

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **PROPOSED BYLAW AMENDMENTS – HEIGHT-BASED DEVELOPMENT FRAMEWORK**  
**PURPOSE:** To propose amendments to the *Burnaby Zoning Bylaw* and *Burnaby Consolidated Fees and Charges Bylaw* to implement a height-based development framework.

## RECOMMENDATION

**THAT** the proposed amendments to *Burnaby Zoning Bylaw, 1965*, as described in Section 3.1 of the report titled “Proposed Bylaw Amendments – Height-Based Development Framework” dated April 22, 2025, be approved;

**THAT** the proposed amendments to *Burnaby Consolidated Fees and Charges Bylaw*, as described in Section 3.2 of the report, be approved;

**THAT** the City Solicitor be authorized to bring forward amendments to *Burnaby Zoning Bylaw, 1965*, substantially as set out in **Attachment 1** through **Attachment 4** of the report;

**THAT** the City Solicitor be authorized to bring forward amendments to *Burnaby Consolidated Fees and Charges Bylaw*, substantially as set out in **Attachment 5** of the report; and

**THAT** a Public Hearing not be held for the proposed amendments to *Burnaby Zoning Bylaw, 1965* as described in the report, as they are consistent with the Burnaby Official Community Plan.

## EXECUTIVE SUMMARY

This report presents the proposed *Burnaby Zoning Bylaw, 1965* (“Zoning Bylaw”) text amendments to implement the height-based development framework outlined in the Council report titled “Proposed Height-Based Development Framework”, dated October 7, 2024, with updates reflecting Council direction provided in response to the Council report titled “Proposed Amendments to Community Benefit Bonus Policy”, dated April 8, 2025. In alignment with the objectives of the Zoning Bylaw Rewrite project, these changes will implement a framework that simplifies and modernizes the City’s approach to development while ensuring compliance with recent changes in Provincial legislation.

Additional consequential amendments, as described in Section 3.2 of this report, are proposed to the *Burnaby Consolidated Fees and Charges Bylaw* (“Consolidated Fees and Charges Bylaw”) that will align development application fee categories with a height-based, rather than density-based, framework.

## **1.0 POLICY SECTION**

The proposed amendments outlined in this report align with the following provincial and municipal laws, bylaws, and policies, including:

- *Local Government Act* (2015)
- Corporate Strategic Plan (2022)
- Burnaby Housing Needs Report (2021; interim update 2024)
- HOME: Burnaby’s Housing and Homelessness Strategy (2021)
- Mayor’s Task Force on Community Housing Final Report (2019)
- Burnaby Official Community Plan (1998)

The proposed amendments are also in keeping with the early directions of the City’s ongoing Burnaby 2050 Official Community Plan (OCP) update process.

## **2.0 BACKGROUND**

### **2.1 Height-Based Development Framework**

On October 7, 2024, Council endorsed implementing a height-based approach to development for the City of Burnaby, as outlined in the Council report titled “Proposed Height-Based Development Framework”. This included directing staff to prepare new height-based multi-family residential and commercial zoning districts and using a Comprehensive Development (CD) rezoning approach to facilitate height-based applications until the City’s new OCP, Development Permit Area (DPA) form and character guidelines, and new Zoning Bylaw are adopted later this year.

The new framework aims to simplify and modernize Burnaby’s development approach while aligning with recent Provincial legislation, including mandated transit-oriented area designations.

Burnaby’s current Floor Area Ratio (FAR)-based system determines development potential but is complex for staff to administer and challenging for the public and applicants to navigate. The proposed height-based framework, developed as part of the ongoing Zoning Bylaw Rewrite project, would replace FAR-based regulations by prioritizing and regulating building height and form. This approach seeks to streamline development regulations, enhance transparency, and improve planning and development outcomes.

As described in Section 3.1 of this report, text amendments are proposed to several sections of the Zoning Bylaw to implement the height-based framework, which include the following:

- The introduction of seven new multi-family residential districts.
- The introduction of two new commercial districts.
- The introduction of a new methodology for determining building height and supported conditional height increases.
- Supplementary amendments to other sections of the bylaw, including new and amended definitions as well as minor amendments to administrative sections, CD Districts, parking, and loading.

Additional amendments will be required to implement zoning regulations that align with new legislation related to inclusionary zoning for affordable housing and community benefit bonusing, which will each be addressed in separate reports.

## **2.2 Zoning Bylaw Rewrite**

In late 2023, the City initiated the Zoning Bylaw Rewrite project, which involves a comprehensive review and update of the City's Zoning Bylaw. The objectives of the Rewrite include:

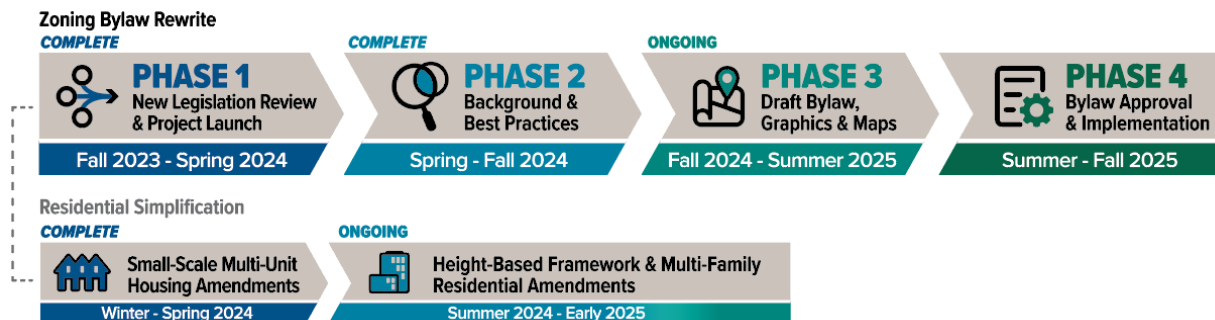
- Provide more flexible and modern regulations;
- Reduce complexity to improve ease of understanding;
- Enhance user-friendliness for residents, applicants, and City staff; and
- Implement and align with City plans and policies, and Provincial legislation.

The final adoption of a new Zoning Bylaw is targeted for late 2025, following the approval of the City's Burnaby 2050 OCP. However, recent Provincial housing legislation has necessitated the early implementation of key zoning bylaw components through major interim amendments.

The first major amendment, adopted by Council on June 10, 2024, introduced the R1 Small-Scale Multi-Unit Housing District, consolidating the City's 12 previous R Districts into a single zoning district. The next proposed major amendment, in support of legislated changes to inclusionary housing and community benefit bonusing requirements, will establish a new height-based zoning framework and its associated multi-family residential and commercial districts, as outlined in this report.

The text amendments within this report represent an interim state that will allow the city to transition to the new height-based framework while providing an opportunity to assess and further refine the framework, as needed, over the final phases of the project.

Figure 1 – Zoning Bylaw Rewrite Project Timeline



## 2.3 Implementation Approach

A height-based development framework prioritizes built form and its relationship to the public realm, shifting the focus from density metrics to physical design. While this approach emphasizes building height and form, land use designations and zoning districts will continue to define permitted uses.

The framework is designed to achieve the following objectives:

- Increase transparency and clarity on building height and form;
- Simplify development regulations and the approvals process;
- Allow greater flexibility and mixing of land uses;
- Enhance urban design standards;
- Align with the OCP & new Provincial Legislation; and
- Maintain opportunities for affordable housing.

Over the next year, the proposed approach includes:

- Establishing permitted building heights for each OCP land use designation and corresponding zoning district.
- Removing FAR as a development control mechanism.
- Introducing Development Permit Area (DPA) form and character guidelines.
- Aligning major planning policies with the new framework.
- Reducing the number of distinct zoning districts for greater efficiency.
- Enhancing opportunities for mixed-use development.

The full implementation of this approach is expected by late 2025, following the adoption of the new OCP, DPA guidelines, and Zoning Bylaw. In the interim, the new height-based multi-family residential and commercial districts will coexist with the existing FAR-based zoning districts. A CD rezoning approach will be used to:

- Support mixed-use development.
- Ensure greater control over design outcomes.
- Allow in-stream applications under the existing FAR-based system to proceed without disruption.

Table 1 provides a comparative summary of the interim and future implementation approach.

*Table 1 – Proposed Interim and Future Implementation Approach*

Implementation Mechanism	Interim State (2025)	Future State (post-2025)
<b>OCP</b>	<p>The Burnaby OCP (1998) contains land use designations and policies that support the range of uses and intensities proposed with the new height-based zoning regulations.</p> <p>The approval of a height-based rezoning application that does not comply with the current OCP land use designation for a given site would continue to be subject to an OCP amendment.</p>	<p>The Burnaby 2050 OCP land use designations and policies will fully align with the height-based framework and provide greater site-specific guidance for development.</p> <p>The approval of a height-based rezoning application that does not comply with a new OCP land use designation for a given site would continue to be subject to an OCP amendment.</p>
<b>Zoning Bylaw</b>	New height-based zoning districts and associated regulations added to Zoning Bylaw. Existing districts and their FAR-based requirements remain to support in-stream applications.	FAR-based zoning districts removed from the new Zoning Bylaw. Interim height-based districts amended as needed and additional height-based districts added in alignment with new OCP land use designations, as per Table 2 below.
<b>DPA Guidelines</b>	The City currently has no DPA guidelines. Design is primarily guided by provisions within existing community plans, master plans, and best practices for urban design.	New form and character DPA guidelines and permitting process adopted to provide clearer expectations and greater control over design outcomes.
<b>CD Rezoning</b>	CD rezoning continues to be used to support mixed-use development and provide greater control over design outcomes. This includes being able to reference new height-based residential and commercial districts as underlying districts for CD sites.	With new zoning districts that support a greater mix of uses and new DPA guidelines providing more design control, CD rezoning is used less often. CD rezoning will typically be used for unique development proposals not contemplated or reasonably regulated by another standard zoning district, such as master plan sites.

### **2.3.1 Burnaby 2050 Official Community Plan**

The OCP is a comprehensive plan that sets the long-term vision for the City of Burnaby. Related to the height-based framework, the updated OCP would:

- Describe the land use designation categories and permitted uses at a conceptual level;
- Identify the location of each land use designation and any opportunities for mixed-use sites;
- Provide an overview of the height-based framework; and
- Provide specific considerations for master planned sites.

In the interim, the land use designations and related policies contained within the City's current OCP (1998), such as the Town Centre and Urban Village designations, continue to support a wide range of land uses and intensities of development, including those within the proposed multi-family residential and commercial zoning districts.

### **2.3.2 New Zoning Bylaw**

The Zoning Bylaw is the main implementation tool of the OCP and will provide further detail on the height-based framework. The Zoning Bylaw will:

- Establish a suite of zoning districts that align with the OCP land use designations;
- Provide a comprehensive list of permitted uses for each zoning district;
- Establish requirements for mixed-use areas;
- Identify regulations related to building form including height and setbacks;
- Provide greater detail on the height framework methodology;
- Identify inclusionary housing requirements and opportunities for community benefit bonusing; and
- Identify other special development regulations and conditions under which they would apply.

The text amendments proposed within this report represent an intermediate step towards achieving the above outcomes, as described further in Section 3.1 of this report.

### **2.3.3 Form & Character Development Permit Area Guidelines**

DPA guidelines are another tool available to municipalities to specify requirements respecting the form and character of development. While Burnaby historically has not utilized development permits, DPA guidelines for form and character, as well as for streamside protection and enhancement, will be introduced as part of the full Zoning Bylaw Rewrite.

The form and character guidelines will form an integral part of the height-based development framework and establish conditions that will further shape new buildings and inform how those buildings integrate within their context.

The DPA guidelines will provide direction on elements such as podium facades, landscaping, materiality, and the relationship to the public realm. They will also provide guidance on situations and conditions where zoning may be varied through a Development Variance Permit to produce a more desirable site-specific design outcome.

### **2.3.4 Comprehensive Development Districts**

In the absence of a new OCP and form and character DPA guidelines, CD rezoning provides a mechanism to implement the regulations of the proposed multi-family residential and commercial districts, either separately or together as a mixed-use development, while providing greater control over design outcomes.

CD rezonings are often required to advance applications that align with current City objectives, and to facilitate mixed-use development sites. While CD rezoning is an effective tool for unique sites, the implementation of CD rezoning in Burnaby often results in prolonged discussions over development parameters and longer application review times.

Given an updated OCP and Zoning Bylaw will work in tandem to better support mixed-use development and given new DPA guidelines will provide greater design guidance, it is anticipated that CD rezonings will be relied upon less in the future, and used primarily for larger multi-phase sites that are subject to master plans.

### **2.3.5 Transition for In-Stream Applications**

The following approach is proposed for the management of development applications during the transition to the new height-based development framework:

- New applications advanced to Council following endorsement of the proposed height-based framework text amendments on April 22, 2025, will pursue CD rezoning in alignment with the height-based framework, with the exception of new applications that are amending a previously adopted rezoning based on FAR.
- Active applications that do not receive First Reading by the date of adoption of the new Zoning Districts proposed in this report will be cancelled and are required to be resubmitted in line with the new regulations in their entirety.
- Active applications that receive First Reading by Council at the time of adoption of the new Zoning Districts proposed in this report will continue to be processed under the previously established zoning regulations, provided they achieve Rezoning Final Approval within a period of 12 months from the date of adoption of the bylaw to implement new zoning regulations in this report.
- At any time, applicants with an active application that wish to be subject to the new height-based zoning regulations may withdraw their existing application and submit a new application.

## 2.4 Consolidated Fees and Charges Bylaw Amendments

The new height-based development framework for the Zoning Bylaw Rewrite introduces assessment and processing procedure changes for application fees. Currently, rezoning and subdivision fees are determined based on the permitted FAR for the development, which can be complex for applicants to determine early in the application process.

Under the new height-based development framework, FAR calculations are no longer required for rezoning and subdivision applications. Instead, it is proposed that fees be determined on building height and site area, making the process more straightforward and transparent. Therefore, amendments to the Consolidated Fees and Charges Bylaw are required to introduce new rezoning and subdivision fees, aligning with the new height-based approach, as further described in Section 3.2 of this report.

## 3.0 GENERAL INFORMATION

Section 3.1 of this report provides an overview of the proposed Zoning Bylaw amendments as they pertain to the new multi-family residential and commercial districts, height framework methodology, as well as supporting amendments and regulations in other sections of the Zoning Bylaw. Section 3.2 of this report describes additional consequential amendments proposed in relation to the Consolidated Fees and Charges Bylaw to further support implementation of the height-based development framework. The proposed text amendments are detailed in **Attachments 1 through 5** and are proposed to come into effect upon Final Adoption of the proposed amendment bylaws.

### 3.1 Proposed Zoning Bylaw Amendments

Nine new zoning districts are proposed to be added to the Zoning Bylaw:

- Seven new multi-family residential “R” Districts (**Attachment 1**) – designated “R2” through “R8” to differentiate them from the existing RM Districts; and
- Two new commercial “CM” Districts (**Attachment 2**) – designated in the interim as “CM1” and “CM2” to differentiate them from the existing C Districts.

These districts will live alongside the City’s existing RM and C Districts in the interim but are anticipated to replace them as part of the full rewrite of the Zoning Bylaw and in alignment with the new OCP.

Going forward, each new OCP land use designation will correspond to one zoning district in the new Zoning Bylaw. This approach is being pursued to create a transparent, user-friendly development framework that provides clarity regarding the future potential of a site. Table 2 outlines the land use designations being proposed through the Burnaby 2050 OCP project and associated zoning districts that will be advanced through the Zoning Bylaw Rewrite project, with emphasis on the new districts being advanced through this report.



**Table 2 – Land Use Designations in the OCP and Corresponding Zoning Districts in the new Zoning Bylaw**

Land Use Designation		Zoning District	Implementation Timing
	Neighbourhood Commercial	C1 (Interim CM1)	Early 2025 (this report)
	General Commercial	C2 (Interim CM2)	Early 2025 (this report)
	Employment	E1	Late 2025 (full Zoning Bylaw rewrite)
	Industrial	I1	Late 2025 (full Zoning Bylaw rewrite)
	Agriculture	A1	Late 2025 (full Zoning Bylaw rewrite)
	Parks, Natural Areas & Open Space	P1	Late 2025 (full Zoning Bylaw rewrite)
	Institutional	P2	Late 2025 (full Zoning Bylaw rewrite)
	Small-Scale Multi-Unit Housing	R1	Adopted June 10, 2024 Effective July 1, 2024
	Townhouse	R2	Early 2025 (this report)
	Low-Rise Apartment 1	R3	Early 2025 (this report)
	Low-Rise Apartment 2	R4	Early 2025 (this report)
	Mid-Rise Apartment 1	R5	Early 2025 (this report)
	Mid-Rise Apartment 2	R6	Early 2025 (this report)
	High-Rise Apartment 1	R7	Early 2025 (this report)
	High-Rise Apartment 2	R8	Early 2025 (this report)

### 3.1.1 Proposed Multi-Family Residential Districts

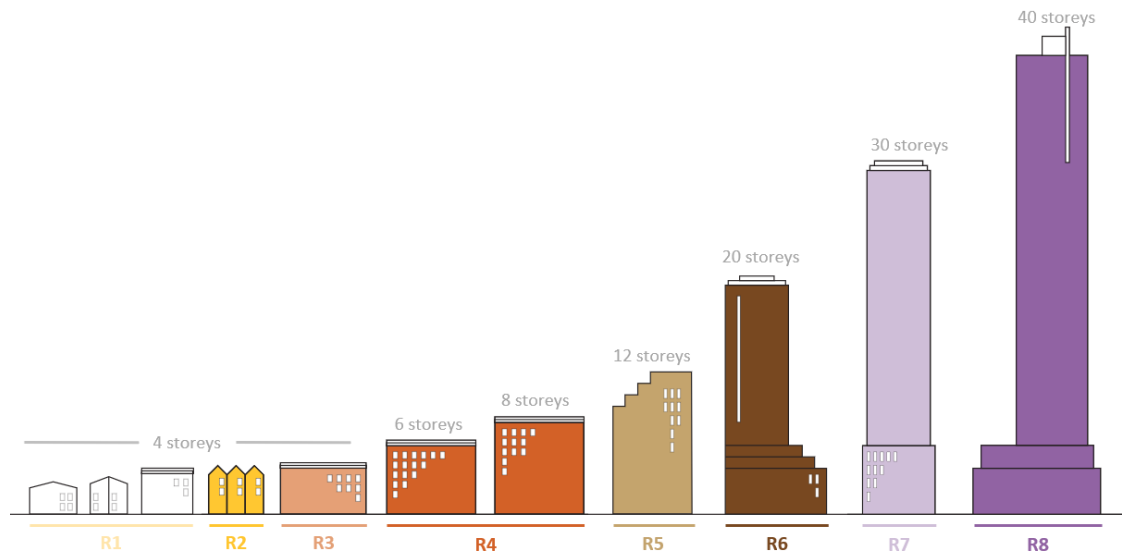
#### Building Form

The proposed multi-family residential districts are primarily differentiated by their base height permissions, which range from 4 to 40 storeys (as per Figure 2), and are organized into Townhouse, Low-Rise Apartment, Mid-Rise Apartment, and High-Rise Apartment categories, in alignment with the OCP land use designations in Table 2.

The R4 Low-Rise Apartment 2 District is unique in that the permitted base height is 6 storeys for properties located outside of a designated Transit Oriented Area (TOA) and 8 storeys for properties located within a TOA (i.e. within 800m of a SkyTrain station) to align with Provincial legislation.

The R2 Townhouse District primarily supports ground-oriented townhouse building forms, while the R3 through R8 Districts support apartment building forms that may also integrate ground-oriented townhouse dwellings.

Figure 2 – Proposed Residential Districts and Permitted Base Heights



Setbacks

Proposed minimum building setbacks from property lines are outlined in Table 3 below. These have been informed by a review of the City’s existing residential district requirements, CD rezoning practices, setback conditions supported in neighbouring municipalities, and standards developed for Metro Vancouver’s Digitally Accelerated Standardized Housing (DASH) project.

Table 3 – Proposed Minimum Building Setbacks from Property Lines in R Districts

Setback	R1 District	RM Districts	Proposed R2-R4	Proposed R5-R8
Street	3.0 m	3.0 – 4.57 m	3.0 m	3.0 m
Lane	1.2 m	1.5 – 4.57 m	1.2 m	1.2 m
Side – Interior	1.2 m	1.5 – 4.57 m	1.2 m	0.0 m (3.0 m*)
Rear – Interior	3.0 m	4.57 m	3.0 m	3.0 m

\*setback of up to 3.0 m required to mirror the required setback of abutting residential lots

The minimum setbacks for the Low-Rise Apartment districts (R2 through R4) are proposed to align with permitted setbacks in the existing R1 District while the Mid- and High-Rise Apartment districts (R5 through R8) are proposed to permit zero lot line setbacks along interior side yards to support continuous streetwalls formed by adjoining building podiums.

One exception for the R5 through R8 Districts is that where the interior side yard abuts a lot with a residential use, the setback from the shared property line will be the lesser of 3.0 m and the setback of the abutting residential lot. This follows a similar requirement within our existing C Districts and supports a more seamless transition in setback conditions between residential districts of differing scales and setback requirements.

The proposed lot line setbacks reflect a slight reduction from current minimum requirements. This is consistent with the City's current practices applied through CD rezonings and better aligns with Metro Vancouver's DASH standards. This provides additional flexibility for siting of new development while supporting a more walkable, human-scaled public realm intended to encourage more active and engaging frontages. Where it produces a more desirable site-specific design outcome and is supported by future DPA guidelines, the proposed setbacks may be varied through a Development Variance Permit.

### Uses

Proposed principal and accessory uses in the R2 through R8 Districts align with the City's existing RM Districts. One exception is the introduction of live-work units as a permitted principal use. The City already permits live-work units in practice through CD rezonings but has not yet formalized them as a defined use category in the Zoning Bylaw.

Another key difference between the proposed R Districts and the existing RM Districts is the introduction of "secondary uses" to support limited commercial development, described further in Section 3.1.3 of this report.

### **3.1.2 Proposed Commercial Districts**

The introduction of the proposed CM1 and CM2 Districts is necessary in the interim to support commercial and mixed-use development in conjunction with the new R Districts, given that the City's existing C Districts are not compatible with the new height-based framework. The proposed CM1 and CM2 District Zoning Bylaw schedules form **Attachment 2**.

### Building Form

The proposed CM1 Interim Neighbourhood Commercial District permits low-rise buildings up to four storeys in height and is intended to support the daily shopping needs of nearby residents such as corner stores, local grocers, coffee shops, and smaller scale office space.

The proposed CM2 Interim General Commercial District permits a wider range and larger scale of commercial development up to eight storeys in height, including larger format retail, entertainment, hospitality, and office uses.

## Setbacks

Proposed minimum building setbacks from property lines are outlined in Table 4 below. These have been informed by a review of the City’s existing commercial district requirements, CD rezoning practices, and setback conditions supported in neighbouring municipalities.

*Table 4 – Proposed Minimum Building Setbacks from Property Lines in CM Districts*

Setback	C1-C4, C8-C9	C5-C7	Proposed CM1	Proposed CM2
Street	0.0 – 3.0 m	2.0 – 6.0 m	2.0 m	2.0 m
Lane	0.0 – 6.0 m	0.0 – 6.0 m	1.2 m	1.2 m
Side – Interior	0.0 (2.0 – 3.0 m*)	0.0 – 6.0 m	0.0 m (2.0 m*)	0.0 m (3.0 m*)
Rear – Interior	3.0 – 6.0 m	3.0 – 6.0 m	3.0 m	3.0 m

*\*setback of up to 2.0 or 3.0 m required to mirror the required setback of abutting residential lots*

The proposed minimum setbacks generally align with the City’s existing, more pedestrian-oriented commercial districts (C1 through C4, C8, and C9 Districts) as opposed to the more vehicle-oriented C5, C6, and C7 Districts, which each specifically regulate motel, gas station, and drive-in restaurant uses, respectively.

Consistent with the existing C1, C2, C3, C4, C6, and C9 Districts, where the interior side yard abuts a lot with a residential use, the setback from the shared property line will be the lesser of 2.0 m (in CM1) or 3.0 m (in CM2), as applicable, and the setback of the abutting residential lot.

The proposed lot line setbacks continue to provide greater flexibility for siting of commercial uses while continuing to support walkable and engaging commercial districts. As with the proposed residential districts, where it produces a more desirable site-specific design outcome and is supported by future DPA guidelines, the proposed setbacks may be varied through a Development Variance Permit.

## Uses

In combination, the permitted commercial uses in the proposed CM1 and CM2 Districts encompass the permitted commercial uses of the City’s existing C1 through C9 Districts that they will eventually replace. Similar to the multi-family residential districts, certain uses—such as live-work units—that are already permitted in practice have been formally defined and included.

The CM1 District supports a wide range of neighbourhood-serving commercial uses intended to be pedestrian-oriented and of a scale and intensity that can more sensitively integrate with lower-intensity residential uses. These include the following principal uses (definitions for new use terms are included in **Attachment 4**):

- Active Mobility Hub
- Animal Care
- Artist Studio
- Child Care Facility
- Education Services
- Emergency Shelter

- Financial Institution
- Health Care Facility
- Live-Work Units
- Office
- Personal and Business Services
- Public Assembly and Entertainment
- Recreation and Fitness
- Recycling Centre
- Restaurant
- Retail
- Visitor Accommodation

The CM1 District also includes certain conditions of use intended to limit impacts on neighbouring residential sites, such as prohibiting nightclubs and overnight boarding of animals.

The CM2 District permits all of the uses of the CM1 District but with fewer restrictions and with additional commercial uses included. Additional uses permitted in the CM2 District are:

- Gaming Establishment
- Hospital
- Parking Garage
- Research and Development
- Service Station
- Storage Facility

In both districts, a number of compatible secondary uses are permitted, such as commercial kitchens, community gardens, and mobile retail and restaurants. See Section 3.1.3 of this report for further information on secondary uses.

### **3.1.3 Approach to Mixed-Use**

The City's current zoning districts provide limited opportunities for mixed-use development, contributing to the prevalence and necessity of CD rezonings. To support complete communities, the proposed multi-family residential districts introduce secondary uses—a designated subset of permitted uses alongside principal and accessory uses.

Secondary uses allow for limited commercial activity but can only be established when a principal use is present or proposed on the lot. For example, a standalone corner store cannot be built on a vacant R4 District lot; however, if multi-family residential dwellings are present or proposed, a corner store would be permitted as a secondary use. This ensures that the proposed R Districts enable residential or mixed-use development but do not allow standalone commercial uses.

Unlike accessory uses, which must exclusively serve the principal or secondary use, secondary uses operate independently. In the example above, a corner store serves the broader public rather than being restricted to residents of the property, distinguishing it from an accessory use.

Each proposed district allows for a different range and scale of commercial uses, with the CM1 District serving as a foundational reference. As outlined in Table 5, the scope of permitted commercial uses expands with the intensity of residential development.

Table 5 – Relationship of Permitted Commercial Uses Across the Proposed Districts

	R2-R3	R4	R5-R8	CM1	CM2
Supported Commercial Uses	Limited number of CM1 uses permitted as secondary uses with similar CM1 restrictions. Emphasis on retail, restaurant, and personal service uses.		All CM1 uses permitted as secondary uses with similar CM1 restrictions.	Wide range of neighbourhood-serving, pedestrian-oriented commercial uses.	All CM1 uses plus additional commercial uses.
Commercial Height	1 Storey Maximum	2 Storey Maximum	2 Storey Maximum	1 to 4 Storeys	2 to 8 Storeys
Other Conditions	A maximum of 250 m <sup>2</sup> (2,691 sq.ft.) in gross floor area per commercial unit.			Restrictions on higher-impact uses (e.g. no nightclubs)	Fewer CM1 restrictions.



Following the adoption of a new OCP, the land use designation map will identify mixed-use sites using “overlays,” as described in the Council report titled “Proposed Height-Based Development Framework”, dated October 7, 2024. This will support mixed-use sites with a greater intensity of commercial development than that permitted through secondary uses, including, for example, taller office towers.

In the interim, this scale of mixed-use zoning will be achieved through CD rezonings, that will effectively combine the permissions of the R Districts with the CM Districts, supporting mixed-use development up to the permitted height of the residential district, as reflected in Figure 3 below.

Figure 3 – Mixed-Use Forms Achieved through CD Rezoning



### **3.1.4 Height Methodology**

A new Zoning Bylaw Section 6.4.1, *Height of Buildings in the R (Except R1) and CM Districts* (detailed in **Attachment 3**), is proposed to serve as the foundation for the new height framework. This section defines how building height is calculated, regulates conditional height increases in relation to building height averaging and voluntary commercial, and provides guidance on how this interacts with additional height granted through community benefit bonusing.

#### Height Calculation

Within the new height framework, building height is equivalent to the number of above-ground storeys, with minor exceptions defined in relation to mechanical areas, rooftop amenities, floors with double-height ceilings, and mezzanines within first storey commercial and live-work units. As is current practice, there is no limit on the height of a single storey and below-grade storeys are not counted towards the height calculation. This section also defines how above and below grade portions of a building are determined.

#### Height Averaging

Supporting height averaging on development sites where multiple buildings are planned is proposed to maintain variation in the built form. This is to ensure that buildings are not all constructed to the same height on sites with a single zoning district.

For example, in the proposed R6 District, with a building height limit of 20 storeys, height averaging may be used to permit a 15-storey apartment building, a 20-storey apartment building, and a 25-storey apartment building, provided the height difference contributes positively to the character and urban design of the surrounding area.

For master plan sites more flexibility will be provided for height averaging to better accommodate project phasing over multiple properties.

#### Voluntary Commercial

To enhance economic vitality and support local job creation in Town Centres and Urban Villages, an increase to the maximum building height is proposed for CD sites where commercial storeys are voluntarily provided beyond the minimum required—one storey for CM1 and two storeys for CM2. The increase in building height would be equivalent to the number of voluntary commercial storeys provided, up to the base height of the next most permissive residential zoning district.

#### Conditional Height Table

To maintain the integrity of the height-based framework, conditional height increases would be limited to the permitted base height of the next most permissive residential zoning district, as outlined in proposed Zoning Bylaw Table 6.4.1.2 (which is reproduced below as Table 6 in this report).

The proposed table summarizes the maximum permitted additional height for each conditional height category for each zoning district. Along with accompanying regulations, the table also provides guidance on the order in which conditional height increases apply.

Table 6 – Proposed Conditional Height Table – Excerpt from Proposed Section 6.4.1

Table 6.4.1.2   Conditional Height Increases (in Storeys)										
D = Discretionary   U = Unrestricted										
Row	Zoning District:	R1	R2	R3	R4	R4 (TOA)	R5	R6	R7	R8
	Base Height									
A	Maximum Height	4	4	4	6	8	12	20	30	40
	Eligible Additional Height									
B	Height Averaging	0	0	0	0	0	4	5	5	5
C	Voluntary Commercial	0	0	0	0	0	8	10	10	U
D	Community Benefit Bonus	0	0	D	D	D	D	10	10	U
E	Maximum Additional Height	0	0	2	6	4	8	10	10	U
F	Maximum Height w/ Eligible Increase	4	4	6	12	12	20	30	40	U

### 3.1.5 Other Supporting Amendments

The following zoning provisions are proposed to other sections of the Zoning Bylaw in support of the new height-based districts and are detailed in **Attachment 4**.

#### Changes to Section 3 Definitions

A number of new and amended definitions are proposed. Most of the new definitions do not introduce new supported uses but rather serve the following functions:

- create a new umbrella term that encompasses multiple sub-categories of use, which will enable the phasing out of the definitions of those sub-categories of use as part of future amendments; and/or
- formalize and clarify the intent of uses that are already permitted but not defined.

The following changes to Section 3 Definitions are proposed:

- Introduce new definitions for the following terms:
  - Active Mobility Hub
  - Animal Care
  - Artist Studio
  - Civic Facility
  - Commercial Kitchen
  - Community Garden
  - Educational Services
  - Energy Generation
  - Financial Institution
  - Gaming Establishment
  - Health Care Facility
  - Industrial, Heavy
  - Live-Work Unit
  - Mezzanine
  - Nightclub
  - Non-Market Rental Housing



- Office
  - Personal and Business Services
  - Recreation and Fitness
  - Recycling Centre
  - Research and Development
  - Secondary Use
  - Service Station
  - Storage Facility
  - Transportation Facility
  - Visitor Accommodation
  - Yard, Lane
- Amend definitions for the following terms:
    - Accessory Use
    - Hospital
    - “Mobile Retail Cart” to “Mobile Retail and Restaurant”
    - Parking Garage
    - Restaurant
    - Retail
    - “Transit Oriented Development Area” to “Transit Oriented Area”

#### Changes to Section 6 Supplementary Regulations

- Repeal outdated Section 6.1 that limits lots to only one residential building, except where otherwise provided for in the Zoning Bylaw
- Add references to the new R and CM Districts in Section 6 regulations that will apply to them, including Sections 6.3, 6.8A, 6.6, 6.10, 6.12, 6.13, 6.15, 6.17, 6.28, and 6.29
- Amend Section 6.4, *Height of Buildings and Structures*, so that it does not apply to the new height-based districts
- Add new Section 6.4.1, *Height of Buildings in the R (Except R1) and CM Districts*, as outlined in report Section 3.1.4 and detailed in **Attachment 3**
- Expand the list of uses permitted outside of an enclosed building in Section 6.27 to include:
  - Active Mobility Hubs
  - Community Gardens
  - Energy Generation
  - Recreation and Fitness
  - Transportation Facilities
  - Urban Agriculture
- Merge Section 6.27(15) and (17) permissions for “food trucks” and “mobile retail carts” under amended (17) for “mobile retail and restaurant” use
- Add new Section 6.31, *Uses Permitted in All Districts*, to support the following in all zoning districts:
  - public transit corridors, stations, exchanges, and related public-serving uses;
  - publicly provided utility infrastructure; and
  - civic facilities (e.g. fire halls).

### Changes to Section 700 Comprehensive Development Districts

- Add the new R and CM Districts to the list of permitted district uses in Section 700.1
- Repeal 700.1(6) and replace with new (7) to provide more flexibility when there is a change of use, such as new commercial tenants, on a previously developed CD District site.
- Add a reference to height, in addition to existing reference to FAR, in Section 700.2(2) to ensure compatibility with new height-based districts.

### Changes to Parking and Loading Sections 800, 900, and 1000

- Amend “transit oriented development areas” to “transit oriented areas” in Section 800.4(1)
- Add clarifying language to rowhouse parking rate in Section 800.4(1a) without changing the parking rate
- Add references to new R and CM Districts in Sections 800.4(20), (20a), and (20b) and increase commercial gross floor area threshold from 235 m<sup>2</sup> to 250 m<sup>2</sup> to align with commercial secondary use conditions in the new R Districts
- Add storage facilities to the mini-warehouses parking rate category in Section 800.4(30)
- Add references to the new R and CM Districts and clarifying language to Section 800.9 that car wash facility requirements only apply to residential off-street vehicle parking spaces
- Increase the commercial gross floor area threshold for one loading space from 235 m<sup>2</sup> to 250 m<sup>2</sup> in Section 900.4(1) to align with commercial secondary use conditions in the new R Districts
- Reduce the amount of required visitor (Class B) bike parking for multi-family dwellings from:
  - 1 space for every 5 dwellings; to
  - 2 for the first 20 dwellings and 1 for each additional 20 dwelling units;as the current requirement is resulting in excessive guest bike parking (e.g. 40 visitor bike rack spaces for a 200-unit development compared to 12 under the proposed rate)

### Other Text Amendments

- Update the table of contents to include new district schedules
- Add reference to CM Districts and reframe existing RM Districts as “Legacy” multiple family residential districts in Section 5.1
- Update cover pages for Section 100 R Districts, Section 200 RM Districts, and Section 300 C Districts

### 3.2 Proposed Consolidated Fees and Charges Bylaw Amendments

To ensure fairness and clarity, it is proposed that rezoning and subdivision fees are determined prior to any density bonus measures being applied. This ensures that applicants are not charged for any additional density negotiated beyond the base entitlement.

The proposed amendments to the applicable Zoning Bylaw fee schedules in the *Burnaby Consolidated Fees and Charges Bylaw*, Bylaw No. 14485 are set out in **Attachment 5**.

#### 3.2.1 Proposed Rezoning Application Fees (E-10 Subdivision Control Bylaw)

For rezoning applications, fees are currently determined based on the FAR of a project. Staff propose a revised fee structure that aligns with the City's height-based development framework, using the number of storeys and site area.

The proposed fee structure categorizes developments into three tiers: low density, medium density, and high density, based on the number of storeys in the project. Each tier includes a base fee and an additional per-square-meter charge, calculated based on the site area. This approach ensures that fees appropriately reflect both the height and form of the development and create clarity thus reducing staff processing time. The calculation of initial Master Plan application fees will remain unchanged, as the fees are calculated using site area. However, Master Plan amendments currently use FAR for fee calculations, and it is proposed that they be adjusted to align with the base fee of the applicable tier as set out in Table 7 below.

Table 7 – Proposed Fee Structure – Rezoning Applications

Rezoning Application Fees		
Height	Base Fee	Rate per m <sup>2</sup>
Low Density (1-11 storeys)	\$5,000	\$1 / m <sup>2</sup>
Medium Density (12-29 storeys)	\$25,000	\$2 / m <sup>2</sup>
High Density (30+ storeys)	\$40,000	\$3 / m <sup>2</sup>
Master Plan Amendments		
Height	Base Fee	
Low Density (1-11 storeys)	\$5,000	
Medium Density (12-29 storeys)	\$25,000	
High Density (30+ storeys)	\$40,000	

### 3.2.2 Proposed Subdivision Fees (E-10 Subdivision Control Bylaw)

Similar to rezoning fees, fees for subdivision applications, including those for associated airspace parcel applications, are determined based on FAR. Staff propose to align these fees with the associated height (storeys) of the development.

Staff recommend adjusting the fee for the Small-Scale Multi-Unit Housing District to separate out rowhouse and townhouse forms. This approach would reduce costs for R1 developments while ensuring fees accurately reflect staff effort for more complex housing forms.

Additionally, staff recommend a new Inquiry Response Letter Fee is proposed for requests that require a formal, written, and signed response from an Approving Officer. This fee ensures that the costs associated with staff time are recuperated. Table 8 outlines the proposed fee structure.

*Table 8 – Proposed Fee Structure – Subdivision Applications*

Processing Fee	
Inquiry Response Letter From Approving Officer	\$1,000
Subdivision Application	
Small-Scale Multi-Unit Housing Districts (R1)	\$6,000
Rowhouse & Townhouse Forms	\$8,000
Low Density (1-11 storeys)	\$12,000
Medium Density (12-29 storeys)	\$15,000
High Density (30+ storeys)	\$18,000
Airspace Parcel Subdivision Application	
Low Density (1-11 storeys)	\$15,000
Medium & High Density (12+ storeys)	\$30,000
Staggered Occupancy Fee (More than 2 towers on site)	Additional \$5,000/per tower

## 4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Communications and engagement work on the proposed height-based development framework and related policies are being advanced in concert with the Burnaby 2050 OCP and Zoning Bylaw Rewrite processes. Completed and upcoming initiatives include:

- three Burnaby 2050 OCP open houses that presented proposed policy directions in alignment with the proposed height framework in May and June 2024;
- four open houses for the Edmonds, Royal Oak, and Cascade Heights community plans that presented proposed policy directions in alignment with the proposed height framework in May and June 2024;
- Zoning Bylaw Rewrite project staff participation and communication materials presented at the aforementioned open house events in May and June 2024;

- Zoning Bylaw Rewrite project webpage, housing eNewsletter, and media release updates in May through July 2024;
- Burnaby 2050 OCP land use public engagement initiatives that presented proposed land use mapping in alignment with the proposed height framework in August through October 2024;
- Zoning Bylaw Rewrite website and housing eNewsletter updates on proposed amendments to be released in April and May 2025, respectively;
- forthcoming Burnaby 2050 OCP open houses to present the draft plan and detailed land use policies in alignment with the proposed height framework in spring 2025; and
- staff have been engaging with the development industry since the October 7, 2024, Council endorsement of the height-based development framework and will continue to engage them on the proposed interim text amendments in conjunction with future inclusionary housing and community benefit bonusing amendments.

Furthermore, public and applicant feedback will continue to be monitored following the initial implementation of the height framework and new R and CM districts as part of the broader Zoning Bylaw Rewrite project. Zoning provisions will be revisited and amended as necessary prior to final adoption of a new Zoning Bylaw by the end of 2025.

Under Section 464(2) of the LGA, a local government may decide to not hold a public hearing on zoning bylaw amendments that are consistent with the OCP. As the proposed text amendments described under Section 3.0 of this report are consistent with the OCP, it is recommended that a Public Hearing not be held.

As a Public Hearing is proposed to not be held in respect of the amendments proposed in Section 3.0 of this report, public notice of the proposed Zoning Bylaw amendments will be completed prior to bringing forward the amendment bylaw for First Reading, in accordance with section 467 of the *Local Government Act*, the City's Public Notice Bylaw and Council policy. A public notice will be published on the City's website and distributed as part of the City's online newsletter.

## **5.0 FINANCIAL CONSIDERATIONS**

The proposed fees are set with the aim of recovering all direct and indirect costs incurred throughout the administration and processing of a rezoning and subdivision application.

Respectfully submitted,

Edward W. Kozak, General Manager Planning and Development

## **ATTACHMENTS**

Attachment 1 – Proposed R2 through R8 District Schedules

Attachment 2 – Proposed CM1 and CM2 District Schedules

Attachment 3 – Proposed Section 6.4.1, Height of Buildings in the R and CM Districts

Attachment 4 – Proposed Supplementary Zoning Bylaw Text Amendments

Attachment 5 – Proposed Amendments to Consolidated Fees and Charges Bylaw

## **REPORT CONTRIBUTORS**

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