

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **REZ #25-01 – 395 ELLESMERE AVE – CHANGE OF USE FROM LIVE-WORK TO COMMERCIAL ON LEVEL 2**
PURPOSE: To seek authorization to forward REZ #25-01 to First and Second Reading at a future Council meeting.

REFERENCES

Address: Level 2 – 395 Ellesmere Avenue
Legal: See **Attachment 1** – Schedule A
Applicant: Vivid Green Architecture Inc.
Unit 1141 - 11871 Horseshoe Way
Richmond, BC V7A 5H5
Attention: Rosa Salcido
Current Zoning: CD Comprehensive Development District (based on C2 Community Commercial District, RM4 Multiple Family Residential District and the Apartment Study 'B' [Capitol Hill Plan] as guidelines, and in accordance with the development plan entitled "Alto on Capitol Hill" prepared by Vivid Green Architecture Inc.)
Proposed Zoning: Amended CD Comprehensive Development District (based on C2 Community Commercial District, RM4 Multiple Family Residential District and the Apartment Study 'B' [Capitol Hill Plan] as guidelines, and in accordance with the development plan entitled "Commercial Level 2 Alto on Capitol Hill" prepared by Vivid Green Architecture Inc.)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #25-01 be prepared and advanced to First and Second Reading at a future Council meeting;

THAT a Public Hearing not be held for the Rezoning Bylaw for REZ #25-01, as it is consistent with the Burnaby Official Community Plan; and

THAT the items listed in **Attachment 2** to the report titled "REZ #25-01 – 395 Ellesmere Avenue – Change of Use from Live-Work to Commercial on Level 2" and dated May 27, 2025, be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #25-01.

EXECUTIVE SUMMARY

A rezoning application has been received to allow for a change of use on the second level of an existing mixed-use building from 10 live-work units to 11 commercial units. The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning Bylaw be brought forward for First and Second Reading at a future date of Council.

1.0 POLICY SECTION

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998),
- Capitol Hill Community Plan (1998),
- Economic Development Strategy (2007), and
- Social Sustainability Strategy (2011).

2.0 BACKGROUND

- 2.1 The subject site is located at the northwest corner of Hastings Street and Ellesmere Avenue and is designated for Medium Density Mixed Use within the Capitol Hill Land Use Plan (see **Attachment 1** – Sketch #1).
- 2.2 On April 8, 2019, Council adopted Bylaw No. 13684 (Rezoning Reference #15-04), which approved a four-storey mixed-use development with 5 commercial retail units at grade fronting Hastings Street, 10 live-work units on the second level, and 20 residential units on levels 3 and 4, with 2 levels of underground parking. C2 uses were permitted for the commercial retail units as well as the commercial portion of the live-work units. The project has since been constructed, however uptake for the lease of the live-work units has been slow, and the applicant has now expressed a desire to pursue commercial units on level 2 in place of the live-work units.
- 2.3 On January 14, 2025, the subject rezoning application was received, and staff began work with the applicant towards the preparation of a suitable plan of development. The applicant has now submitted a plan of development suitable for First and Second Reading of the Rezoning Bylaw.

3.0 GENERAL INFORMATION

- 3.1 The proposal, as shown in **Figure 1**, is for a change of use on level 2 to convert 10 live-work units, and a small amenity intended for the live-work units, to 11 commercial units. The change would result in approximately 1028.07 m² of level 2 commercial use, including access to the second level from the main floor lobby. All other elements of the project as approved by Council through Rezoning Reference

#15-04 remain generally consistent, including residential unit mix on levels 3 and 4, ground floor commercial, and the exterior design.



Figure 1: Change of Use on Level 2 of the Existing Development from Live-Work to Commercial Uses

- 3.2 All necessary servicing for the subject site has been provided as part of the original project approvals, and no further services are necessary to serve the site.
- 3.3 The parking assigned to the commercial uses exceeds the minimum Zoning Bylaw requirement of 1 space per 55 m² of floor area. The rates and number of vehicle parking and loading spaces may be further varied in the future, provided the number of spaces complies with the development plan or the then-current Burnaby Zoning Bylaw.
- 3.4 The required prerequisites to the adoption of the rezoning are listed in **Attachment 2 – Rezoning Prerequisites**.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

On December 11, 2023, Council directed staff to include a recommendation to not hold a Public Hearing for rezoning applications that have less than 50% residential uses and that are consistent with the Burnaby Official Community Plan (OCP). This is authorized by section 464(2) of the *Local Government Act*. As this application is consistent with the OCP, it is recommended that a Public Hearing not to be held.

Public notice of the Rezoning Bylaw for REZ #25-01 will be completed prior to bringing forward the Rezoning Bylaw for First Reading, in accordance with section 467 of the

Local Government Act, the City's Public Notice Bylaw and Council policy. City staff will mail a notice to those properties that are within a 30 m radius of the subject site. A public notice will also be published on the City's website, distributed as part of the City's online newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

Lee-Ann Garnett, Deputy General Manager Planning and Development, on behalf of
E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Sketch #1 and Schedule A
Attachment 2 -- Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Jenna Singh, Planning Analyst, and reviewed by Shawn Natrasony, Development Planner, Jennifer Wong, Assistant City Solicitor, and Jesse Dill, Director Development.