53


 Lou Pelletier, Director
 PLANNING AND BUILDING

LS:eb

Attachments

cc: Director Engineering
 City Solicitor
 City Clerk

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P3

BROADWAY

(M5,M5r,B1)

CD

EPP35080

8327
■
EPS2688

M3

(M5, M5r, B1)

EASTLAKE DR



PLANNING & BUILDING DEPARTMENT

Date: NOV 20 2017

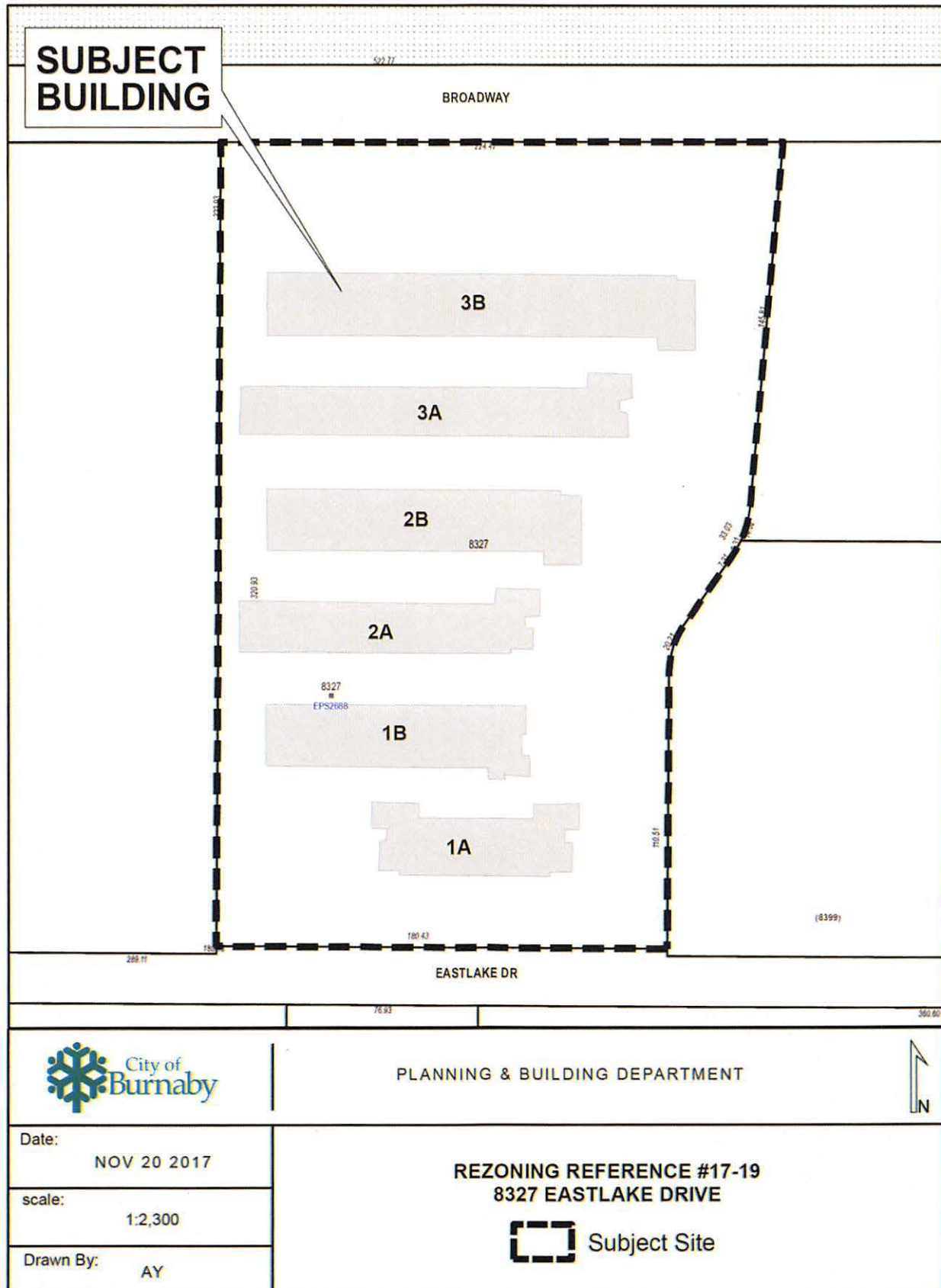
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**REZONING REFERENCE #17-19
8327 EASTLAKE DRIVE**



Subject Site





Item
Meeting2017 December 11

COUNCIL REPORT

TO: CITY MANAGER 2017 December 06

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-53**
High-Rise Apartment and Commercial Area (Tower 4)
in the Lougheed Town Centre Phase 1 Site
Lougheed Town Centre Plan

ADDRESS: Portion of 9855 Austin Road (see *attached* Sketches #1, #2 and #3)

LEGAL: Portion of Lot 79, DL 4, Group 1, NWD Plan 36145 Except Plans BCP5531 and EPP10716

FROM: CD Comprehensive Development District (based on Lougheed Town Centre Core Area Master Plan and Lougheed Town Centre Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled "Lougheed Town Centre – Phase 1 Tower 4" prepared by GBL Architects Inc.)

APPLICANT: Shape Properties Corp.
 2020 One Bentall Centre
 505 Burrard Street, Box 206
 Vancouver, BC V7X 1M6
 (Attn: Natanya Funk)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 January 30.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be advanced to First Reading on 2017 December 11, and to a Public Hearing on 2018 January 30 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.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #16-53
 2017 Decemver 06..... Page 2

- b) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 4.5 of this report.
- c) The granting of Section 219 Covenants in accordance with the subject rezoning and Rezoning Reference #15-28:
 - restricting enclosure of balconies;
 - ensuring compliance with the approved acoustical study;
 - restricting subdivision by strata plan unless and until a Section 219 covenant is registered on title to all the Tower 4 strata lots to prohibit the separate sale of the Tower 4 strata lots subject to the satisfaction of the following conditions:
 - a minimum of five years has elapsed since the issuance of occupancy for Tower 4, so as to ensure the tenure of the building remains rental for at least five years;
 - a parking ratio of 1.1 stalls per unit is provided for Tower 4, and/or such other applicable parking requirements under the City's Zoning Bylaw, to the satisfaction of the City;
 - the required parking is provided within a secure parking facility for residential use only and functions as a single integrated site, with easements or other agreements as necessary to secure the use and access of the required parking stalls;
 - received final adoption of a rezoning bylaw to amend the comprehensive development plan for Tower 4 based on the design and parking changes proposed and to review a tenant assistance plan;
 - received all other applicable City permits and approvals required in connection with the satisfaction of these conditions, including any required preliminary plan approval and building permit applications; and,
 - ensuring that the density of development of air space parcels and strata lots complies with the approved CD zoning and density allocation covenant for the site and to ensure that the overall site continues to function as a single, integrated development.
- d) The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person.
- e) Compliance with the Council-adopted sound criteria.

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- f) The submission of a suitable district energy pre-feasibility study to the approval of the Director Planning and Building.
- g) The submission of a sustainability report detailing the initiatives for Tower 4 to contribute towards the environmental commitment of LEED ND Gold for the entire Phase 1 Development.
- h) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- i) The deposit of the applicable Parkland Acquisition Charge.
- j) The deposit of the applicable GVS & DD Sewerage Charge.
- k) The deposit of the applicable School Site Acquisition Charge.
- l) The completion of Rezoning References #15-28 and #15-29.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of the last of four residential towers on the Lougheed Core Area Phase 1 site, which incorporates a commercial space on the ground-floor (see Sketch #1 *attached*), within the Lougheed Town Centre Core area.

2.0 NEIGHBOURHOOD CHARACTERISTICS

The proposed tower is located within the northeast quadrant of Lougheed Core Area Phase 1 site, above a commercial podium and parking component proposed as part of Rezoning Reference #15-28 (see Sketch #1 *attached*). There are four towers being advanced through separate rezonings atop the commercial podium: Tower 1 (Rezoning Reference #15-29), Tower 2 (Rezoning Reference #16-51), Tower 3 (Rezoning Reference #16-52), and Tower 4 (Rezoning Reference #16-53 – subject rezoning). At present, a portion of the mall building is located within the Phase 1 site. The balance of the mall complex is located west and north of the Phase 1 site. To the east across North Road in the City of Coquitlam are low rise commercial and multiple-family developments that are planned for future higher density mixed-use development. To the south of the subject site across Austin Road are commercial uses, with the Lougheed Town Centre SkyTrain Station and a bus exchange slightly beyond to the southwest, across Gatineau Place (see Sketches #2 and #3 *attached*).

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3.0 BACKGROUND INFORMATION

- 3.1 On 2016 August 29, Council granted Final Adoption to Rezoning Reference #15-23, which established the Lougheed Town Centre Core Area Master Plan. The Master Plan represents a reconceptualization of a 29.1 hectare (72 acre) area, which includes the 14.9 hectare (37 acre) shopping mall – into a vibrant, pedestrian and transit-connected, mixed-use community with diverse housing, employment, service, and recreation opportunities. The Master Plan provides direction related to the general land use, form, massing, subdivision pattern, site servicing, development phasing, and distribution of applicable development densities in the Core Area. Upon Second Reading of the Master Plan rezoning on 2016 March 07, the Lougheed Town Centre Plan was amended to reflect RM5's' and C3 designations as development guidelines for lands within the Core Area south of Cameron Street (excluding land owned by Translink to accommodate transit uses), including the subject site. The intent of the Master Plan and the Lougheed Town Centre Plan amendment is to facilitate the phased development of the Lougheed Core Area into a high-density, mixed-use area with a variety of housing opportunities, a system of shopping streets, more diverse employment and service opportunities, strong pedestrian and transit orientation, and significant amounts of public open space.
- 3.2 On 2016 November 21, Council authorized staff to continue to work with the applicant to facilitate the approval for the fourth and final tower within the Lougheed Phase 1 site (Rezoning Reference #16-53 – subject rezoning), with the understanding that a further and more detailed report would be submitted at a late date. The applicant has now submitted a plan of development for the subject rezoning that is suitable for presentation to a Public Hearing.
- 3.3 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 Centres 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 Lougheed, Brentwood, Edmonds and Metrotown 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

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by car with direct benefits to the environment, economy and the quality of life in the Region.

Further, Burnaby's Economic Development and Social 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. Finally, the City's Corporate Strategic Plan provides a vision for a world class city committed to creating and sustaining the best quality of life for our citizens; and one which is supported by goals for a safe, connected, inclusive, healthy and dynamic community.

The subject rezoning application is consistent with these regional and municipal plans and policies.

3.4 The Lougheed Town Centre Core Area Master Plan includes eight major development phases. Consistent with the Master Plan, the entire Phase 1 development will be comprised of the following:

- a commercial podium that will provide diverse shops, services, and employment opportunities;
- four high rise residential towers, with the subject tower (Tower 4) allowing for rental housing and commercial space on the ground floor;
- extensive landscaping features that will contribute towards environmental sustainability and provide opportunities for community building; and,
- significant public realm components that will help create a strong sense of place, community, and identity, and provide improved connections with the surrounding neighbourhood.

4.0 DEVELOPMENT CONCEPT

4.1 The intent of the subject rezoning bylaw amendment is to permit development of the fourth and final tower in the northeast quadrant of the Phase 1 site, atop a commercial and residential parkade, the rezoning for which is being advanced separately under Rezoning Reference #15-28. The proposed residential building is intended to be a 30 storey apartment building with commercial space on the ground floor. The applicant is proposing that the subject apartment building be initially developed for rental purposes. The applicant is proposing to stratify the building, but intend to rent the units as the common owner. The owner has agreed to a covenant that the building be used for rental purposes for a minimum of five years. This covenant will also require the owner to notify the City prior to the sale of any of the strata units and to meet certain conditions, including the provision of sufficient

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parking and the execution of a tenant assistance plan to support any tenants impacted by the strata sales.

Street definition for four precincts identified in the Lougheed Core Area Master Plan is provided by the commercial podium: Austin Road, North Road, Cross Creek, and Grand Promenade. The development is in line with the Council adopted Lougheed Core Area Master Plan and the Lougheed Town Centre Plan. Finally, it is noted that the applicant is proposing that the tenure of the building be rental for a minimum of five years.

- 4.2 The governing allowable height for Tower 4 is between 30 and 45 storeys. The project proposes a height of 30 storeys to accommodate 237 apartment units and 258 m² (2,777 sq. ft.) of ground floor commercial space. The urban form and density of Tower 4 is consistent with the Master Plan density allocation covenant and the approved design guidelines embedded in the Master Plan.
- 4.3 Overall, Tower 4 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. At 30 storeys, Tower 4 is the shortest of the four towers. The floor plates of the subject Tower 4 are arranged in two massing volumes that offer a different height extrusion of one part against the other. The larger of the two parts extends up to 30 storeys while the smaller part sits at 25 storeys. This arrangement provides for a visibly landscaped terrace, exposed terraces and visible landscaping at the top of the building.

There are pedestrian entrances into Tower 4 from North Road and the internally oriented courtyard on the commercial podium. The lobby facing the courtyard is raised slightly above North Road and is on the same level as a commercial space that is oriented towards the pocket park at the northeast corner of the site.

Residential amenity needs for all four towers are met with a two-level 2,050.3 m² (22,069 sq. ft.) residential amenity building integrated into the top level of the commercial podium in the southwest quadrant of the Phase 1 site, which is being advanced separately under Rezoning Reference #15-29 (Tower 1). As such, Final Adoption of the amendment bylaw for Rezoning Reference #15-29 is a requirement of the subject rezoning application. In addition to the shared residential amenities, a 174.8 m² (1,881 sq.ft.) amenity lobby is proposed for Tower 4, which is within the maximum 5% floor area exemption permitted for amenity spaces.

- 4.4 Underground vehicular access to the residential parking is available from Grand Promenade, Austin Road, and Cross Creek. All parking for the entire Phase 1 development, including the residential and commercial components of Tower 4, is

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being advanced separately under Rezoning Reference #15-28. The first three residential towers in Phase 1 are strata developments that meet the required Burnaby Zoning Bylaw parking ratio of 1.1 spaces per residential unit (0.1 of which is for visitor parking). For Tower 4, a parking analysis was incorporated into the Lougheed Town Centre Core Area Transportation Master Plan, as approved through Rezoning Reference #15-23. The analysis determined that the parking demand for residential rental spaces is deemed to be 0.48 stalls per unit, below that of residential strata developments. The applicant is proposing this parking ratio for the Tower 4 rental units. The proposed parking ratio is considered appropriate for the site and has been reviewed by the Planning Department - Transportation Division.

As noted earlier, a covenant is required to ensure that, if in the future the rental component of Tower 4 is sold as strata condominium units, a total of 1.1 parking spaces per unit is required on-site within a secure parking facility for residential use only, to meet the minimum Zoning Bylaw parking requirements. The parking would have to be located proximal to Tower 4 and function as a single integrated development.

The required parking ratio of 0.48 spaces per unit is also commensurate with the proposed transportation alternatives proposed for the site. The following transportation alternatives will be provided:

- provision of a 50% subsidy on two-zone transit passes for all residential units within Tower 4 for 12 months;
- provision of bike wash and bike repair areas in the underground parkade;
- provision of twice the required residential bicycle parking spaces to be provided in secured residential bicycle lockers;
- provision of one electric vehicle and one Level 2 Electric Vehicle (EV) Charging Station for the benefit of Tower 4 residents, with a trust with sufficient funds for the strata corporation to cover the maintenance cost of the vehicle for a ten year period;
- provision of eight parking stalls for public car share on-site and eight Level 2 Electric Vehicle (EV) Charging Stations for the entire Phase 1 development;
- 10% of the required parking stalls to have Level 2 Electric Vehicle (EV) charging stations for the entire Phase 1 development; and,
- delivery of a communication strategy to be used to properly inform potential and new tenants of the various transportation alternatives provided.

- 4.5 Final Adoption of the Lougheed Town Centre Core Area Master Plan rezoning application included the registration of a density allocation covenant specifying the residential densities permitted for each individual development parcel on lands owned

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by the applicant, Shape Properties, including the subject site. Residential density on the subject site, which influences unit count and therefore required parking, has been allocated in accordance with the direction set by the Master Plan rezoning. The covenant clarifies that total residential density for each residential tower is calculated as 68% base density and 32% bonus density. The residential component of Tower 4 proposes a gross floor area of 18,897.04 m² (203,406 sq.ft.), which would amount to a base density of 12,850 m² (138,316.2 sq.ft.) and a bonus density of 6047 m² (65,089.9 sq.ft.).

Under the Priority Amenity Program, the community benefit funds received will be directed into the Lougheed Town Centre Account to be utilized in the future to achieve priority amenities, as established by Council, including a new community centre, library and pool.

In accordance with Council's adopted policy, 80% of the cash-in-lieu contributions are applied toward a Town Centre Financial Account and 20% to the Community Benefit Housing Fund.

- 4.6 Overall, the development proposal embodies the goals and ideals of the Lougheed Town Centre Plan and the Lougheed Town Centre Core Area Master Plan, to strengthen the surrounding community, promote exceptional urban design, encourage sustainable development, establish a transit oriented development and create a diverse and inclusive community. With these goals as a foundation, the realization of this development reinforces Burnaby as a destination for employment, residential livability and continued investment.

5.0 REZONING REQUIREMENTS

- 5.1 All necessary services to serve the subject site will be obtained through the Phase 1 commercial rezoning application (Rezoning Reference #15-28).
- 5.2 All necessary dedications will be obtained through the Phase 1 commercial rezoning application (Rezoning Reference #15-28).
- 5.3 In accordance with the City's policy for adaptable units, 48 units of the total 237 units meet adaptable standards. As permitted under the adopted policy, 1.86 m² (20 sq.ft.) for each adaptable unit is exempt from FAR, resulting in a total adaptable unit FAR exemption of 89.2 m² (960 sq.ft). A total of nine handicap accessible parking stalls are provided in connection with this development. Accessible parking stalls will be protected by a Section 219 Covenant.
- 5.4 Necessary easements, covenants, and statutory rights-of-way for the overall Phase 1 site will be registered in connection with Rezoning Reference #15-28 (Phase 1

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Commercial). Additional covenants directly related to Tower 4 that are to be provided include, but are not limited to:

- Section 219 Covenant restricting enclosure of balconies;
- Section 219 Covenant restricting subdivision by strata plan unless and until a Section 219 covenant is registered on title to all the Tower 4 strata lots to prohibit the separate sale of the Tower 4 strata lots subject to the satisfaction of the following conditions:
 - a minimum of five years has elapsed since the issuance of occupancy for Tower 4, so as to ensure the tenure of the building remains rental for at least five years;
 - a parking ratio of 1.1 stalls per unit is provided for Tower 4, and/or such other applicable parking requirements under the City's Zoning Bylaw, to the satisfaction of the City;
 - the required parking is provided within a secure parking facility for residential use only and functions as a single integrated site, with easements or other agreements as necessary to secure the use and access of the required parking stalls;
 - received final adoption of a rezoning bylaw to amend the comprehensive development plan for Tower 4 based on the design and parking changes proposed and to review a tenant assistance plan;
 - received all other applicable City permits and approvals required in connection with the satisfaction of these conditions, including any required preliminary plan approval and building permit applications;
 - Section 219 Covenant ensuring compliance with the approved acoustical study; and,
 - Section 219 Covenant ensuring that the density of development of air space parcels and strata lots comply with the approved CD zoning and density allocation covenant for the site and to ensure that the overall site continues to function as a single integrated development.

- 5.5 An acoustical study is required to ensure compliance with Council-adopted noise criteria.
- 5.6 The submission of a district energy pre-feasibility study to the approval of the Director Planning and Building is required.
- 5.7 The submission of a sustainability report detailing the initiatives for the development to meet its environmental commitments of LEED ND Gold is required.

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5.8 Given the reliance of the proposed residential building on the commercial podium and residential amenity space provided as part of Tower 1, completion of Rezoning References #15-28 and #15-29 is a requirement of adoption of the subject rezoning bylaw.

5.9 The following cost charges are applicable:

- 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 \$1,082.00 per apartment unit.

6.0 DEVELOPMENT PROPOSAL

Phase 1

Site Area	- 18,589 m ² (200,090 sq.ft.)
Total Site Coverage	- 79% (14,771 m ² 158,994 sq.ft.)

Tower 4 - Density and Gross Floor Area

Residential Total	- 18,897.04 m ² (203,406 sq.ft.)
Commercial Total	- 258 m ² (2,777 sq. ft.)
Building Height – Residential (above podium)	- 30 storeys

Residential Unit Mix

23 - Studio	- 37.8 m ² (407 sq. ft)
75 – One Bedroom	- 50.2 m ² (540 sq. ft) to 58.6 m ² (631 sq. ft)
29 - One Bedroom + Den	- 65.5 m ² (705 sq. ft) to 65.5 m ² (706 sq. ft)
81 - Two Bedroom	- 77.7 m ² (836 sq. ft) to 85.0 m ² (915 sq. ft)
29 – Two Bedroom + Den	- 85.3 m ² (918 sq. ft) to 93.1 m ² (1,002 sq. ft)

TOTAL NUMBER OF UNITS: - 237 units *(inclusive of 48 adaptable units)*

Vehicle Parking

Tower 4 Residential	- 114 spaces required
237 units @ 0.48 spaces per unit	- 114 spaces provided

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Tower 4 Commercial Area - 7 spaces required
 258 m² x 2.4 / 100 = 7 - 7 spaces provided

Bicycle Parking

Secure Residential Total - 474 spaces required
 237 units @ 2.0 spaces per unit - 474 spaces provided

Residential Visitor Total - 24 racks required
 237 units @ 0.1 spaces per unit - 24 racks provided

Communal Facilities

The proposed amenity area amounts to 174.8 m² (1,881 sq. ft.), which is less than the permitted which is less amenity space than the permitted 945.3 m² (10,174.7 sq. ft.) for Tower 4 (i.e. 5% of total Gross Floor Area) under the Zoning Bylaw.

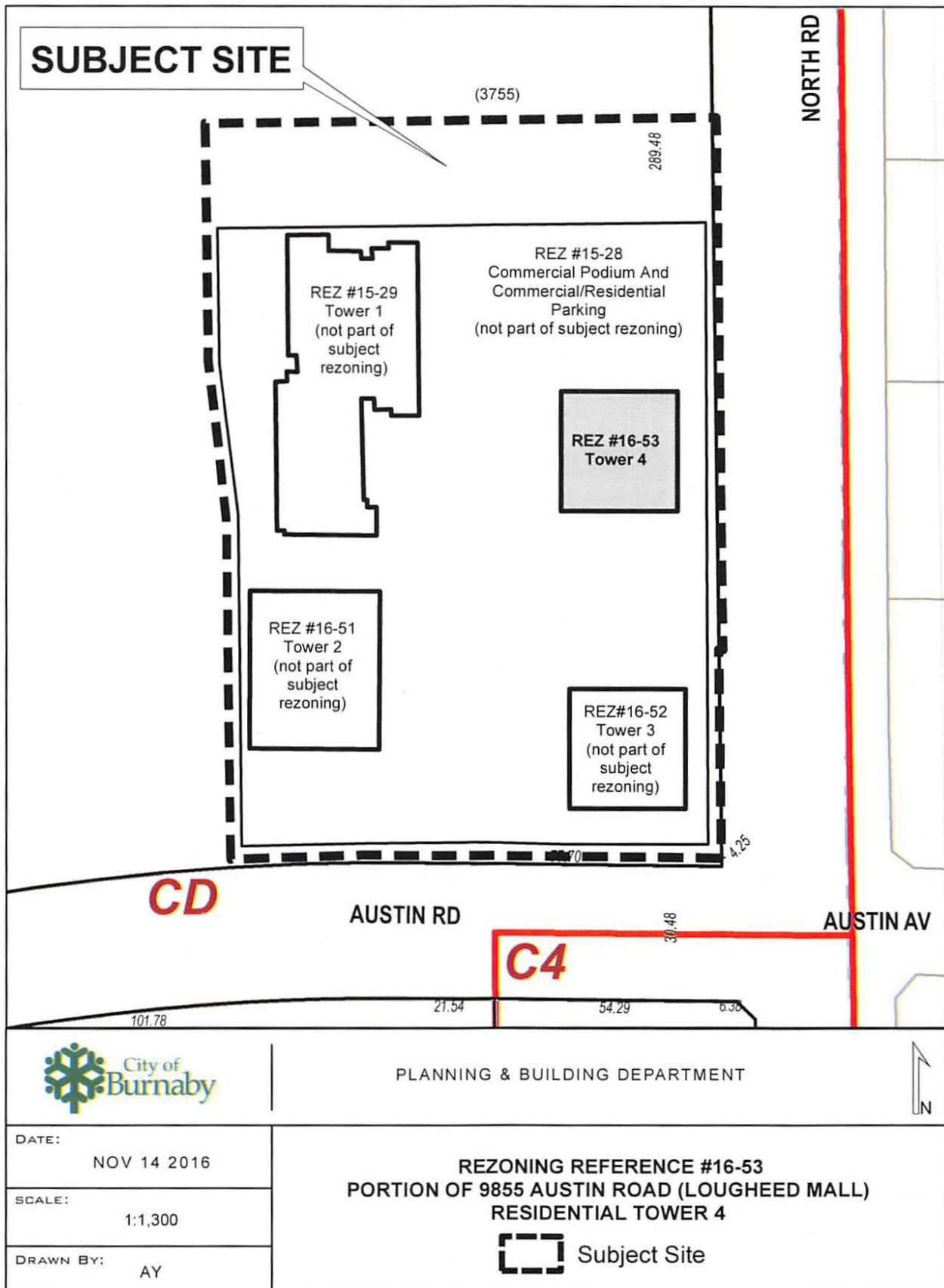

 Lou Pelletier, Director
 PLANNING AND BUILDING

JD:eb

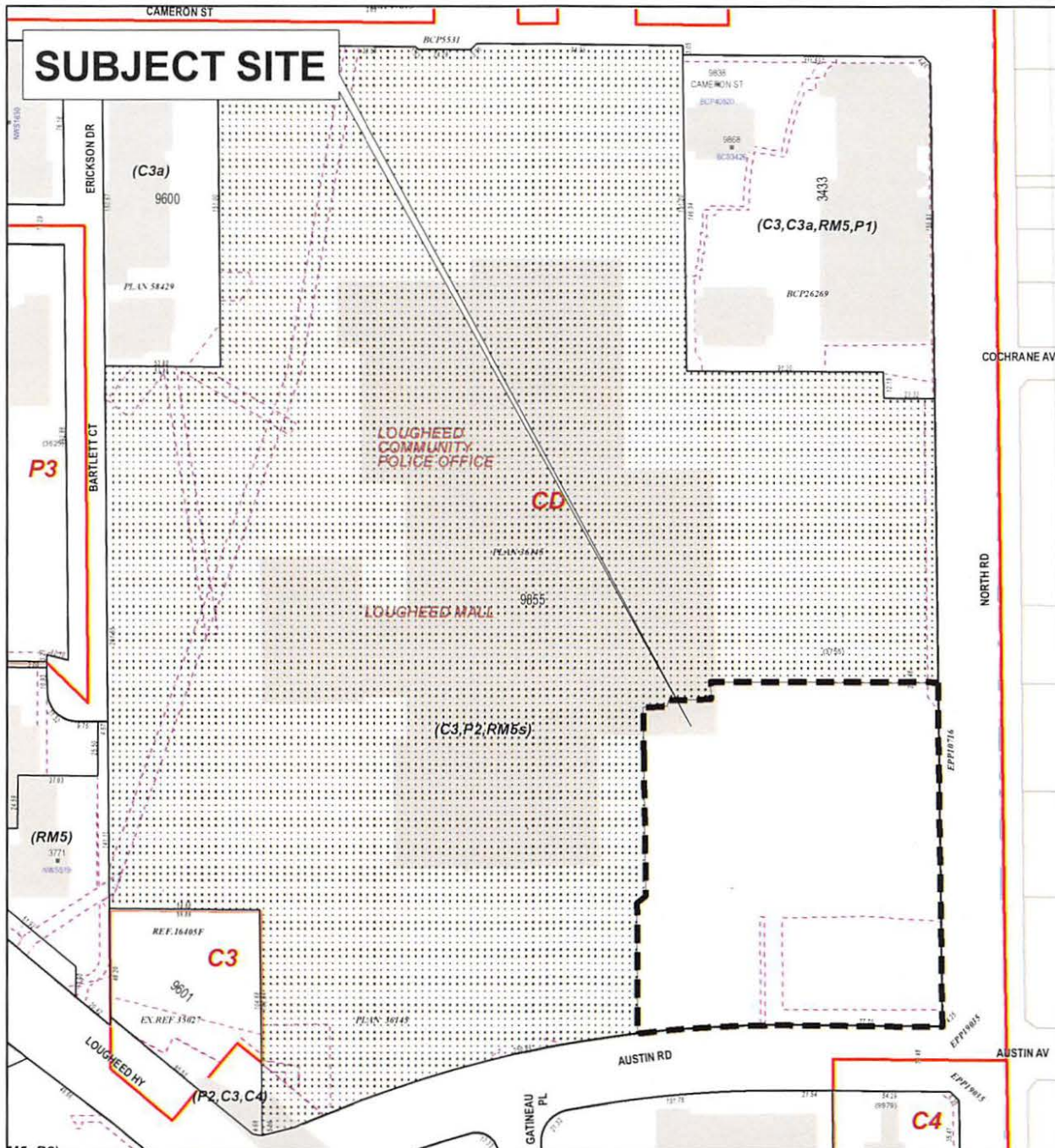
Attachments




cc: Director Finance
 Director Parks, Recreation and Cultural Services
 Director Public Safety and Community Services
 Director Engineering
 City Solicitor
 City Clerk

P:\49500 Rezoning\20 Applications\2016\16-53 Twr 4 9855 Austin Rd\Rezoning Reference 16-53 PH Report 2017.12.11.docx

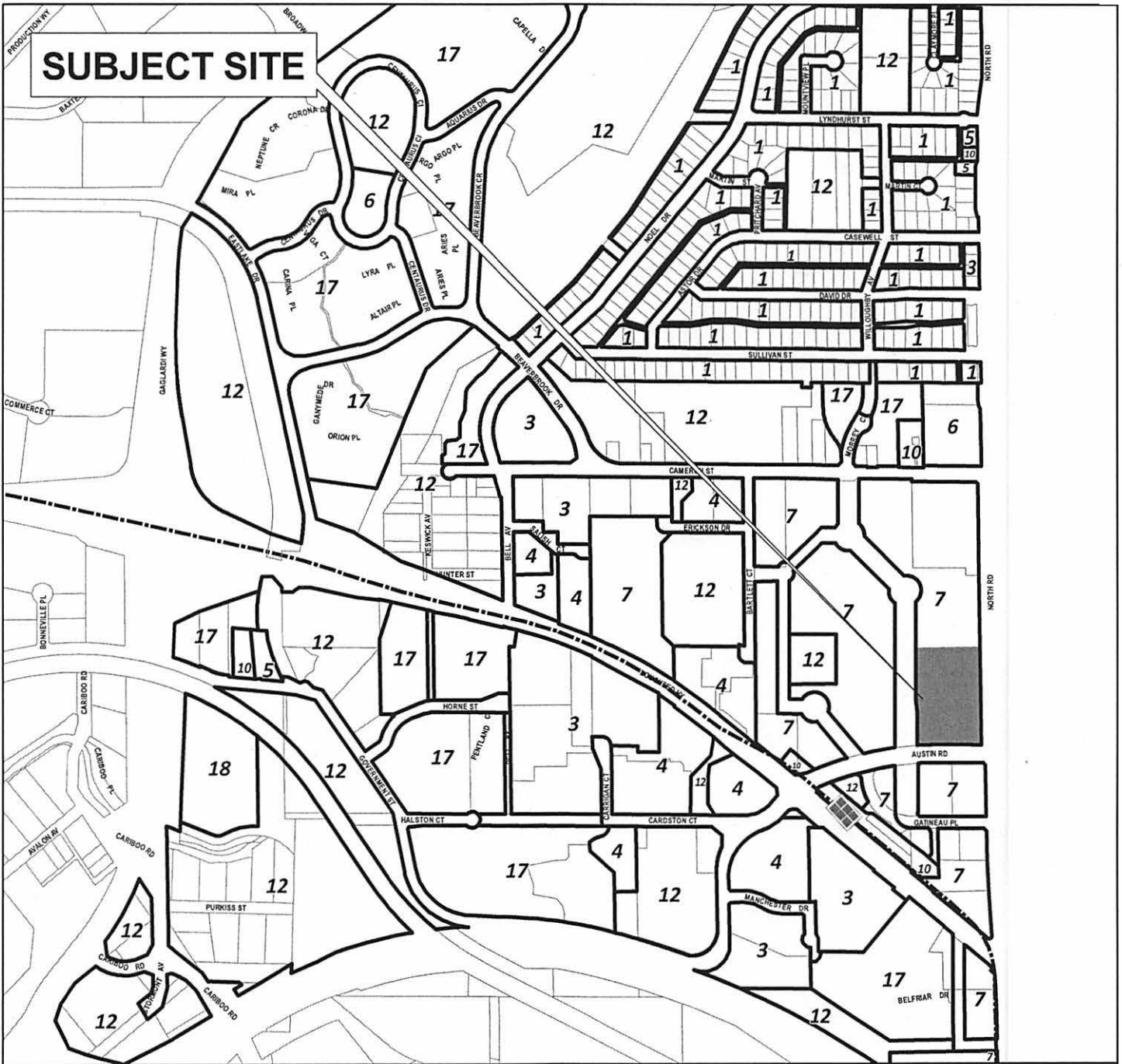


Sketch #1



		PLANNING & BUILDING DEPARTMENT		
DATE: NOV 14 2017		REZONING REFERENCE #16-53 PORTION OF 9855 AUSTIN ROAD (LOUGHEED MALL) PHASE 1, TOWER 4		
SCALE: 1:3,000		 Remnant Mall Site		
DRAWN BY: AY				

Sketch #2



- | | |
|--|--|
| 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 |
| 6 Medium Density Mixed Use | 18 Recreational Vehicle Park |
| 7 High Density Mixed Use | |



PLANNING & BUILDING DEPARTMENT

Lougheed Town Centre Plan



Meeting 2017 November 28

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 2017 November 23

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20

Reference: Bylaw Text Amendment

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS
2017 NOVEMBER**

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 six Zoning Bylaw amendments regarding 1) clarifying definitions of certain dwelling types; 2) front yard averaging; 3) side lot lines and yards; 4) corner and through lots; 5) car wash stalls in RM6, C8 and C9 Districts; and, 6) FAR exemption for amenity spaces in housing facilities catering to older adults.

2.0 PROPOSED BYLAW TEXT AMENDMENTS

2.1 *Clarifying Definitions of Certain Dwelling Types*

Issue

Definitions of dwelling types in the Zoning Bylaw are inconsistent in their reference to occupancy by permanent residents despite the intent that all dwelling units in Residential zones are for the purpose of permanent residences rather than transient accommodations.

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Discussion

In Section 3.0 of the Zoning Bylaw, the definitions of “Apartment Building”, “Dwelling, Multiple Family”, “Dwelling, Single Family” and “Dwelling, Two Family” all contain references to dwelling units within these dwelling types as being “occupied or intended to be occupied as the permanent home or residence by one family only”. This reference is not included in the definitions of other dwelling types (such as “Dwelling, Duplex”, “Dwelling, Row Housing”, “Dwelling, Semi-Detached”, “Dwelling, Townhouse”, “Multi-Family Flex Unit” and “Secondary Suites”), although these dwelling types are likewise intended for occupancy as permanent homes or residences.

In order to ensure consistency, it is recommended that the definition of “Dwelling Unit” be amended to include the permanent residence requirement and that such text be removed from the current definitions of “Apartment Building”, “Dwelling, Multiple Family”, “Dwelling, Single Family” and “Dwelling, Two Family” (in order to avoid duplication of the bylaw requirement for permanent residence).

Since the definitions of all residential dwelling types include a reference to “Dwelling Unit”, the proposed amendment to the definition of “Dwelling Unit” to incorporate the permanent residence requirement would clearly distinguish these dwelling types from more temporary accommodations such as boarding and lodging houses and hotels. A further amendment to the definition of “Motel or Auto Court” to delete the reference to “dwelling unit” is needed, so that the permanent residence requirement is not incorporated into this land use.

It is also recommended that the definition of “Accessory Use” be amended to emphasize that boarders or lodgers, boarding, lodging or rooming houses, childcare facilities, group homes, private hospitals, supportive housing facilities and home occupations are prohibited in a single family dwelling containing a secondary suite, in both the principle dwelling unit as well as the secondary suite, as currently stated in the bylaw regulating these uses in dwellings with secondary suites.

Multi-family flex-units are defined as being a strata-titled apartment or townhouse dwelling unit containing a defined area for a potential second rental accommodation, subject to certain conditions. To clarify that the rental accommodation may be used as the permanent residence of a further family, it is proposed that the definition of multi-family flex units be amended to reflect this option.

Currently, the definitions of “Apartment Building” and “Dwelling, Multiple Family” in the Zoning Bylaw appear to refer to the same type of housing development. To differentiate between the two forms of housing, it is recommended that “Apartment Building” be defined to mean a multiple family dwelling where access to the dwelling units is via a shared corridor. Likewise, it would be helpful to add a definition for “Apartment” to mean a dwelling unit in an apartment building.

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Recommended Bylaw Amendments

1. **THAT** the definition of “Dwelling Unit” be amended with wording the same or similar to the following:

“DWELLING UNIT” means one or more habitable rooms constituting one self-contained unit with a separate entrance, which is occupied or intended to be occupied as the permanent home or residence of one family only and contains not more than one kitchen or one set of cooking facilities.

2. **THAT** the definitions of “Dwelling, Multiple Family” and “Dwelling, Two Family” be amended by deleting the text “each of which is occupied or intended to be occupied as the permanent home or residence of one family only”.

3. **THAT** the definition of “Dwelling, Single Family” be amended by deleting the text “which is occupied or intended to be occupied as the permanent home or residence of one family only”.

4. **THAT** the definition of “Apartment Building” be amended with wording the same or similar to the following:

“APARTMENT BUILDING” means a multiple family dwelling where dwelling units are primarily accessed via a shared corridor.

5. **THAT** Section 3.0 of the Zoning Bylaw be amended to add a definition of “Apartment” with wording the same or similar to the following:

“APARTMENT” means a dwelling unit within an apartment building.

6. **THAT** the following highlighted text be added to the condition in section (3.0)(f) of the definition of “Accessory Use”:

(f) neither the keeping of boarders or lodgers, the operation of a boarding, lodging or rooming house, the operation of a child care facility or home-based child care facility, the operation of a group home, private hospital or supportive housing facility nor the operation of a home occupation that includes on-site client services shall be permitted in a single family dwelling that contains a secondary suite, including within the secondary suite.

7. **THAT** the following condition be added as subsection (f) in the definition of “Multi-Family Flex-Unit”:

(f) may be occupied as the permanent home or residence of one additional family only.

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8. THAT the definition of “Motel or Auto Court” be amended with wording the same or similar to the following:

“MOTEL OR AUTO COURT” means a group of two or more detached or semi-detached buildings, providing self-contained accommodation that is primarily for transient motorists and which may have its own cooking facilities and bathroom with a water closet, wash basin and bath or shower.

2.2 Front Yard Averaging

Issue

Section 6.12(2.1) of the Zoning Bylaw provides conditions for determining the average front yard depth applicable to R Residential District properties that are subject to front yard averaging. The conditions address circumstances where it is appropriate to exclude an adjacent lot from the calculation of average front yard depth, or apply a standard front setback, such as where an adjacent lot is vacant, fronts onto a different street, or is separated by a street or a lane. However, the conditions do not address other situations that warrant similar consideration, such as where an adjacent lot is a panhandle lot or is in a zoning district other than an R District.

Discussion

Section 6.12(2.1) of the Zoning Bylaw states:

For lots in R1, R2, R3, R4, R5, R9, R10, R11, and R12 Districts, where front yard averaging of the two adjacent lots on each side of the lot is applicable, the following conditions shall apply in determining the average front yard depth:

- (i) where an adjacent lot is vacant, the front yard shall be deemed to have a depth of a required front yard;*
- (ii) if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average depth;*
- (iii) where the lot is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent lots.*

Front yard averaging, as detailed in Section 6.12(2.1) of the Zoning Bylaw, is a technique used to determine an appropriate front yard setback for new development in areas where existing setbacks significantly exceed Zoning Bylaw requirements. By averaging the existing setbacks of the two adjacent lots on either side, and applying this average to the lot undergoing development, this technique helps to integrate new development into existing streetscapes. However, there are circumstances where an adjacent lot may be vacant or may have little relationship to the frontage of the subject lot. Section 6.12(2.1) addresses the latter by excluding adjacent lots that front onto a different street, or are separated by a street or lane; for vacant lots, it applies the minimum required setback.

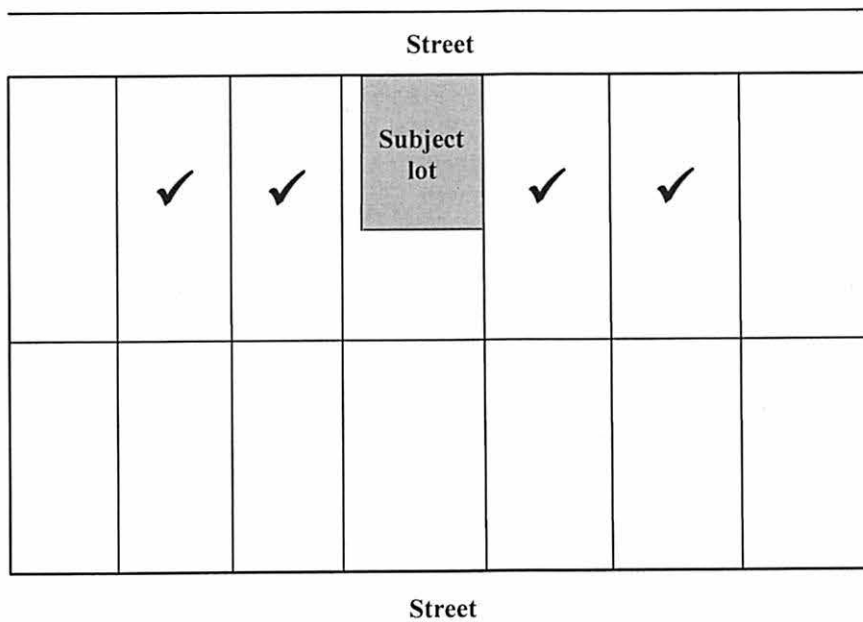
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Panhandle lots

Panhandle lots contain a narrow strip of land, or “panhandle” attached to the main portion of the lot. Generally, the narrow panhandle serves an access function from an abutting street and provides inadequate width for the siting of buildings. As such, the principal building on a panhandle lot is often distant from the front lot line, with a front yard setback that far exceeds those on neighbouring properties. Depending on the depth of the panhandle, which is often the depth of one or more adjacent lots, the residence will have little to no visual relationship to the street or to the properties abutting the panhandle. In such cases, the front yard setback, being both inordinately large and irrelevant to the character of the streetscape, may skew the average for no purpose.

It is therefore recommended that panhandle lots be excluded from front yard averaging calculations. It is further recommended that the average be derived from the two other lots nearest the subject site, as shown in Figure 1 below. In order to have a reference to a “panhandle lot,” it is recommended that the term be defined in Section 3.0 of the bylaw.

Figure 1: Front yard averaging with proposed exclusion of panhandle lots



✓ = included in front yard averaging

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Lots outside of R Districts

Similarly, it is recommended that Section 6.12(2.1) of the Zoning Bylaw be amended to exclude lots in zoning districts other than R Residential Districts from front yard averaging calculations. This section was adopted in 1991, following a comprehensive review of bulk regulations for single family homes. It was intended to help maintain the character and pattern of established R Residential District neighbourhoods, particularly those with uniform streetscapes and generous front yard setbacks.

The required setbacks on neighbouring non-R District lots may vary significantly from those required in R Districts and, if included, may skew the average and defeat the intent of the bylaw. For instance, the required front yard setback in most C Commercial Districts is 2 m (6.5 ft.); if a C District lot were included in a front yard averaging calculation, the resulting average could be less than the required minimum front yard setback, despite the much greater setbacks of other adjacent lots.

For these reasons, it is recommended that non-R District lots be excluded when calculating the front yard average of an R District lot. It is also recommended that any lots located beyond the non-R District lot also be excluded, as the visual continuity of the streetscape is unlikely to extend that far. The above recommendations are illustrated in Figure 2 below.

Figure 2: Front yard averaging with proposed exclusion of non-R District lot

Street					
R2 ✓	R5 ✓	R5 Subject lot	C1	R5	R5
R2	R5 ✓	R5 ✓	R5 Subject lot	R5 ✓	RM1
Street					

✓ = included in front yard averaging calculation

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Street						Street
R2	R5	R5	R5	M3	R5 Subject lot	
R2	R5	R5	R5	R5	R5	

No front yard averaging applies

Recommended Bylaw Amendments

1. **THAT** Section 3.0 of the Zoning Bylaw be amended to add a definition of “Lot, Panhandle” with wording the same or similar to the following:

***“LOT, PANHANDLE”** means a lot created under subdivision that gains street frontage through a narrow strip of land that is an integral part of the lot, but provides inadequate width for the siting of buildings.*

2. **THAT** Section 6.12(2.1) of the Zoning Bylaw be amended to include a condition that
 - excludes panhandle lots from front yard averaging calculations, and,
 - specifies that, in circumstances where an adjacent lot is a panhandle lot, the average be derived from the two other lots nearest the subject site.
3. **THAT** Section 6.12(2.1) of the Zoning Bylaw be amended to include a condition that
 - includes only R Residential District lots in front yard averaging calculations, and,
 - specifies that any lots located beyond the non-R District lot be excluded from front yard averaging calculations.

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2.3 Side Lot Lines and Yards

Issue

The requirement for side lot lines to intersect a front lot line is impracticable on some irregular lots such as L-shaped lots or panhandle lots, where a side lot line may only intersect with a lot line appropriately considered a rear lot line, or another side lot line. Similarly, the requirement for a side yard to extend from the front yard to the rear yard cannot be achieved on through lots and irregular lots with no rear yard.

Discussion

Section 3.0 of the Zoning Bylaw states:

“LOT LINE, SIDE” means a lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and a public street in the case of a corner lot of which one or both ends intersect a front lot line.

“YARD, SIDE” means that portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

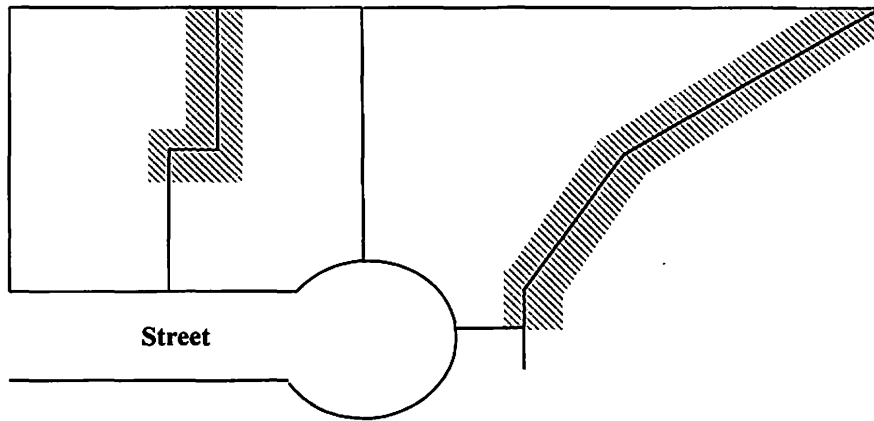
“YARD, FRONT” means that portion of the lot, extending from one side lot line to the other, between the front line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line. In the case of a through lot there shall be two such front yards.

“YARD, REAR” means that portion of the lot, extending from one side lot line to the other, between the rear line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear line of the lot and the parallel line.

Based on these definitions, side lot lines must intersect a front lot line; however, on some irregularly shaped lots, such as L-shaped lots or panhandle lots, lot lines that would be appropriately considered a side lot line intersect only a rear lot line, or another side lot line. As shown in Figure 3, these lot lines do not qualify as side lot lines. Although they function as side lot lines (i.e., the boundary between two lots) because they do not intersect a front lot line, they cannot be regulated as such.

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Figure 3.0: Examples of side lot lines that are inconsistent with current lot line definitions



In order to broaden the definition of a side lot line to encompass those found on irregularly shaped lots, it is recommended that any lot line, other than a front lot line or a rear lot line, to be regulated as a side lot line subject to the required side yard setback.

A companion amendment is recommended to the definition of a side yard, which requires side yards to extend from the front yard to the rear yard. This is impracticable on through lots, which have two front yards instead of a front and a rear, and on irregular shaped lots such as those described above. In order to reflect the range of lot shapes and the varying relationships of side lot lines to front and rear lot lines, it is recommended that the clause “extending from the front yard to the rear yard” be replaced with the clause “extending the length of the side lot line.”

In addition, there may be instances where a rear yard or front yard cannot extend between two side yards; for clarity, it is recommended that these definitions be similarly amended to require the yard to extend the length of the lot line.

Lastly, for clarity, it is recommended that the term “line of the lot,” which is used in the side yard, front yard, and rear yard definitions, be replaced with the defined term, “lot line.”

Recommended Bylaw Amendments

1. **THAT** the definition of “Lot Line, Side” in Section 3.0 of the Zoning Bylaw be amended to clarify that a side lot line need not intersect a front lot line, and instead is any line that is not a front lot line or a rear lot line.
2. **THAT** the definition of “Yard, Side” in Section 3.0 of the Zoning Bylaw be amended to replace the words “extending from the front yard to the rear yard” with the words “extending the length of the side lot line.”

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3. **THAT** the definition of “Yard, Front” in Section 3.0 of the Zoning Bylaw be amended to replace the words “extending from one side lot line to another” with the words “extending the length of the front lot line.”
4. **THAT** the definition of “Yard, Rear” in Section 3.0 of the Zoning Bylaw be amended to replace the words “extending from one side lot line to another” with the words “extending the length of the rear lot line.”
5. **THAT** the term “line of the lot” be replaced with the term “lot line” wherever it appears.

2.4 Corner Lots and Through Lots

Issue

The regulations that apply to through lots and corner lots vary; however, some lots meet both definitions.

Discussion

Section 3.0 of the Zoning Bylaw states:

“LOT, CORNER” means a lot at the intersection or junction of two or more streets.

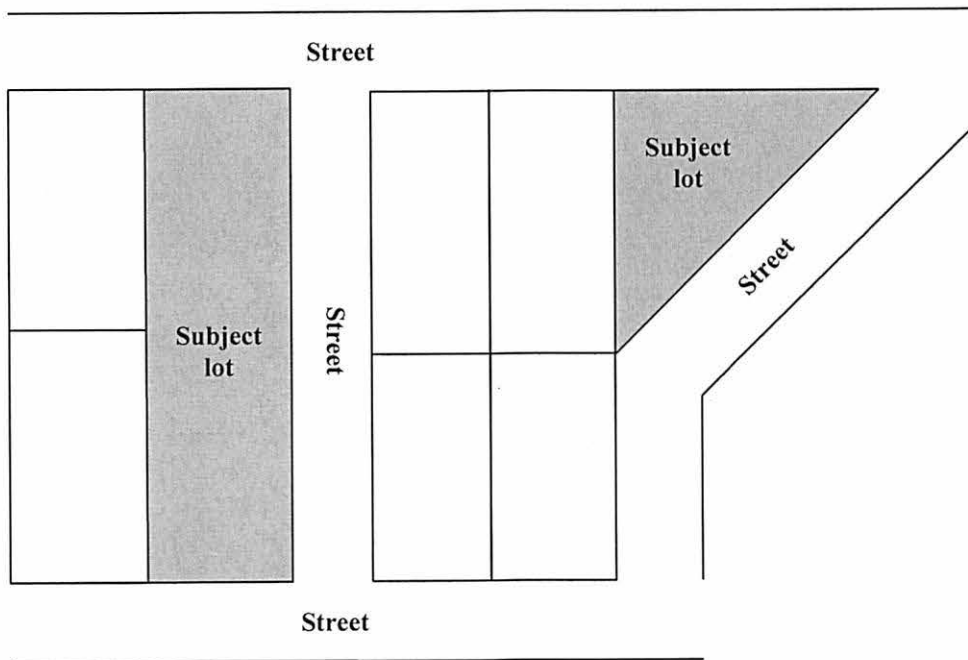
“LOT, THROUGH” means a lot abutting two parallel or approximately parallel streets.

“LOT LINE, FRONT” means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front line if the adjacent lots front on the same street, except that only one front lot line need be provided. In the case of a through lot, the lot lines abutting two parallel or approximately parallel streets shall both be considered as front lot lines.

In most cases, a through lot and a corner lot can be easily distinguished according to the above definitions. However, in some cases, a lot may be located at the intersection of three streets, and thus qualify as both a corner lot and a through lot. Alternatively, a lot may be configured as a triangle, with two sides flanking intersecting streets that may be considered approximately parallel to each other. Both examples are shown below in Figure 4.

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Figure 4: Examples of lots that qualify as both corner lots and through lots



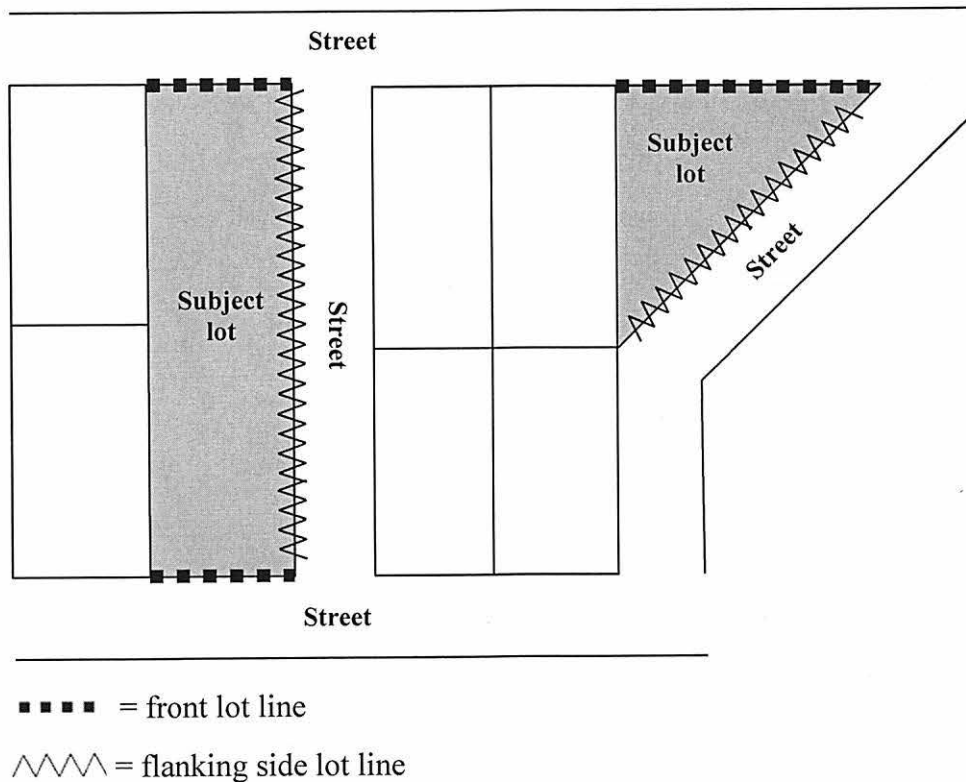
In such cases, it is unclear which lot lines are to be considered front lot lines, and subject to a front yard setback. As noted in the definitions, a corner lot requires only one front lot line, whereas a through lot requires two front lot lines, and two front yard setbacks. For corner lots in many zoning districts, the required setback for the side lot line flanking the street is greater than that required for standard lots.

For regular lots at the intersection of three streets, the requirement for two front yard setbacks and a flanking side yard setback can generally be accommodated, as the front yard setback in many zoning districts is less than the minimum required rear yard setback. However, for triangular shaped lots and other irregular shaped lots, the requirement for a front yard setback along the angled lot line, which is significantly longer than the other two lot lines maybe onerous.

It is therefore recommended that the Bylaw be clarified to require two front lot lines for corner lots that meet both definitions. In order to exclude triangular and other irregularly shaped lots from this requirement, it is further recommended that these lots be subject to one front lot line and one flanking side lot line, with the latter located along the longest line abutting a street. The above recommendations are illustrated in Figure 5 below.

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Figure 5: Proposed front and flanking side lot lines on lots that qualify as both corner lots and through lots



Recommended Bylaw Amendment

1. **THAT** the definition of “LOT LINE, FRONT” in Section 3.0 of the Zoning Bylaw, be amended to specify that corner lots that are also through lots shall be considered to have two front lot lines; except that triangular or irregular corner lots shall have one front lot line along the shortest line abutting a street and one flanking side lot line along the longest line abutting a street.

2.5 Car Wash Stalls in RM6, C8 and C9 Districts

Issue

Car wash stalls are required in all zoning districts that permit multiple family residential development, with the exception of the RM6 Hastings Village Multiple Family Residential District, the C8 Urban Village Commercial (Hastings) District, and the C9 Urban Village Commercial District. As the need for car wash stalls in multiple family developments is no different in these districts, inclusion of car wash stalls in these districts is recommended.

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Discussion

Section 3.0 of the Zoning Bylaw states:

“CAR WASH STALL” means a space that

- a) has minimum dimensions 3.0.7m (12.14 ft.) x 5.5 m (18.04 ft.),*
- b) is located in an underground parking area or in a roofed covered area integrated with a building,*
- c) provides a facility for washing vehicles, and*
- d) drains to a sanitary sewer.*

Sections 201.10, 202.10, 203.10, 204.12, 205.12, 207.12, and 511.14 of the Zoning Bylaw state:

One car wash stall with a “No Parking” sign affixed to it shall be provided for each 100 dwelling units.

Car wash stalls provide a designated area for vehicle washing that ensures proper collection and discharge of waste water into the sanitary sewer system. As such, the requirement for at least one car wash stall per 100 dwelling units in the RM1, RM2, RM3, RM4, and RM5 Multiple Family Residential Districts was adopted in 1990. At that time, no other multiple family residential districts existed in Burnaby.

In 1993, the RM6 Hastings Village Multiple Family Residential District and the C8 Urban Village Commercial (Hastings) District were established, followed by the C9 Urban Village Commercial District in 2000. These Districts permit multiple family residential development of a scale and design similar to that permitted in the RM3 Multiple Family District.

At the time these Districts were established, car wash stalls were not specifically established as a requirement. It is noted that multiple family residential buildings that have been developed under Comprehensive Development (CD) based on these Districts have included car wash stalls at a similar ratio. However, should a property in one of these Districts redevelop under existing zoning, car wash stalls would not be required.

It is therefore recommended that the requirement for car wash stalls, identical to that found in other multiple-family residential districts, be added to the RM6 Hastings Village Multiple Family Residential District, the C8 Urban Village Commercial (Hastings) District, and the C9 Urban Village Commercial District.

Recommended Bylaw Amendment

1. **THAT** the following be added as a requirement in the RM6 Hastings Village Multiple Family Residential District, the C8 Urban Village Commercial (Hastings) District, and the C9 Urban Village Commercial District:

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One car wash stall with a “No Parking” sign affixed to it shall be provided for each 100 dwelling units.

2.6 FAR Exemption for Amenity Spaces in Housing Facilities Catering to Older Adults

Issue

In order to maintain equity in the treatment of various types of facilities that often cater to older adults who require some level of personal or nursing care, it is recommended that category A supportive housing facilities and private hospitals be permitted a FAR exemption for amenity spaces.

Discussion

The Burnaby Zoning Bylaw defines “Private Hospital” and “Supportive Housing Facility” as follows:

“HOSPITAL, PRIVATE” means a house in which two or more patients, other than the spouse, parent or child of the owner or operator thereof, are living at the same time, and including a nursing home or convalescent home, but does not include a hospital as defined in this Bylaw or a hospital licensed under the Mental Hospitals Act.

“SUPPORTIVE HOUSING FACILITY” means a housing facility that

- (a) contains two or more living units, each of which is occupied or intended to be occupied by not more than two persons, at least one of whom is fifty-five years of age or older;*
- (b) contains common amenity spaces and dining facilities for the residents;*
- (c) provides at least one meal a day for the residents; and,*
- (d) provides continuous monitoring of the residents and on-site emergency medical response.*

‘supportive housing facility, Category A’ means a supportive housing facility in which the living units do not contain a kitchen or cooking facilities.

‘supportive housing facility, Category B’ means a supportive housing facility in which the living units contain a kitchen or cooking facilities.

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The Zoning Bylaw defines amenity space for category B supportive housing facilities as:

“AMENITY SPACE CATEGORY B SUPPORTIVE HOUSING” means communal space in a category B supportive housing facility that is provided primarily for the use of the residents of the facility for dining, recreation, social activity, personal service, meeting or lobby purposes, together with associated circulation areas.

Section 6.20(5)(i) of the Zoning Bylaw permits category B supportive housing facilities located in the RM and P Districts a 13.6% FAR exemption for amenity spaces. This figure was derived based on the typical amount of amenity space provided in supportive housing developments in Burnaby.

Category A supportive housing developments and private hospitals are not currently permitted any FAR exemption for amenity space, even though these types of facilities often also cater to older adults who require some level of personal or nursing care and provide a comparable amount of amenity space for residents. Recognizing the value that on-site amenity spaces have for residents, it is recommended that the Zoning Bylaw be amended to also permit a 13.6% FAR exemption for amenity spaces in category A supportive housing developments and private hospitals in the RM and P Districts. The most effective means of implementing this recommendation is to replace the definition of “Amenity Space Category B Supportive Housing” with a more general definition that applies to amenity spaces in private hospitals and supportive housing generally, and reference this new term in Section 6.20(5)(i) of the Zoning Bylaw (in place of “category B supportive housing”).

Recommended Bylaw Amendments

1. THAT the definition of “Amenity Space Category B Supportive Housing” in Section 3.0 of the Zoning Bylaw be repealed and replaced with:

“AMENITY SPACE, PRIVATE HOSPITAL AND SUPPORTIVE HOUSING FACILITY” means communal space in a private hospital or category A or B supportive housing facility that is provided primarily for the use of the residents of the facility for dining, recreation, social activity, personal service, meeting or lobby purposes, together with associated circulation areas.

2. THAT reference to category B supportive housing in the definition of “Amenity Space” in Section 3.0 of the Burnaby Zoning Bylaw be deleted.
3. THAT Section 6.20(5)(i) of the Burnaby Zoning Bylaw be amended to replace “category B supportive housing amenity space” with “private hospital and supportive housing facility amenity space”.

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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 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

MN:eb

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

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