



CITY OF BURNABY

PUBLIC HEARING

The Council of the City of Burnaby hereby gives notice that it will hold a Public Hearing

TUESDAY, 2018 AUGUST 28 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. 31, 2018 - Bylaw No. 13923

1

Rez . #18-35

3986 Norland Avenue

From: R4 Residential District

To: CD Comprehensive Development District (based on P5 Community Institutional District, RM2 Multiple Family District and the Central Administrative Area as guidelines, and in accordance with the development plan entitled "BC Housing Transitional Housing" prepared by Horizon North)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a supportive housing project on a City-owned lot to be constructed by BC Housing and operated by Progressive Housing Society.

2) **Burnaby Zoning Bylaw 1965,** 13
Amendment Bylaw No. 27, 2018 - Bylaw No. 13915

Rez . #17-09

7401 Sussex Avenue

From: P5 Community Institutional District

To: CD Comprehensive Development District (based on P5 Community Institutional District and RM3 Multiple Family Residential District, and in accordance with the development plan entitled “L’Arche Community” prepared by GBL Architects Inc. and ETA Landscape Architects)

The purpose of the proposed zoning bylaw amendment is to permit the redevelopment of the site for a new building accommodating a multi-age residential care facility and non-market rental housing.

3) **Burnaby Zoning Bylaw 1965,** 21
Amendment Bylaw No. 34, 2018 - Bylaw No. 13926

Rez . #17-10007

8725 University Crescent

From: CD Comprehensive Development District (based on P11e SFU Neighbourhood District)

To: Amended CD Comprehensive Development District (based on the P11e SFU Neighbourhood District and SFU Community Plan as guidelines, and in accordance with the development plan entitled “SFU Parcel 20” prepared by Besharat Friars Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of two high-rise apartment buildings atop a three storey townhouse podium and underground parkade.

4) **Burnaby Zoning Bylaw 1965,** 29
Amendment Bylaw No. 35, 2018 - Bylaw No. 13927

Rez . #17-20

4255 and 4257 Hastings Street

From: C8 Urban Village Commercial District (Hastings)

To: CD Comprehensive Development District (based on C8a Hastings Urban Village Commercial District, Hastings Street Are Plan guidelines, and in accordance with the development plan entitled “Classico” prepared by Collabor8 Architecture & Design Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a five-storey mixed-use development, with commercial/retail at grade and residential uses above.

5) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 36, 2018 - Bylaw No. 13928

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TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to amend the Burnaby Zoning Bylaw 1965 to permit government cannabis stores within Burnaby.

6) **Burnaby Zoning Bylaw 1965,**
Amendment Bylaw No. 37, 2018 - Bylaw No. 13929

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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 child care facilities as a permitted use in select Commercial Districts, and aligning child care parking requirements with commercial parking requirements.

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 August 28 and contain the writer's name and address which will become a part of the public record.

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

Copies of the proposed bylaws may be inspected at the Office of the City Clerk at 4949 Canada Way, Burnaby, B.C., V5G 1M2 from 8:00 a.m. to 4:45 p.m. weekdays from 2018 August 15 to 2018 August 28.

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

K. O'Connell
CITY CLERK



Item
Meeting 2018 July 23

COUNCIL REPORT

TO: CITY MANAGER 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #18-35**
Norland Avenue Supportive Housing Project
Central Administrative Area

ADDRESS: 3986 Norland Avenue (see *attached* Sketch #1)

LEGAL: Lot 53, except dedication plan 71549, DL 79, NWD District Plan 54758

FROM: R4 Residential District

TO: CD Comprehensive Development District (based on P5 Community Institutional District, RM2 Multiple Family District and the Central Administrative Area as guidelines, and in accordance with the development plan entitled "BC Housing Transitional Housing" prepared by Horizon North)

APPLICANT: BC Housing Management Commission
1701- 4555 Kingsway
Burnaby, BC V5H 4V8
Attn: Mania Hormozi

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 August 28.

RECOMMENDATIONS:

1. **THAT** the amendment to the Central Administrative Area, as outlined in Section 4.0 of this report be approved, to take effect upon the granting by Council of Second Reading of the Rezoning Bylaw related to the subject site.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 July 23 and to a Public Hearing on 2018 August 28 at 7:00 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.

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- 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.
- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The dedication of any rights-of-way deemed requisite.
- e) The registration of a Lease Agreement, as outlined in Section 5.2 of this report.
- f) The approval of the Ministry of Transportation to the rezoning application.
- g) The undergrounding of overhead wires, abutting the site.
- h) The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the lease of the unit to a disabled person.
- i) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- j) The review of a detailed Sediment Control System by the Director Engineering.
- k) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision.
- l) The deposit of the applicable Parkland Acquisition Charge.
- m) The deposit of the applicable GVS & DD Sewerage Charge.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a supportive housing project on a City-owned lot to be constructed by BC Housing and operated by Progressive Housing Society.

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2.0 BACKGROUND

- 2.1 The subject site is located at the northeast corner of Norland Avenue and Ledger Avenue and is comprised of a single City-owned lot which is currently vacant and treed. To the north is an older two-storey office building; to the east, is the Trans-Canada Highway; to the west, across Norland Avenue, are City-owned single family dwellings; and, to the south, across Ledger Avenue, is a City-owned single family dwelling and currently vacant land which is proposed for a temporary City works yard under Rezoning Reference #17-10015.
- 2.2 In 2017, the City received a proposal from BC Housing for the development of a supportive housing facility, as part of the province's Rapid Response to Homelessness Initiative (RRHI). Through this initiative, BC Housing partners with local governments and non-profit service providers to build low-cost housing with a range of supports for individuals in need. The proposed development is for 52 studio units in a three-storey building with shared amenity space, support services, and 24/7 staffing. The site would be constructed by BC Housing and operated by Progressive Housing Society.
- 2.3 On 2018 May 14, Council received a report regarding the subject site and authorized staff to work with BC Housing through a public consultation and development approval process. The consultation undertaken by the applicant consisted of three open houses, has now concluded, and the applicant has submitted the necessary rezoning application, as well as a plan of development considered suitable for presentation to Public Hearing.

3.0 PUBLIC CONSULTATION

The BC Housing public consultation process sought to inform the community about the proposal and respond to any issues and questions. The main components of the process were:

- **Community engagement:** BC Housing and Progressive Housing Society met with groups in the community to explain the proposal and respond to enquiries.
- **Neighbourhood notification:** BC Housing sent an information letter to 527 property owners and tenants in the community plan area, including an invitation to the public open houses.
- **Online information:** BC Housing provided information about the proposal on its website and ran geo-targeted ads on its Facebook and Twitter accounts.
- **Comment forms:** Comment forms were provided at the open houses and on the BC Housing website.

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- **Media coverage:** On 2018 May 14, *Burnaby Now* published an article on the proposal including the open house dates.
- **Open houses:** BC Housing held three open houses at the Bill Copeland Community Centre, at the following times:
 - Tuesday, June 05 from 10:00 am to 2:00 pm
 - Wednesday, June 06 from noon to 4:00 pm
 - Thursday, June 07 from 4:00 pm to 8:00 pm

The open houses featured a series of display boards on the proposal, with representatives from BC Housing, Progressive Housing Society, Fraser Health, and City staff to answer questions. Comment forms and a project factsheet were also available. Based on the sign-in sheets, 55 members of the public attended the open houses.

Public response to the proposal was positive. Of the 31 comments received, 25 comments (87%) supported the proposal; 2 comments (6%) opposed the proposal, and 2 comments (6%) contained questions or undecided viewpoints.

The most frequent comments from those supporting the proposal were the following:

- Burnaby needs this type of housing
- Important services are provided
- Vulnerable people need help

Most questions focused on safety and security, tenant selection, program management and the support services that would be provided. BC Housing and Progressive Housing Society provided the following responses to these questions:

How will safety and security of the community, tenants and staff be addressed?

BC Housing and Progressive Housing Society advise that many measures would be put in place to address safety and security concerns. Progressive Housing Society would provide 24/7 staffing to ensure that tenants are supported and neighbourhood concerns are addressed. Security features, such as lighting, fencing, and secured access would be included on the site and building. A Community Advisory Committee, made up of formal partners (e.g., RCMP, Fraser Health, BC Housing) and neighbouring residents and businesses could be established to facilitate discussion on issues that may arise. Tenants would be required to sign an agreement that would address expectations about appropriate and respectful behaviour.

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How would tenants be selected?

Tenants would be selected individually through a comprehensive multi-agency process to ensure that they are well matched to the services provided and are able to meet the expectations of the program. BC Housing, Progressive Housing Society, and Fraser Health would lead the selection process. In order to be considered for the program, prospective tenants would complete a Supportive Housing Registration application. All applicants must be Burnaby residents who are experiencing or at risk of homelessness and are committed to pursuing a healthy and stable lifestyle. Many of the tenants will be those that Progressive Housing Society and/or Fraser Health currently assist. All tenants will be required to pay rent at levels suitable for those on income assistance.

Who would run the program?

The residence would be managed by the Progressive Housing Society, a non-profit organization supporting Burnaby residents in need of supportive housing who are homeless or at risk of homelessness. Progressive Housing Society would be responsible for property management, operations, programming, and (with partner agencies) tenant selection. Progressive Housing Society would provide 24/7 staffing and work with each tenant on an individualized support plan to access the range of services needed to move forward with their lives.

What support services would be available?

Support services include life skills training, employment assistance, help with accessing a range of social and health care services, meals service, amenity spaces, and residence management.

Given the level of public support for the project, and the consideration given by the proponents to address needs for supportive housing, it is recommended that Council advance the application to First Reading and Public Hearing as noted above.

4.0 PROPOSED PLAN AMMENDMENT

The subject site is designated in the Central Administrative Plan for office uses, utilizing the B1 District as a guideline (see Sketch #2 *attached*). The applicant is proposing rezoning the subject site to Comprehensive Development District based on the P5 Community Institutional District and RM2 Multiple-Family District as guidelines. In terms of the proposed underlying districts, the P5 District would permit the supportive housing use and the RM2 District is utilized in order to provide a basis for the residential use and density. Given the above, a minor amendment to the Central Administrative Plan is required in conjunction with the subject application to permit the use of the site for the proposed institutional/housing use.

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5.0 GENERAL COMMENTS

- 5.1 The development proposal is to permit the subject site to be utilized for a 52 unit supportive housing site, in which six (6) are accessible units and two (2) are adaptable. The site is currently treed and would be required to be partially cleared to accommodate the proposed development. The proposed structure is located on the western portion of the site, oriented towards the Norland Avenue and Ledger Avenue intersection and the remainder of the site will be undisturbed. A suitable landscape plan has been proposed which includes bioswales and permeable surfaces internal to the site as appropriate. The proposed building is a prefabricated structure which will be constructed off-site and assembled and installed on-site. The proposed prefabricated structure has been architecturally designed with a suitable material palette intended to integrate with the area's institutional neighbourhood character. Access to the site is from Ledger Avenue.
- 5.2 As mentioned above, the property is City owned. In order to permit construction and the use, a ground lease for a term of 5 years, with an option to renew (subject to Council approval) is to be provided. The ground lease is to be offset by a grant from the Community Benefit Bonus Housing Fund, subject to Council approval as part of a future report. The lessee for the project would be the Provincial Rental Housing Corporation (PRHC), a social and affordable housing real estate entity administered by BC Housing. The terms and conditions of the lease will be provided to Council in a future report.
- 5.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site including, but not necessarily limited to:
- cash in lieu for the construction of a separated sidewalk on Ledger Avenue to be coordinated with the necessary off-site work to serve the proposed temporary works yard (Rezoning Reference #17-10015);
 - cash-in-lieu for the construction of Norland Avenue with separated sidewalk fronting the development site;
 - provision for a new bus shelter and bus pad on Norland Avenue; and,
 - standard requirements for water main, sanitary sewers, and storm sewers.
- 5.4 A 3 m x 3 m corner truncation is required as well as an approximately 2.5 m dedication along the west property line to permit the construction of the full back of curb standard for Norland Avenue including separated sidewalks, street trees and a bus shelter. A road geometric for Ledger Avenue and Norland Avenue is required to determine the final required dedications.
- 5.5 Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.

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- 5.6 A suitable engineered design to the approval of the Director Engineering will be required for the on-site stormwater management system. The deposit of sufficient monies to guarantee the provision of the stormwater drainage and landscape features will be required.
- 5.7 Undergrounding of overhead wiring on Norland Avenue, abutting the site, will be required. If undergrounding is determined to be unfeasible, preducting and a cash deposit for future undergrounding will be required.
- 5.8 The Ministry of Transportation's approval to the rezoning is required.
- 5.9 Provision of an adequately sized and sited garbage handling and recycling material holding space.
- 5.10 The applicant will be required to obtain a tree removal permit for all trees over 20 cm (8 inches) in diameter. A detailed landscape and tree planting plan has been provided as part of the suitable plan of development to replace a number of the existing trees to be removed from the site.
- 5.11 Development Cost Charges including Parkland Acquisition Charge and GVS & DD Sewerage Development Cost Charge will apply. The applicable fees will be based on the rates at the time of payment.


6.0 DEVELOPMENT PROPOSAL

- 6.1 Site Area: - 4,829.8 m² (51,987.5 sq.ft.)
 (Subject to detailed survey)
- 6.2 Density: - 0.49 FAR 2,352.0 m² (24,287 sq.ft.)
- Site Coverage - 16%
- 6.3 Height: - 3 storeys
- 6.4 Residential Unit Mix:
- 52 Studio Units 57.5 m² (350 sq ft.) per unit
 (incl. 6 accessible and 2 adaptable)
- 6.5 Parking
- Required and provided: - 13 spaces

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- Residential @ 1.0 spaces per 5 units - 11 spaces
- Staff parking @ 1.0 spaces per 2 staff - 2 spaces

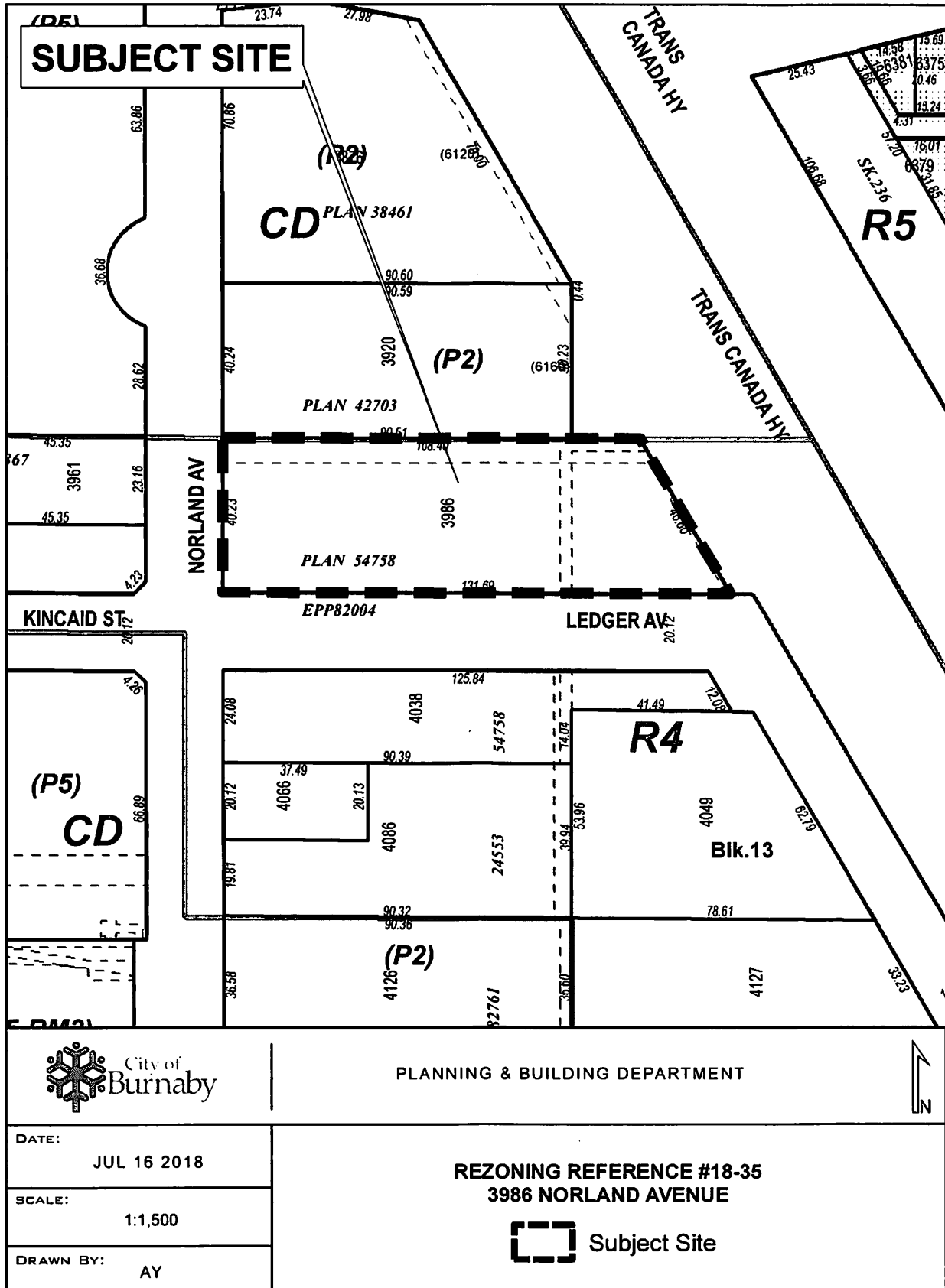
6.6 Bicycle Parking –
 Total Required and Provided - 10 spaces in racks

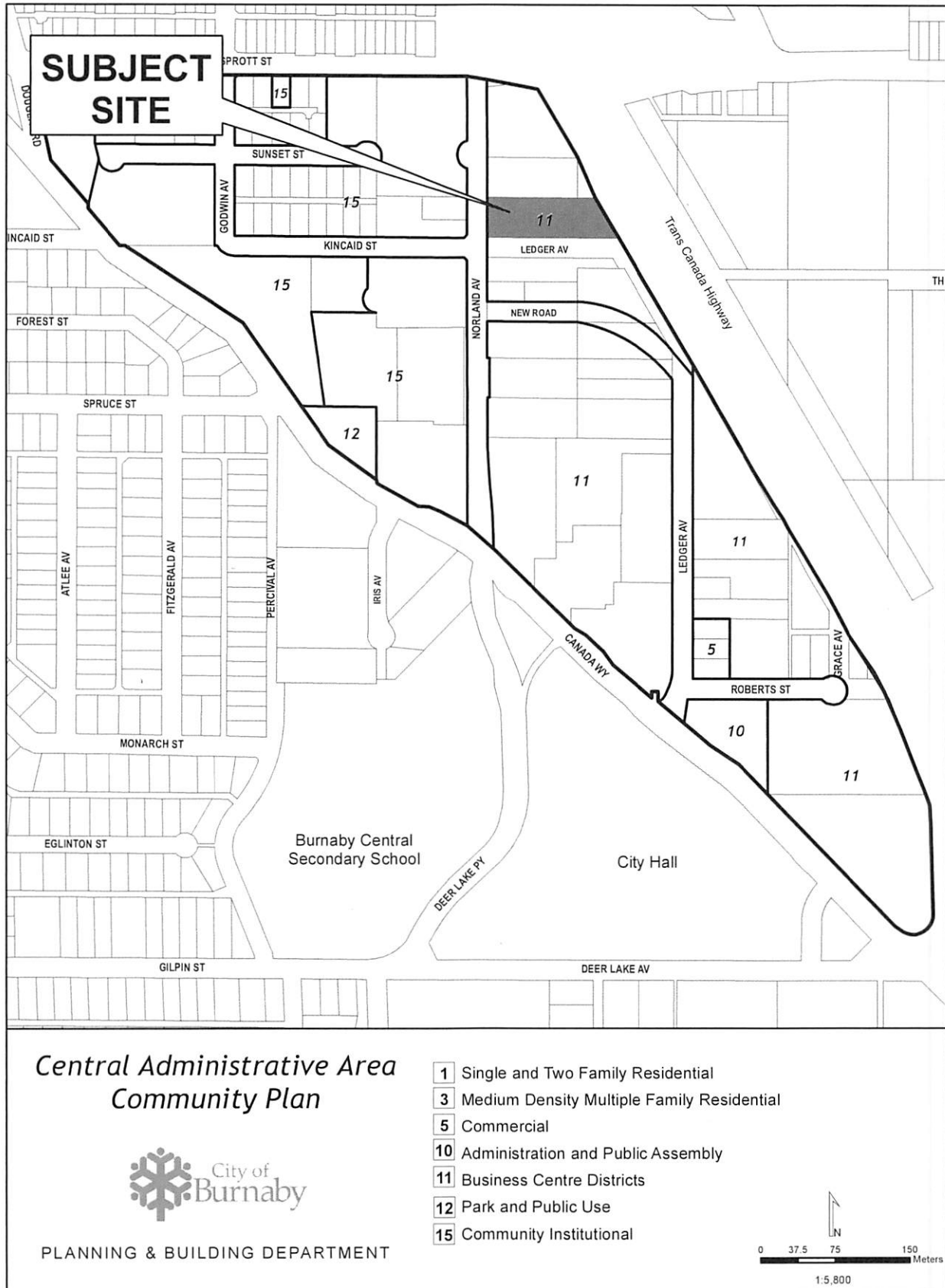

 Lou Pelletier, Director
 PLANNING AND BUILDING

DR:tn
Attachments

cc: City Solicitor
 City Clerk

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Printed July 17, 2018

Sketch #2



1701 – 4555 Kingsway
 Burnaby, BC V5H 4V8
 T: 604 433 1711
 F: 604 439 4722
www.bchousing.org

July 4, 2018

City of Burnaby
 4949 Canada Way
 Burnaby, BC
 V5G 1M2

ATTN: DEMIAN REUTER

**RE: LETTER OF INTENT
 REZONING APPLICATION FOR 3986 NORLAND AVENUE, BURNABY, BC**

Dear Mr. Reuter,

BC Housing is applying to change the current zoning of 3986 Norland Avenue, from Residential District (R4) to a Comprehensive Development (CD- P5/RM2). BC Housing will build a three storey, wood frame, multi-unit residential building with 52 single room occupant studios and amenities. This building will house Residents whom require a stable housing situation with integrated on-site programs and services.

The building is comprised of three levels and uses stairs for vertical circulation. The construction methodology is wood-frame modular construction. All studios have adequate personal space including a kitchen, bathroom, dining, sitting, sleeping area. Ten (10) of the fifty-two (52) single room occupant studios are accessible/adaptable. The ground floor is accessible and includes a lounge, dining room, commercial kitchen, laundry, offices, meeting rooms and public washrooms. The building is fully accessible from the parking area, Ledger Avenue and Norland Avenue via ramps and walk-ways. The site is fenced and landscaped with a gazebo and outside areas for Residents to enjoy.

The Operator will offer a variety of programs and support services, tailored to the operator's mandate and the unique needs of Residents. The operator will offer the following core services to help Residents achieve and maintain stability in housing, enhance access to other community-based supports and services, and foster resilience against Homelessness:

- 24/7 staffing
- Meals, provided as often as specified in the RRH Operator Agreement, and that meet the standards of Eating Well with Canada's Food Guide.
- No-cost laundry facilities accessible to Residents, either on-site or off-site.

- Support for Residents to maintain their residencies, including but not limited to directly assisting with room de-cluttering, rent payment and repayment plans.
- Individual or group support services such as life skills, community information, social and recreational programs.
- Connecting Residents to community supports and services such as education and employment opportunities, health and wellness services, and life skills.
- Other supports designed to assist Residents in meeting their personal and housing goals, including culturally-specific programs.
- Case Planning and Resident needs assessment, including the Vulnerability Assessment Tool (VAT).
- Assistance in accessing Income Assistance, Pension Benefits, Disability Benefits, obtaining a BC Identification Card, or establishing a bank account as appropriate.

Currently, the property is overgrown with natural vegetation; no existing buildings are to be demolished or removed. However, the site will have to be partially stripped and debris removed to accommodate the building, parking and landscaping.

In 2017, the Province of British Columbia announced the Rapid Response to Homelessness (RRH) as an immediate response to the growing issue of homelessness across the province. Partnering with non-profit organizations, government authorities and community groups, BC Housing will create new housing units with support services for individuals who are experiencing Homelessness or are At Risk of Homelessness.

RRH is an innovative housing solution that provides an immediate housing option and necessary support services for vulnerable individuals, utilizing construction techniques such as modular design to expedite production and rapidly create new, provincially-owned housing units. Modular units will be deployed on land made available by program partners, and can potentially be relocated to future sites as needed. Property management and support services will be delivered by non-profit partners.

If you have any concerns or questions please do not hesitate to contact me.

Best Regards,
BC HOUSING MANAGEMENT COMMISSION

Mania

Mania Hormozi
Development Manager | Development Asset Strategies



Item
Meeting2018 July 23

COUNCIL REPORT

TO: CITY MANAGER 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-09**
New Multi-Age Residential Care Facility with Non-Market Rental Housing

ADDRESS: 7401 Sussex Avenue (see *attached* Sketch #1)

LEGAL: Lot A, DL149, Group 1, NWD Plan 85664

FROM: P5 Community Institutional District

TO: CD Comprehensive Development District (based on P5 Community Institutional District and RM3 Multiple Family Residential District and in accordance with the development plan entitled "L'Arche Community" prepared by GBL Architects Inc. and ETA Landscape Architects)

APPLICANT: TL Housing Solution Ltd.
 120 – 1375 Commerce Parkway
 Richmond, BC V6V 2L1
 Attn: Jeff Winton

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 August 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 July 23 and to a Public Hearing on 2018 August 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

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- c. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d. The submission of an undertaking to remove all improvements from the site.
- e. The dedication of any rights-of-way deemed requisite.
- f. The granting of any necessary statutory rights-of-way, easements and/or covenants, including but not limited to the following:
 - restricting enclosure of balconies;
 - ensuring compliance with the approved acoustical study; and,
 - Section 219 Covenant ensuring the provision of a Housing Agreement, as outlined under Section 3.3 of this report.
- g. The review of a detailed Sediment Control System by the Director Engineering.
- h. The pursuance of Storm Water Management Best Practices in line with established guidelines.
- i. Compliance with Council-adopted sound criteria.
- j. The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space, to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- k. The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the lease of the unit to a disabled person.
- l. The deposit of the applicable Parkland Acquisition Charge.
- m. The deposit of the applicable GVS & DD Sewerage Charge.

R E P O R T

1.0 REZONING PURPOSE

The purpose of this rezoning amendment is to permit the redevelopment of the site for a new building accommodating a multi-age residential care facility and non-market rental housing.

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 Re: Rezoning Reference #17-09
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2.0 BACKGROUND

- 2.1 The subject site is zoned P5 Community Institutional District, and is occupied by a multi-age residential care facility for individuals aged thirteen years and older with developmental disabilities, and their on-site live-in assistants. L'Arche Greater Vancouver is seeking to redevelop the existing residential care facility at 7401 Sussex Avenue to permit construction of a new multi-age residential care facility, with a non-market rental housing component. The non-profit organization is requesting the use of the P5 and RM3 Districts as guidelines to allow for sufficient density to permit both the residential care facility and non-market housing components of the development. Similar approaches to aggregate density have been permitted for non-market projects including Carlton Gardens, Dania Home and New Vista Care Home. The proposed rental housing would provide additional affordable housing in the City, help financially support the operation of the residential care facility, and assist the organization in achieving future community initiatives.
- 2.2 On 2017 December 11, Council received the report of the Planning and Building Department regarding the rezoning of the subject site, and authorized the Department to continue to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. The development proposal for the site encompasses a new multi-age residential care facility with a non-market rental housing component at 7401 Sussex Avenue. The proposed form is for a three-storey building with full underground parking.

It is noted the current multi-age residential care facility is currently provides 19-beds for individuals aged thirteen years and older with developmental disabilities, as well as their on-site live-in assistants. These beds are to be temporarily located at other facilities owned by L'Arche until the new facility is developed.

Overall, the rezoning proposal is considered supportable, as it provides for special needs housing and achieves new non-market rental housing units to support Burnaby residents with development disabilities, and is in line with established directions within the City's Social Sustainability Strategy. The proposal is also in keeping with the prevailing institutional uses, and scale of development on the subject and neighbouring sites associated with the St. Michael's Centre Extended Care development and South Slope Elementary.

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

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3.0 REZONING PROPOSAL

- 3.1 The applicant is proposing to rezone the site to the CD Comprehensive Development District, utilizing the RM3 Multiple Family Residential District and P5 Community Institutional District as guidelines, in order to permit the replacement of the existing care facility with a single mixed-use building accommodating a new multi-age care facility and non-market rental housing above. The proposed mixed-use building includes a common lobby entrance and shared common amenities. The building would be constructed and operated on a non-profit basis by L'Arche Greater Vancouver.

The density for the site would be calculated on an aggregate basis, utilizing portions of both the density permitted for P5 residential care uses and RM3 residential uses. The proposed total density for the site is 1.32 FAR for a gross floor area of 45,362 sq. ft.

- 3.2 A total of 22 bedrooms are proposed within the new care facility which are intended to accommodate individuals aged thirteen years and older with developmental disabilities and require assistance from on-site live-in caregivers, as well as 10 units (13 bedrooms) for semi-independent individuals. Communal supportive services for the residents include cooking/dining facilities, living areas and other amenities on the ground level, as well as on the rooftop within enclosed and open-air amenity areas.

A total of 29 non-market rental housing units are proposed within the project (of which 46% are adaptable), which will contribute to the availability of affordable housing in the City.

All of the required parking is proposed to be underground and accessed via Sussex Avenue. A parking standard of 0.6 (of which 0.1 spaces are for visitors) parking spaces per unit is proposed for the non-market housing component; a parking standard of 0.10 spaces per bed and 1.0 space per employee is proposed for the multi-age care facility. A Parking Analysis has been submitted, which indicates that the proposed parking standard is expected to meet user demand. Given the specialized nature of the care facility and non-market rental housing uses, the proposed parking standard is considered appropriate for the site and is supported by the Planning Department – Transportation Division.

- 3.3 The project is being advanced by the proponent, L'Arche Greater Vancouver (L'Arche) in partnership with BC Housing, who has advised that their capacity to support the project include the following options:
- financial resources and grants;
 - development expertise;
 - access to sector housing partners; and,
 - low cost financing

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Both Federal and Provincial government funding will be sought in connection with this subject proposal, and it is noted that preliminary discussions with BC Housing indicate a high level of support, as noted above.

Given the non-profit nature of the development, L'Arche would also be eligible to apply for a housing grant from the City through the Community Benefit Bonus Housing Fund to off-set permit fees and other development costs associated with the project. Any future grant application for use of the Community Benefit Bonus Housing Funds will be submitted through the Planning and Development Committee for Council's consideration and approval.

A Housing Agreement is required between the proponent (L'Arche) and the City to address the following:

- land use and density compliant with the proposed CD zoning outlined in this report; and,
- non-profit nature of the housing project with the provision of 29 non-market rental units

It is noted that affordability levels for the non-market housing component will be set through the efforts of the proponent (L'Arche) and BC Housing funding and may be enhanced, subject to securing additional provincial and federal funding sources.

- 3.4 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to:
- construction of Sussex Avenue to Local Collector standard with boulevards, sidewalk, street trees and pedestrian lighting;
 - upgrades to the Watling Street intersection as required (curb bulge); and,
 - storm, sanitary sewer and water main upgrades as required.
- 3.5 No road dedication is required in connection with this rezoning.
- 3.6 Any necessary easements and covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- restricting enclosure of balconies;
 - ensuring compliance with the approved acoustical study; and,
 - Section 219 Covenant ensuring the provision of a Housing Agreement, as outlined under Section 3.3 of this report.

To: City Manager
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- 3.7 The Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.
- 3.8 Given that the area of the development site is less than one acre, stormwater management best practices in line with established guidelines will be required.
- 3.9 As the site is influenced by traffic noise from Sussex Avenue and Rumble Street, an acoustical report will need to be undertaken to ensure compliance with Council-adopted sound criteria.
- 3.10 Provision of an adequately sized and sited garbage handling and recycling material holding space, as well as separate car wash stall is required.
- 3.11 The following Development Cost Charges apply:
- Parkland Acquisition Charge
 - GVS & DD Sewerage Development Cost Charge

4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area - 3,213.5 m² (34,590 sq. ft.)
- 4.2 Site Coverage - 47%
- 4.3 Density and Gross Floor Area - 1.32 FAR
4,214.26 m² (45,362 sq. ft.)
- 4.4 Unit Mix
- Care Facility**
- 22 bedrooms (full-time assistance) - 916.77 m² (9,868 sq. ft.)
- 10 semi-independent units (13 bedrooms) - 554.26 m² (5,966 sq. ft.)
- 32 BEDROOMS TOTAL**
- Non-Market Rental Housing**
- 9 – Studio units - 38.64 - 41.18 m² (416 - 454 sq. ft.)
- 14 – One bedroom units - 56.11 – 61.13 m² (604 - 658 sq. ft.)
- 3 – Two bedroom units - 73.20 – 91.69 m² (788 - 987 sq. ft.)
- 3 – Three bedroom units - 89.10 - 102.19 m² (959 – 1,100 sq. ft.)
- 29 UNITS TOTAL**
- 4.5 Building Height - 3 storeys; 9.9 m (32.5 ft.)

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 Re: Rezoning Reference #17-09
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4.6 Vehicle Parking (Required and Provided)

Care facility – 1 parking space per employee and 0.22 spaces per bedroom - 36 spaces

0.6 spaces per non-market rental unit (of which 0.1 spaces is for visitors' parking) - 18 spaces (of which 3 spaces are for visitors' parking)

Total Provided - 54 spaces


4.7 Bicycle Parking – (Required and Provided)

Residential - 40 spaces residents; 4 spaces visitors'

4.8 Loading (Required and Provided) - 1 Loading / Handi-Dart space

4.9 Shared Communal Facilities

The proposed development provides an amenity area that is 6,159 sq. ft. in area and encompasses, program support area, day program areas, lounges, living room/dining room, fitness room, chapel and amenity rooms/library. Proposed outdoor amenities include outdoor seating areas and outdoor roof deck amenity areas.

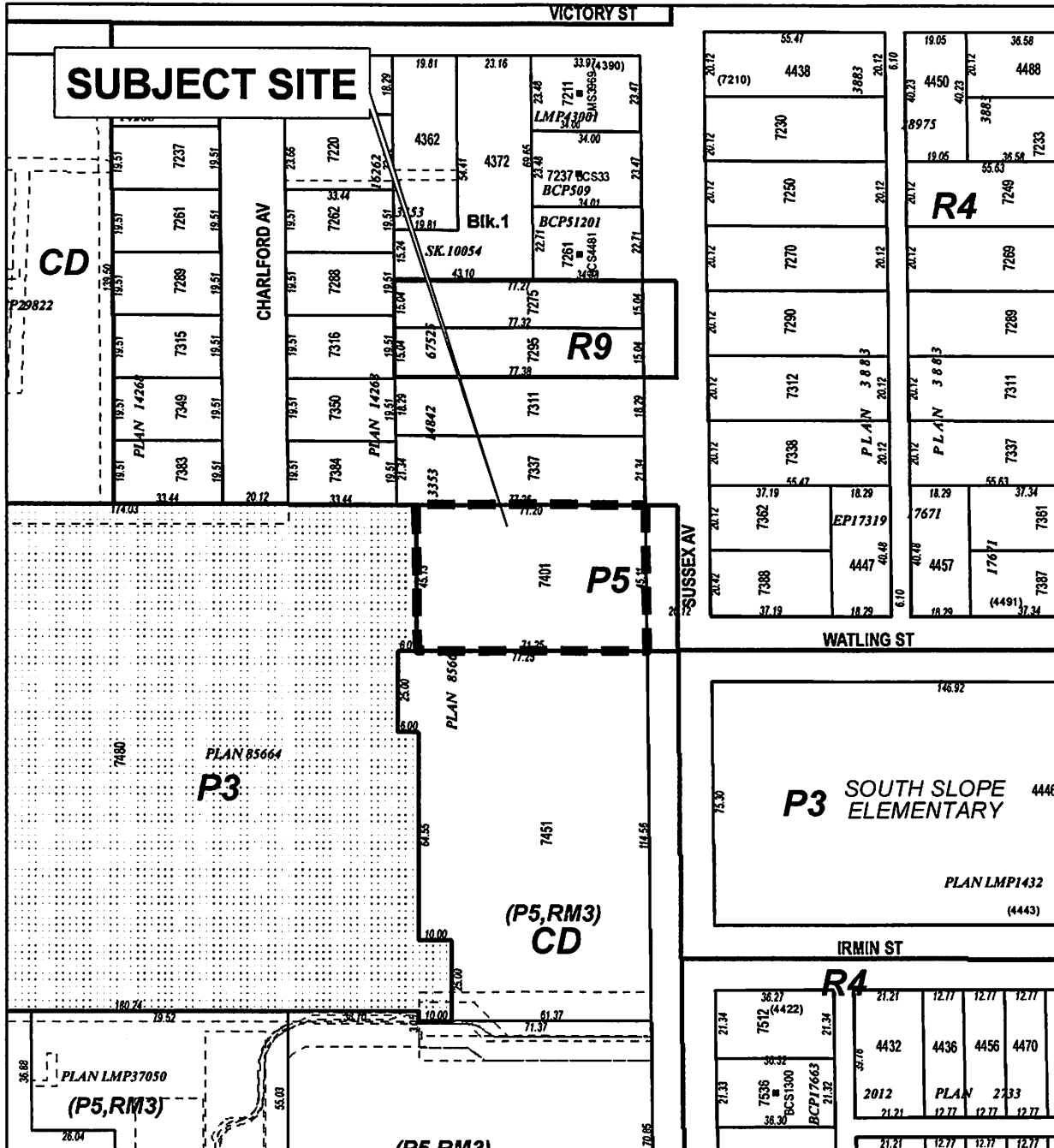

 Lou Pelletier, Director
 PLANNING AND BUILDING

ZT:tn

Attachment

cc: City Solicitor
 City Clerk

P:\49500 Rezoning\20 Applications\2017\17-09 7401 Sussex Ave\Council Reports\Rezoning Reference 17-09 PH Rpt 2018.07.23.Docx

**PLANNING & BUILDING DEPARTMENT**

DATE: _____

JUN 27 2018

SCALE:

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DRAWN BY:

AY

**REZONING REFERENCE #17-09
7401 SUSSEX AVENUE**



Subject Site

Sketch #1



Item
Meeting 2018 July 23

COUNCIL REPORT

TO: CITY MANAGER 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-10007**
Two High-Rise Apartment Buildings atop a Three Storey Townhouse Podium and Underground Parkade

ADDRESS: 8725 University Crescent (see *attached* Sketches #1 and #2)

LEGAL: Lot 20, DL 211, Group 1, NWD Plan BCP45523

FROM: CD Comprehensive Development District (based on P11e SFU Neighbourhood District)

TO: Amended CD Comprehensive Development District (based on the P11e SFU Neighbourhood District and SFU Community Plan as guidelines, and in accordance with the development plan entitled "SFU Parcel 20" prepared by Besharat Friars Architects)

APPLICANT: Liberty Homes (Parcel 20) Ltd.
606-3292 Production Way
Burnaby, BC, V5A 4R4
(Attn: Kiara Smyth)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 August 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 July 23 and to a Public Hearing on 2018 August 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

To: City Manager
 From: Director Planning and Building
 Re: Rezoning Reference #17-10007
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- c. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d. The granting of any necessary statutory rights-of-way, easements, and covenants.
- e. The review of a detailed Sediment Control System by the Director Engineering.
- f. 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.
- g. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- h. The provision of covered car wash stalls and an adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- i. Compliance with the guidelines for underground parking for visitors.
- j. The deposit of the applicable GVS & DD Sewerage Charge.
- k. The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

R E P O R T

1.0 REZONING PURPOSE

The purpose of this rezoning amendment is to permit construction of two high-rise apartment buildings atop a three storey townhouse podium and underground parkade.

2.0 BACKGROUND

- 2.1 The subject site is located on the east side of University Crescent, north of Highland Court (Sketch #1 *attached*). The northern portion of the site is treed, while the southern portion is cleared and undeveloped, with the exception of a small, paved parking area. Abutting the site to the south is the Highland House residential development and the UniverCity Child Care Centre. To the east is Richard Bolton Park and the Water Tower Building. To the north and northwest are two sites currently under construction for multi-family residential development.

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To the west and southwest are two additional sites that are currently undeveloped and designated for future multi-family residential development.

- 2.2 On 2017 December 11, Council received the report of the Planning and Building Department regarding the rezoning of the subject site, and authorized the Department to continue to work with the applicant 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.
- 2.3 The subject site is located within a designated residential area of the Simon Fraser University Community Plan (Sketch #2 *attached*). It comprises Lot 20 within Phase 3 of the UniverCity community, which was created by Rezoning Reference #06-65 and Subdivision Reference #07-51. The site slopes from the southeast to the northwest. Statutory rights-of-way have been established within the site to allow for pedestrian access through the site, as well as to facilitate vehicular access to the adjacent Lot 42 (Richard Bolton Park) in order to permit potential construction and subsequent maintenance of an additional water reservoir, as noted in the Phase 3 rezoning. The development guidelines and statistics established for the site through Rezoning Reference #06-65 permit a maximum development density of 2.6 FAR (providing a maximum gross floor area of 211,572 sq. ft., subject to legal survey), up to 221 residential units, and a maximum building height of 20 storeys.
- 2.4 The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The applicant is proposing to construct two terraced high-rise apartment buildings atop a three storey townhouse podium and underground parkade. The proposed development includes a twenty storey apartment building on the southern portion of the site, a fourteen storey apartment building on the northern portion of the site, three storey townhomes fronting University Crescent, and three levels of underground parking. Vehicular access is provided at the south end of the site, off University Crescent.

The proposed towers have slightly smaller footprints and slightly different terraced forms compared to that established for Lot 20 under Rezoning Reference #06-65. In addition, tower entrance lobbies front onto University Crescent instead of an entry plaza at the rear of the property. As well, street-fronting townhouses are provided along the entire University Crescent frontage, instead of just two-thirds of the site frontage. These changes from the adopted CD guidelines are considered supportable as they result in a superior urban form, with a stronger relationship between the proposed buildings and the street. The development guidelines and statistics established for the site under Rezoning Reference #06-65 are met with: a maximum development density of 2.6 FAR, up to 221 residential units, and a maximum building height of 20 storeys.

In total, 199 units are proposed, with a unit mix of one, two and three bedroom units. Eighty-four units are adaptable, which exceeds the minimum 20% of single-level units that are required to be adaptable in accordance with Council adopted policy. As permitted under the

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 Re: Rezoning Reference #17-10007
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adopted policy, 1.86 m² (20 sq. ft.) for each adaptable unit is exempt from gross floor area, resulting in a total adaptable unit exemption of 156.24 m² (1,680 sq. ft.).

Proposed finishing materials include a combination of window wall, spandrel glass, architectural finished concrete, clinker brick and zinc fascia cladding, and wood pattern soffits and privacy screens.

To complement the built form and aesthetic, extensive on-site landscaping is proposed, including a planted central courtyard, garden plots, and raingardens. The development will be required to meet UniverCity's current stormwater, habitat protection, building, and energy requirements.

Overall, the proposal generally meets the development guidelines established for the UniverCity neighbourhood and is considered suitable for presentation to Public Hearing.

- 3.2 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to:
 - standard requirements for water main, sanitary sewers, and storm sewers; and,
 - construction of University Crescent to its final standard along the development frontage (concrete curb and gutter, boulevard grass, landscaping, trees, sidewalk, driveway, road pavement, street lighting, and raised crosswalk).
- 3.3 Any necessary statutory right-of-ways, easements, and covenants are to be provided, including, but not necessarily limited to Section 219 Covenants:
 - restricting enclosure of balconies; and,
 - ensuring that all accessible parking spaces remain as common property.
- 3.4 An amendment to the existing pedestrian pathway statutory right-of-way is required in order to reflect the proposed public pathway configuration as shown on the landscape drawings.
- 3.5 An amendment to the existing driveway statutory right-of-way is required in order to reflect the proposed driveway alignment as shown on the architectural drawings.
- 3.6 The required Community Association Covenant, which includes the Community Amenities Agreement, will need to be submitted and reviewed by the City Solicitor.
- 3.7 In accordance with the Burnaby Tree Bylaw, a tree cutting permit will be required for the removal of any tree over 20.3 cm (8 in.) in diameter.
- 3.8 The Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.
- 3.9 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

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its provision and continuing operation. The deposit of sufficient monies to guarantee the provision of the stormwater drainage and landscape features will be required.

- 3.10 Provision of an adequately sized and sited garbage handling and recycling material holding space, as well as a separate car wash stalls are required.
- 3.11 The applicable GVS&DD Sewerage Charge applies at the time of payment. The Parkland Acquisition Charge and School Site Acquisition Charge do not apply as park and school sites have been provided in conjunction with the overall subdivision of the neighbourhood.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area - 7,559.8 m² (81,373 sq. ft.)
- 4.2 Site Coverage - 30 % excluding parking structure
- 4.3 Density and Gross Floor Area - 2.60 FAR 19,655.48 m² (211,570 sq. ft.)
- 4.4 Unit Mix
- | | |
|---------------------------------|---|
| 10 One BR units | - 58.25 to 58.62 m ² (627 to 631 sq. ft.) per unit |
| 14 One BR + Den units | - 64.94 to 68.47 m ² (699 to 737 sq. ft.) per unit |
| 28 One BR + Den adaptable units | - 70.33 m ² (757 sq. ft.) per unit |
| 73 Two BR units | - 75.99 to 86.03 m ² (818 to 926 sq. ft.) per unit |
| 52 Two BR adaptable units | - 88.82 m ² (956 sq. ft.) per unit |
| 2 Two BR + Den units | - 113.71 to 142.05 m ² (1,224 to 1,529 sq. ft.) per unit |
| 14 Three BR Townhomes | - 153.10 to 155.52 m ² (1,648 to 1,674 sq. ft.) per unit |
| 4 Three BR adaptable units | - 99.68 m ² (1,073 sq. ft.) per unit |
| <u>2 Three BR + Den units</u> | - 161.56 m ² (1,739 sq. ft.) per unit |
| 199 units total | |
- 4.5 Building Height
- North Building: 14 storeys
 - South Building: 20 storeys
 - Townhouses: 3 storeys
- 4.6 Vehicle Parking
- | | |
|--------------------------|---------------------|
| Total Required | - 256 spaces |
| - Residential | - 216 spaces |
| - Visitor @ 0.2 per unit | - 40 spaces |
| Total Provided | - 264 spaces |
| - Residential | - 223 spaces |
| - Visitor | - 41 spaces |


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 From: Director Planning and Building
 Re: Rezoning Reference #17-10007
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4.7 Bicycle Parking

Total Required	-	239 spaces
- Residential @ 1 per unit	-	199 spaces
- Visitor @ 0.2 per unit	-	40 spaces
Total Provided	-	302 spaces
- Residential	-	261 spaces
- Visitor	-	41 spaces

4.8 Communal Facilities

Communal facilities for residents include four amenity rooms distributed equally between the two apartment buildings, with two amenity rooms at the common courtyard level, and two amenity rooms and roof decks located at levels 8 and 10 within the north and south tower respectively. The total amenity area amounts to 436.74 m² (4,701 sq. ft.), which is below the 5% (982.78 m² or 10,579 sq. ft.) gross floor area exemption permitted by the Zoning Bylaw. The development proposal also includes an amenity patio, and a child's play area and maze.

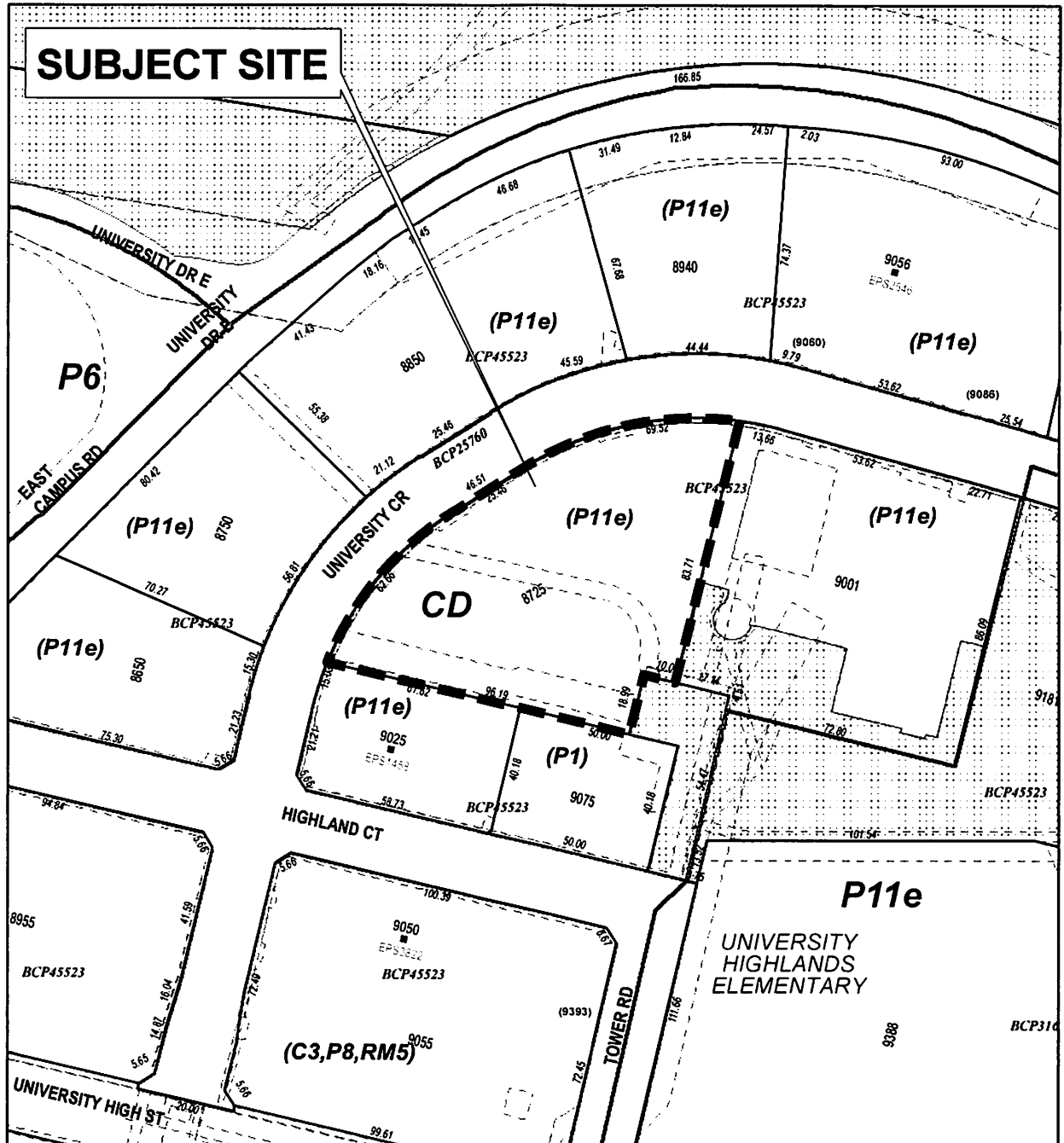

 Lou Pelletier, Director
 PLANNING AND BUILDING

MN:tn

Attachments

cc: City Solicitor
 City Clerk

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PLANNING & BUILDING DEPARTMENT



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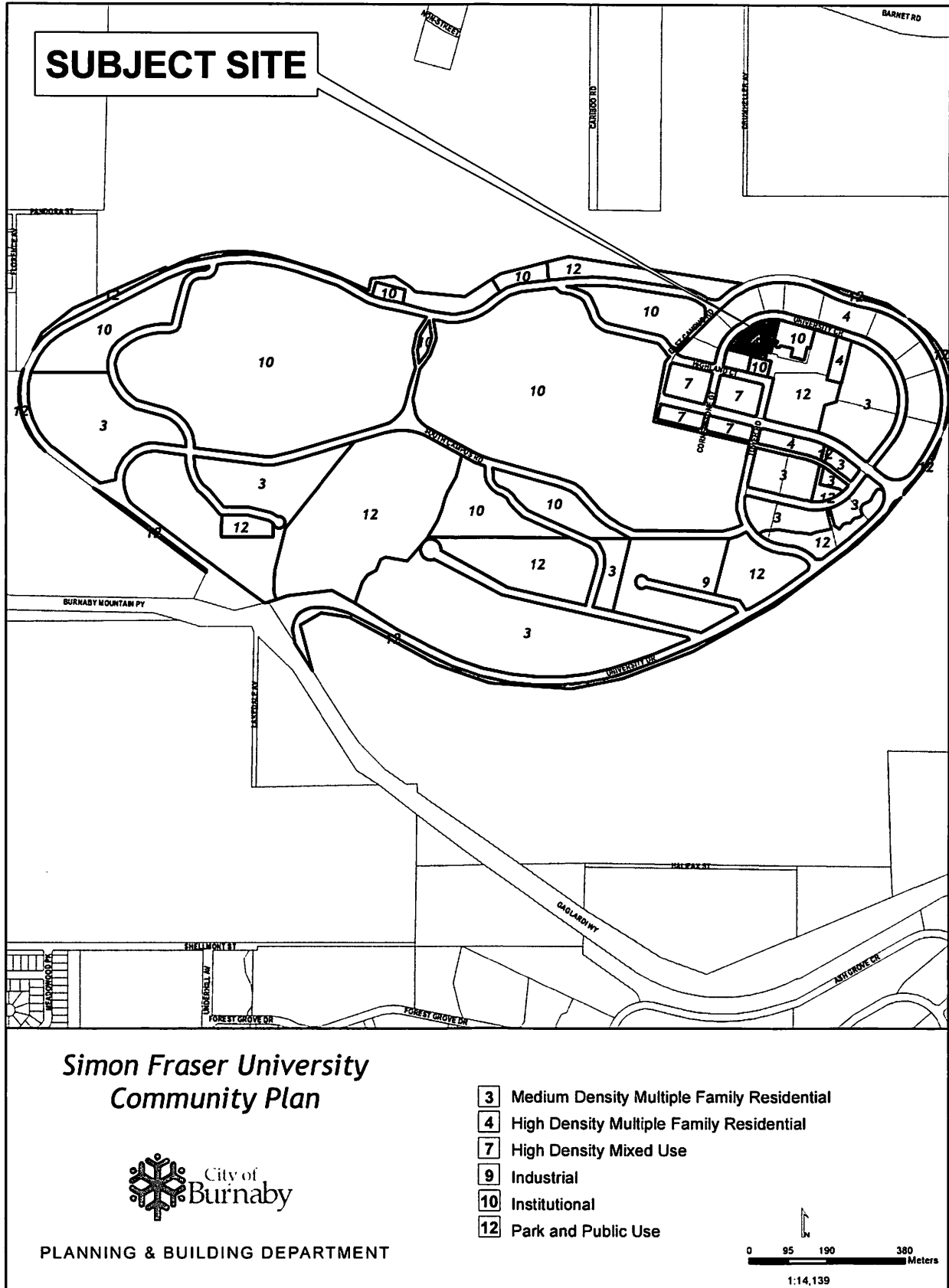
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REZONING REFERENCE #17-10007
8725 UNIVERSITY CRESCENT



Subject Site

Sketch #1





Item
Meeting 2018 July 18

COUNCIL REPORT

TO: CITY MANAGER 2018 July 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #17-20
Five-Storey Mixed-Use Development
Hastings Street Area Plan

ADDRESS: 4255 and 4257 Hastings Street (see *attached* Sketches #1 and #2)

LEGAL: Lots 23 and 24, Block 7, DL 121, Group 1, NWD Plan 1054

FROM: C8 Urban Village Commercial District (Hastings)

TO: CD Comprehensive Development District (based on C8a Hastings Urban Village Commercial District, Hastings Street Area Plan guidelines, and in accordance with the development plan entitled “Classico” prepared by Collabor8 Architecture & Design Inc.)

APPLICANT: Derek Dalla-Zanna
 Censorio Group of Companies
 4723 Hastings Street 2nd Floor
 Burnaby, BC V5C 2K8

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 August 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 July 23 and to a Public Hearing on 2018 August 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies, including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-20
 Five Storey Mixed Use Development

2018 July 18 Page 2

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

- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- e) The granting of Section 219 Covenants:
 - to restrict enclosure of balconies; and,
 - to ensure all disabled parking spaces remain as common property.
- f) The pursuance of Storm Water Management Best Practices in line with established guidelines, and the granting of a Section 219 Covenant to ensure continued maintenance.
- g) The review of a detailed Sediment Control System by the Director Engineering.
- h) The submission of a Site Profile and resolution of any arising requirements.
- i) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- j) Compliance with the guidelines for surface and underground parking for residential visitors and commercial patrons.
- k) Compliance with Council-adopted sound criteria.
- l) The undergrounding of existing overhead wiring abutting the site.
- m) The submission of a detailed comprehensive sign plan.
- n) The deposit of the applicable Parkland Acquisition Charge.
- o) The deposit of the applicable GVS & DD Sewerage Charge.
- p) The deposit of the applicable School Site Acquisition Charge.

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 Five Storey Mixed Use Development

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- q) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a five-storey mixed-use development, with commercial/retail at grade, and residential uses above.

2.0 BACKGROUND

- 2.1 The subject site is comprised of two lots located on the north side of Hastings Street, between Carleton and Madison Avenues. One of the lots is improved with a two storey commercial building, and the other serves as the parking lot (legally non-conforming) for the aforementioned commercial building. To the east of the proposed development site, is a site currently under construction for a five-storey mixed-use development (Rezoning Reference #14-03); to the north, across the lane, is a multiple family development; to the east is a single-storey commercial development; and, to the south, across Hastings Street, are older single and two-storey commercial developments.
- 2.2 On 2017 July 24, Council received the report of the Planning and Building Department regarding the rezoning of the subject site and authorized the Department to continue to work with the applicant in preparing a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The development proposal is for a five-storey mixed-use residential/commercial development. The proposed form of development involves one level of retail/commercial, oriented towards Hastings Street, which includes a residential mezzanine facing the rear lane, and three storeys of residential above. Though the building height is five storeys by virtue of the residential mezzanine within the first storey commercial component, the height of the proposed development is within the 16 m (52.5 ft.) dimensional height limit of the C8 District, with the exception of the required access to the proposed rooftop

To: City Manager
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 Re: REZONING REFERENCE #17-20
 Five Storey Mixed Use Development

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amenity area. Vehicular access is proposed from the rear lane and all required on-site parking is proposed to be located underground.

- 3.2 The proposed building projects into the upper storey 45 degree incline plane setback requirement of the Zoning Bylaw. Rather than terracing the upper storeys, the applicant proposes standardized setbacks for all three upper residential floors which front Hastings Street. Based on adopted Council policy, this setback may be adjusted subject to CD Comprehensive Development rezoning. The proposed projection is considered supportable through CD zoning as it also contributes to a stronger street wall and a more urban Hastings Street interface. The design provides for modulated building massing with setbacks ranging from 2.0 m to 4.1 m (6.6 ft. to 13.5 ft.), as well as street fronting balconies on all residential floors. Finally, it is noted that the projection will not generate any shadows on the public realm, given its location on the north side of Hastings Street.
- 3.3 As approved by Council on 2013 October.29, all developments that are subject to the Comprehensive Development (CD) rezoning process are required to supply 20% of the single-level units as adaptable in new market and non-market, multi-family developments which employ interior corridors or exterior passageways to access the dwelling units. A 1.85 m² (20 sq.ft.) floor area exemption is available, under the Burnaby Zoning Bylaw, for every adaptable housing unit provided in both market and non-market housing developments.

In line with this policy, the subject development has provided three (3) adaptable units, reflective of eleven single level units in the development, with a corresponding floor area exemption of 5.55 m² (60 sq.ft.).

- 3.4 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. Servicing requirements will include, but not necessarily be limited to the following:
- standard requirements for water main, sanitary sewers, and storm sewers;
 - provision of a new separated sidewalk on Hastings Street, abutting the site, including boulevard treatment, street lighting and street trees; and,
 - provision of new pedestrian lighting in the lane abutting the site.
- 3.5 An approximate 1.5 m statutory right-of-way along the Hastings Street frontage is required for sidewalk and boulevard improvements.
- 3.6 Section 219 Covenants are required to restrict the enclosure of balconies, to ensure all disabled parking spaces remain as common property, and to ensure compliance with the accepted acoustical study.

To: City Manager
 From: Director Planning and Building
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 Five Storey Mixed Use Development

2018 July 18 Page 5

- 3.7 Given the size of the site, being less than one acre, best management practices (BMPs) are acceptable in lieu of a formal stormwater management plan. A detailed list of the BMPs with their stormwater control, treatment, maintenance and performance must be approved by the Environmental Services Division, and the document will be required to be registered under a Section 219 Covenant to ensure continued maintenance.
- 3.8 Detailed plans for an engineered Sediment Control System for review by the Director Engineering will be required.
- 3.9 A Site Profile and resolution of any arising requirements will be required.
- 3.10 As the site is influenced by traffic noise from Hastings Street, an acoustical report will need to be undertaken, and a Section 219 Covenant required, to ensure compliance with Council-adopted sound criteria.
- 3.11 Undergrounding of overhead wiring in the lane, abutting the site, will be required. If undergrounding is determined to be unfeasible, preducting and a cash deposit for future undergrounding will be required.
- 3.12 The submission of a comprehensive sign plan detailing sign numbers, locations, sizes, and attachment details will be required.
- 3.13 Development Cost Charges including Parkland Acquisition Charge; School Site Acquisition Charge and GVS & DD Sewerage Development Cost Charge will apply. The applicable fees will be based on the rates at the time of payment.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area: - 700.6 m² (7,582 sq.ft.)
 (Subject to detailed survey)
- 4.2 Density:
- | | | | |
|-------------------------|---|-----------------|--|
| Commercial Uses | - | 0.46 FAR | 321.9 m ² (3,465.1 sq.ft.) |
| <u>Residential Uses</u> | - | <u>2.44 FAR</u> | <u>1,695.6 m² (18,497.8 sq.ft.)</u> |
| Total | - | 2.90 FAR | 2,017.5m ² (21,963.0 sq.ft.) |
- Site Coverage - 74.3%
- 4.3 Height: - 5 storeys
- 4.4 Residential Unit Mix:
- | | | |
|---------------------|---|--|
| 1 One bedroom unit | - | 57.5 m ² (618.8 sq ft.) per unit |
| 4 Two bedroom units | - | 122.5 – 136.2 m ² (1,319 – 1,466 sq.ft.) per unit |

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #17-20
 Five Storey Mixed Use Development

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3	Adaptable Two bedroom units	-	128.3 m ² (1381.1 sq.ft.) per unit
<u>3</u>	Three bedroom units	-	140.1 – 142.3 m ² (1,509 -1531.5 sq.ft.) per unit
11	Total Units		

4.5 Parking

Required:	-	18 spaces
- Commercial: 331.6 @ 1 space per 46 m ²	-	7 spaces
- Residential @ 1.0 spaces per unit	-	11 spaces (plus one car wash stall)


Provided:	-	21 spaces
- Commercial	-	7 spaces
- Residential	-	14 spaces (plus one car wash stall)

4.6 Bicycle Parking - **15 spaces**

Total Required and Provided

- Residential Uses	-	11 secure spaces
- Commercial Uses	-	2 secure spaces
- Visitor (All uses)	-	2 spaces in racks

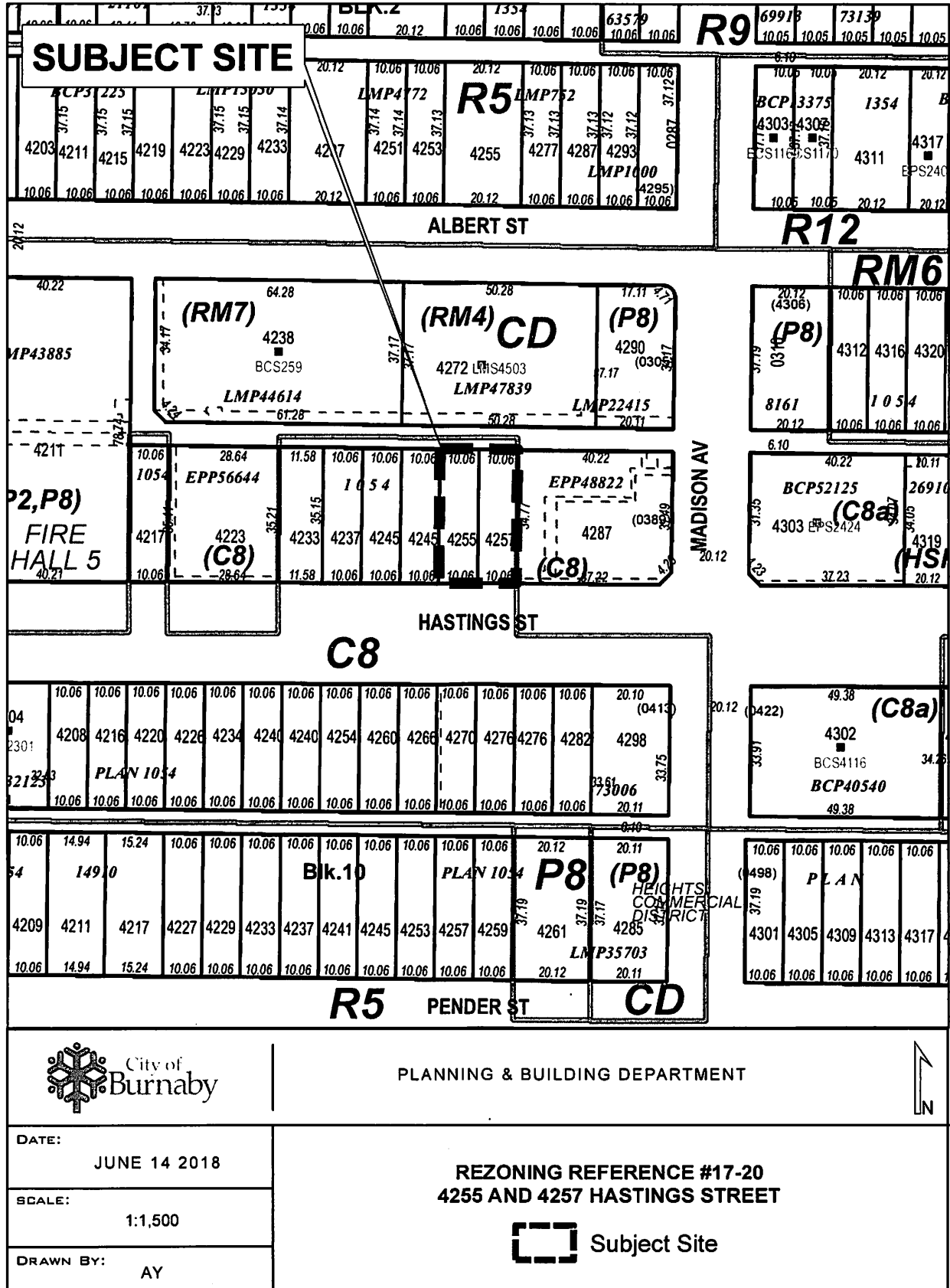
4.7 Loading – Total Required and Provided - **1 space**

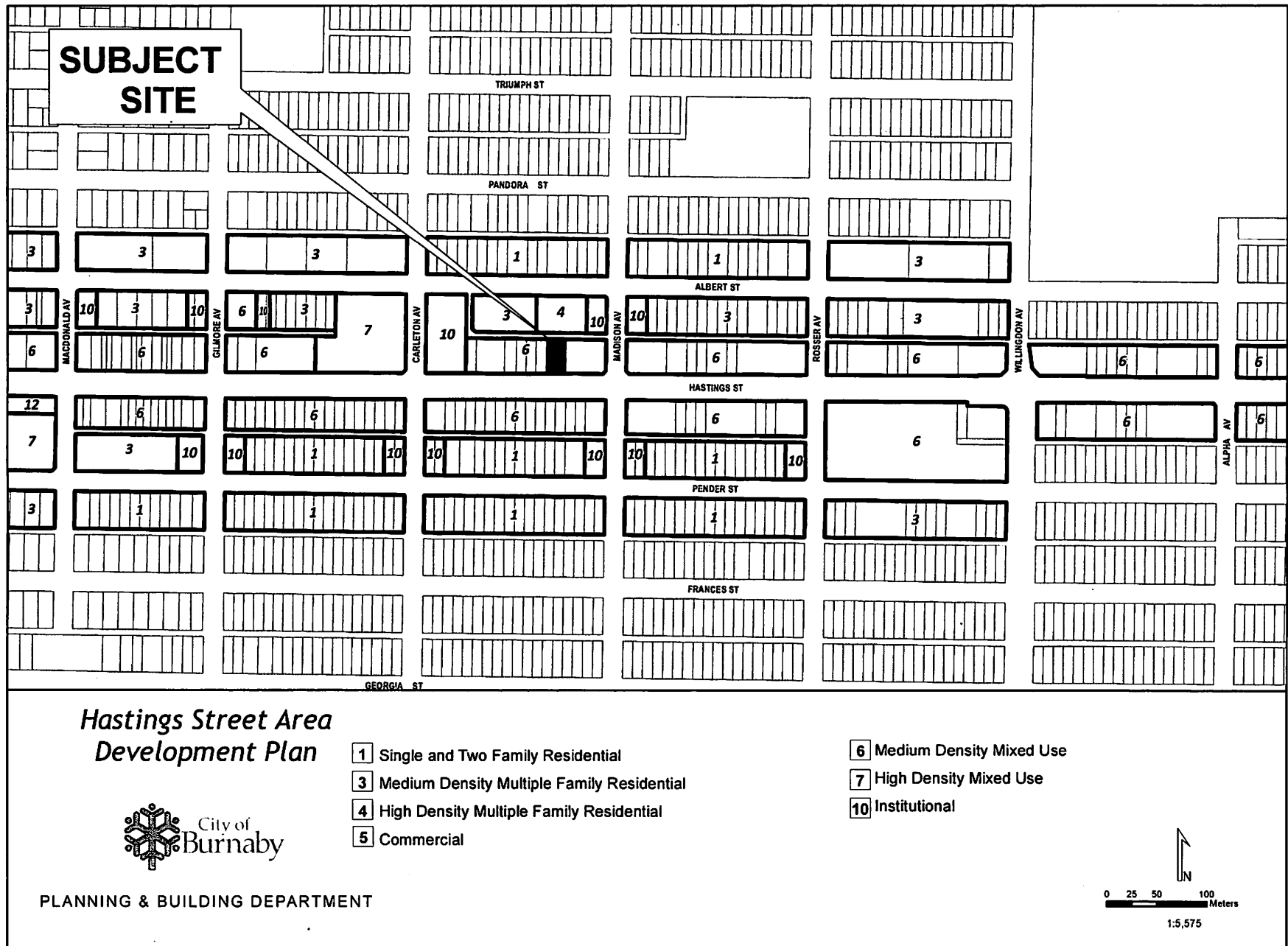

 Lou Pelletier, Director
 PLANNING AND BUILDING

DR:tn

Attachments

cc: City Solicitor
 City Clerk





Printed on June 14, 2018

Sketch #2



Item.....	
Meeting.....	2018 July 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 42000 20
Reference: Non-Medical Cannabis

SUBJECT: MUNICIPAL REGULATORY APPROACH TO NON-MEDICAL CANNABIS

PURPOSE: To provide an overview of federal and provincial non-medical cannabis legislation, and to propose a regulatory approach that addresses the production and sale of non-medical cannabis in Burnaby.

RECOMMENDATIONS:

1. **THAT** Council approve the non-medical cannabis regulatory approach for Burnaby, as summarized in Section 3.0 of this report.
2. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 4.0 of this report, for advancement to a Public Hearing on 2018 August 28.
3. **THAT** a copy of this report be sent to the Liquor Control and Licensing Branch, Attn: Kam Aujla, Assistant Director, 2625 Rupert Street, Vancouver, BC V5M 3T5 and to Burnaby MLA's and MP's.

REPORT**1.0 INTRODUCTION**

The Federal government has now passed legislation legalizing the use of non-medical cannabis by adults. The legislation, which is scheduled to come into force on 2018 October 17, creates a new national framework that provides access to a regulated supply of cannabis, while implementing restrictions to protect youth and minimize the harms associated with cannabis use.

The adopted federal framework creates significant responsibilities for all levels of government. The Federal government will regulate the product itself (matters such as potency, production, and advertising) as well as providing general regulatory oversight by establishing possession and age limits. The Province is authorized to regulate distribution, public use, workplace safety, and impaired driving, as well as supplementing the federal regulations with more restrictive age and possession limitations. The Province has now passed legislation in respect to each of these responsibilities. Municipal regulations stem from the regulatory framework established by the Federal Government and the Province. The City is responsible for zoning, business licensing, and other local matters, to the extent prescribed by the Province.

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Given that both federal and provincial legislation has now been adopted, there is a corresponding need for the City to develop a municipal regulatory approach to address the municipal responsibilities listed above.

This report provides an overview of the adopted federal and provincial legislation, and proposes a municipal regulatory approach to address the production and sale of non-medical cannabis in Burnaby. This report also includes a number of supporting amendments to the Burnaby Zoning Bylaw in relation to the proposed regulatory approach.

2.0 OVERVIEW OF FEDERAL AND PROVINCIAL LEGISLATION

2.1 Federal Regulation

On 2018 June 21, *Bill C-45*, otherwise referred to as the *Cannabis Act*, received Royal Assent and is scheduled to come into force on 2018 October 17. The legislation creates a national legal framework for the production, distribution, advertisement, possession, and use of non-medical cannabis in Canada. In accordance with the Act, commercial production of non-medical cannabis will be permitted subject to a federal license, similar to medical cannabis. The *Cannabis Act*, subject to provincial regulation, also authorizes adults, 18 years of age and over, to purchase up to 30 grams of dried non-medical cannabis or equivalent from a licensed retailer, allows adults to possess up to 30 grams of non-medical cannabis or equivalent in public, and permits households to grow up to four cannabis plants with restrictions on size and transference of unused allotment. Note the sale of cannabis edibles is not permitted under the *Cannabis Act*.

The existing medical system as regulated by the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* will remain in force following the enactment of the *Cannabis Act*. The federal government has indicated that it will initially allow the two systems to operate in tandem and that it intends to evaluate medical cannabis regulation within five years of the *Cannabis Act* coming into force. There is some immediate cross-over between the two systems. Current commercial production license holders under the existing medical cannabis regulatory regime are automatically licensed to continue those activities with respect to non-medical cannabis under the *Cannabis Act*.

2.2 Provincial Regulation

The Federal government has delegated responsibility for a number of key areas of non-medicinal cannabis regulation to the Province, including the wholesale distribution and retail framework, as well as public use, impaired driving, and workplace safety related regulation. The Province also has the authority to set more restrictive regulations pertaining to age and possession limitations.

On 2018 April 26, the Province introduced three bills (*Cannabis Distribution Act*, *Cannabis Control & Licensing Act*, and amendments to the *Motor Vehicle Act*) to provide for legal, controlled access to non-medical cannabis in British Columbia. The legislation has since been granted Royal Assent by the Lieutenant Governor. However, it is generally recognized that

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subsequent amendments will likely be tabled by the Province to account for refinements and updates to the federal legislation over time, such as the proposed legalization of cannabis edibles in 2019. The Province has stated that it expects to open the first government-operated retail store by late summer, and is working to implement an e-commerce solution to offer online sales to the public.

The following sections provide an overview of the above noted provincial legislation:

2.2.1 Cannabis Distribution Act (CDA)

The CDA establishes a public wholesale distribution monopoly to be administered by the Liquor Distribution Branch (LDB), as well as public cannabis retail sales, both in stores and online. These stores will also be operated by the LDB under the brand name of *BC Cannabis Stores*.

2.2.2 The Cannabis Control and Licensing Act (CCLA)

The CCLA:

- sets 19 as the provincial minimum age for the purchase and use of non-medical cannabis;
- allows adults (19 and above) to possess up to 30 grams of dried non-medical cannabis or equivalent in a public place, in line with federal legislation;
- establishes a non-medical cannabis use regime similar to current tobacco laws by prohibiting the smoking and vaping of non-medical cannabis everywhere tobacco smoking and vaping are prohibited, as well as at schools and health authority properties, outdoor recreational facilities and indoor public facilities, prescribed areas in parks, in work places and common areas of residential buildings, in places of passenger loading and unloading, such as bus stops, and in vehicles and boats;
- authorizes adults to grow up to four cannabis plants per household provided the plants are not visible from public spaces. Home cultivation will be banned in homes used as day-cares;
- provides enforcement authority to deal with illegal sales and creates a number of provincial cannabis offences which may result in a fine ranging from \$2,000 to \$100,000, imprisonment of three to 12 months, or both; and
- establishes a non-medical cannabis retail licensing regime for non-government stores with similarities to the current licensing regime for liquor.

The CCLA also includes consequential amendments to various statutes, including:

- the *Liquor Control and Licensing Act* to ensure administrative consistency between that Act and the CCLA;
- the *Residential Tenancy Act (RTA)* and *Manufactured Home Park Tenancy Act (MHPTA)* to prohibit cannabis smoking under existing leases that prohibit smoking tobacco and to prohibit the personal cultivation of cannabis under existing leases, except for federally authorized medical cannabis;

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- the *Police Act* to set provincial priorities for policing and require municipal police boards to take these and the priorities of the municipal council into account as they develop their own priorities;
- the *Community Safety Act* to reflect that with legalization, cannabis will no longer be a controlled substance under the federal *Controlled Drugs and Substances Act*;
- the *Provincial Sales Tax Act* to add a reference to cannabis in the definition of “small seller” consistent with liquor; and,
- the *Business Practices and Consumer Protection Act* to recognize that the *CCLA* is a complete licensing scheme.

With regards to the provincial retail licensing regime noted above, the Liquor Control and Licensing Board (LCLB) will be responsible for issuing provincial licenses for privately operated cannabis stores, with no cap on the number of licenses available. However, provincial licenses will only be issued with support of the local government, which must be based in part on a public consultation process. Local government support is required for both government and private stores. As part of the licensing process, the Province will develop and maintain a database of all cannabis retail employees, and require that all cannabis retail employees undergo a mandatory training program.

The rules governing cannabis stores will have some similarities to those governing liquor stores, and both public and private retailers will have similar operator rules. Specifically, the LCLB will limit store hours between 9 am – 11 pm (subject to local government regulation), and minors and in-store use will be prohibited. The Province will also require that urban stores be self-contained businesses, selling only federally regulated, provincially sourced cannabis, and cannabis related accessories. The Province is still assessing security requirements for stores, but they will not be regulating the location of stores. Rather local governments are exclusively responsible for regulating the number and location of stores. Local governments may also supplement the provinces store operator rules, such as by limiting operating store hours.

2.2.3 The Motor Vehicle Act (MVA)

The *MVA* establishes a new 90-day administrative driving prohibition for any driver whom police reasonably believe operated a motor vehicle while affected by a drug or by a combination of a drug and alcohol, based on analysis of a bodily substance or an evaluation by a specially trained police drug recognition expert. The Act also requires that new drivers in the Graduated Licensing Program be subject to a zero-tolerance restriction for the presence of THC (tetrahydrocannabinol — the active ingredient in cannabis). In addition to these measures, the Province has stated that it will also increase training for law enforcement to deal with impaired driving.

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3.0 RECOMMENDED MUNICIPAL REGULATORY APPROACH

The Province has provided latitude for local governments to regulate various aspects of cannabis regulation, including zoning for cannabis production and retail stores. As such, there is a corresponding need for the City to develop a regulatory approach that addresses these regulatory responsibilities. The following sections provide an overview of the recommended municipal regulatory approach.

3.1 Production

3.1.1 Previous Zoning Amendments – Commercial Production

On 2018 March 12, Council approved a zoning amendment to permit cannabis production facilities in the M1 through M5 Industrial Districts provided the use is included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District. Cannabis production facilities, as approved through a site specific rezoning, allow for the commercial production, finishing, packaging, warehousing, and/or distribution of both medical and non-medical cannabis, subject to federal and provincial regulatory compliance. Cannabis production facilities do not allow for retail sales, other than online sales as permitted in accordance with the *ACMPR*. To date, the City has not received any rezoning applications to permit a cannabis production facility.

With regards to inspections and enforcement procedures for commercial cannabis producers, the Federal government has developed their own rigorous inspections and enforcement procedures, and as such, staff do not see a need for additional inspections and enforcement procedures over and above existing municipal and federal procedures.

3.1.2 Home Production

With regards to home production of non-medical cannabis, the growing of up to four cannabis plants is permitted by federal and provincial legislation and thus may be permitted as an accessory use in each dwelling unit, subject to compliance with applicable federal and provincial regulation. The growing of more than four cannabis plants within a property for non-medical purposes would require a federal license, and from a zoning perspective would be considered a cannabis production facility.

3.1.3 Production and Use in City Owned Rental Properties

As noted in Section 2.2.2 of this report, except for federally authorized medical cannabis, cannabis production is prohibited under existing lease agreements, and cannabis smoking and vaping is prohibited under existing leases that prohibit the smoking or vaping of tobacco. Provincial regulation also authorizes landlords to prohibit the production and/or smoking of non-medical cannabis in new lease agreements for their properties. Accordingly, as a starting point, staff will be prohibiting all non-medical cannabis production, smoking, and vaping, in all new lease agreements for City owned residential properties. This is considered appropriate given the potential impact and liabilities arising from such activities.

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3.2 Sale

Once the provincial cannabis retail framework is fully established, there will likely be demand for legal non-medical cannabis and cannabis related accessories, as well as demand for store locations within the City. Currently, the Burnaby Zoning Bylaw does not include any specific zoning provisions related to cannabis retail stores. As such, there is a need to clarify the City's approach to cannabis stores in Burnaby.

It is recognized that the prohibition of cannabis stores in Burnaby is unlikely to impact demand for legal cannabis. Rather, it will require Burnaby residents to either purchase cannabis online from the Province, or travel to a neighbouring municipality to purchase legal cannabis. It is also recognized that the unrestricted permittance of cannabis stores in Commercial Districts, without supporting development guidelines, may result in an unbalanced proliferation of stores, with the potential for disruptive impacts on surrounding communities.

As such, staff recognize the need for a balanced approach to cannabis stores within Burnaby that allows for reasonable access to legal cannabis, while limiting the potential impacts on communities.

3.2.1 Recommended Retail Approach

Given the above considerations, staff recommend focusing the initial phase of cannabis store implementation to government owned and operated cannabis stores, and zoning for such stores in a similar manner to liquor stores, given that both liquor and cannabis are regulated and distributed in a comparable way by the Province. The process for having liquor stores approved in Burnaby provides staff and Council the opportunity to evaluate each proposal on its own merits within the context of a rezoning application. This enables staff and Council to influence the number and location of stores within the City based on a land use rationale and supporting development guidelines. Staff believe this controlled zoning process to be appropriate for cannabis stores. Furthermore, a Public Hearing, which is a required component of the rezoning process, provides a familiar opportunity for local residents to provide comment on each cannabis store proposal. This ensures an appropriate level of community awareness, engagement and consensus.

This measured implementation of cannabis stores will allow the City to assess the impacts of such uses on surrounding neighbourhoods and ensure protection of the community, while ensuring local communities have reasonable access to legal cannabis products.

To implement this approach, a number of amendments are required to the Zoning Bylaw. Specifically, it is proposed that a definition for government operated cannabis stores be established in Section 3.0 of the Zoning Bylaw, and that new sub-districts be established in the C2 and C3 Districts, similar to Liquor stores, to permit government operated cannabis stores. For clarity, it is also proposed that a definition for private cannabis stores be established in Section 3.0 of the Zoning Bylaw, so that private cannabis stores are clearly distinct from general retail stores, which are permitted more broadly in Commercial Districts. The proposed Zoning Bylaw amendment language is provided in Section 4.0 of this report.

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3.2.2 General Guidelines for Assessing Cannabis Store Rezoning Applications

It is proposed that guidelines be developed to support staff and Council in assessing the suitability of cannabis store rezonings. However, given that aspects of the provincial retail framework are yet to be finalized, it is proposed that the municipal guidelines be forwarded to Council in tandem with the first government cannabis store rezoning application, for Council's review and approval. The development guidelines will closely resemble those applicable to liquor store rezonings given that both liquor and cannabis are regulated products and would be zoned for in a similar manner. More specifically, it is recommended that the development guidelines include locational criteria such as observance of an appropriate setback and orientation to conflicting land uses, criteria on store size, and operational criteria such as operating hours. In addition, safety and security requirements would be reviewed and addressed by the Provincial licencing branch advancing the government store location through the rezoning process.

As the four town centres in Burnaby have the highest concentration of population and the broadest range of supporting commercial services, it is considered appropriate to focus the initial role out of cannabis stores in these locations only, with a limit of one BC Cannabis Store per town centre.

3.2.3 Ongoing Review of Proposed Retail Approach

The retail approach as presented above, should be viewed as the first step in a controlled implementation of cannabis stores to allow time for the City to evaluate the community response to cannabis legalization. Indeed, it is recognized by all levels of government that there will likely be a continuing evolution of response and regulations as the cannabis industry and Canadian society at large adjusts and incorporates changes and lessons learned over time.

It is recommended that only government operated cannabis stores be permitted at this time. In future, subject to further review, it is recognized that supporting private cannabis stores could serve a supplemental role to government operated cannabis stores. However, Council's review and approval would be required for any change to the current proposed policy and regulations.

3.2.4 Business Licensing and Municipal Inspections and Enforcement

Provincially operated businesses do not require a municipal business license to operate, and as such, the City has not established a business license fee for government operated businesses such as BC Liquor Stores. It is recommended that this same approach also apply to government operated, BC Cannabis Stores.

With regards to operating rules, and inspections and enforcement procedures for cannabis stores, the Province has established comprehensive regulations in this respect. Furthermore, the City, where appropriate, can supplement the Province's operator rules through the rezoning process, such as further limiting store hours. As such, staff do not see a need at this time for amendments to the Business License Bylaw or additional municipal inspections and enforcement procedures.

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in regard to cannabis stores. However, should any issues arise in future; additional measures can be considered through the rezoning process to limit community impacts.

3.3 Public Use

The Province will regulate the smoking and vaping of non-medical cannabis in a similar manner to tobacco, except with additional locational prohibitions as noted in Section 2.2.2 of this report. Given the relatively comprehensive provincial regulation in this regard, staff recommend this approach apply directly in Burnaby. Going forward, staff will continue to monitor the effectiveness of provincial regulations in this regard, and report back to Council if supplemental measures are warranted.

4.0 RECOMMENDED BYLAW AMENDMENTS

1. **THAT** the term “Cannabis Store, Government” be defined in Section 3.0 of the Zoning Bylaw with wording similar or the same as the following:

“CANNABIS STORE, GOVERNMENT” means a retail store established by the government under the Cannabis Distribution Act, as amended or replaced from time to time, for the sale of cannabis and cannabis accessories to consumers, but does not include a licensee cannabis store.

2. **THAT** the term “Cannabis Store, Licensee” be defined in Section 3.0 of the Zoning Bylaw with wording similar or the same as the following:

“CANNABIS STORE, LICENSEE” means a retail store licensed under Part 4 of the Cannabis Control and Licensing Act, as amended or replaced from time to time, for the sale of cannabis and cannabis accessories.

3. **THAT** Section 302.1 (C2 District) of the Zoning Bylaw be amended by inserting sub-section 302.1E with wording the same or similar to the following:

302.1E Uses Permitted in a C2i Zoning District:

- (1) *Uses permitted in Community Commercial District C2.*
- (2) *Government cannabis stores.*

4. **THAT** Section 303.1 (C3 District) of the Zoning Bylaw be amended by inserting sub-section 303.1I with wording the same or similar to the following:

303.1I Uses Permitted in a C3i Zoning District:

- (1) *Uses permitted in Community Commercial District C3.*
- (2) *Government cannabis stores.*

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5.0 CONCLUSION

As discussed, changes in federal and provincial legislation have required the City to update its policies and regulations in respect to non-medicinal cannabis. The forgoing municipal approach balances a mix of diverse considerations associated with non-medical cannabis legalization, and draws on the City's experience with liquor and tobacco to help shape a measured and balanced approach to the production, sale, and public use of non-medical cannabis in Burnaby.

It is noted that the overall regulatory approach as presented in this report, should be viewed as the first step in a gradual, long-term regulatory process that will likely evolve as all levels of government, the cannabis industry, and Canadian society at large adjust and acclimatize to the new realities of non-medical cannabis legalization. Staff from all involved divisions will continue to monitor the progression of federal and provincial cannabis regulation, the effectiveness of the above-recommended municipal regulatory approach to assess the implications for future municipal regulation.

It is recommended that Council approve the municipal regulatory approach to non-medical cannabis as outlined in Section 3.0 of this report, and that Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 4.0 of this report, for advancement to a Public Hearing on 2018 August 28.

Lou Pelletier, Director
 PLANNING AND BUILDING

MN:tn

cc:	Director Corporate Services	Director Finance
	Director Public Safety and Community Services	Director Engineering
	Director Parks, Recreation and Cultural Services	Officer-in-Charge – RCMP
	Director Human Resources	Fire Chief
	Chief Licence Inspector	Chief Building Inspector
	City Solicitor	City Clerk

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Meeting 2018 June 26

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2018 June 18

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20

Reference: Bylaw Text Amendment

SUBJECT: ZONING BYLAW AMENDMENT – EXPANDING OPPORTUNITIES FOR CHILD CARE FACILITIES IN COMMERCIAL AREAS

PURPOSE: To propose text amendments to the Burnaby Zoning Bylaw regarding child care facilities as a permitted use in select Commercial Districts and aligning child care parking requirements with Commercial parking requirements.

RECOMMENDATIONS:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 3.0 of this report for advancement to a Public Hearing at a future date.
2. **THAT** a copy of this report be sent to the Fraser Health Authority, Licencing Office, at 4946 Canada Way, Burnaby, BC V5G 4H7 and the Burnaby New Westminster YMCA Child Care Resource and Referral.
3. **THAT** a copy of this report be sent to the Sustainable City Advisory Committee for their information.

REPORT

1.0 INTRODUCTION

The availability of quality child care meets an important community need and contributes to the social and economic well-being of Burnaby. Quality child care is a major factor in the location decisions of families and businesses, and in recruiting and retaining employees. It is also an investment in the future and is associated with improved child outcomes including school readiness and success.

The City has long supported the availability and choice of child care options through the creation of supportive zoning and policies; establishment of five City-owned child care centres; establishment of the Child Care Resources Group, an advisory body on child care issues; direct advocacy on child care issues to senior levels of government; and most recently, its partnership with School District 41 to jointly develop and operate child care facilities on school sites.

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The primary focus of this report is to propose a Zoning Bylaw amendment to include child care facilities as a permitted use in select Commercial (C) Districts. This proposed Bylaw amendment supports the City’s Corporate Strategic Plan and Sustainability Strategies, and would help facilitate the development of child care spaces by ensuring the City’s regulatory framework enables the development of new spaces should opportunities arise.

2.0 BACKGROUND

2.1 Policy Context

The vision statement of Burnaby’s Child Care Policy, adopted in 1994 and revised in 2000, states that the City is committed to working with service providers to assist in the enhancement of the child care system including child care options and objectives. The policy also states that the City will work to improve the availability, accessibility, and affordability of child care by “providing appropriate and sufficient opportunities for the establishment of child care facilities within the context of the Official Community Plan, community plans, Burnaby Zoning Bylaw, and other City regulations.” These policy statements are also identified as key objectives in the Social Sustainability Strategy, adopted by Council in 2011. The City’s 2016 Environmental Sustainability Strategy contains the Goals: “Prosper,” “Live,” and “Move,” which focus on creating a prosperous economy and compact, complete communities that are walkable, bikeable and transit-supported.

The City’s Corporate Strategic Plan, adopted in 2017, offers goals that focus on creating a connected, inclusive, healthy and dynamic community. Amending the Zoning Bylaw to expand opportunities for child care facilities to locate in commercial and employment districts throughout the City is aligned with the City of Burnaby’s Corporate Strategic Plan by supporting the following four goals and eight sub-goals of the plan.

A Connected Community

- Social connection
- Partnership

An Inclusive Community

- Serve a diverse community
- Create a sense of community

A Healthy Community

- Healthy life
- Lifelong learning

A Dynamic Community

- Economic opportunity
- Community development

To learn more about the City of Burnaby’s Corporate Strategic Plan, visit burnaby.ca/CSP.

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2.2 Child Care Inventory and Locations

As Burnaby's population continues to increase, more families will require child care. As of 2017 February, Fraser Health licensing information indicated there were 219 full-time licensed child care centres operating in Burnaby. Of these, 120 are home-based child care facilities, while the remaining 99 are non-home-based child care facilities. In total, there are 4,440 full-time licensed child care spaces with 87 percent of these spaces located in non-home-based facilities.

Table 1: Number of Licensed Child Care Spaces by Facility Type

	Number of Child Care Spaces	Percentage of Child Care Spaces
Child Care Facility		
0 - 36 months	730	16%
30 months to school age	1,524	34%
School age (5 to 12 years)	1,619	37%
Total child care facility spaces	3,873	87%
Home-Based Child Care Facility		
Family child care (ages 0 to 12, maximum 7 children)	392	9%
In-home multi-age child care (ages 0 to 12, maximum 8 children)	175	4%
Total home-based child care facility spaces	567	13%
TOTAL	4,440	100%

Source: Fraser Health Licensing, 2017

The demand for child care persists, and many licensed child care facilities in Burnaby are full and have long waiting lists¹. There are approximately 27,150 children aged 12 and under in Burnaby (Census 2016), resulting in 16.4 licensed child care spaces per 100 children ages 12 and under. This compares with a regional number of 18.5 spaces, and a provincial number of 18.0 spaces per 100 children (Metro Vancouver 2016 estimate).

To better understand the distribution of child care facilities throughout the City, Appendix 1 *attached* and Table 2 below show the location of full-time child care facilities (including home-based child care facilities) in Burnaby. Approximately half of the licensed child care spaces are located in higher density residential, commercial and mixed-use employment areas. These centrally located higher density residential, commercial and mixed-use employment areas are generally sited near frequent transit. Child care located in proximity to frequent transit supports sustainable commuting choices for both parents and child care facility employees.

¹ On 2018 February 20, the Provincial Government announced their 2018 Budget which includes the intention to create more than 22,000 new licensed child care spaces throughout the province, including a portion of the spaces in Burnaby.

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Table 2: Location of Child Care Centres

	Number of Licensed Child Care Spaces	Percent of Total Licensed Child Care Spaces
Areas within Burnaby		
Higher density residential and commercial areas (Town Centres and Urban Villages)	1,729	38%
Mixed-use employment areas (SFU, Big Bend, Central Administrative Area, BCIT)	512	12%
Low density residential areas (Suburban Multi- Family Housing and outside Community Plan areas which consist mainly of Single and Two Family Dwellings)	2,199	50%

Source: Fraser Health Licensing, 2017

The proposed Zoning Bylaw amendment would further help to facilitate the development of child care spaces in higher density residential and employment areas. The proposed amendment would potentially expand the range of available child care facility sites, thereby contributing to the building of complete communities – communities that contain a range of services, amenities, employment and transit within their own boundaries.

2.3 Child Care Regulatory Framework

A number of regulations exist to help guide the design and location of child care facilities in the city.

2.3.1 Provincial Regulation

All child care facilities in Burnaby are regulated under the Provincial *Community Care and Assisted Living Act* and accompanying *Child Care Licensing Regulation*, which are administered by Fraser Health and regulate the health and safety of child care facilities. Licensing requirements address items such as employee qualifications, group sizes, employee to child ratios and indoor and outdoor space specifications.

Fraser Health's licensing process encompasses a full risk assessment of all proposed facility premises, including the outdoor play areas. Where a risk or hazard is identified within the premise, successful Fraser Health licensing is contingent upon the applicant providing a suitable plan that ensures the children's health and safety. As part of the application review process, Fraser Health also refers the application to the City's Planning Department to ensure Zoning Bylaw compliance and to the City's Fire Department to ensure Fire Code compliance. Once a child care facility is operational, Fraser Health continues to monitor each facility by conducting random inspections to ensure health and safety regulations are being maintained.

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2.3.2 BC Building Code Requirements

On 2014 December 19, updates to the BC Building Code took effect, including changes to requirements for newly created child care facilities and facilities undergoing extensive renovations. For child care facilities with one or more child under the age of 30 months, the updated BC Building Code requires either in-building sprinklers or exits at grade, in addition to fire alarms in either multi-suite buildings or in buildings that share an interior common egress corridor with other suites. In 2016, the City also updated the Zoning Bylaw to align with the new Building Code regulations. While meeting BC Building Code regulations can be challenging for operators, the Code aims to protect public health, safety and general welfare as related to the construction and occupancy of a building.

2.3.3 Zoning and City Approval Process

Currently, child care facilities are an outright permitted use in the P1 Neighbourhood Institutional District, the P5 Community Institutional District, the P11 SFU Neighbourhood District and the following Multiple Family Residential (RM) Districts: RM1, RM2, RM3/RM3s, RM4/RM4s, and RM5/RM5s. To establish a child care facility in a commercial district, however, the property must be rezoned, typically to a Comprehensive Development (CD) District.

All new child care facilities are subject to a Preliminary Plan Approval (PPA) which ensures that child care facilities are in compliance with the Zoning Bylaw. Applicants must also apply for a Building Permit, a Business License and other applicable permits (e.g. a Plumbing Permit or an Electrical Permit). As part of this process, the Fire Department reviews applications.

3.0 PROPOSED ZONING BYLAW TEXT AMENDMENTS

Over the years, staff have received a number of inquiries from potential child care operators regarding the availability of suitable child care facility sites. There are a limited number of P1 and P5 District sites, and of these, most already include child care facilities on site or are not able to accommodate a child care facility. To date, about ten child care facilities are located in RM Districts.

As stated above, currently, any potential child care facility site in a commercial district requires a rezoning. Many child care operators opt not to pursue the rezoning of a property given the associated time and costs. Amending the Zoning Bylaw to permit child care facilities as an outright use would remove the rezoning requirement, thereby simplifying the process for operators to open a child care facility. This would, however, also remove consideration of the locational context and relationship of child care facilities to other commercial uses, which are currently a consideration in rezoning reviews, as discussed below in section 3.1.

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Given the demand for child care and the City's existing supportive policy, it is proposed that the Zoning Bylaw be amended to include child care facilities as a permitted use in select Commercial (C) Districts². Child care facilities would continue to require a PPA, to ensure Zoning Bylaw compliance, along with all existing regulatory approvals (e.g. Provincial licensing, Building and Fire Department compliance).

3.1 Expanding Child Care Facilities to select Commercial Districts

Issue

Currently, child care facilities are a permitted use in select P and RM Districts; operators who wish to locate child care facilities in zones beyond the P and RM Districts must undergo a rezoning process. To expand the range of potential child care sites and to remove the rezoning approval requirement, it is proposed that child care facilities be permitted as an outright use in commercial districts including C1, C2, C3, C4, C8 and C9.

Discussion

To better understand the potential impacts of permitting child care facilities as an outright use in C1, C2, C3, C4, C8 and C9 Districts, staff analyzed the uses and locations of these C Districts (see Appendix 2 *attached*). Permitting child care facilities in select C Districts would increase the opportunities to locate child care facilities within centrally located, transit oriented, higher density residential, commercial and mixed-use employment areas throughout the city which would in turn support the City's Corporate Strategic Plan, Social Sustainability Strategy and Environmental Sustainability Strategy goals to help build complete communities, increase economic viability and promote green initiatives. Since the intent of these select C Districts is to serve consumer needs, they contain uses such as banks, cafes, and offices which are generally compatible with child care facilities.

While C Districts offer the benefit of additional siting options for child care facilities, it is recognized that by permitting child care facilities as an outright use in select C Districts the rezoning requirement would be removed and opportunities may be created where a child care facility may choose to locate near a potentially sensitive and/or incompatible commercial use such as a liquor store, liquor primary establishment, or adult-oriented business. While this potential would exist with the proposed amendments, it is staff's view that there are sufficient regulatory and market factors involved in siting a child care facility to mitigate siting concerns.

In accordance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation*, a child care licensee must ensure a healthy and safe environment is provided and that children do not have access to any object or substance (e.g. exhaust fumes) that may be

² However, where a commercial use or Commercial District zone is located in a CD site that was rezoned prior to the date of this proposed Zoning Bylaw amendment, a child care facility proposed for the site or a portion of the site would continue to require a rezoning as the earlier CD Bylaw would not have considered a child care facility locating on the site.

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hazardous to their health or safety. As such, Fraser Health inspects proposed child care facilities, including outdoor play areas, to ensure the child care facility meets all licensing requirements. Licensing is contingent upon the applicant satisfactorily addressing any hazards or risks from the surrounding environment that are observed to directly impact the premise. If the above are not satisfactorily addressed, Fraser Health may deny a child care facility application.

In relation to City processes, Planning staff use Locational Guidelines during the rezoning process for sensitive land uses (e.g. adult oriented uses) to evaluate land use compatibility. These Guidelines give consideration to the observance of an appropriate relationship in terms of direct proximity or orientation of uses with respect to child care facilities. For example, if a liquor primary establishment were to propose to locate next to an existing child care facility, the rezoning application for the liquor primary establishment would be evaluated in terms of the Locational Guidelines that give consideration of distance from child care facilities. Should the liquor primary establishment be deemed to be an insufficient distance from a child care facility, the rezoning application may not be supported. This opportunity for review and consideration by the City, however, would not arise for a child care facility selecting its location, following adoption of the subject proposed zoning bylaw amendment.

To further understand locational and land use compatibility issues, Planning staff also surveyed other municipalities where child care facilities are a permitted use in commercial districts³. Staff in these municipalities indicated that market factors play a strong role in an operator's locational choices - operators tend to seek sites that are compatible with their child care operations and that meet the expectations of their families. Further, staff from these municipalities note, that as more families live in or near mixed-use urban areas, they have become more accepting of the varied nature of commercial uses in their neighbourhoods.

In summary, Social Planning staff acknowledge that if the proposed Zoning Bylaw amendment, were approved, the rezoning requirement for child care facilities in select C Districts would be removed and a child care facility would be able to locate next to a potentially sensitive and/or incompatible commercial use. However, it is felt that the benefits of increasing the number of options to locate a child care facility have merit and that the risks can be suitably mitigated through Fraser Health's licensing process, and through the City's ability to consider existing locational context for new liquor primary establishments and adult-oriented businesses through the rezoning process. However, primary commercial uses should not be precluded from locating in commercial areas solely based on the location of a nearby child care facility, as the intent of the C Districts is to support and provide locations for primary commercial uses. To further assist potential child care operators in assessing potential child care sites, staff propose to create a Child Care Facility Information Package to better inform child care operators about the application process, to provide them with suggestions and land use considerations for suitably locating a child care facility and to ensure they are aware at the onset about regulatory requirements such as Building Code compliance and outdoor play space requirements.

³ In 2017, staff surveyed the Zoning Bylaws of 16 Metro Vancouver municipalities and found that in 13 municipalities child care facilities are a permitted use in commercial districts.

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It is recommended that child care facilities be permitted in C1, C2, C3, C4, C8 and C9 Districts in order to increase opportunities to centrally locate child care facilities near transit and in higher density residential, commercial and mixed use employment areas.

Recommended Bylaw Amendment

THAT child care facilities be added as a permitted use in Sections 301.1 (C1 District), 302.1 (C2 District), 303.1 (C3 District), 304.1 (C4 District), 308.2 (C8 District) and 309.2 (C9 District) of the Zoning Bylaw.

3.2 C8 District Intent With Respect to Child Care Facilities

Issue

The C8 (Urban Village Commercial, Hastings) District is intended to provide a wide range of commercial and retail uses at grade, to engage pedestrians. Child care facilities located at grade would not actively engage pedestrians as other typical uses (e.g. shops and restaurants) do on Hastings Street and therefore require specific conditions of use.

Discussion

Similar to banks and businesses and professional offices, child care facilities would not engage pedestrians as actively as other typical uses on Hastings Street but would help support the viability of commercial area. In the C8 District, banks and businesses and professional offices are limited to a maximum storefront width of 10.0 m (33 ft.) along Hastings Street. Similarly, child care facilities should also be limited to a 10.0 m (33 ft.) storefront along Hastings Street. This requirement would enable the siting of a child care facility on Hastings Street while maintaining the intent of the Hastings Street Area Land Use Plan.

Recommended Bylaw Amendment

THAT in Section 308.2 child care facilities be subject to the restriction that the first storey frontage of a child care facility on Hastings Street shall not exceed 10.0m (33 feet) in width.

3.3 Parking

Issue

The ‘Off Street Parking Schedule’ of the Burnaby Zoning Bylaw requires that child care facilities provide one parking stall for each two employees and one parking stall for each ten licenced child care spaces. This requirement is generally higher than typical commercial uses such as retail stores, banks, and offices where one parking stall for every 46 m² (495 sq. ft.) of

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gross floor area is required⁴. The proposed Zoning Bylaw amendment to permit child care facilities as an outright use in select C Districts would likely result in child care facilities being challenged to provide the additional off-street parking currently required under the Zoning Bylaw.

Discussion

To help facilitate the location of child care facilities, it is proposed that child care parking requirements be aligned with commercial parking requirements: that is, one stall for every 46 m² (495 sq. ft.) of gross floor area. A typical child care facility with 37 licensed spaces would have a minimum floor area of approximately 238 m² (2,562 sq. ft.). Using existing child care facility parking requirements, seven parking stalls would be required. Based on Burnaby's commercial office parking requirement (one stall for every 46 m²), this same space would require six parking stalls. This minor reduction in the number of parking stalls required would expand the potential siting options for child care facilities in the C Districts.

Further, as previously discussed, the select C Districts are generally centrally located and near transit, high density residential and employment areas, making it easier for families and child care employees to access child care facilities by alternate modes of transportation. It should also be noted that a portion of the child care facility parking stalls are only used briefly to pick up and drop off children during approximately a one hour period in the early morning (when most businesses are typically closed) and late afternoon. Further, general on-street public parking should not be designated solely for a child care pick-up / drop-off function, but should remain available for public parking to serve the broader commercial area. Therefore, it is recommended that the Zoning Bylaw off-street parking requirements for child care facilities be amended to align with existing commercial use parking requirements for all districts.

Recommended Bylaw Amendment

THAT Section 800.4(5.1) of the Zoning Bylaw be amended with wording the same or similar to the following:

Child care facility – 1 for each 46 m² (495.16 sq. ft.) of gross floor area.

4.0 CONCLUSION

This report considers the use of Zoning Bylaw changes to support more options for the establishment of licensed child care facilities throughout the City. The report proposes that the Zoning Bylaw be amended so that child care facilities be permitted as an outright use in select C Districts and that child care parking requirements be based on floor area in order to align with Commercial parking requirements, as outlined in Section 3.0. To assist child care operators with

⁴ Retail stores and personal service establishments may also use a calculation of 1 stall for every 28 m² (301.39 sq. ft.) when there is no storage or other accessory space. This calculation would not apply to child care facilities as they require supportive space.

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land use compatibility and other regulatory requirements when opening a child care facility, staff propose to create and distribute a voluntary Child Care Facility Information Package.

The Zoning Bylaw amendments would complement existing City programs to develop child care facilities in partnership with the School District. The proposed amendments would also simplify the approval process for prospective operators and facilitate the creation of child care facilities in zoning districts near transit and higher density residential, employment and mixed use areas, thus supporting the City's sustainability goals and assisting in the creation of complete communities. The proposed approach also recognizes that child care facilities can successfully operate in an urban context together with other commercial uses, and as such do not require specific locational controls in this regard.

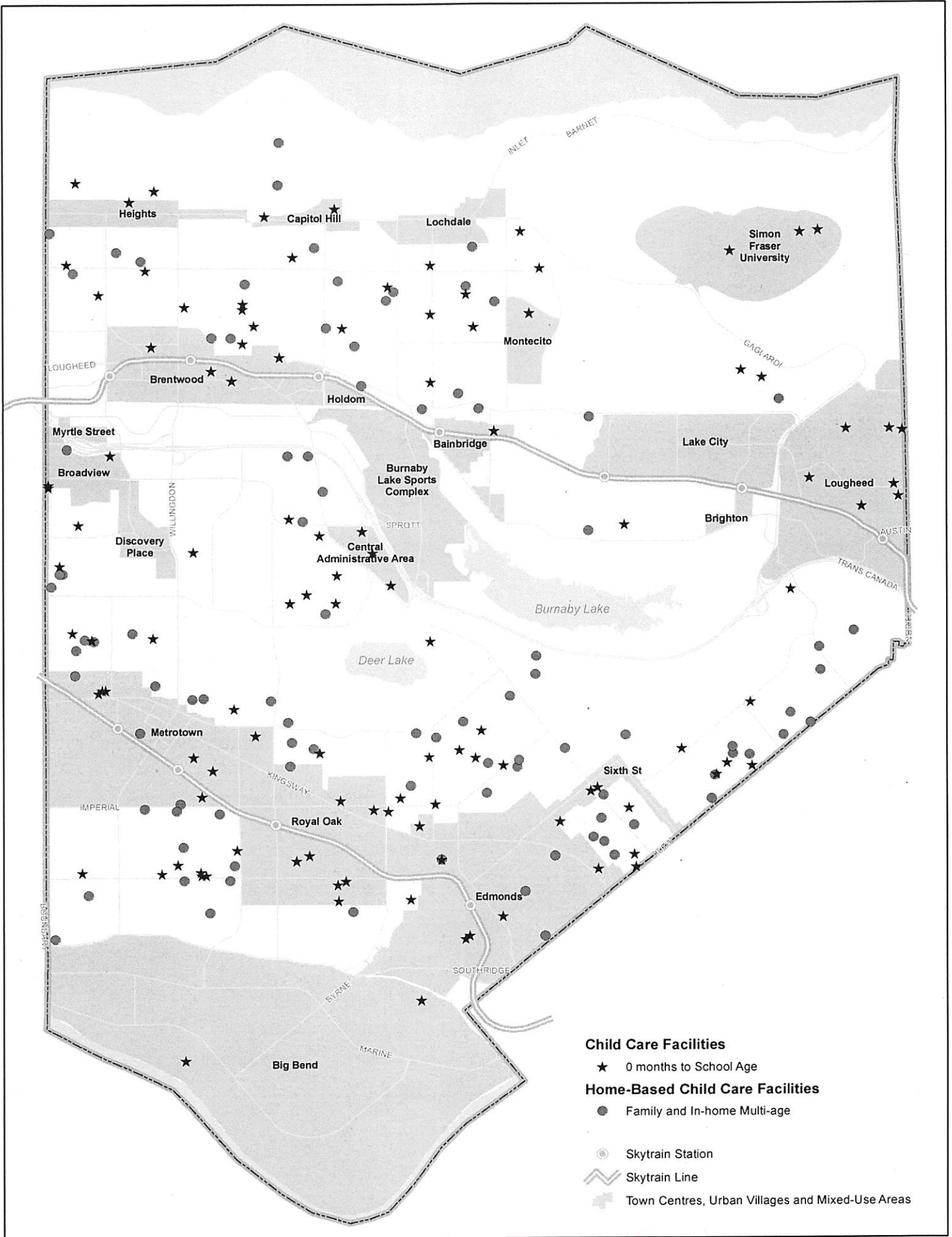
It is recommended that Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 3.0 of this report for advancement to a Public Hearing at a future date. As well, it is recommended that a copy of this report be sent to the Fraser Health Authority, Licencing Office and the YMCA Child Care Resource and Referral Services and to the Sustainable City Advisory Committee for information.


 Lou Pelletier, Director
 PLANNING AND BUILDING

KL/MM/sla
Attachments

cc: City Manager	Director Parks, Recreation and Cultural Services
Director Corporate Services	Director Engineering
Fire Chief	Chief Building Inspector
Chief Licence Inspector	City Solicitor
City Clerk	

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Appendix 2: Proposed Commercial Districts Where Child Care Facilities To Be Permitted As An Outright Use

