

TO: CHIEF ADMINISTRATIVE OFFICER 2022 September 28

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **TEMPORARY USE PERMIT #22-06**
Assembly and Finishing of Heating and Ventilation Equipment

ADDRESS: 3456 Gardner Court (see *attached* Sketch #1)

LEGAL: Lot 27 District Lot 73 Group 1 New Westminster District Plan 44628

APPLICANT: Oxygen8 Solutions Inc.
310 – 151 West Hastings Street
Vancouver, BC V6B 1H4
Attention: James Dean

PURPOSE: To seek Council approval of the Temporary Use Permit #22-06 to permit the assembly and finishing of heating and ventilation equipment on the subject site for a maximum of three (3) years.

RECOMMENDATION:

1. **THAT** Council approve the issuance of the Temporary Use Permit #22-06 for 3456 Gardner Court to allow the assembly and finishing of heating and ventilation equipment for a maximum of three (3) years, and in accordance with the terms and conditions set out in the report.

R E P O R T

1.0 POLICY CONTEXT

The subject temporary use permit (TUP) aligns with the following City Policies: *Corporate Strategic Plan (2022)*, *Regional Context Statement (2013)*, *Official Community Plan (1998)*, *Economic Development Strategy (2007)*, *Social Sustainability Strategy (2011)*, and *Environmental Sustainability Strategy (2016)*.

2.0 SITE CONTEXT AND BACKGROUND

- 2.1 The subject site is a unit within a one-storey multi-unit industrial building, located to the east of Gardner Court, between Canada Way and Wayburne Drive (see *attached* Sketch #1). The subject property is currently zoned CD Comprehensive Development District

(based on the M1 Manufacturing, and P6 Regional Institutional Districts). The property is designated Industrial in the Burnaby *Official Community Plan* (OCP) (see *attached* Sketch #2). The property is improved with an approximately 3,995 m² (43,008 sq. ft.) multi-unit building and surface parking. Vehicular access to the site is off of Gardner Court.

- 2.2 On 2007 February 5, Council adopted a zoning amendment bylaw to permit the BCIT education institution (permitted under the P6 District) in one of the existing units, while maintaining the property's prevailing M1 Zoning District. The purpose of this rezoning amendment bylaw was to ensure that the unit will continue to be used for industrial uses if BCIT ceases operations at this location in future.
- 2.3 The property is adjacent to light industrial developments (zoned M1 District) to the north, east, south, and across Gardner Court to the west. The adjacent properties are designated Industrial under the OCP and are generally used for light manufacturing, warehousing, wholesale, and sales and rental of tools and equipment.

3.0 DEVELOPMENT PROPOSAL

Project Description

- 3.1 The applicant is requesting to permit the assembly and finishing of heating and ventilation equipment in one of the existing units, with a floor area of approximately 696.0 m² (7,492 sq. ft.), for a maximum of three (3) years. The proposed temporary use contains the assembly and finishing of clean energy technology and energy-efficient products (Dedicated Outside Air System), with an accessory storage and office areas. The assembly of the products (putting panels together and installing pre-manufactured components such as fans, heat exchangers, controls and wiring) will be done by small-hand held tools instead of heavy machineries in this facility. This would minimize vibration and noise impacts on adjacent land uses.
- 3.2 The products that are assembled and finished at the facility will be shipped from the site to customers (new construction sites or for retrofits) with small trucks. Public access for display and retail sale of finished products is not provided at this site. This would minimize further traffic impact on surrounding areas.
- 3.3 The subject property contains adequate off-street parking and loading spaces to accommodate manufacturing and industrial uses in accordance with the requirements of the Zoning Bylaw. As such, no additional off-street parking or loading space is required to accommodate the proposed temporary manufacturing use.
- 3.4 The proposal does not involve any changes to the building (building height, setback, floor area), site layout, off-street parking and loading spaces, access to the site, and site landscaping.

Policies and Bylaw Consideration

- 3.5 Under the *Burnaby Zoning Bylaw*, manufacturing, processing, or finishing of household and office heating and ventilation equipment is only permitted in the M2 General Industrial, and M3 Heavy Industrial Districts. The *Zoning Bylaw* limits the permitted uses in the M1 District to light industrial uses with minimal impacts (vibration, noise, glare, fumes, odour, unsightliness, etc.) on surrounding areas. Industrial activities on the designated industrial areas of the OCP can range from light industrial with characteristically more indoor operations to heavy industrial with outdoor storage and operations.
- 3.6 Under the OCP, in the designated industrial areas, the following goals are pursued to facilitate a diverse range of opportunities for industrial development:
- making effective and efficient use of available industrial lands;
 - seeking to attract and accommodate high quality employment, intensive industries and overall increases in floor space densities;
 - contributing to the overall growth of the tax base and employment in the City; and
 - encouraging the continued operation and enhancement of existing industries that are viable and in locations that are to remain designated for industrial use.

The proposed temporary manufacturing use provides high quality employment and contributes to tax base and employment growth in the City. It also provides an opportunity to continue to use the property for a viable industrial operation, which can contribute to the City’s climate action goals by manufacturing clean energy technology products.

Although the *Zoning Bylaw* does not allow the assembly of heating and ventilation equipment in the M1 District, the scale and impact of such use is comparable to other light manufacturing uses permitted in the M1 District (i.e. manufacturing/assembly of household and office furniture and electronic equipment, and household appliances). Given the proposed operation in this facility, the temporary manufacturing use will not impose further impact beyond what the permitted light manufacturing uses in the M1 District may have on adjacent land uses.

Other than the land use that is not permitted in the M1 District, the proposed temporary use is generally in line with the City’s bylaws and policies, and complements light industrial uses, warehousing and wholesale operations conducted in surrounding areas.

Terms and Conditions of Permit

- 3.7 To ensure the proposed temporary manufacturing use will not impose any visual impacts on surrounding areas, as a condition of the permit, it is required that any activities and storage of products should be conducted within the existing building.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: Temporary Use Permit #22-06
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3.8 Considering that the proposal does not involve any construction or change to the building, natural environment, or site, no letter of undertaking or security is required as a requirements of this permit.

Duration of Permit

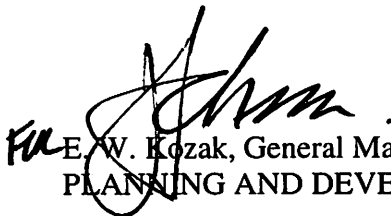
3.9 Under the Local Government Act, a TUP is valid for a period of up to three (3) years from the date of issuance, subject to Council approval. The applicant may apply for one extension to the permit for up to three (3) additional years. A new TUP application, or rezoning, is required after one extension. Subject to Council approval, the proposed assembly and finishing of heating and ventilation equipment will be valid for a maximum of three (3) years from the time of issuance of this permit.

Public Notification

3.10 According to the *Burnaby Development Procedures Bylaw*, public notices were mailed out to the properties within 30.0 m (98.4 ft.) of the subject site, and published in the Burnaby Now prior to this Council meeting. In addition, the applicant has posted a public notification sign on the site at least 30 days prior to this meeting. Staff have not received any public comment related to the proposed temporary use by the time of this report.

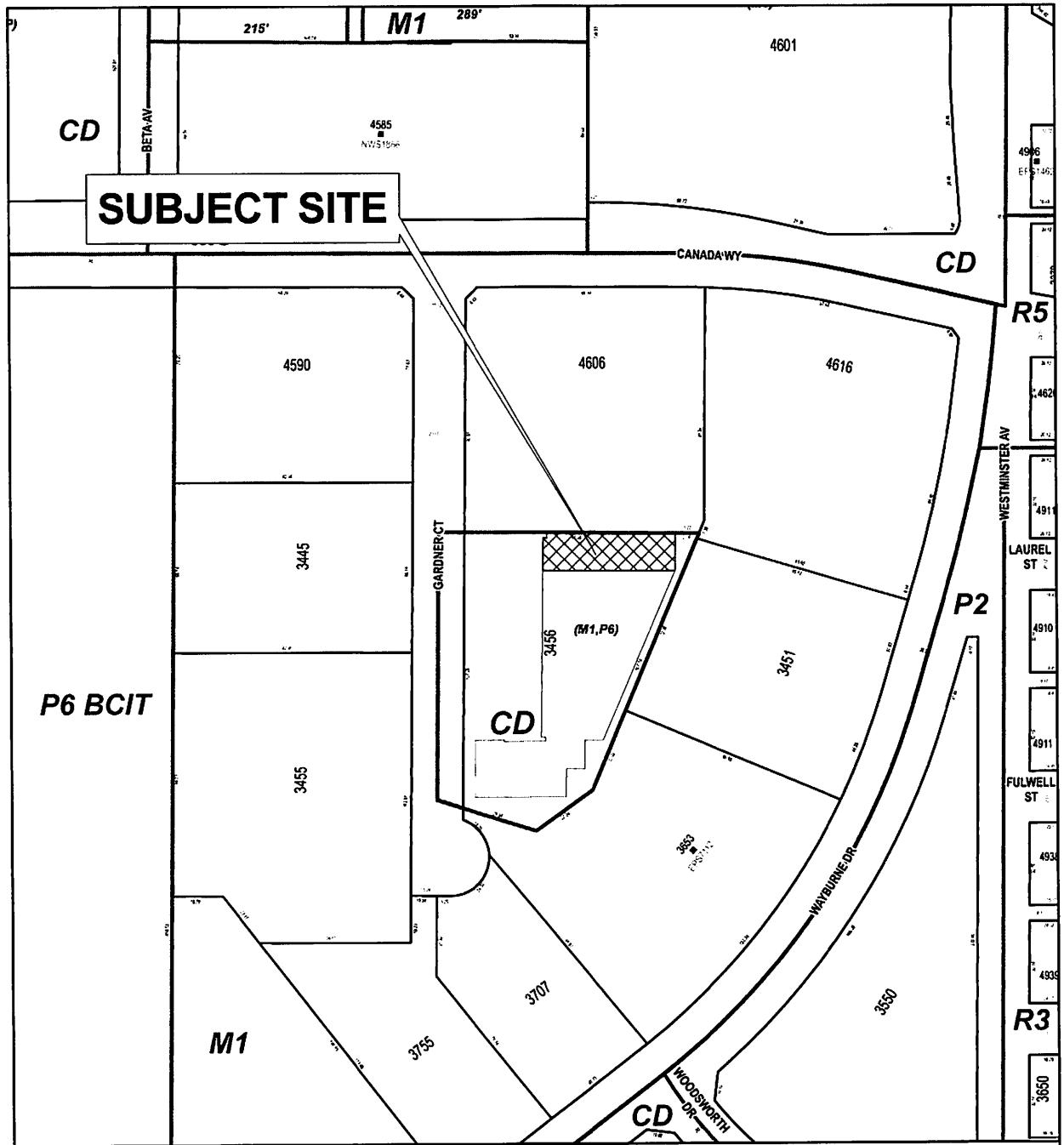
4.0 CONCLUSION

The proposed TUP is to allow the assembly and finishing of heating and ventilation equipment in a portion of the existing building located on 3456 Gardner Court for a maximum three (3) years from the date of issuance of the permit. An extension of up to a maximum three (3) years may be permitted subject to a future Council approval. It is recommended that Council approve the issuance of the proposed TUP as outlined in this report, and in accordance with the terms and conditions set out in the permit, *attached* as *Appendix A*.


E. W. Kozak, General Manager
PLANNING AND DEVELOPMENT

PS:tn
Attachments

cc: City Solicitor
City Clerk



PLANNING AND DEVELOPMENT DEPARTMENT

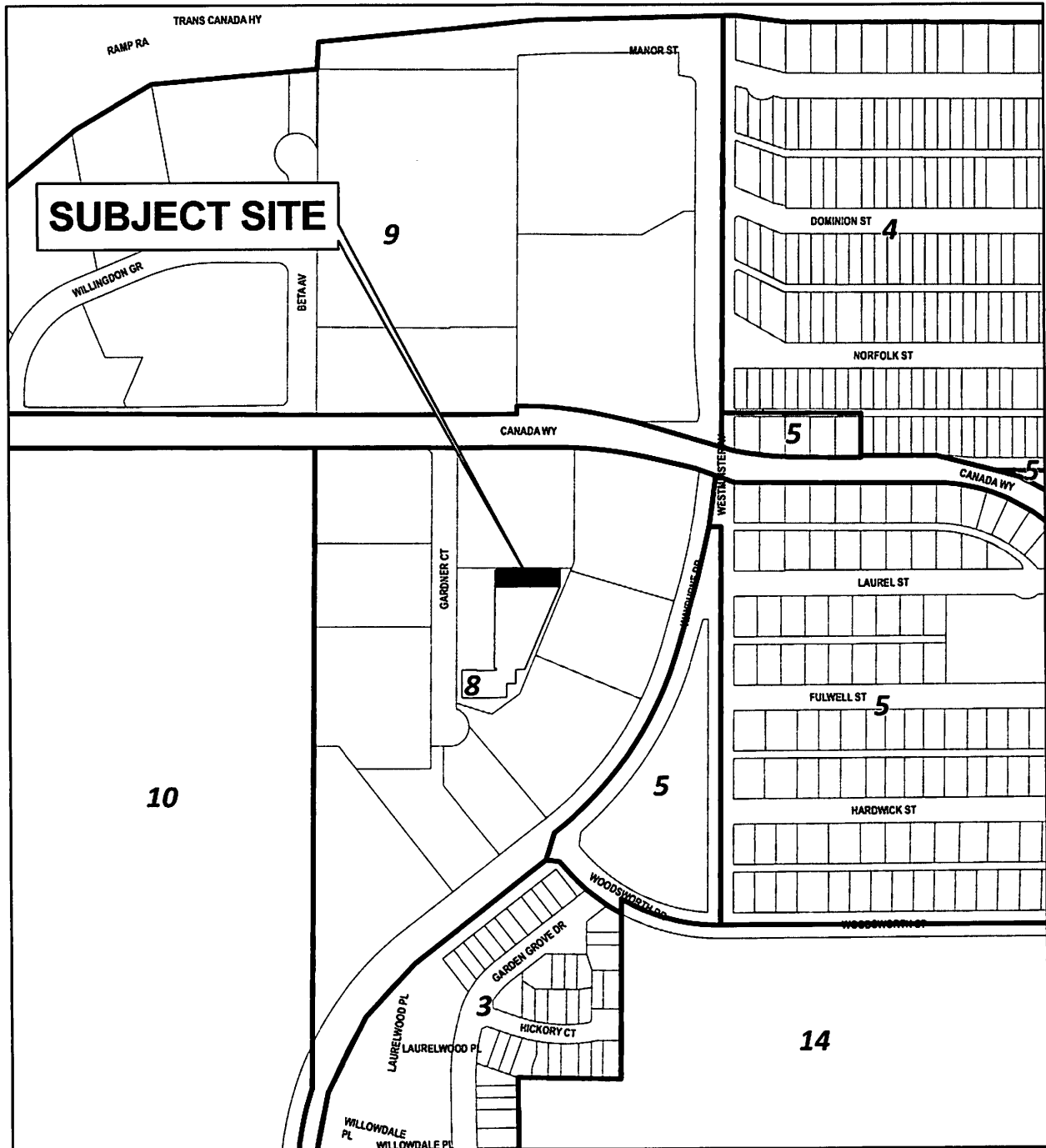
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Drawn By: RW

**TEMPORARY USE PERMIT APPLICATION #22-06
3456 GARDNER COURT**

 Subject Site



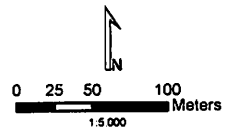
- | | |
|-----------------------------------|--------------------------------------|
| 1 Town Centre | 9 Business Centre |
| 2 Urban Village | 10 Institutional |
| 3 Suburban Multi-Family | 11 Conservation |
| 4 Single/Two Family Urban | 12 School |
| 5 Single Family Suburban | 13 Agriculture |
| 6 Semi-Rural Single Family | 14 Cemetery |
| 7 Commercial | 15 Petro Chemical |
| 8 Industrial | 16 Industrial Transition Area |



City of
Burnaby

PLANNING AND DEVELOPMENT DEPARTMENT

Official Community Plan Land Use



Note: Composite Sketch Subject to Change



TEMPORARY USE PERMIT

ISSUED BY: CITY OF BURNABY
4949 CANADA WAY
BURNABY, BC V5G 1M2

ISSUED TO: Oxygen8 Solutions Inc.
310 – 151 West Hastings Street
Vancouver, BC V6B 1H4

FILE: TUP#22-00006

PROPERTY: 3456 Gardner Court
PID: 007-580-169
Lot 27 District Lot 73 Group 1 New
Westminster District Plan 44628

1. **Site:** This Permit applies to the portion of the Property shown hatched on the sketch plan attached as Schedule "A" and any and all buildings, structures and other improvements thereon (the "Site").
2. **Temporary Permitted Use(s).** The Site may be used for the following temporary use(s) in accordance with this Permit:

The assembly and finishing of heating and ventilation equipment
3. **Conditions:** All activities, including the storage of materials, equipment, and products should be conducted within an enclosed building.
4. **Security:** Not applicable
5. **Undertakings:** Not applicable
6. **Compliance with Laws:** This Permit is issued subject to compliance with all statutes, regulations, bylaws, orders, covenants and agreements relating to the Property, Site and the Temporary Permitted Use(s), except as specifically varied or supplemented by this Permit. No variances other than those specifically set out in this Permit are implied or to be construed by the issuance of this Permit.
7. **Other Permits and Approvals:** This Permit does not constitute a rezoning, subdivision approval, sign permit, building permit, business licence or other required City permit or approval for the Site or Temporary Permitted Use(s).

Permit No.: TUP # 22-00006
Oxygen8 Solutions Inc.
3456 Gardner Court

8. **Lapse:** If this Permit authorizes construction, this Permit lapses if:
- (a) a complete Building Permit application for the construction is not submitted to the City within ninety (90) days of the date of issuance of this Permit, except where an extension is granted by the General Manager Planning and Development; or
 - (b) the construction is not substantially started within two (2) years after the date of issuance of this Permit.
9. **Expiration:** Unless renewed in accordance with *Community Charter* and the *Burnaby Development Procedures Bylaw*, this Permit expires three (3) years after the date of issuance of this Permit. This Permit may be renewed only once.
10. **No Assignment or Transfer:** This Permit cannot be assigned or transferred.

AUTHORIZING RESOLUTION PASSED BY BURNABY CITY COUNCIL on the ____ day of _____, 2022.

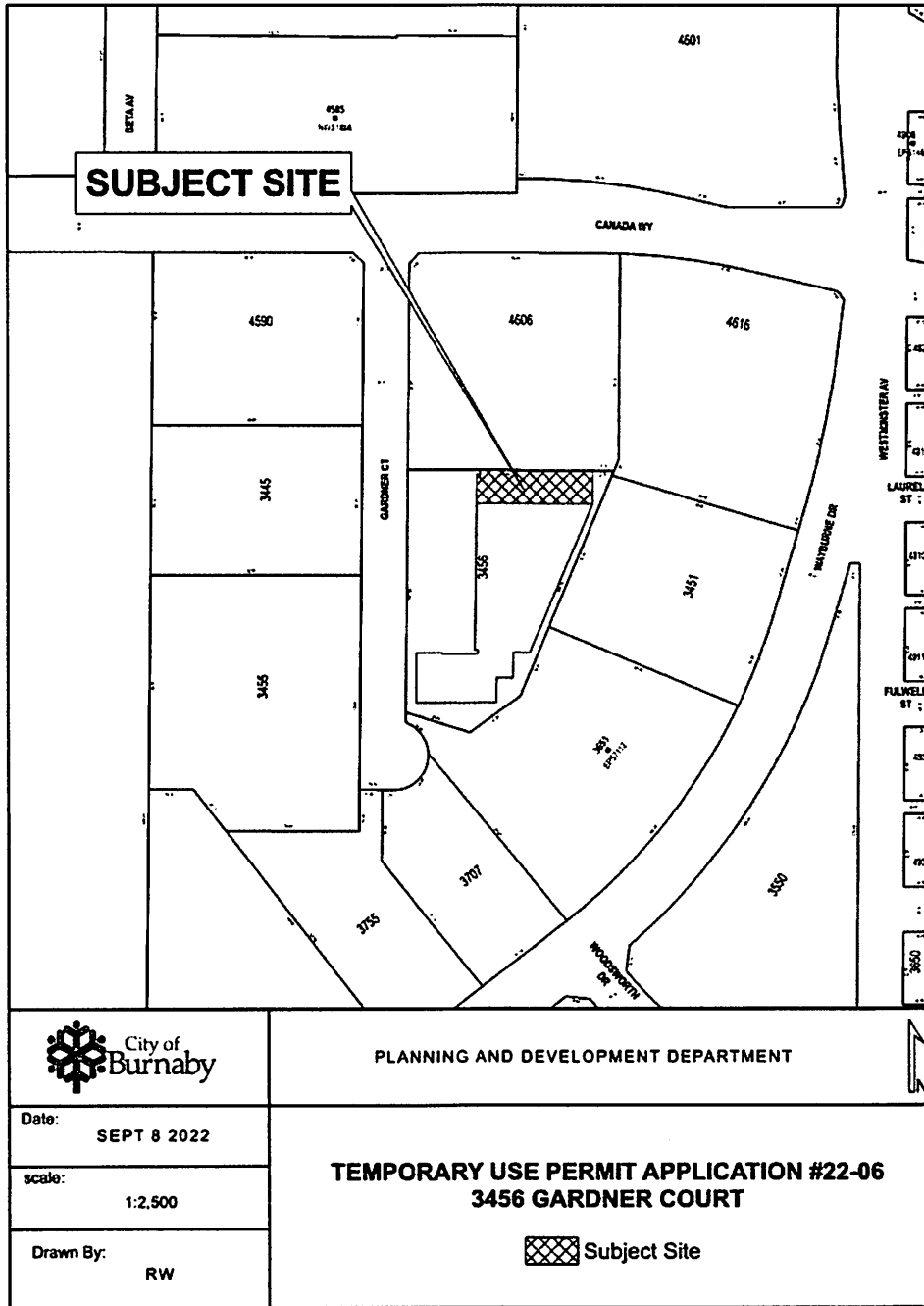
MAYOR

CITY CLERK

DATE OF ISSUANCE: _____

Permit No.: TUP # 22-00006
Oxygen8 Solutions Inc.
3456 Gardner Court

SCHEDULE "A"



Schedule A