

**TO:** MAYOR & COUNCIL  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **DVP #23-01 – PORTION OF 8888 UNIVERSITY DRIVE – VARIANCE FOR RETAINING WALL HEIGHT AND FRONT YARD SETBACK FOR FIRE HALL 8**  
**PURPOSE:** To seek Council approval for a Development Variance Permit to facilitate the siting and construction of a new fire hall.

### REFERENCES

Address: Portion of 8888 University Drive  
Legal: Lot: 1 Block, District Lot: 31, Plan: BCP45523  
Applicant: Sam Aljubori; City of Burnaby (Representative)  
Current Zoning: P11e

### RECOMMENDATION

**THAT** the issuance of Development Variance Permit (DVP #23-01) be approved; and,

**THAT** the City Solicitor be directed to register notice of Development Variance Permit (DVP #23-01) with the Land Title Office.

### CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

### EXECUTIVE SUMMARY

The applicant is pursuing the construction of a new fire hall on the subject site, located at 8888 University Drive. The proposed fire hall will be located fronting onto University Drive between Tower Road and Nelson Way (see **attached** Sketch #1). Section 511.9 of the Zoning Bylaw requires that a front yard shall be provided of not less than 15 m (24.61 ft.) in depth for lots fronting on the Ring Road or Gaglardi Way. Section 6.14.1(1) of the Zoning Bylaw requires that retaining walls shall not exceed 1.2 m (3.94 ft.) in height, as measured at any point along the retaining wall. With respect to the subject site, the applicant has requested two variances to accommodate the siting and construction of a new fire hall on a lot constrained by grading and in proximity to an Environmentally Sensitive Area (ESA).

## 1.0 POLICY SECTION

The subject Development Variance Permit (DVP) application aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2022), Regional Context Statement (2013), Official Community Plan (1998), Simon Fraser University Official Community Plan (2008), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), and Transportation Plan (2021).

The requested variance follows *Sections 498 and 498.1* of the *Local Government Act (LGA)*, which allows a local government to issue, by Council resolution, a Development Variance Permit (DVP) to vary specific provisions of the Zoning Bylaw. The public notification process for the subject DVP application, as outlined in Section 5.0, has been completed.

## 2.0 BACKGROUND

The subject site, located on the western side of University Drive between Nelson Way and Tower Road, is currently zoned P11e SFU Neighbourhood District. To the west along Nelson Way are the Discovery 1 and 2 buildings which are institutional use buildings belonging to SFU. To the north along University Drive and along Tower Road are residential and mixed use buildings belonging to the UniverCity neighbourhood. To the south and east are naturalized areas belonging to the Burnaby Mountain Conservation Area.

The subject site is a heavily wooded lot on the eastern slope of Burnaby Mountain, at the edge of the East Neighbourhood of SFU. The site is significantly sloped and the grade increases significantly from the frontage to the rear of the site. A tributary of Stoney Creek runs roughly parallel to the rear of the site which results in an Environmental Sensitive Area (ESA) covering a significant portion in the rear half of the site. The site elevation, the presence of an ESA and the wooded nature of the site poses significant limitations as to how this site could be developed.

## 3.0 GENERAL INFORMATION

- 3.1 The applicant is seeking to vary Section 511.9 of the Zoning Bylaw to permit a front yard setback of 4.81 m (15.78 ft.) along University Drive (Ring Road), whereas the current requirement is not less than 15 m (24.61 ft.) (see Schedule B attached). The reduced front yard setback enables the applicant to reduce the overall development area on the site, which allows more trees and natural habitat to be preserved, while also minimizing encroachment into the ESA and reducing the overall size of excavation into the heavily sloped site.
- 3.2 The applicant is also seeking a variance to Section 6.14.1(1) of the Zoning Bylaw to permit retaining walls up to 6.68 m (21.92 ft.) in height, whereas the current

requirement is up to 1.2 m (3.94 ft.) in height. This variance is sought to accommodate taller vegetated retaining walls. As this development site is heavily sloped and wooded, the use of taller retaining walls in place of a larger cut slope or a series of stepped retaining walls at 1.2 m in height will allow the applicant to accommodate the proposed fire hall on a smaller footprint, which will minimize the amount of deforestation and environment impact of this development, while also minimizing the encroachment into the ESA.

3.3 The intent of the Zoning Bylaw requirement for front yard setback is to ensure that one building does not infringe on another building’s access to sunlight, ventilation and access, while also helping establish neighbourhood character by having uniform setback from the street. The Zoning Bylaw requirement for retaining wall height is to ensure that retaining walls do not tower over the streetscape or neighbouring properties. Due to existing site constraints, strict adherence to these Zoning Bylaw requirements would result in a significantly larger development footprint and additional tree removal and environmental impacts. The supportive rationale for these variance are as follows:

- The proposed fire hall development is situated on development site without other properties on the same block, thus the reduced front yard setback would not negatively impact other buildings’ access to sunlight, ventilation or access, nor would it impact the character of the street.
- The retaining walls around the subject site would be built using a flex MSE vegetated retaining wall system which would be planted and covered with landscaping vegetation. In addition the placement of screening trees and shrubs were possible would also help reduce the visual impact of the proposed retaining walls.

For the reasons outlined above, staff support the variance requests to front yard setback and retaining wall height to facilitate the siting and construction of a new fire hall. The required permit to enact this variance is attached as Schedule “A” to this report. If approved, the permit will be deposited in the Land Title Office and registered on the subject property’s title.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

As per the requirements set out in the Local Government Act, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 50 m of the subject property) at least ten (10) days before Council considers the application for approval. In addition to the LGA requirements, a sign was posted along the subject site’s University Drive frontages near the intersection with Tower Road. The City has received no comments on this application.

**5.0 FINANCIAL CONSIDERATIONS**

This DVP application is not seeking funding for Fire Hall 8. Funding has been secured in the 5 year capital plan through a separate report to Council.

Respectfully submitted,

Edward W. Kozak, General Manager Planning and Development

**ATTACHMENTS**

Attachment 1 – Site Sketch

Attachment 2 – Schedule A City of Burnaby Development Variance Permit  
DVP#23-01

Attachment 3 – Development Variance Permit – Site Plan Set

**REPORT CONTRIBUTORS**

This report was prepared by Chun Nam Law, Planner 2, and reviewed by Karin Hung, Director of Strategic Initiatives, Johannes Schumann, Director Development and Urban Design, and Lee-Ann Garnett, Deputy General Manager of Planning and Development.