



## **PUBLIC HEARING**

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

**TUESDAY, 2019 FEBRUARY 26 AT 6:00 PM**

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

### **A G E N D A**

<b><u>CALL TO ORDER</u></b>	<b><u>PAGE</u></b>
<b><u>ZONING BYLAW AMENDMENTS</u></b>	
1) <b><u>Burnaby Zoning Bylaw 1965,</u></b> <b><u>Amendment Bylaw No. 1, 2019 - Bylaw No. 13980</u></b>	1
Rez. #18-36	
Portion of 9702 Glenlyon Parkway	
From: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)	
To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and the Glenlyon Concept Plan guidelines and in accordance with the development plan entitled "Stylus Made to Order Sofas" prepared by Taylor Kurtz Architecture and Design Inc.)	
The purpose of the proposed zoning bylaw amendment is to permit the construction of a two-storey light industrial and office building.	
2) <b><u>Burnaby Zoning Bylaw 1965,</u></b> <b><u>Amendment Bylaw No. 2, 2019 - Bylaw No. 13981</u></b>	8
Rez. #18-45	

4260 Still Creek Drive

From: Amended CD M5 Light Industrial District

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and Willingdon Business Park Community Plan guidelines, and in accordance with the development plan entitled “4260 Still Creek Drive Willingdon Park Phase 3” prepared by Hlynsky + Davis Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit a change of use within an existing light industrial – office development to accommodate a data centre for a high-tech cyber security business.

3) **Burnaby Zoning Bylaw 1965,**  
**Amendment Bylaw No. 3, 2019 - Bylaw No. 13982**

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Rez. #17-05

4458 Beresford Street

From: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District and P1 Neighbourhood Institutional District)

To: Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District, P1 Neighbourhood Institutional District and Metrotown Downtown Plan guidelines and in accordance with the development plans entitled “4458 Beresford Street” prepared by IBI Group and Zhang Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the expansion of the childcare component of a mixed-use development.

4) **Burnaby Zoning Bylaw 1965,**  
**Amendment Bylaw No. 4, 2019 - Bylaw No. 13983**

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TEXT AMENDMENT

The purpose of the proposed zoning bylaw amendment is to facilitate construction of full cellars in single family dwellings in the R1, R2, R3, R4, R5 and R9 Residential Districts.

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](mailto: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 3:45 p.m. on 2019 February 26 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 until 2019 February 26 .

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

K. O'Connell  
CITY CLERK



Item .....
Meeting .....2019 January 28

## COUNCIL REPORT

**TO:** CITY MANAGER 2019 January 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #18-36**  
**Two-Storey Light Industrial and Office Development**  
**Big Bend Development Plan**

**ADDRESS:** Portion of 9702 Glenlyon Parkway (see *attached* Sketches #1 and #2)

**LEGAL:** Rem Lot 2, DL 165, Group 1, NWD Plan BCP47254

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

**TO:** Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and the Glenlyon Concept Plan guidelines and in accordance with the development plan entitled "Stylus Made to Order Sofas" prepared by Taylor Kurtz Architecture and Design Inc.)

**APPLICANT:** Beedie Development Group  
3030 Gilmore Diversion  
Burnaby, BC V5G 3B4  
Attn: Jaret Lang

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2019 February 26.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2019 February 11 and to a Public Hearing on 2019 February 26 at 6:00 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 #18-36  
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- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The review of a detailed Sediment Control System by the Director Engineering.
- e) The granting of a Section 219 Covenant respecting flood proofing requirements.
- f) The submission of a geotechnical review regarding stability confirming that the site may be used safely for the intended use, for review by the Chief Building Inspector and granting of a Section 219 Covenant respecting the submitted report.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- h) The deposit of the applicable GVS & DD Sewerage Charge.
- i) The provision of facilities for cyclists in accordance with Sections 4.5 of the rezoning report.
- j) The submission of a detailed comprehensive sign plan.
- k) The submission of a Site Profile and resolution of any arising requirements.
- l) 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.

## **R E P O R T**

### **1.0 REZONING PURPOSE**

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a two-storey light industrial and office building.

### **2.0 POLICY FRAMEWORK**

The proposed development is in line with the Business Centre designation of Council-adopted Glenlyon Concept Plan and Big Bend Development Plan. The advancement of the proposed zoning bylaw amendment also aligns with the following goals and sub-goals of the Corporate Strategic Plan:

#### **A Safe Community**

- Transportation safety – Make City streets, pathways, trails and sidewalks safer.



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 From: Director Planning and Building  
 Re: Rezoning Reference #18-36  
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#### **A Connected Community**

- Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments.

#### **An Inclusive Community**

- Enhance City workforce diversity – Support a diversified City workforce by identifying barriers and implementing proactive strategies.

#### **A Dynamic Community**

- Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

### **3.0 BACKGROUND**

- 3.1 The subject site is located within Glenlyon Business Park, situated south of Marine Way within the Big Bend Development Plan area. The Glenlyon Concept Plan, which was approved by Council in 1994, established a high quality and unique architecture that complements the natural features of the area in order to attract cleaner and lighter industrial users to the business park. Since 2002, the majority of the business park has been developed primarily with single tenant office and research and development uses, which collectively, has established a distinct character for the business centre. A number of high-quality office developments for companies such as Ballard Power Systems, Best Buy, Houle Electric, Richie Bros. Auctioneers, the Hospital Employees Union, CGA-Canada and PNP Pharmaceuticals have developed in line with the Glenlyon Concept Plan.
- 3.2 In 2015, Beedie Development Group purchased the remaining undeveloped parcels of the Glenlyon Business Park from Canada Lands Company Ltd., which includes the subject property at 9702 Glenlyon Parkway, for industrial and office development in line with the Glenlyon Concept Plan and Big Bend Development Plan. The proposal for the subject rezoning application reflects the established high quality form and character, landscaping treatment, quality of architecture, and nature of development that has been pursued within the Glenlyon Business Park. This Department supports the advancement of the subject rezoning application.

### **4.0 GENERAL COMMENTS**

- 4.1 The applicant is requesting rezoning to the CD Comprehensive Development District (utilizing the M2 General Industrial District, M5 Light Industrial District, and the Glenlyon Concept Plan as guidelines) in order to permit the construction of a two-storey light industrial and head office building with surface parking for Stylus. Stylus is a made to order sofa manufacturer that has grown to be one of Canada's largest furniture manufacturers. Stylus is currently located at 7885 Riverfront Gate and is seeking to relocate its offices, design studio, and manufacturing plant to the subject site in order to accommodate the company's growth.



To: City Manager  
 From: Director Planning and Building  
 Re: Rezoning Reference #18-36  
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The total area of the proposed building will be approximately 13,094 m<sup>2</sup> (140,943 sq.ft.). The concept includes approximately 2,423 m<sup>2</sup> (26,081 sq. ft.) of office and design studio, 7,522 m<sup>2</sup> (80,966 sq. ft.) of manufacturing space, and 3,149 m<sup>2</sup> (33,896 sq. ft.) of warehouse space. Vehicular access is proposed from both North Fraser Way from a future shared access between the subject site and the development parcel to the north, and Glenlyon Parkway at the western most point of the proposed lot.

- 4.2 Primary servicing for the subject site has been provided through Subdivision References #97-39, #02-10, #07-13, and #17-22, however, the Director Engineering will be requested to provide an estimate for any further services necessary to serve this site. Servicing requirements may include, but not necessarily be limited to:
- confirmation that Glenlyon Parkway has been constructed to its final standard with separated sidewalk, street trees and street lighting;
  - the construction of a public pedestrian pathway along the northwest property line of the site, from North Fraser Way to the Metro Vancouver pedestrian trail right-of-way;
  - the provision of an enhanced pedestrian crossing, complete with curb bulges, for the urban trail across Glenlyon Parkway; and,
  - the construction of an entry feature / landscape element at the corner of North Fraser Way and Glenlyon Parkway.
- 4.3 The GVS & DD Sewerage Development Cost Charge (Fraser Sewerage Area) of \$28.74 per m<sup>2</sup> (\$2.67 per sq.ft.) of gross floor area will apply to this rezoning.
- 4.4 The developer is responsible for the installation and ongoing maintenance of stormwater management facilities in accordance with the stormwater management plan approved by the Director Engineering for Subdivision Reference #39/97. A Section 219 Covenant will be registered on the subject property to ensure the installation and ongoing use and maintenance are in accordance with the accepted stormwater management plan.
- 4.5 A detailed environmental assessment was undertaken as part of the master rezoning (Rezoning Reference #44/92) and master subdivision (Subdivision Reference #39/97). As significant time has lapsed since the original environmental assessment, the submission of a Site Profile and resolution of any arising requirements is required.
- 4.6 Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.
- 4.7 A geotechnical review of the subject site's soil stability and registration of a Section 219 Covenant regarding the findings of the approved report will be required.

## **5.0 DEVELOPMENT PROPOSAL**

- 5.1 Site Area: 2.6 ha (6.44 acres)
- 5.2 Site Coverage: 45%

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 From: Director Planning and Building  
 Re: Rezoning Reference #18-36  
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5.3	Proposed Gross Floor Area:		
	Office	-	2,423 m <sup>2</sup> (26,081 sq. ft.)
	Manufacturing	-	7,522 m <sup>2</sup> (80,966 sq. ft.)
	Warehouse	-	<u>3,149 m<sup>2</sup> (33,896 sq. ft.)</u>
	Total Proposed Floor Area	-	13,094 m <sup>2</sup> (140,943 sq. ft.)
5.4	Vehicle Parking:		
	Office	-	2,423 m <sup>2</sup> @ 1/46 m <sup>2</sup> = 53 spaces
	Manufacturing	-	7,522 m <sup>2</sup> @ 1/93 m <sup>2</sup> = 81 spaces
	Warehouse	-	3,149 m <sup>2</sup> @ 1/93 m <sup>2</sup> = 34 spaces
	Total Required	-	168 spaces
	Total Provided	-	177 spaces
5.5	Bicycle Parking:		
	Required and Provided	-	18 spaces
5.6	Loading:		
	Required	-	5 spaces
	Provided	-	15 spaces

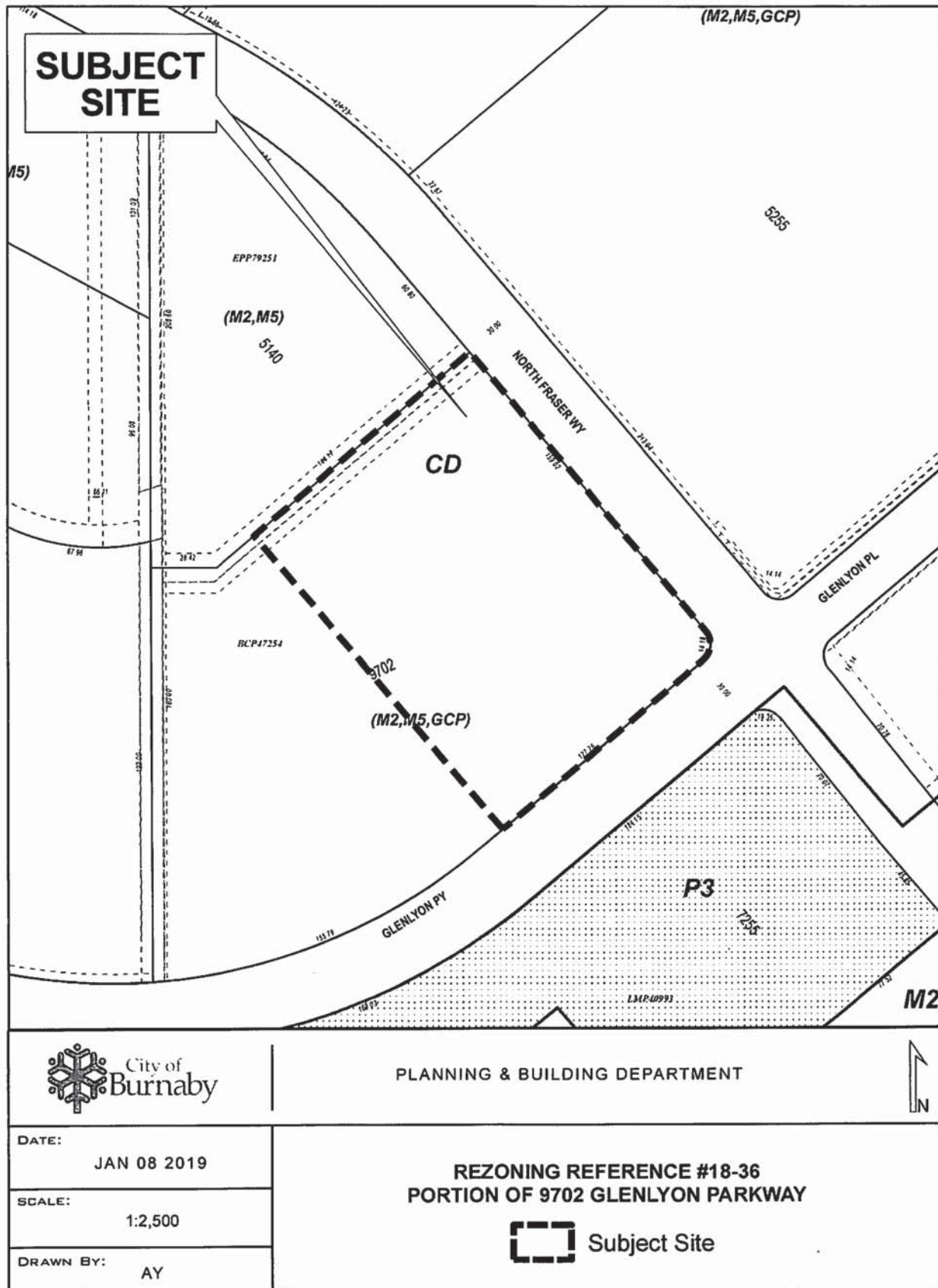
  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

SMN:rh  
**Attachments**

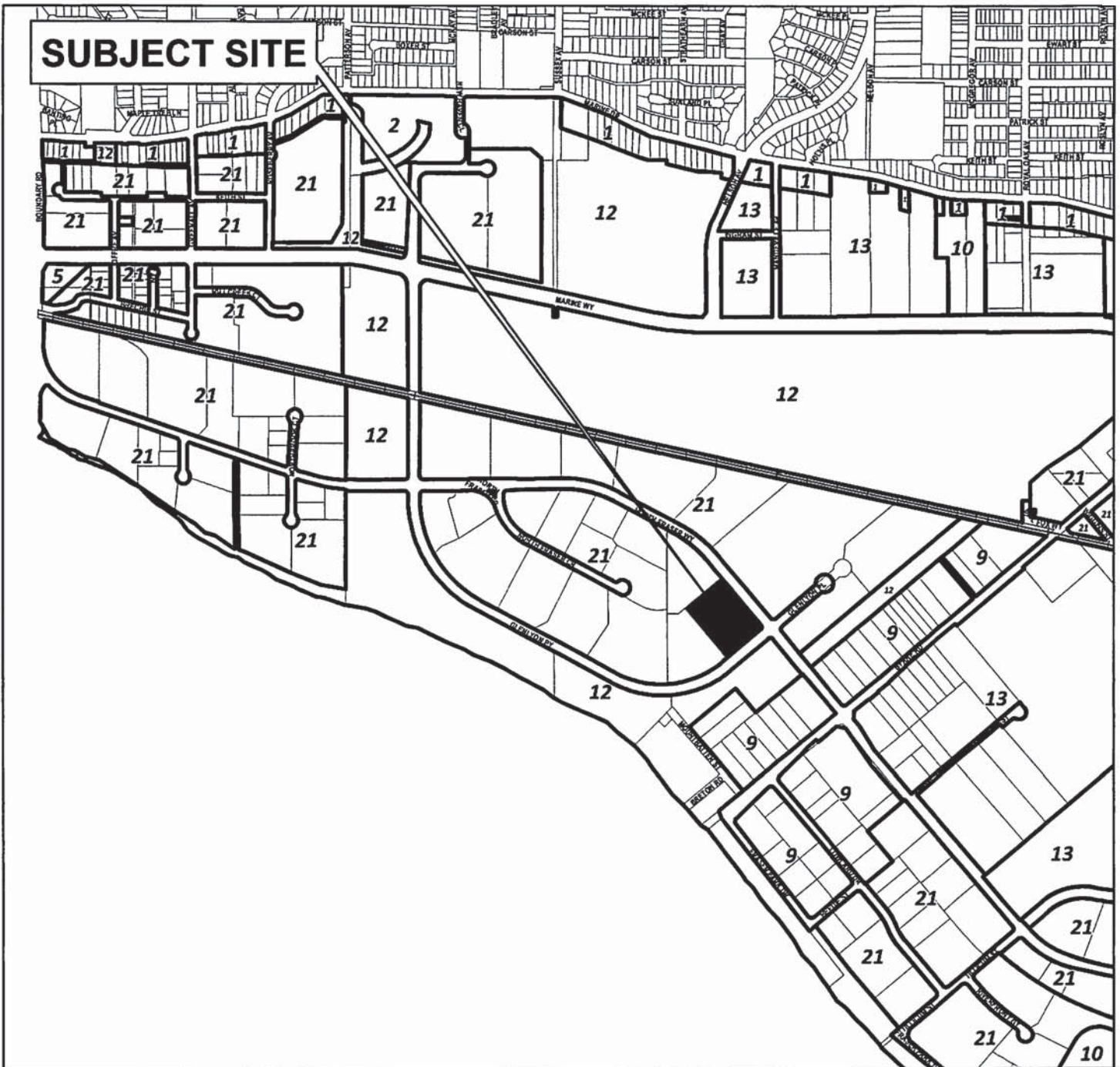
cc: City Solicitor  
 City Clerk

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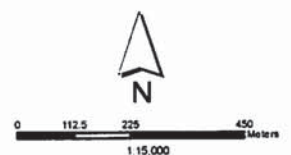


Sketch #1



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

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



PLANNING & BUILDING DEPARTMENT

## Big Bend Community Plan





Item .....
Meeting ..... 2019 January 28

## COUNCIL REPORT

**TO:** CITY MANAGER 2019 January 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #18-45**  
**Proposed change of use within an existing light industrial - office development to accommodate a data centre for a high-tech cyber security business**

**ADDRESS:** 4260 Still Creek Drive (see *attached* Sketch #1)

**LEGAL:** Lot B; D.L.'s 69 and 70 Plan LMP7609

**FROM:** Amended CD M5 Light Industrial District

**TO:** Amended CD Comprehensive Development District (based on M5 Light Industrial District and Willingdon Business Park Community Plan guidelines, and in accordance with the development plan entitled "4260 Still Creek Drive Willingdon Park Phase 3" prepared by Hlynsky + Davis Architects Inc.)

**APPLICANT:** Gescan, A Division of Sonepar Canada Inc.  
 2441 United Boulevard  
 Coquitlam, BC V3K 6A8  
 Attn: John Speck

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2019 February 26.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2019 February 11 and to a Public Hearing on 2019 February 26 at 6:00 p.m.
2. **THAT** the following be established as a prerequisite to the completion of the rezoning:
  - a) The submission of a suitable plan of development.
  - b) The approval of the Ministry of Transportation to the rezoning application.



To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #18-45  
 2019 January 23.....Page 2

## REPORT

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a change of use within an existing light industrial – office development to accommodate a data centre for a high-tech cyber security business.

### 2.0 POLICY FRAMEWORK

The proposed development is in line with the Business Centre designation of the Willingdon Business Park Community Plan. The advancement of the proposed zoning bylaw amendment also aligns with the following goals and sub-goals of the Corporate Strategic Plan:

#### **A Safe Community**

- Transportation safety – Make City streets, pathways, trails and sidewalks safer.

#### **A Connected Community**

- Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments.

#### **A Dynamic Community**

- Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

### 3.0 BACKGROUND

- 3.1 On 1990 December 17, Council granted Final Adoption for Rezoning Reference #44/90, which permitted the construction of a five-storey multi-tenant office building on the subject site.
- 3.2 On 1992 August 24, Council granted Final Adoption for Rezoning Reference #36/92, which permitted the construction of a secondary, free-standing laboratory and office building within the southwest portion of the subject property, measuring approximately 278.7 m<sup>2</sup> (3,000 sq. ft.), for the purposes of geotechnical testing and storage uses. This building was occupied by Golder Associates, an environmental and energy consultant company, until the company relocated their offices in 2015. The building is currently vacant.
- 3.3 On 2016 July 20, Council received an initial rezoning report, Rezoning Reference #16-32, to permit a change of use from a laboratory and office to a fitness centre within the secondary building, utilizing the M5L Light Industrial District as a guideline. The fitness centre would be an accessory use, supporting the principle multi-tenant office building. Council authorized the Planning Department to work with the applicant towards a suitable plan of development for presentation to a future Public Hearing. Since that time, the site has been purchased by Fortinet Technologies Canada, a cyber security company developing and marketing cyber

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security products and services. Rezoning Reference #16-32 has been cancelled as Fortinet does not wish to pursue the establishment of a fitness centre within the existing building.

- 3.4 Fortinet Technologies Canada intends to occupy 53% of the multi-tenant office building (levels one and two) and lease out the remaining 47% to other businesses. While Fortinet's principle business operation is an office use – research and development, marketing, and office administration, a component of their business operation requires a data centre for the operation and storage of data servers and related equipment. Given that the approved development plans for the site is for office and laboratory use only, rezoning is required for the proposed data centre and related equipment.
- 3.5 On 2018 November 28, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue to work with the applicant with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

#### **4.0 GENERAL COMMENTS**

- 4.1 The applicant is requesting rezoning to the amended CD Comprehensive Development District (based on M5 Light Industrial District and Willingdon Business Park Community Plan area as guidelines) in order to permit the following:

- change of use to a portion of the ground (8,518 sq. ft.) and second (4,019 sq. ft.) floors of the principal building from an office to an ancillary data centre use;
- change of use to the secondary building (laboratory and office use) to a service building to house emergency back-up generators and ancillary equipment to support the proposed data centre use;
- conversion of a portion of the west surface parking area to an electrical vault (surface mechanical chillers and free cooler equipment; and,
- structural upgrades to the P1 underground parking level to support the equipment loads above.

Some minor changes are also proposed to the south elevation of the building including replacement of existing glazing with metal louvers, as well as the existing landscaping. No additional density or gross floor area is proposed with this rezoning application.

- 4.2 The proposed conversion of a portion of the west surface parking area and P1 underground parking level would result in a loss of 9 parking spaces for a total of 498 spaces, which exceeds the minimum required parking for the overall development (310 parking spaces).
- 4.3 The Director Engineering will assess the need for any further required services to the site, including but not necessarily limited to a cash in-lieu contribution towards the upgrading of the Still Creek Avenue cross walk in front of the subject site with a Rectangular Rapid Flash Beacon (flashing lights) and curb bulges.



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 From: Director Planning and Building  
 Re: REZONING REFERENCE #18-45  
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- 4.4 Any necessary easements and covenants and statutory rights-of-way for the site are to be provided.
- 4.5 The GVS & DD Sewerage Charge (Vancouver Area) of \$2.67 per sq. ft. of additional gross floor area will apply to this rezoning.

## 5.0 DEVELOPMENT PROPOSAL

5.1 Site Area (*no change*): - 13,918.0 m<sup>2</sup> (149,759 sq. ft.)

5.2 Proposed Gross Floor Area:

Principal Building (4260 Still Creek Drive)	-	29,081.7 m <sup>2</sup> (313,033 sq. ft.)
Emergency Generator Room (4280 Still Creek Drive)	-	292.2 m <sup>2</sup> (3,146 sq. ft.)

5.3 Height (*no change*):

Principal Building (4260 Still Creek Drive)	-	5 storey
Accessory Building (4280 Still Creek Drive)	-	1 storey

5.4 Parking:	Required	Provided
Vehicle Parking	310	498
Loading ( <i>no change</i> )	6	13
Bicycle Parking	53	53

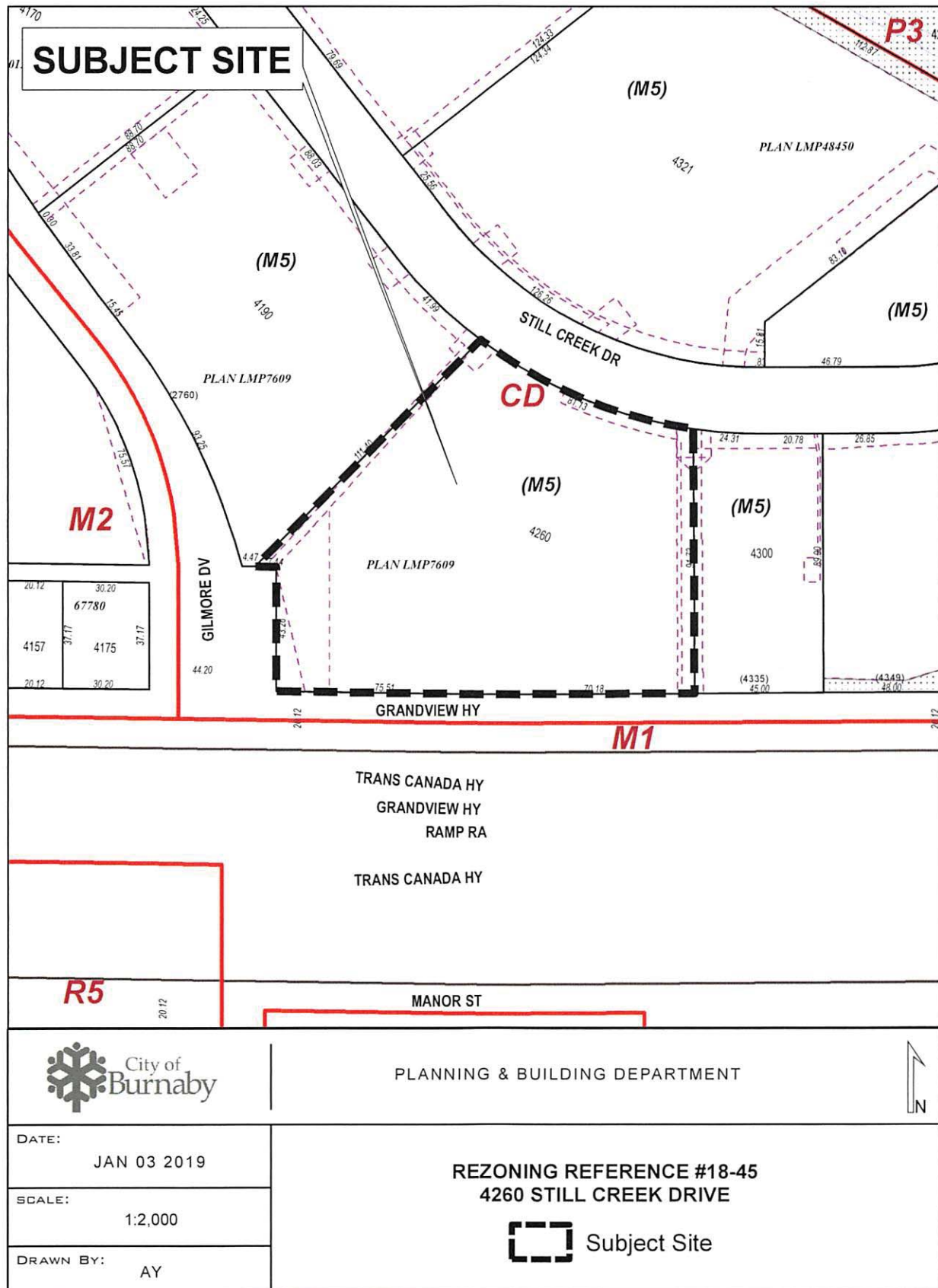
  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

ZT/SMN:rh  
*Attachment*

cc: City Solicitor  
 City Clerk

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### Sketch #1

**Arriola, Ginger**

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**From:** Yukari (Kari) [REDACTED]  
**Sent:** February 19, 2019 10:28 PM  
**To:** Clerks  
**Subject:** Notice of public hearing RESONING #17-05

**Rez Ref #** 17-05

**Bylaw #** 13982

Dear Council

I live in the condo next to the site (4458 Beresford Street).  
 My suite is on 8th floor and is located at the corner of Silver Avenue and Beresford Street.

Before the developer started the construction, I looked at the architecture's rendering. Commercial podiums have 5 or 6 levels. Ceilings are higher than our condo building, so, commercial podiums must be close to my suite. In the rendering, there is a large restaurant and it has a large balcony where they serve food. My concern is whether I must suffer noise and smell of food from the restaurant. This is a residential area. I need a quiet and decent life.

I would like City of Burnaby to control noises and smell from commercial podiums in the residential area.

I would like to know about the rezoning request.. I am afraid that I am not able to attend the public hearing on February 26, 2019.  
 Could you send me information?

Best regards

Name: Yukari Iwao  
 Address: 802-6333 Silver Avenue, Burnaby BC V5H 0C3  
 (I am an owner of the suite and a resident)



Item .....
Meeting .....2019 January 28

## COUNCIL REPORT

**TO:** CITY MANAGER 2019 January 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #17-05**  
**License Childcare Facility**

**ADDRESS:** 4458 Beresford Street (see *attached* Sketches #1 and #2)

**LEGAL:** Lot B, DL 153, Group 1, NWD Plan EPP61157

**FROM:** CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District and P1 Neighbourhood Institutional District)

**TO:** Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District, P1 Neighbourhood Institutional District and Metrotown Downtown Plan guidelines and in accordance with the development plans entitled "4458 Beresford Street" prepared by IBI Group and Zhang Architecture Inc.)

**APPLICANT:** Belford Properties Ltd.  
1630 - 1177 West Hastings Street  
Vancouver, BC V6E 4T5  
Attention: Jay Lin

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2019 February 26.

**RECOMMENDATIONS:**

1. **THAT** the predecessor Rezoning Bylaw, Amendment Bylaw No. 17/15, Bylaw #13767, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2019 February 11, and to a Public Hearing on 2019 February 26 at 6:00 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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 From: Director Planning and Building  
 Re: Rezoning Reference #17-05  
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- b. The granting of any necessary statutory rights-of-way, easements and/or covenants.
- c. The deposit of the applicable GVS & DD Sewerage Charge.

## **R E P O R T**

### **1.0 REZONING PURPOSE**

The purpose of the proposed rezoning bylaw amendment is to permit the expansion of the childcare component of a mixed-use development.

### **2.0 NEIGHBOURHOOD CHARACTERISTICS**

- 2.1 To the north of the subject site, across Beresford Street, is the Expo SkyTrain Line, Metrotown SkyTrain Station and the BC Parkway. Further to the north beyond Central Boulevard is the Station Square shopping centre and Metropolis at Metrotown shopping centre. Directly to the south is Lot A (Tower 2) of the Sun Towers development, approved under Rezoning Reference #14-19, with older, low rise, apartment buildings beyond. To the west across Silver Avenue is the Silver development (Rezoning Reference #10-39) and to the east across the lane is the Metroplace development (Rezoning Reference #08-05), which are similar mixed-use residential developments in accordance with the RM5s/C2 Districts.
- 2.2 The subject development site is comprised of one lot (Lot B) (see Sketch #1 *attached*). Vehicular access to the property is currently taken from the rear lane.

### **3.0 BACKGROUND**

- 3.1 The development site is within the Maywood Neighbourhood of the Metrotown Downtown Plan (see Sketch #2 *attached*). The adopted Metrotown Downtown Plan identifies sites on the south side of Beresford Street, between Willingdon and Dow Avenues and adjacent to the BC Hydro right-of-way, for high density multiple-family residential development. Development sites along this corridor are achieved through the appropriate consolidation of lands of an area suitable for development under the RM5s/C2 District designation.
- 3.2 The subject site was the subject of Rezoning Reference #14-19, which was granted Final Adoption by Council on 2016 December 12. The rezoning application approved the mixed-use development, including a childcare facility, at Beresford Street and Silver Avenue, which is currently under construction.

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 From: Director Planning and Building  
 Re: Rezoning Reference #17-05  
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- 3.3 The subject rezoning application was advanced to Public Hearing on 2017 June 27 to permit the expansion of the childcare floor area on the second floor from approximately 5,000 sq. ft. to 14,000 sq. ft. in order to accommodate a licensed child care facility of 156 children and 28 staff. The proposal included the provision of two outdoor play spaces totalling approximately 6,000 sq. ft. located on the second floor podium level. Pick up and drop off for the childcare facility would be facilitated via the planned east-west mews, with parking provided underground.
- 3.4 Subsequent to Second Reading of the rezoning amendment bylaw, the initial operator of the proposed childcare facility changed. At that time, the new operator sought approval by the Fraser Health Authority. Under that process, the Fraser Health Authority approved a maximum number of 161 children and 30 staff. As the number of children proposed has increased by 5, and staff by 2, from what was previously noted, a new Public Hearing is required.
- 3.5 The P1 District requires a minimum lot area of 890 m<sup>2</sup> (9,580 sq.ft.) and a minimum width of 24.5m (80.3 ft.) except that the lot area shall be increased by 19 m<sup>2</sup> (204.5 ft.) for each child over 20 in number accommodated by a childcare facility. The subject lot has an area of 4,549.74 m<sup>2</sup> (48,973 sq.ft.) and width of 61.39 (201.41 ft.), which would allow for the accommodation of a childcare facility with up to 212 children; the lot therefore far exceeds the childcare facility requirements of the P1 District. In this regard, to enable some flexibility in the operation of the proposed childcare facility, this amendment to the development plans is premised on the lesser of the maximum number of children allowed by the Zoning Bylaw, or the total permitted number determined by the Fraser Health Authority through its licensing function.
- 3.6 The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

#### **4.0 GENERAL COMMENTS**

- 4.1 The applicant is seeking a rezoning amendment to Lot B (4458 Beresford Street) to accommodate the additional children and staff approved by the Fraser Health Authority. The previous proposal to expand the childcare floor area on the second floor from approximately 5,000 sq. ft. to 14,000 sq. ft. and the provision of two outdoor play spaces totalling approximately 6,000 sq. ft. located on the second floor podium level remains unchanged. Pick up and drop off for the childcare facility would still be facilitated via the planned east-west mews, with parking provided underground.

The licensed child care facility is proposed to be a multi-service program in which the child care operations are as follows:

- 3 infant and toddler programs (under 36 months) with up to 12 children per space; and,

To: City Manager  
 From: Director Planning and Building  
 Re: Rezoning Reference #17-05  
 2019 January 23 ..... Page 4

- 5 group child care programs (36 months to school aged) with up to 25 children per classroom.

The hours of operation are proposed to be between 7:30 a.m. – 5:30 p.m., Monday to Friday. The alternative use of the commercial floor area, should the child care facility cease to operate in the future, would be offices. It is noted that the size and configuration of the indoor and outdoor components of the childcare facility, and number of children proposed, are subject to the approval of the Child Care Licensing Regulation of the *Community Care and Assisted Living Act* and approval of the Fraser Health Authority prior to Final Adoption.

- 4.2 The childcare parking is provided with the provision of 1 space for every 2 employees plus 1 space for every 10 child care spaces licenced for the facility. As such, there are a total of 122 commercial spaces, 49 restaurant spaces and 32 child care spaces provided within the commercial component of the underground parking. This meets the parking standards established as part of Rezoning Reference #14-19.
- 4.3 All required services to serve the site have been secured as part of Rezoning Reference #14-19.
- 4.4 Any necessary easements and covenants and statutory rights-of-way for the site are to be provided.
- 4.5 GVS&DD Sewerage Charge will apply to any additional institutional gross floor area.

## 5.0 DEVELOPMENT PROPOSAL

### 5.1 Site Area (Unchanged)

Subject Site (Lot B)	-	4,549.74 m <sup>2</sup> (48,973 sq.ft.)
----------------------	---	---

### 5.2 Density

Total Institutional Floor Area Ratio (FAR)	-	0.17 FAR
--	---	----------

Lot B Institutional Floor Area Ratio (FAR)	-	0.29 FAR
--	---	----------

Total Institutional Gross Floor Area (GFA)	-	1,322.29 m <sup>2</sup> (14,233 sq.ft.)
--	---	---

- \* All other components of the approved development are not subject to this rezoning amendment, and remain unchanged.



To: City Manager  
 From: Director Planning and Building  
 Re: Rezoning Reference #17-05  
 2019 January 23 ..... Page 5

### 5.3 Parking

#### **Vehicle Parking**

<u>Childcare Parking</u>	<u>Required</u>	<u>Provided Spaces</u>
30 employees + 161 children @ 1 space / 2 employees + 1 space/ 10 children	- 32	32

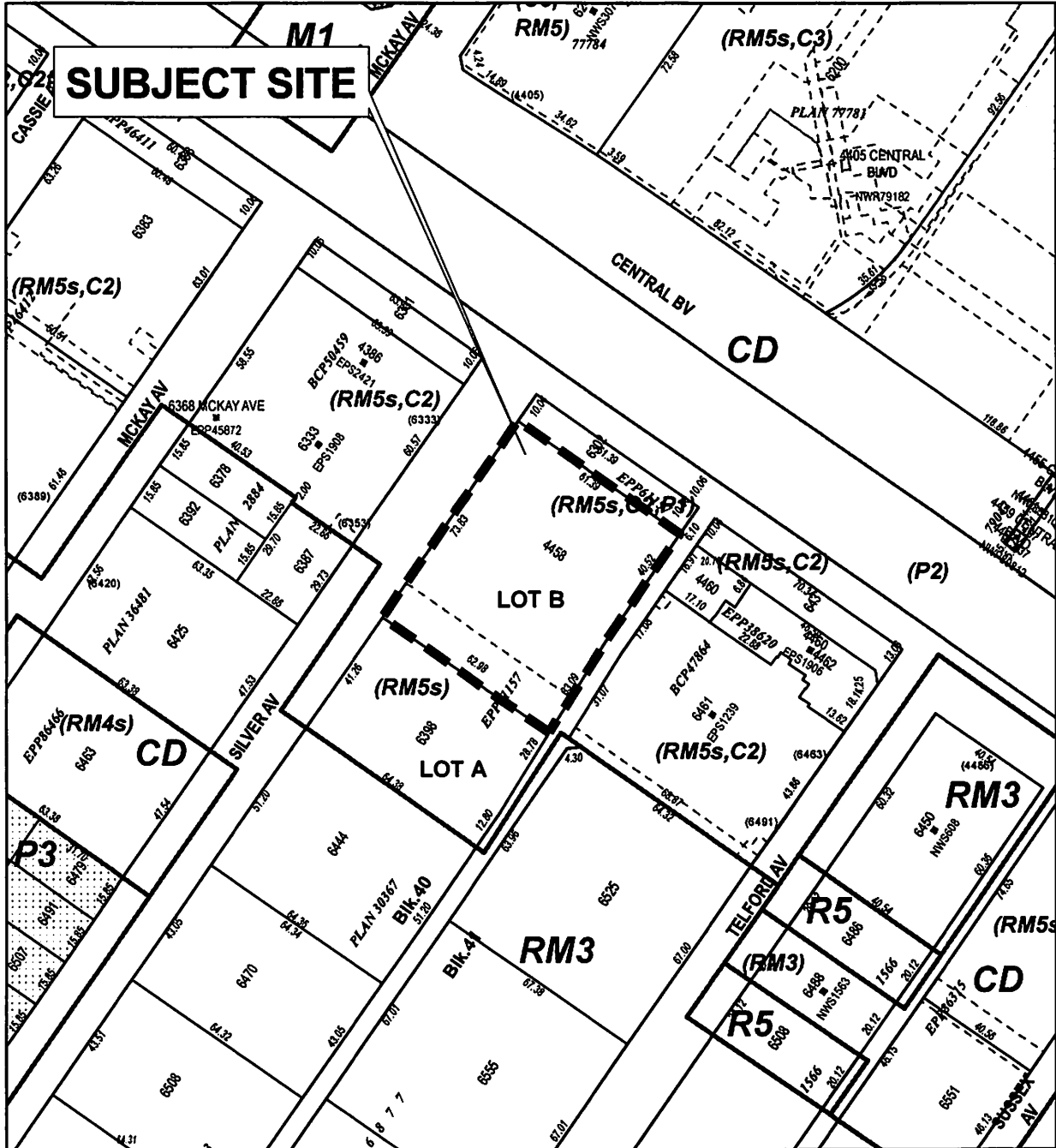
  
 Lou Pelletier, Director  
 PLANNING AND BUILDING




JBS:tn

#### ***Attachments***

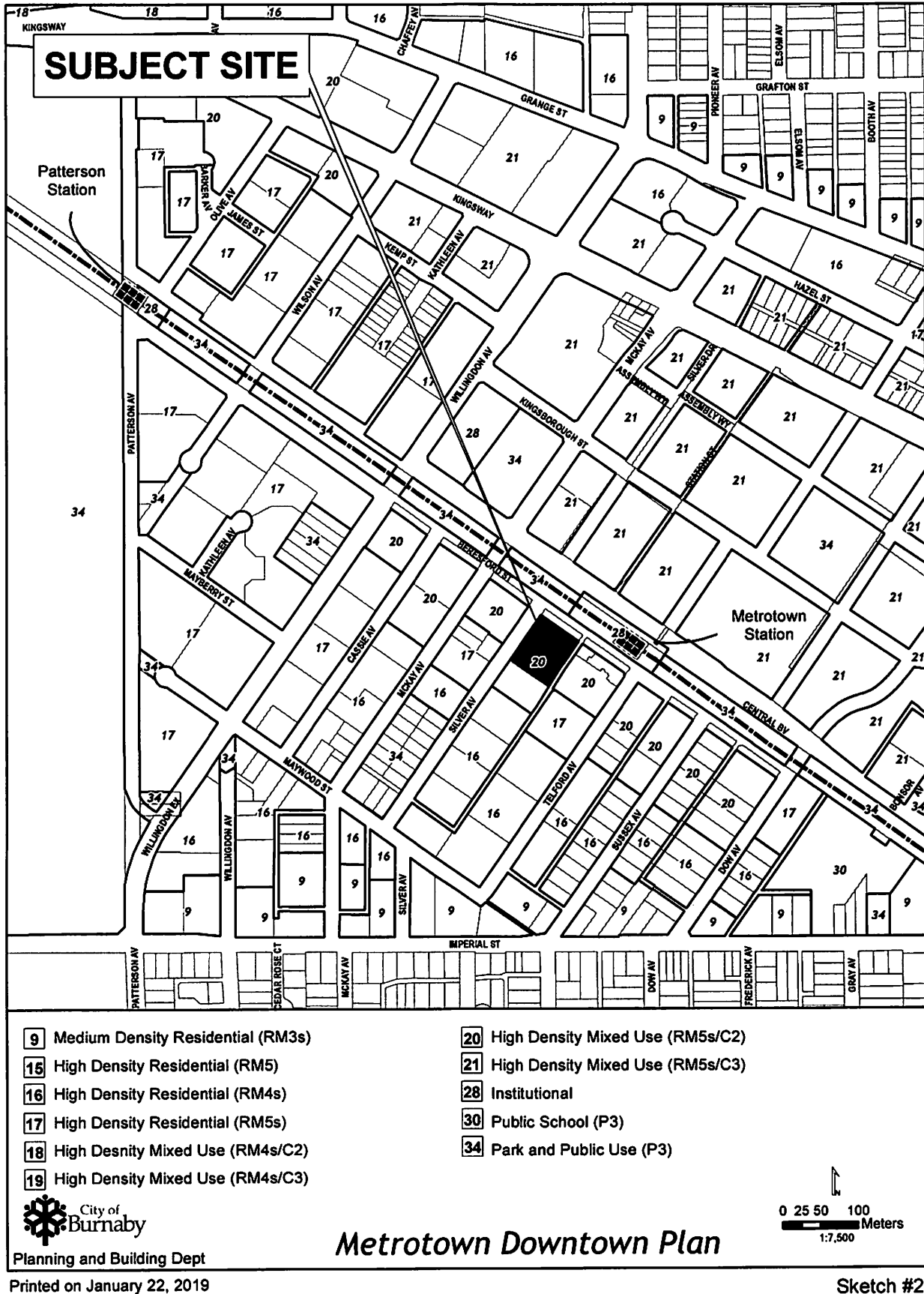
cc: Director Finance  
 Director Parks, Recreation and Cultural Services  
 City Solicitor  
 City Clerk

P:\49500 Rezoning\20 Applications\2017\17-05 4458 Beresford St\Rezoning Reference 17-05 Second PH Report 20190128.Docx



		PLANNING & BUILDING DEPARTMENT		
DATE: JAN 22 2019		REZONING REFERENCE #17-05 4458 BERESFORD STREET  Subject Site		
SCALE: 1:2,000				
DRAWN BY: AY				

Sketch #1





February 22, 2019

Dear Mayor Hurley,

First, I would like to say thank you for making so many positive changes to Burnaby. I have been living in Burnaby for almost 30 years and truly enjoy the community and the easy access to the Lower

Mainland. Unfortunately, I am writing to you to express my concerns regarding the proposed bylaw changes to cellars.

I have reviewed the Committee Report dated January 10, 2019 on the Zoning Bylaw text amendment in cellar floor area in R Districts. Initially, I was happy to see that homeowners living in Burnaby are now able to construct full cellars without crawl spaces. However, this advantage only applies to zones R1 to R9. The preclusion of R10, R11 and R12 from enjoying the benefits of the proposed crawl spaced policy seems very unfair to the homeowners living in those zones. All homeowners, regardless of what zone they live in, pay their fair share of property tax, utility fees etc. We should all be treated equally, with no exception.

The report says R10, R11 and R12 Districts contain provisions specifically designed to regulate density and built form. The density and built form applies to what is constructed above the ground and what the eyes can see. Not below ground. In fact these zones, especially R10, already

have in place extremely restrictive requirements on height and above ground square footage.

Development with full cellar which is underground, WILL NOT affect the overall appearance to the neighborhood. Also, there are no unique neighborhood architectural designs or features which would suggest that they be singled out to be excluded from the crawl space policy.

In addition, with the exclusion of R10, R11 and R12 zones, it will immediately reduce the property value of homes in these zones by tens of thousands of dollars. These properties will be less attractive for future home buyers and home builders to purchase.

In summary, the R10, R11, and R12 neighborhoods are just like all the other neighborhoods and

should be included in the crawl space policy. I would like to see all R district zones be included in this round of the Zoning Bylaw text amendments. Thank you for your consideration in this very important matter for Burnaby citizens living in these zones.

Regards,

Harry Joaquin  
4651 Napier Street  
Burnaby, BC

Rez Ref # T/A  
Bylaw # 13983

**From:** Leslie Zenger

**Sent:** Sunday, January 27, 2019 5:43 PM

**To:** Keithley, Joe;  
Wang, James

Johnston, Dan; Planning; McDonell, Paul; Volkow, Nick;

**Subject:** Council initiative re big houses

It is a mess.

As Mr. Dahliwal explained it to me. When someone wants to build up a crawl space area then they must make a suite. He also said that there will not be an inspection process to see that it is actually rented down the road.

All houses will be under the same rules.

The only area counted in total square feet will be the area above ground.

If I already have a suite but it is in a basement. and if my house is built to the maximum square feet but not to the maximum footprint then I will now be eligible to build up and out. Out to maximize my footprint and Up to maximize my square footage (as my basement square footage would no longer be counted). No need to add any more suite as it is already there.

Houses that are built to the maximum square footage but not to the maximum footprint. These houses can build out or people can build workshops or a big shed.

There will be a lot of properties that suddenly have extra square footage available; some to finish crawl spaces, some to enclose decks, some to build up, some to build out.

This is not a simple exercise.

The city could be inundated with applications for all sorts of residential additions and outbuilding.

This initiative needs to be slowed down. It needs to be a part of a comprehensive plan.

Parking issues need to be addressed.

Accessory building requirements need to be addressed.

Lane house possibilities need to be addressed.

Densification needs to be addressed.

Please stop the current 'stand-alone' initiative.

Also, People with the biggest houses, at least those current biggest houses with crawl spaces and large unfinished decks under the roof, they are not the most likely people to be want to live with other people's noise and cooking smells that come with having a suite in a house.

Mr. Dahliwal responded to me re this concern was "We hope. Down the Road." Then something about how young people when they buy homes they will need these suites to afford the mortgage.

So why the rush? To please a few builders? To please a few friends who want to finish their crawl spaces.

Densification will bring lots of work for these builders. Densification, smaller houses, smaller lots could also bring much needed affordable housing into our city.

This initiative is all wrong.

Please stop the current 'stand-alone' initiative.



**Arriola, Ginger**

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**From:** David S [REDACTED]  
**Sent:** February 26, 2019 3:51 PM  
**To:** Clerks  
**Subject:** Bylaw No 13983 - Amendment Bylaw No 4, 2019

My family's interest in our property is affected by the passing of this bylaw and strongly support it.

It allows our family to continue to live together as our family grows and as our parents age.

Thank you,

David Singh  
5077 Belleville Ave, Burnaby

**Arriola, Ginger**

---

**From:** Andeep Thandi [REDACTED]  
**Sent:** February 26, 2019 3:21 PM  
**To:** Clerks  
**Subject:** Bylaw No. 13983 - Amendment Bylaw No 4, 2019

**Rez Ref #** T/A  
**Bylaw #** 13983

Good afternoon,

My family's interest in our property in Burnaby is affected by this proposed by-law as in this would be a positive change if passed to our family's new construction, single family house. We are in agreeance with the passing of this bylaw (#13983).

We are in the process of building a new house so that our grown children can continue to live with us, one of which has recently gotten married. Affordable housing in the lower mainland as you know is of critical shortage. Allowing houses to have larger basements allows families to stay together and use the space in their homes more effectively. As aging parents and of a cultural background where families prefer to live together, this bylaw would be a wonderful change to the existing bylaw in place.

Other municipalities from our understanding already allow full basement build-out. We are moving to Burnaby from Vancouver, where we've lived for 40 years, and were surprised to find out how different the building bylaws are in Burnaby.

It's time for a change to allow Burnaby to have a future where affordable housing is in place.

Thank you,

Harpal & Joginder Thandi  
 5077 Belleville Avenue, Burnaby, BC  
 [REDACTED]

**Arriola, Ginger**

---

**From:** jennifer gill [REDACTED]  
**Sent:** February 26, 2019 3:16 PM  
**To:** Clerks  
**Subject:** Burnaby Zoning Bylaw

**Rez Ref #**

T/A

**Bylaw #**

13983

Good Afternoon,

I am writing to you in regards to the Burnaby Zoning Bylaw 13983 and the affects it would have on close family members of mine. My sister and her family are building a new single family home at 5077 Belleville Avenue. Her and her husband are a newly married couple and this new bylaw would allow them to settle down in a comfortable suite versus having to look for alternative living situations. The basement space is too small for them otherwise due to the amount of wasted crawlspace. I'm sure they would like to start a family one day and instead of having to find another living space they could easily settle down in the basement of the house that is being constructed.

Trying to find affordable housing in the lower mainland for a newly married couple can be difficult. By being able to construct a basement suite suitable to their needs, they would be able to save money and live a comfortable life and be able to provide assistance to their parents as well. A win-win situation for all.

Regards,

Jenn Gill

Get [Outlook for Android](#)



**Arriola, Ginger**

---

**From:** Rajwinder [REDACTED]  
**Sent:** February 26, 2019 3:16 PM  
**To:** Clerks  
**Subject:** Bylaw 13983

**Rez Ref #**

T/A

**Bylaw #**

13983

Hi

I'm sending this email in reponse to Bylaw 13983. My name is Rajwinder Kaur Mangat and I am one of the owners of 8584 Armstrong Avenue. The other owner is my son, Birpartap Singh Mangat.

I am in support of this bylaw because of various reasons. The most important one being the ability for extended families to be able to live together which helps in the issue of affordable housing we currently have in this province.

Thank you for your attention,

Birpartap Singh Mangat

**Arriola, Ginger**

---

**From:** Birpartap Mangat [REDACTED]  
**Sent:** February 26, 2019 3:14 PM  
**To:** Clerks  
**Subject:** ByLaw 13983

**Rez Ref #** T/A  
**Bylaw #** 13983

Hi

I'm sending this email in reponse to Bylaw 13983. My name is Birpartap Singh Mangat and I am one of the owners of 8584 Armstrong Avenue. The other owner is my mother, Rajwinder Kaur Mangat.

I am in support of this bylaw because of various reasons. The most important one being the ability for extended families to be able to live together which helps in the issue of affordable housing we currently have in this province.

Thank you for your attention,

Birpartap Singh Mangat

**Arriola, Ginger**

---

**From:** Sharan & Sunny [REDACTED]  
**Sent:** February 26, 2019 3:05 PM  
**To:** Clerks  
**Subject:** Bylaw 13983

**Rez Ref #** T/A

**Bylaw #** 13983

To whom it may concern,

I am writing to you in regards to the Burnaby Zoning Bylaw 13983 and the affects it would have on my family and I. My family is building a new single family home at 5077 Belleville Avenue that is being constructed. My wife and I got married just 6 months ago and the approval of this new bylaw would allow us to settle down comfortably versus having to look for alternative living situations. The basement space is too small otherwise due to wasted crawlspace.

Trying to find affordable housing nowadays seems difficult and almost impossible for some without struggling to make ends meet. We would be able to settle down quite comfortably as a newlywed couple with the approval of this new bylaw.

Regards,

Sunny T.

**Arriola, Ginger**

---

**From:** Par Paul [REDACTED]  
**Sent:** February 26, 2019 3:33 PM  
**To:** Clerks  
**Subject:** Bylaw No 13983 - Amendment No 4, 2019

My interest in our property in Burnaby is affected by this bylaw and I support this bylaw to be passed. It would be a positive change and allow affordable housing in Burnaby.

Thanks  
Pardeep Paul

Rez Ref # T/A  
Bylaw # 13983



**Arriola, Ginger**

---

**From:** Raman Chadha [REDACTED]  
**Sent:** February 26, 2019 3:27 PM  
**To:** Clerks  
**Subject:** 5077 Belleville Avenue

Rez Ref # T/A  
 Bylaw # 13983

Good Afternoon,

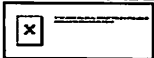
I am writing to you in regards to the Burnaby Zoning Bylaw 13983 and the affects it would have on close family members of mine. My sister and her family are building a new single family home at 5077 Belleville Avenue. Her and her husband are a newly married couple and this new bylaw would allow them to settle down in a comfortable suite versus having to look for alternative living situations. The basement space is too small for them otherwise due to the amount of wasted crawlspace. I'm sure they would like to start a family one day and instead of having to find another living space they could easily settle down in the basement of the house that is being constructed.

Trying to find affordable housing in the lower mainland for a newly married couple can be difficult. By being able to construct a basement suite suitable to their needs, they would be able to save money and live a comfortable life and be able to provide assistance to their parents as well. A win-win situation for all.

Regards,  
 Raman Chadha  
 Royal LePage

--

Raman Chadha-Personal Real Estate Corporation  
Royal LePage Global Force Realty  
 #104-13049 76th ave Surrey, B.C. V3W 2V7  
 C-604.808.0526  
 O-604.596.1800  
 E-ramanchadha@royalpage.ca



**Arriola, Ginger**

---

**From:** Sharan Chadha [REDACTED]  
**Sent:** February 26, 2019 3:00 PM  
**To:** Clerks  
**Subject:** Burnaby Zoning Bylaw 13983

Good Afternoon,

I am writing to you in regards to the Burnaby Zoning Bylaw 13983 and the affects it would have on my family and I. My family is building a new single family home at 5077 Belleville Avenue that is being constructed. My husband and I are newly married and this new bylaw would allow us to settle down in a comfortable suite versus having to look for alternative living situations. The basement space is too small otherwise due to wasted crawlspace. We would eventually like to start a family and the cost of living would increase.

For individuals like myself and my husband, trying to afford a house in the lower mainland seems unfeasible for today's generation. It is hard to find affordable housing in which we would not have to struggle to make ends meet. By approving the new bylaw it would be a win-win situation and we would be able to live comfortably with our parents.

Regards,

Sharan Chadha

**Arriola, Ginger**

---

**From:** Daniel Yang [REDACTED]  
**Sent:** February 26, 2019 11:59 AM  
**To:** Clerks  
**Subject:** Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 4, 2019 - Bylaw No. 13983

**Importance:** High

**Rez Ref #** T/A

**Bylaw #** 13983

Dear sir or madam,

My name is Daniel Yang, owner of 4636 Northview Court, Burnaby. I'm writing to support the above zoning bylaw amendment to facilitate construction of full cellar in single family residential building.

I believe no one is interested in building crawl space for their house. It's lack of efficiency and kind of waste of resources.

As a professional geotechnical engineer for 25 years, I have to point out at least two major issues for a residential building with crawl space:

1. It's easy to result in differential settlement of the building given different buried depths of the footings.
2. In some cases, the foundation drain tile has to partially run beneath the crawl space, but within the building footprint. It will be extremely difficult to repair should that part of the foundation drains be clogged.

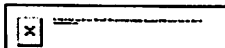
The proposed text amendment makes perfect sense on space utilization and size control. I don't think it will result in a significant increase of building footprint as it's still governed by AGFA and lot size.

I strongly support this amendment! I hope the City to implement it as soon as possible and to allow constructing full cellar for currently permitted, to be constructed houses.

Thank you!

Daniel Yang, Daniel Yang  
 Specialist Geotechnical Engineer | Associate  
 Knight Piésold Ltd.

T: +1 604 685 0543 | D: +1 604 685 0543 ext 224 | M: +1 604 653 6542 | skype: daniel.y.yang  
 Suite 1400 - 750 West Pender Street  
 Vancouver | British Columbia | Canada | V6C 2T8



This communication is confidential and is subject to the legal disclaimer contained at the end.

February 22, 2019

Dear Mayor Hurley,

First, I would like to say thank you for making so many positive changes to Burnaby. I have been living in Burnaby for almost 30 years and truly enjoy the community and the easy access to the Lower

Mainland. Unfortunately, I am writing to you to express my concerns regarding the proposed bylaw changes to cellars.

I have reviewed the Committee Report dated January 10, 2019 on the Zoning Bylaw text amendment in cellar floor area in R Districts. Initially, I was happy to see that homeowners living in Burnaby are now able to construct full cellars without crawl spaces. However, this advantage only applies to zones R1 to R9. The preclusion of R10, R11 and R12 from enjoying the benefits of the proposed crawl spaced policy seems very unfair to the homeowners living in those zones. All homeowners, regardless of what zone they live in, pay their fair share of property tax, utility fees etc. We should all be treated equally, with no exception.

The report says R10, R11 and R12 Districts contain provisions specifically designed to regulate density and built form. The density and built form applies to what is constructed above the ground and what the eyes can see. Not below ground. In fact these zones, especially R10, already

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Development with full cellar which is underground, WILL NOT affect the overall appearance to the neighborhood. Also, there are no unique neighborhood architectural designs or features which would suggest that they be singled out to be excluded from the crawl space policy.

In addition, with the exclusion of R10, R11 and R12 zones, it will immediately reduce the property value of homes in these zones by tens of thousands of dollars. These properties will be less attractive for future home buyers and home builders to purchase.

In summary, the R10, R11, and R12 neighborhoods are just like all the other neighborhoods and

should be included in the crawl space policy. I would like to see all R district zones be included in this round of the Zoning Bylaw text amendments. Thank you for your consideration in this very important matter for Burnaby citizens living in these zones.

Regards,

Harry Joaquin  
4651 Napier Street  
Burnaby, BC

Rez Ref # T/A  
Bylaw # 13983

**PLANNING AND DEVELOPMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENT  
CELLAR FLOOR AREA IN R DISTRICTS**

**RECOMMENDATION:**

1. 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 First Reading on 2019 February 11 and Public Hearing on 2019 February 26.

**REPORT**

The Planning and Development Committee, at its meeting held on 2019 January 14, received and adopted the attached report proposing a number of text amendments to the Burnaby Zoning Bylaw to enable construction of full cellars in single family dwellings in the R1, R2, R3, R4, R5, and R9 Residential Districts.

Respectfully submitted,

Councillor P. Calendino  
Chair

Councillor S. Dhaliwal  
Vice Chair

<p>Copied to: City Manager Director Planning &amp; Building Director Engineering Chief Building Inspector Chief Licence Inspector City Solicitor</p>
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Meeting 2019 January 14

## COMMITTEE REPORT

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

**DATE:** 2019 January 10

**FROM:** DIRECTOR PLANNING AND BUILDING

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

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENT  
CELLAR FLOOR AREA IN R DISTRICTS**

**PURPOSE:** To propose text amendments to enable construction of cellars in R Residential Districts.

---

**RECOMMENDATION:**

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 4.0 of this report, for advancement to First Reading on 2019 February 11 and Public Hearing on 2019 February 26.

**REPORT****1.0 INTRODUCTION**

On 2018 November 26, Council directed staff to pursue amendments to the Burnaby Zoning Bylaw to enable construction of full cellars in single and two family dwellings. This report responds to this direction by proposing text amendments to the floor area regulations for single family homes in the R1, R2, R3, R4, R5, and R9 Residential Districts, as well as to pertinent supplementary regulations found in Section 6 of the bylaw. Cellar construction in two family dwellings is being considered in the current review of secondary suites in two family homes, which will be the subject of a future report. The proposed bylaw amendments are *attached* as Appendix A.

**2.0 CITY POLICY FRAMEWORK**

The proposed bylaw amendments are supported by the following City-wide policies:

**The Social Sustainability Strategy**

- Strategic Priority 1 - Meeting Basic Needs
- Strategic Priority 5 - Enhancing Neighbourhoods

**The Economic Development Strategy**

- G1 Building a Strong, Livable, Healthy Community

To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Proposed Zoning Bylaw Text Amendment  
 Cellar Floor Area in R Districts  
 2019 January 10..... Page 2

### **The Official Community Plan**

- Goal 3: To maintain and improve neighbourhood livability and stability
- Goal: Social Planning - To facilitate the development and ongoing sustainability of a community which enhances the physical, social, psychological and cultural well-being of Burnaby residents

Further to the above, the proposed approach also aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- **A Dynamic Community**
  - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
- **An Inclusive Community**
  - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging

### **3.0 BACKGROUND**

The Burnaby Zoning Bylaw regulates residential floor area through restrictions on density, lot coverage, setbacks, and height, as well as through specific provisions for cellars, basements, and crawl spaces. These regulations vary among R Residential Districts and may differ according to lot size and configuration. The interplay of these regulations, particularly those concerning density, introduces potential trade-offs for property owners with regard to construction of a full cellar. An outline of regulations (from the Burnaby Zoning Bylaw) affecting below grade floor area and definitions for “cellar,” “basement” and “crawl space” are provided in Appendix B, *attached*.

#### **3.1 Density Regulations**

The Burnaby Zoning Bylaw regulates density in R Residential Districts by setting a maximum amount of gross floor area (GFA) for each lot. GFA includes all floors above and below ground, as well as any accessory buildings. Crawl spaces, under height areas (such as attic dormers), and garages (up to 452.1 sf in area) are excluded from GFA calculations. Maximum GFA is provided at a ratio of 0.60 FAR, or 60% of the lot area, up to a fixed maximum. On larger lots, the fixed maximum limits floor area to less than 0.60 FAR.

In order to limit the visible bulk of houses, the Burnaby Zoning Bylaw also regulates how much of the permitted GFA can be built as above grade floor area (AGFA). For new construction, AGFA includes the floor area of any storey that is at least halfway above ground, including basements. It excludes cellars, which by definition are at least halfway below ground, and accessory buildings. For single family homes, maximum AGFA is always at least 0.40 FAR, and can be greater than that on smaller lots when an optional semi-fixed maximum of 0.20 FAR + 130 m<sup>2</sup> (1,399.4 sf) is utilized.

To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Proposed Zoning Bylaw Text Amendment  
 Cellar Floor Area in R Districts

2019 January 10..... Page 3

Because AGFA is a subset of GFA, a property owner can build less than the maximum permitted AGFA without reducing the overall floor area. For instance, if the maximum permitted AGFA is 2,400 sf and the maximum permitted GFA is 3,000 sf, a property owner could choose to build 2,000 sf above grade (as AGFA) and 1,000 sf below grade (as GFA). In this case, 400 sf that could have been built as AGFA is allocated to the cellar level.

However, most homeowners choose to maximize AGFA given its greater value and livability. In the above example, if the property owner builds 2,400 sf above grade, the footprint of development will be approximately 960 sf to accommodate that amount of floor area on the permitted 2 ½ storeys. The remaining 600 sf of GFA will then be insufficient for a full cellar. Because crawl spaces do not count as floor area, the property owner could build a 600 sf cellar and 360 sf of crawl space.

As such, the ratio between GFA and AGFA affects the choices made by homebuilders. This ratio varies depending on the zoning district and the size of the lot. On lots with a greater proportion of AGFA to GFA, homebuilders can choose whether to maximize AGFA and reserve only enough GFA for a partial cellar and crawl space, or forgo a percentage of AGFA and have enough GFA left to build a full cellar. On other lots, where the proportion of AGFA is smaller, the remaining GFA is generally sufficient for a full cellar. However, construction of an accessory building can also consume GFA that could otherwise be used to construct a full cellar.

In summary, while the construction of a full cellar is permitted on all residential lots, floor area regulations discourage construction of full cellars on some properties. Specifically, on lots with a high proportion of AGFA to GFA, a homebuilder may prefer to maximize AGFA rather than build out a cellar. Alternatively, a property owner may use GFA to build an accessory building instead of a full cellar. The proposed amendments address this issue by revising floor area regulations to facilitate construction of full cellars.

#### **4.0 PROPOSED BYLAW TEXT AMENDMENTS**

##### **4.1 Floor Area on Single Family Residential Properties**

###### **Issue**

R District regulations, particularly those concerning density, introduce potential trade-offs for single family homeowners seeking to build a full cellar. As a result, many property owners build partial cellars and crawl spaces in order to preserve floor area for the main and upper storeys. This practice produces inefficiencies in construction and in some cases prevents establishment of a secondary suite.

###### **Recommended Approach**

It is recommended that floor area regulations for single family homes in the R1, R2, R3, R4, R5, and R9 Districts be amended to replace limits on overall GFA with specific limits for cellar and accessory building floor area. Specifically, it is recommended that the maximum permitted floor area of a cellar be equivalent to the floor area of the main storey of a dwelling. In order to limit the amount of additional cellar floor area, and discourage oversized footprints, it is recommended that



To: Planning and Development Committee  
 From: Director Planning and Building  
 Re: Proposed Zoning Bylaw Text Amendment  
 Cellar Floor Area in R Districts

2019 January 10..... Page 4

the main storey of a home with a cellar have a floor area no greater than the maximum permitted AGFA less 0.15 FAR.

### **Discussion**

The proposed approach specifically allocates floor area to the cellar, in order to facilitate construction of a full cellar. The allocated floor area, which is in addition to the permitted AGFA, is equivalent to the floor area of the main storey. This eliminates the need for below grade crawl spaces.

The proposed approach limits the floor area of the main storey to no greater than the maximum permitted AGFA less 0.15 FAR. Permitted AGFA not utilized on the main storey can be applied to a second storey and, where 2 ½ storeys is permitted, to the half storey above. The intent in limiting the footprint is to control the amount of additional floor area provided by a cellar, particularly on large lots where the overall increase could be substantial. It is noted that on smaller lots, where the AGFA is larger than 0.40 FAR, and footprints often extend to the required setbacks, the proposed amendment would not significantly affect development potential. Homes that are built slab-on grade, with no cellar, would be exempt from the proposed footprint limit.

The proposed approach removes the general allocation of GFA from which cellar and accessory building floor area is currently drawn. In doing so, it eliminates both the maximum 0.60 FAR per lot and the fixed maximums that limit GFA to less than 0.60 FAR on larger lots. Under the proposed approach, the following formula would determine maximum GFA:

#### **Cellar + existing AGFA + existing accessory building floor area**

The amount of floor area available on each level is summarized in Table 1 below:

**Table 1: Proposed Floor Area for Single Family Homes**

<b>Cellar</b>	<b>Main Storey</b>	<b>Upper Storey(s)</b>	<b>Accessory Buildings (includes garages)</b>
Equivalent to main storey floor area	AGFA minus $\geq 0.15$ FAR	Remaining AGFA ( $\geq 0.15$ FAR)	Existing regulations: 56 m <sup>2</sup> (602.8 sf)

As such, the proposed approach ensures that maximum AGFA, at current levels, and a full cellar can be constructed. In order to achieve these objectives, the proposed approach increases overall GFA from a maximum of 0.60 FAR to a variable number tied to existing AGFA. While these provisions increase below grade floor area, they do not affect the visible density of single family dwellings. Moreover, the increase in overall floor area will be moderate on most properties. On those smaller lots where the percentage increase is greater, the increase in actual square footage would remain modest.

Under the proposed approach, existing single family homeowners that wish to construct a full cellar could do so subject to compliance with all associated zoning regulations and the issuance of a

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building permit. Property owners that wish to construct a new home without a cellar would not be subject to the limit on main storey floor area.

It is recommended that the above amendments apply only to the R1, R2, R3, R4, R5, and R9 Residential Districts. The proposed amendments exclude the R10, R11, and R12 Residential Districts, which have been established by neighbourhood-initiated area rezoning processes, and contain provisions specifically designed to regulate density and built form. Application of any floor area changes to these districts would require additional review and extensive consultation with the affected neighbourhoods. The proposed approach also excludes A Agricultural Districts. These districts have simpler density regulations for single family homes, consisting only of GFA limits, which are appropriate to the semi-rural context.

Lastly, given the complexity of floor area regulations, particularly in their application to lots with a variety of constraints (i.e., geometry, size and topography), staff will monitor implementation of the proposed amendments, if adopted, and may advance further text amendments as necessary.

In view of the above, it is proposed that the Zoning Bylaw be amended as follows.

#### **Recommended Bylaw Amendments**

**THAT** Sections 101.4, 102.4, 103.4, 104.4, 105.4, and 109.4 be amended to eliminate the floor area standards found in subsection (1)(a), which limit floor area ratio to 0.60 or a fixed maximum that varies by district.

1. **THAT** Sections 101.4, 102.4, 103.4, 104.4, 105.4, and 109.4 be amended to Permit construction of a cellar with a floor area equivalent to the gross floor area of the storey next above it.
2. **THAT** Sections 101.5, 102.5, 103.5, 104.5, 105.5, and 109.5 be amended to require, where a single family home has a cellar, that the floor area of the main storey be no greater than AGFA less 0.15 FAR.
3. **THAT** Section 6.20(7) be added to clarify that attached garages in cellars are included as gross floor area.

#### **4.2 Secondary Suites in Cellars**

##### **Issue**

By facilitating construction of full cellars, the proposed amendments offer an opportunity to expand the City's inventory of secondary suites.



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### **Recommended Approach**

It is recommended that cellars be required to be constructed to “suite ready” standards provided in the BC Building Code, and comply with other requirements for secondary suites in the Burnaby Zoning Bylaw.

### **Discussion**

By facilitating construction of full cellars in single family homes, the proposed amendments are intended to encourage construction of secondary suites, which are an important source of rental housing. Secondary suites also accommodate family members ageing in place and other multigenerational living arrangements. As such, the proposed amendments require that all cellars meeting the minimum floor area for a secondary suite (32 m<sup>2</sup>, or 345 sf) be constructed according to BC Building Code requirements for secondary suites, and meet all standards for secondary suites elsewhere in the Bylaw, including the required one parking space.

### **Recommended Bylaw Amendments**

4. **THAT** Section 6.9 of the Burnaby Zoning Bylaw be amended to require all cellars in the R1, R2, R3, R4, R5, and R9 Districts that exceed 32 m<sup>2</sup> (345 sf) to be constructed in accordance with BC Building Code requirements for secondary suites and all other bylaw standards for secondary suites.

## **5.0 CONCLUSION**

The above Zoning Bylaw text amendments are proposed in order to enable construction of full cellars in single family residences while encouraging the provision of secondary suites as a housing option. Should Council adopt the proposed amendments, staff would monitor their implementation and advance further text amendments as necessary, given the complexity of the proposed amendments and the variety of single family development contexts. It is recommended that Council approve the proposed text amendments, as outlined in Section 4.0 of this report, for advancement to First Reading on 2019 February 11 and Public Hearing on 2019 February 26.

  
 Lou Pelletier, Director  
 PLANNING AND BUILDING

LF:sla  
**Attachments**

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

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## APPENDIX A

## PROPOSED ZONING BYLAW AMENDMENTS

*Supplementary Regulations*

1. **THAT** Section 6.9(6) be added to the Zoning Bylaw with wording the same or similar to the following:

“In the R1, R2, R3, R4, R5, and R9 Districts, on a lot developed with a single family dwelling a cellar exceeding a floor area of 32 m<sup>2</sup> (345 sq. ft.) shall meet the requirements of the British Columbia Building Code and all other requirements of this Bylaw for a secondary suite”.

2. **THAT** Section 6.20(7) be added to the Zoning Bylaw with wording the same and similar to the following:

“Notwithstanding Section 6.20(6)(c), in the R1, R2, R3, R4, R5 and R9 Districts on a lot developed with a single family dwelling, a garage or carport located in a cellar shall be included as floor area of the cellar”.

*R District Schedules*

3. **THAT** Section 101.4(1) (R1 District) be repealed and replaced with wording the same or similar to the following:

“(1) In an R1a District the gross floor area of all floors shall not exceed the floor area ratio of:

- (a) 0.60 for lots having a width of 37 m (121.4 ft.) or more;
- (b) 0.55 for lots having a width of less than 37 m (121.4 ft.) but equal to or more than 35.35 m (116 ft.);
- (c) 0.50 for lots having a width of less than 35.35 m (116 ft.) but equal to or more than 34 m (111.6 ft.)”.

4. **THAT** Section 101.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R1 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

5. **THAT** Section 101.5(4) be added after the Section 101.5(3) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R1a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.

6. **THAT** Section 102.4(1) (R2 District) be repealed and replaced with wording the same or similar to the following:

“(1) In an R2a District the gross floor area of all floors shall not exceed the floor area ratio of:

- (a) 0.60 for lots having a width of 27.5 m (90.2 ft.) or more;
- (b) 0.55 for lots having a width of less than 27.5 m (90.2 ft.) but equal to or more than 26.5 m (86.9 ft.);
- (c) 0.50 for lots having a width of less than 26.5 m (86.9 ft.) but equal to or more than 25.5 m (83.7 ft.)”.

7. **THAT** Section 102.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R2 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

8. **THAT** Section 102.5(4) be added after the Section 102.5(3) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R2a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.

9. **THAT** Section 103.4(1) (R3 District) be repealed and replaced with wording the same or similar to the following:

“(1) In an R3a District the gross floor area of all floors shall not exceed the floor area ratio of:

- (a) 0.60 for lots having a width of 22.5 m (73.8 ft.) or more;
- (b) 0.55 for lots having a width of less than 22.5 m (73.8 ft.) but equal to or more than 21.8 m (71.5 ft.);
- (c) 0.50 for lots having a width of less than 21.8 m (71.5 ft.) but equal to or more than 21 m (68.9 ft.)”.

10. **THAT** Section 103.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R3 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

11. **THAT** Section 103.5(4) be added after the Section 103.5(3) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R3a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.

- 12. THAT** Section 104.4(1) (R4 District) of the Zoning Bylaw be repealed and replaced with the wording the same or similar to the following:

“(1) the density of development shall not exceed:  
(a) in an R4 District on a lot developed with a two-family dwelling, the lesser of a floor area ratio of 0.60 or 440 m<sup>2</sup> (4736.1 sq. ft.).  
(b) in an R4a District, a floor area ratio of:  
i. 0.60 for lots having a width of 27.5 m (90.2 ft.) or more;  
ii. 0.55 for lots having a width of less than 27.5 m (90.2 ft.) but equal to or more than 26.3 m (86.3 ft.);  
iii. 0.50 for lots having a width of less than 26.3 m (86.3 ft.) but equal to or more than 25.5 m (83.7 ft.)”.

- 13. THAT** Section 104.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R4 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

- 14. THAT** Section 104.5(6) be added after Section 104.5(5) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R4a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.

- 15. THAT** Section 105.4(1) (R5 District) of the Zoning Bylaw be repealed and replaced with the wording the same or similar to the following:

“(1) the density of development shall not exceed:  
(a) in an R5 District on a lot developed with a two-family dwelling, the lesser of a floor area ratio of 0.60 or 370 m<sup>2</sup> (3982.6 sq. ft.).  
(b) in an R5a District, a floor area ratio of:  
i. 0.60 for lots having a width of 22.5 m (73.8 ft.) or more;  
ii. 0.55 for lots having a width of less than 22.5 m (73.8 ft.) but equal to or more than 21.8 m (71.5 ft.);  
iii. 0.50 for lots having a width of less than 21.8 m (71.5 ft.) but equal to or more than 21 m (68.9 ft.)”.

- 16. THAT** Section 105.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R5 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

- 17. THAT** Section 105.5(6) be added after Section 105.5(5) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R5a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.

- 18. THAT** Section 109.4(1) (R9 District) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“(1) In an R9a District, the gross floor area of all floors shall not exceed the floor area ratio of 0.60”.

- 19. THAT** Section 109.4(4) be added to the Zoning Bylaw with wording the same or similar to the following:

“A cellar constructed in the R9 District shall not have a floor area, including a garage or carport, that exceeds the floor area of the storey next above it.”

- 20. THAT** Section 109.5(4) be added after the Section 109.5(3) with wording the same or similar to the following:

“For a single family dwelling, other than one located in an R9a District, the floor area of a first storey located above a cellar shall not exceed the maximum floor area permitted under subsections (1) and (2) less 0.15 of the lot area”.



## APPENDIX B

## EXISTING BURNABY ZONING BYLAW REGULATIONS FOR BELOW GRADE FLOOR AREA

Existing regulations that affect below grade floor area are outlined below:

### 1. *Gross Floor Area (GFA)*

Gross floor area is the area of all floors, measured to the exterior limit of a building. In R Districts, the following are excluded from GFA measurement:

- Garages and carports, up to 42 m<sup>2</sup> (452 sf)
- Crawl spaces, attics, and other areas with a height of less than 1.2 m (3.9 ft)
- Porches, decks, and balconies that are unenclosed
- Other minor development features

Maximum gross floor area is provided at a ratio of 0.60 FAR, or 60% of the area of the lot, up to a fixed maximum that varies from 590 m<sup>2</sup> (6,350.9 sf) in the R1 District to only 265 m<sup>2</sup> (2,852.5 sf) in the R9 District.

The intent of limiting gross floor area is to control both density and bulk.

### 2. *Above Grade Floor Area (AGFA)*

Above grade floor area is the area of all floors located above grade level, including basements in buildings that were constructed after 1991 December 16. Exclusions from GFA also are excluded from AGFA.

In most R Districts, maximum AGFA for single family dwellings is provided at a ratio of 0.40 FAR or at a semi-fixed maximum of 0.20 FAR + 130 m<sup>2</sup> (1,399.4 sf), whichever is greater.

The intent of limiting above grade floor area is to control visible bulk.

### 3. *Lot Coverage and Setbacks*

Lot coverage is the area of the lot, expressed as a percentage, that can be covered by structures. In R Districts, the maximum lot coverage is 40%. In addition, principal buildings must be set back from the front, side, and rear lot lines a minimum distance, which varies between Districts from 6 m (19.7 ft) to 9 m (29.5 ft) for front and rear lot lines and is usually 1.5 m (4.9 ft) for side lot lines. These regulations limit the above grade footprint of the principal building, including the main floor area, and thus indirectly affect the construction of below grade floor area. In most cases, building footprints are well within the boundaries established by lot coverage and setbacks, particularly the front and/or rear setbacks.

#### 4. Height

Height is expressed both as a numerical dimension and as number of storeys. In most R Districts, the maximum height is 9 m (29.5 ft.) for pitched roofs and 7.2 m (24.1 ft.) for flat roofs, and no more than 2 ½ storeys. Basements are considered a storey<sup>1</sup>, but cellars and crawl spaces are not. As a result, new construction almost always features a cellar with 2 or more storeys above it, rather than a basement with 1 ½ storeys above. As noted, basements also contribute to AGFA, which further discourages their construction.

Basements and cellars must be a minimum of 2.3 m (7.5 ft.) high, and a cellar can have only half its height above grade. Typical building profiles include a 2.4m (8 ft) high cellar with two storeys above.

#### 5. Basements, Cellars, and Crawl Spaces

Basements are defined as the portion of a building, between two floor levels, that is partly underground and has at least half its height **above** natural grade. As noted above, basements constructed after 1991 December 16 are included in AGFA and considered a storey.

Cellars are defined as the portion of a building, between two floor levels, that is partly or wholly underground and has at least half its height **below** natural grade. Unlike basements, cellars are excluded from AGFA and are not considered a storey. They are, however, included in calculation of GFA. Cellars are not permitted in two storey semi-detached dwellings.

Crawl spaces are defined as a space at or below natural grade with a maximum ceiling height of 1.2 m (3.9 ft.). They are excluded from AGFA and GFA and are not considered a storey. Crawl spaces are measured from the floor slab on the ground surface below, whereas basements and cellars are measured from finished floor level.

The table below summarizes the regulations for basements, cellars, and crawl spaces:

	<b>Basement</b>	<b>Cellar</b>	<b>Crawl Space</b>
<b>Height</b>	Min. 2.3 m (7.5 ft.)	Min. 2.3 m (7.5 ft.)	Max. 1.2 m (3.9 ft.)
<b>Considered a storey</b>	Yes	No	No
<b>Included in GFA</b>	Yes	Yes	No
<b>Included in AGFA</b>	Yes <sup>2</sup>	No	No
<b>Permitted in two-storey semi-detached dwelling</b>	Yes	No	Yes
<b>Permitted in duplex or one storey semi-detached dwelling</b>	Yes	Yes	Yes

<sup>1</sup> In homes built after 1991 December 16.

<sup>2</sup> Except for: homes constructed prior to 1991 December 16; in duplex or one-storey semi-detached dwellings; and in R11 District single family dwellings that are less than 20 ft. in height