

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2018 November 15

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: MULTIPLE-FAMILY RESIDENTIAL REZONING PROPOSAL
5486, 5518, 5558 AND 5580 MARINE DRIVE
BIG BEND DEVELOPMENT PLAN

PURPOSE: To respond to a delegation requesting support for a rezoning proposal that does not meet the land use designation outlined in the Council-adopted Official Community Plan (OCP) and the Big Bend Development Plan.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the individuals who appeared as a delegation.

REPORT

1.0 BACKGROUND

On 2018 June 26, the Planning and Development Committee received a delegation consisting of Mr. Onkar Sharma, Mr. Alok Kansal and Mr. John O'Sullivan of the International Society for Krishna Consciousness (ISKCON Burnaby), who are seeking support for rezoning in order to permit the construction of a multiple-family residential development at 5486, 5518, 5558 and 5580 Marine Drive. A specific request was made for the City to consider support for a rezoning application in order to permit a multiple-family residential development under the RM3 Multiple Family Residential District, for the subject properties, within the Council adopted Big Bend Development Plan (see *attached* Sketches #1 and #2).

Arising from that discussion, the Committee requested that staff provide further information on the submission received from the delegation regarding the site, within the context of the City's Official Community Plan and the Big Bend Development Plan. This report responds to the Committee's request.

2.0 COMMUNITY PLAN CONTEXT

- 2.1 The subject site consists of three properties and a portion of one other property on the south side of Marine Drive. The properties at 5486, 5518 and 5558 Marine Drive are currently zoned R2 Single-family Residential District. The property at 5580 Marine Drive is split-zoned R2 Single-family Residential District/A3 Truck Gardening District with the A3-zoned portion located within the provincial Agricultural Land Reserve (ALR). The

property at 5486 Marine Drive is occupied by a single-family dwelling. The properties at 5518 and 5558 Marine Drive are occupied by legal non-conforming multi-unit residential buildings with accessory buildings at the rear of the properties. The property at 5580 Marine Drive is currently improved with an older single-family dwelling and an accessory building on the R2-zoned portion of the lot, with open fields and heavily forested areas on the A3-zoned/ALR portion of the property. While the applicant is proposing to rezone the northern portion of this property currently occupied by the single-family dwelling and accessory building (R2-zoned portion of the property), the proposal includes two proposed access roads on the A3-zoned (ALR) portion of the property, which would provide access from the currently unopened MacPherson Avenue right-of-way to the proposed multiple-family residential development and the temple site to the west. All of the structures were constructed prior to the adoption of the 1965 Zoning Bylaw and as noted, are legal non-conforming with respect to the current Zoning Bylaw.

- 2.2 The subject site is located in the Big Bend Development Plan area, and is designated Single and Two Family Residential use, in line with the prevailing zoning of the properties. Within the adopted Official Community Plan (OCP), the site is designated Single-family Suburban which anticipates the continued use and development of the subject properties under the prevailing R2 Residential District (Sketches #1 and #2 **attached**). The site is designated for General Urban development under the Metro Vancouver Regional Growth Strategy (RGS).
- 2.3 From a broad policy basis, multiple-family residential development in the Big Bend area has not been supported, given that much of the area below Marine Drive is part of the wetland environment associated with the Fraser River, with natural property elevations generally being below Fraser River flood levels. These conditions also result in very poor foundation conditions for development given the underlying peat based soils evident throughout the area. These conditions result in the area being more suitable for low intensity uses such as agricultural, industrial and rural/residential, with less concern for flood impacts and ability to achieve suitable foundation conditions. These factors were taken into account in the designation of principal land uses in the Big Bend area, focusing on low scale development consisting primarily of industrial and business centre uses, the protection and preservation of agricultural lands within the Agricultural Land Reserve, and the protection of significant natural habitat and recreational lands. This range of uses was able to appropriately develop in the Big Bend area, either through the use of native low lying lands for agricultural, park and habitat purposes that benefited from and where not impacted by the soil conditions and flood risk; or a comprehensive approach to development through filling and pre-loading of lands for development.
- 2.4 Since the adoption of the Big Bend Development Plan in 1972, lands on the south side of Marine Drive between Boundary Road and Southridge Drive are primarily designated Single Family Suburban, zoned R2 Residential District generally within 61m (200 ft.) south of the centre line of Marine Drive. This designation allowed for the development of single family lots above the flood plain and generally on soils with good foundation conditions. This single and two-family residential use also provides for a residential

context on both sides of Marine Drive, and provides for sufficient lot depth to create a rear yard buffer between the residential area and the balance of industrial, business centre and agricultural uses that occur on the flat lands of the Big Bend area to the south.

3.0 PERMITTED STRUCTURES ON THE SUBJECT PROPERTIES

- 3.1 At the Planning and Development Committee meeting of 2018 June 26, the delegation presented a development proposal to the Committee. Included in the presentation, the delegation stated that the current land use for the properties is multiple-family residential, with a total of 21 residential units constructed across the four subject properties.
- 3.2 City records indicate that all of the existing structures on the subject properties were constructed under the 1948 Town Planning Bylaw, prior to the adoption of the 1965 Zoning Bylaw. The 1948 Town Planning Bylaw initially created an industrial zone in this area to the south of Marine Drive, setback 200 ft. from Marine Drive. This 200 ft. setback area was established as a residential zone that permitted single and two-family dwellings. The 1948 Town Planning Bylaw also included the provision under 'Section 13: Special Conditions', which listed uses including the operation and construction of auto camps or bungalow courts and apartment houses that were only permitted with specific Council approval.
- 3.3 Building Permit records indicate that the following structures and number of units were granted approval on the subject properties. Since all of the structures were constructed prior to 1965, all of the structures are legal non-conforming with respect to the Zoning Bylaw:

5486 Marine Drive: Single family dwelling, constructed in 1948;

5518 Marine Drive: 9 suites total, constructed in 1957

A 4-suite "bungalow court", constructed in 1957. The permit noted that Council granted approval for this 4-suite building under the provisions of the above-noted Section 13 of the 1948 Town Planning Bylaw.

A second 5-suite "bungalow court", constructed in 1957. The permit noted that Council granted approval for a 5-suite building under the provisions of the above-noted Section 13 of the 1948 Town Planning Bylaw;

5558 Marine Drive: 5 suites total, constructed between 1955-1956 .

A 3-suite apartment building, constructed in 1955. The permit noted that Council granted approval for this 3-suite apartment building under the provisions of the above-noted Section 13 of the 1948 Town Planning Bylaw.

An additional 2 suites for this apartment building were granted approval in 1956. The permit noted that Council granted approval for these additional suites under the provisions of the above-noted Section 13 of the 1948 Town Planning Bylaw; and,

5580 Marine Drive: Single-family dwelling, constructed in 1948.

It is noted that there are no Building Permit records associated with the additional five units that were noted in the delegation's presentation to Council. As noted, all of the structures and residential units were constructed prior to 1965 and are legal non-conforming with respect to the current Zoning Bylaw. Given the prevailing R2 Residential District zoning of the subject properties, if redeveloped in the future, the property owner would retain the ability to redevelop the properties in accordance with the prevailing R2 Residential District. However, as these properties are legal non-conforming with respect to use and density, the proponent may continue to maintain or alter the non-conforming structures in accordance with Sections 528-531 of the Local Government Act.

4.0 DEVELOPMENT PROPOSAL FOR 5486, 5518, 5558 AND 5580 MARINE DRIVE

- 4.1 At the Planning and Development Committee meeting of 2018 June 26, the delegation submitted a development proposal for the subject site, which includes the properties at 5486, 5518, 5558, and a portion of 5580 Marine Drive. As part of the presentation to the Committee, it included a 4-storey, 117-unit apartment building, with access to the site provided via the adjacent property to the west at 5462 Marine Drive (ISKCON temple site) and a proposed new access road located to the south of the site.
- 4.2 The subject property is located on the south side of Marine Drive in the Big Bend Development Plan and is characterized by agricultural, single and two-family residential, and some institutional (church) uses. As previously noted, the properties are designated in the Big Bend Development Plan and Official Community Plan (OCP) for single and two-family residential development. It is noted that the southern portion of 5580 Marine Drive is designated for agricultural uses in the Plan and OCP land use framework and is located within the provincial Agricultural Land Reserve (ALR). Staff are currently undertaking a comprehensive review of the City's Official Community Plan and do not anticipate support or merit for multiple-family residential uses to the south of Marine Drive in the future.
- 4.3 The proposed multiple-family residential development is contrary to the site's land use designation in the Big Bend Development Plan, the City's Official Community Plan and ALR protection objectives. As previously noted, the proposal encumbers the ALR lands with proposed access roads from the unopened MacPherson Avenue right-of-way to both

the proposed multiple-family residential development and the existing temple parking lot to the west of the subject properties, which would not be permitted or supported.

- 4.4 If multiple-family residential development was permitted in this location, it would establish an undesired precedent for multiple-family residential development in the area, contribute to an erosion of the City's single and two-family residential areas that are established in the City's Residential Framework, and undermine the City's residential goal of concentrating multi-family development in the City around the designated Town Centres, Urban Villages and suburban multi-family communities, which are in close proximity to commercial facilities, services and public transportation.
- 4.4 In addition to the established regional and community planning policies, the property owner's intent to rezone the subject properties and develop a multiple-family residential project on the subject site is not considered an appropriate use for the site as a result of the limited site access and integration with the surrounding existing single and two-family residential, agricultural and institutional character of the area. Development under the requested RM3 District zoning would result in traffic volumes that would greatly exceed the current traffic volumes on Marine Drive that are generated by the existing single-family residential, agricultural, and institutional uses, resulting in potential congestion and access issues. Conversely, future redevelopment of the subject properties under the prevailing R2 District could be accommodated under the current road standard of Marine Drive, without any substantial impacts to traffic volumes within the neighbourhood. This area of Big Bend also has limited public transportation service and does not provide the appropriate level of services that is typical for multiple-family residential areas of the City. Furthermore, the permissibility of multiple-family residential development in this location would have a significant impact on the lands directly to the south that are located within the Agricultural Land Reserve, by reducing the viability as productive agricultural lands and potentially placing pressure on these lands in the future for multiple-family development.

5.0 CONCLUSION

On 2018 June 26, the Planning and Development Committee received a delegation requesting support for rezoning the properties located at 5486, 5518, 5558 and a portion of 5580 Marine Drive to the RM3 District in order to permit the construction of a multiple-family residential project within the Council adopted Big Bend Development Plan. The Committee requested staff provide further information regarding the proposed development within the context of the Big Bend Development Plan. This report addresses the Committee's request.

The development proposal is contrary to the adopted area Plan. Further, multiple-family residential development in this area is contrary to the land use designation identified in the City's Official Community Plan (OCP) residential framework. The Planning Department had previously advised the proponent that the proposed multiple-family residential land use is not consistent with the land use designations of the subject properties. To seek further consideration of the request, the proponent appeared as a delegation to the Planning and Development Committee, requesting the rezoning of the site for a multiple-family residential apartment project

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Re: Multiple Family Residential rezoning proposal
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based on RM3 District zoning in order to seek Committee and Council's consideration of the proposal. The property owner retains the ability to develop the subject properties under the prevailing R2 Residential District or continue the existing use under legal non-conforming property rights in accordance with Sections 529-531 of the Local Government Act.

Staff remain available to work with the proponents to determine a suitable development concept for the subject properties in accordance with the adopted area Plan, OCP and the prevailing R2 District zoning of the properties.

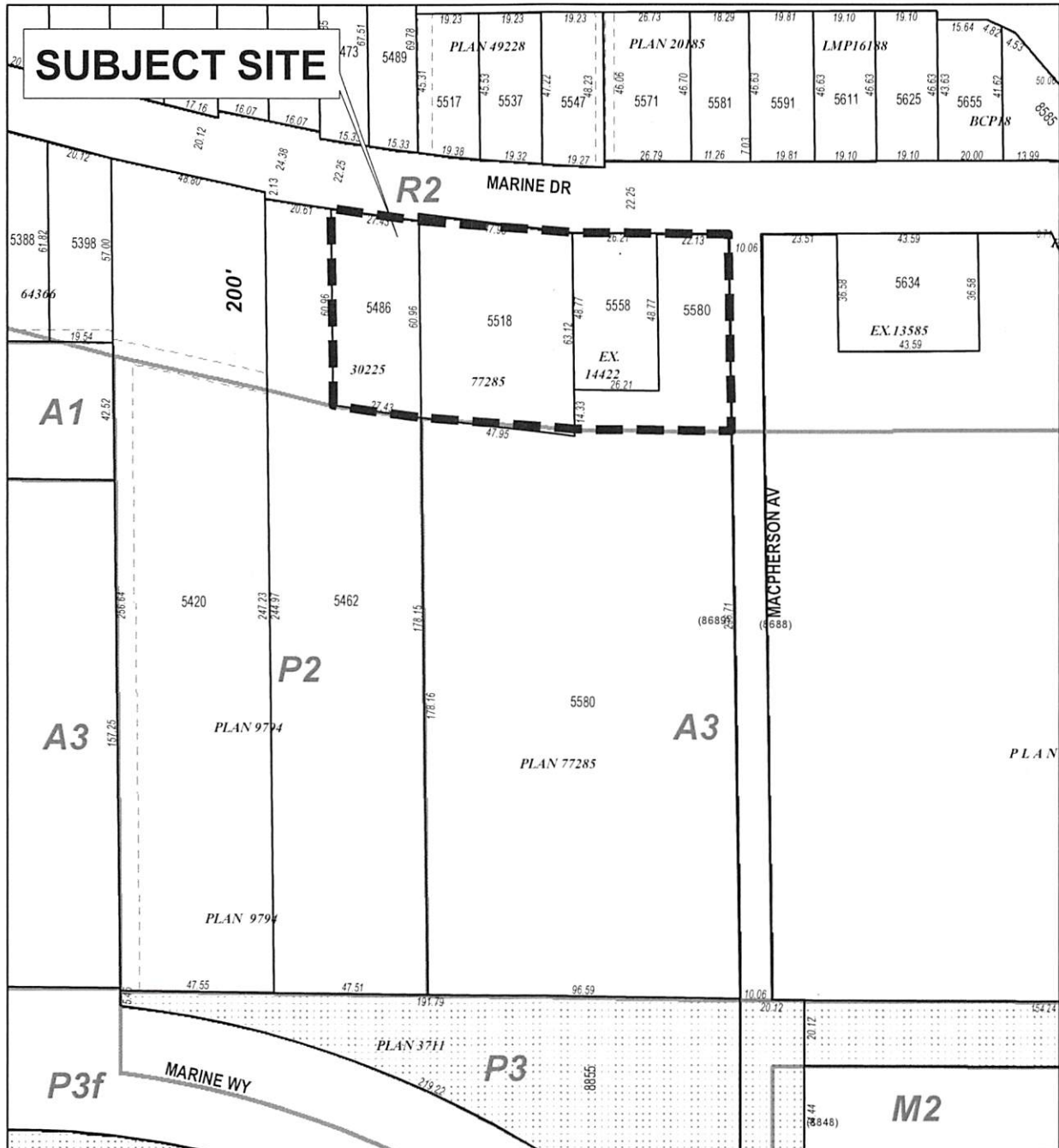


Lou Pelletier, Director
PLANNING AND BUILDING

GT:tn

Attachments

cc: Director Engineering
City Clerk



PLANNING & BUILDING DEPARTMENT



DATE:

SEP 11 2018

SCALE:

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DRAWN BY:

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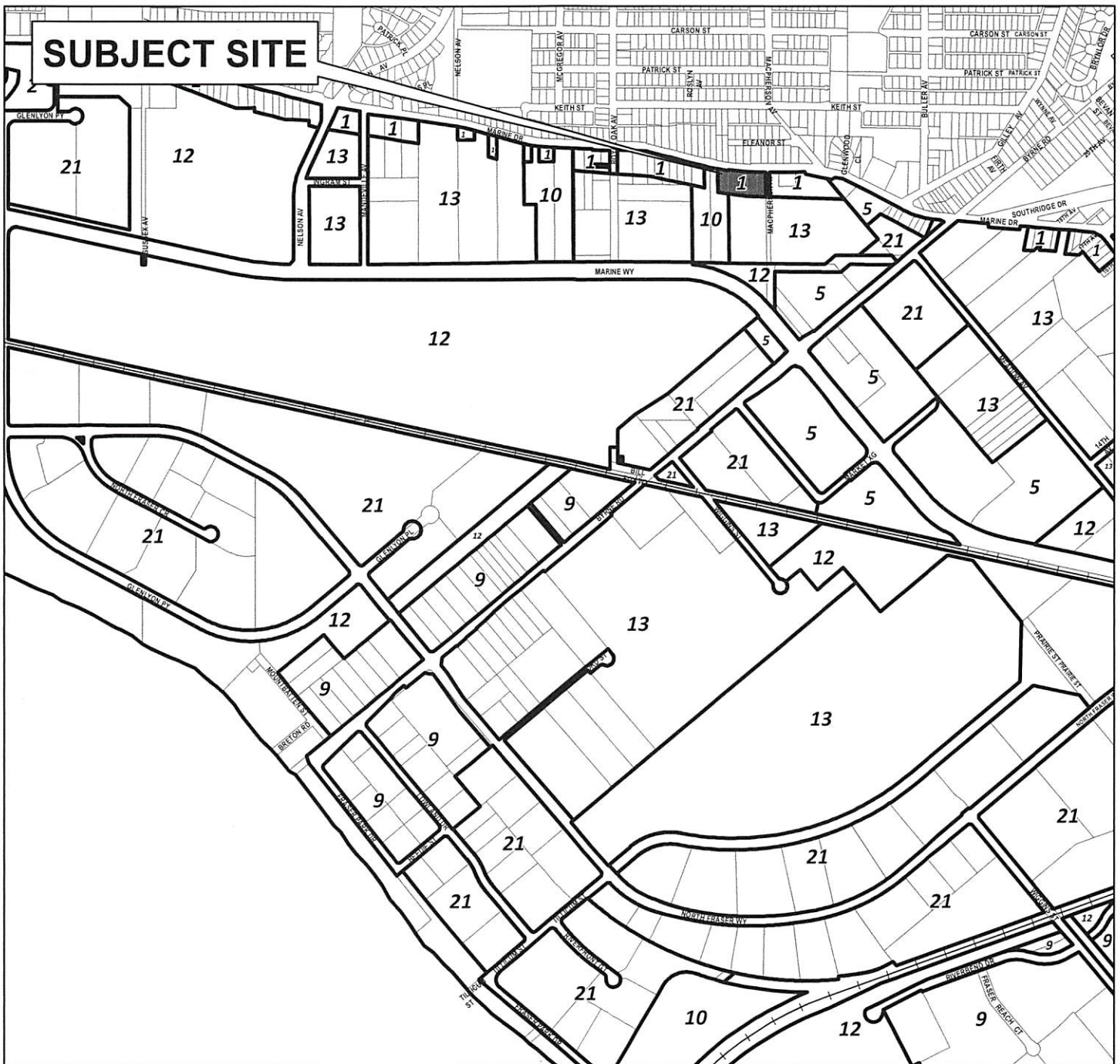
**MULTIPLE-FAMILY RESIDENTIAL REZONING PROPOSAL
5486, 5518, 5558 AND 5580 MARINE DRIVE**



Subject Site

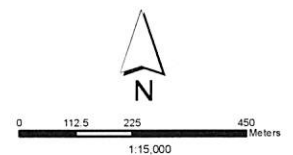
Sketch #1

SUBJECT SITE



- 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