

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: MEMORANDUM OF UNDERSTANDING WITH BRITISH COLUMBIA
INSTITUTE OF TECHNOLOGY (BCIT) TO SUPPORT THE
IMPLEMENTATION OF ITS CAMPUS PLAN**

RECOMMENDATION:

1. THAT Council endorse the proposed Memorandum of Understanding (MOU), and authorize staff to enter into the MOU with BCIT to support the implementation of its Campus Plan, as outlined in this report.

REPORT

The Planning and Development Committee, at its meeting held on 2022 July 13, received and adopted the attached report seeking Council authorization to enter into the MOU with BCIT to support the implementation of its Campus Plan, as outlined in this report.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: Chief Administrative Officer GM Planning and Development Acting CFO GM Corporate Services Acting GM Engineering GM Community Safety Chief Building Inspector City Solicitor

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE 2022 July 06

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT **FILE:** 49500 20
Reference: REZ #21-00010

SUBJECT: MEMORANDUM OF UNDERSTANDING WITH BRITISH COLUMBIA
INSTITUTE OF TECHNOLOGY (BCIT) TO SUPPORT THE
IMPLEMENTATION OF ITS CAMPUS PLAN

PURPOSE: To seek Council authorization to enter into a Memorandum of Understanding with
BCIT to support the implementation of its Campus Plan.

RECOMMENDATION:

1. **THAT** Council endorse the proposed Memorandum of Understanding (MOU) and authorize staff to enter into the MOU with BCIT to support the implementation of its Campus Plan, as outlined in this report.

REPORT**1.0 BACKGROUND**

On 2021 June 28, Council adopted a bylaw amending the *Burnaby Zoning Bylaw* to establish the new P6 BCIT Regional Institutional District and a bylaw to rezone the BCIT Campus from the P6 Regional Institutional District to the P6 BCIT District. These bylaw amendments are to support the implementation of the BCIT Campus Plan which was approved in principle by the BCIT's Board of Governors in May 2018. The purpose of the BCIT Campus Plan is to guide development of the Burnaby Campus over the next 50 years, and to establish BCIT as a premier post-secondary polytechnic education institution in the province.

Following the final adoption of the bylaws, BCIT requested the City to enter into a Memorandum of Understanding (MOU) to align the campus plan with Burnaby's policies with the following objectives:

- expressing the mutual understanding of BCIT and the City of Burnaby for the general vision contained in the BCIT Campus Plan;
- providing clarity on the application and interpretation of the P6 BCIT District;
- setting out a framework for the consideration of future development on portions of the BCIT Campus to permit potential uses that are currently not permitted in the P6 BCIT District; and
- clarifying the previous understanding between BCIT and the City of Burnaby regarding the enhancement and stewardship of Guichon Creek.

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Given the Department's general support for the visions and goals of the Campus Plan, staff have worked with BCIT to develop the terms of the attached memorandum (see **Attachment #1**). This report provides information related to the proposed MOU. This report also requests Council to endorse the terms of the memorandum and authorize staff to enter into the proposed MOU with BCIT.

2.0 POLICY CONTEXT

The proposed MOU to support the implementation of BCIT Campus Plan aligns with the following Council-adopted policies: *Official Community Plan* (1998), *Economic Development Strategy* (2007), *Social Sustainability Strategy* (2011), and the *Corporate Strategic Plan* (2022).

3.0 TERMS OF MEMORANDUM

The proposed MOU between the City of Burnaby and BCIT applies to the BCIT Burnaby Campus (3700 Willingdon Avenue) and generally includes the following terms:

Development in the Vicinity of BCIT

The BCIT Campus is adjacent to the Willingdon Lands site (3405 Willingdon Avenue) which is the subject of an active rezoning and OCP amendment to establish a new Urban Village with the goal of becoming a complete community that accommodates improved employment, services and housing options for the broader area. In addition, proximity of the BCIT Campus to the Discovery Place Community Plan area and Burnaby Hospital creates a future opportunity to establish a new area plan to guide the ongoing development of the area as a whole. This would allow the incorporation of the vision contained in the BCIT Campus Plan in the future area plan, including the potential for the BCIT Campus to contribute to place-making and a greater interaction between the BCIT community and the surrounding area.

Clarification Related to the Applicable Zoning Bylaw Requirements

The purpose of establishing the P6 BCIT District is to allow a wide range of associated uses that complement BCIT's academic nature that are in line with the Campus Plan. This includes on-campus housing for persons affiliated with BCIT, commercial services, restaurants and cafes, office, research facilities, associated light manufacturing, and other uses that are consistent with BCIT's approach to supporting a dynamic polytechnic education. To ensure consistency, the following clarifications related to the interpretation and application of the requirements of the P6 BCIT District and other related requirements of the *Burnaby Zoning Bylaw* are provided in this memorandum:

- **Principal Use of Campus:** the BCIT Campus shall be used primarily for educational purposes. The areas associated with educational uses include any areas primarily used for teaching/learning purposes, and associated meeting rooms, academic and administrative offices, research facilities, laboratories, libraries, social and recreational spaces for the use of the BCIT community, service areas, and the housing provided solely for BCIT students, faculty, and staff. This requires that a minimum 60% of the total gross floor area of the buildings/structures on the entire Campus, including floor area of any building or structure located on a separate legal parcel created by a future subdivision of Campus, be used for educational purposes.

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- **Light Manufacturing:** under the P6 BCIT District, light manufacturing is permitted as an accessory use to research and laboratory facilities related to BCIT programs. This requirement is to restrict the location of manufacturing uses that are not associated with the educational programs on the Campus. To ensure light manufacturing will be permitted only as an accessory use, it is recommended that the total gross floor area occupied by accessory light manufacturing and associated indoor storage be limited to a maximum of 40% of the total gross floor area occupied by research and laboratory uses, on a “whole Campus” basis rather than a building-by-building, or site-by-site basis.

Given the spatial requirements of the manufacturing uses, it is recommended that the maximum principal building height be applied to the buildings that contain accessory manufacturing uses, in order to facilitate the accommodation of such uses on Campus. Accessory light manufacturing and storage uses shall be located within a completely enclosed building, except as provided in Section 6.27 of the *Burnaby Zoning Bylaw*. Outdoor storage of materials and equipment related to BCIT programs, such as vehicles, heavy equipment used in mechanics courses, and construction materials used for demonstrations and instruction, is permitted.

- **Location of Permitted Uses:** all permitted uses, including accessory uses, may be located in a free-standing building/structure, or on a separate legal parcel created by a future subdivision of Campus, and may be treated as a stand-alone land use without an accompanying principal educational use, provided that the total gross floor area of the principal educational use is not less than 60% of the total gross floor area on the entire Campus.
- **On-Campus Housing:** the *Burnaby Zoning Bylaw* defines a dormitory as a building consisting of sleeping units, dwelling units, or both, for the accommodation of faculty, staff, students, or other persons affiliated with an educational institution, and their family members. Dormitories are generally regulated by the institution they serve. Under this definition, full-time and part-time BCIT students, faculty, staff, research associates, employees of on-Campus industry partners, and attendees at events on the BCIT Campus may accommodate a dwelling unit in a dormitory. In addition, BCIT has the discretion to determine the rent rates and terms of occupancy of the residents on a daily, weekly, monthly, semester, annual, or other basis.
- **On-Campus Temporary Accommodation:** the *Burnaby Zoning Bylaw* requires that dwelling units, including in dormitories, shall be used as a principal residence except where it is permitted as an accessory short-term rental. This requirement restricts the necessary temporary occupancy of dwelling units in dormitories by persons affiliated with BCIT, who are intended to reside on the Campus for a short period of time, due to the length of their educational programs or events. To allow the temporary accommodation of persons affiliated with BCIT in dwelling units located in dormitories, a future amendment to the *Burnaby Zoning Bylaw* is required to exempt dwelling units in dormitories from being used as a principal residence only.
- **Calculation of the Zoning Bylaw requirements related to building bulk, off-street parking and loading spaces, and similar requirements:** all the requirements of the *Burnaby Zoning Bylaw* related to floor area ratio, lot coverage, off-street parking and loading spaces, required yards, and similar requirements shall be calculated on a “whole campus” basis rather than a building-by-building or site-by-site basis. This requirement shall not apply to a separate legal parcel created by a future subdivision of Campus if such parcel is created for the purpose of

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enabling a long-term ground lease of the parcel to an arm's length party, or if such parcel is rezoned from the P6 BCIT District to a different zoning district to allow a land use other than educational uses.

Additional Uses that are not Permitted in the P6 BCIT District

There are a number of land uses that are included in the BCIT Campus Plan but are currently not permitted in the P6 BCIT District. These uses include purpose-built rental housing for the accommodation of persons not affiliated with BCIT, hotels, and liquor licence establishments. Review of these proposed uses will be conducted through site specific rezoning applications. The proposed rezoning process which is subject to the statutory public hearing requirement and Council's approval provides an opportunity for a detailed review of the proposal in conjunction with the adjacent neighbourhood and land uses, as well as the City's policies and programs. The City has no obligation to approve development applications proposing these additional land uses.

Building Height Exceeding the Height Requirement of the P6 BCIT District

Under the P6 BCIT District, the maximum building height is limited to 37 m (121.39 ft.). While the majority of buildings on Campus meet the maximum building height requirement, an increased building height in sections of the site (i.e. gateways) can provide a stronger urban character, enhance place making and profile of the institution as a destination. A detailed urban design study which includes a comprehensive review of the building height in a broader neighbourhood context is required for any proposal with an increased building height beyond the requirement of the *Zoning Bylaw*. These proposals will be reviewed through a development application review process and will be subject to Council's approval.

Establishment of a Uniform Setback

Under the P6 BCIT District, setbacks should be provided proportionate to the height of the adjacent buildings. This requirement which results in inconsistent setbacks along the fronting streets makes it difficult to design a continuous and consistent public realm and streetscape. To establish a uniform setback along the fronting streets, BCIT is requested to conduct an urban design study. A future amendment to the *Burnaby Zoning Bylaw* may be required to amend the setback requirements of the P6 BCIT District based on the findings and recommendations of the urban design study.

Guichon Creek

On 2001 November 27, the City of Burnaby and BCIT entered into a MOU and agreed to a common purpose with the intent of achieving the desired outcome related to daylighting of Guichon Creek (see *Attachment #2*). While the Joint Statement of Intent sets out these outcomes, there is a need to clarify some of the components of the Joint Statement of Intent with regard to the interpretation and implementation of the creek's restoration. The proposed MOU clarifies the previous understanding between BCIT and the City of Burnaby regarding Guichon Creek and includes a copy of the previous MOU dated 2001 November 27 as an attachment.

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4.0 NEXT STEPS

Subject to Council endorsement and authorization of staff to enter into the proposed MOU, BCIT would execute the memorandum prior to being executed by the City's authorized signatory.

5.0 CONCLUSION

In 2021, Council adopted the Zoning Bylaw amendments to establish the new P6 BCIT District and a zoning amendment bylaw to rezone the BCIT Campus to the P6 BCIT District. The purpose of these amendments is to support the implementation of the BCIT Campus Plan to guide the future development of BCIT as a premier post-secondary polytechnic education institution. To provide clarification on the interpretation and application of the *Burnaby Zoning Bylaw* related to BCIT and the Joint Statement of Intent related to Guichon Creek, staff have work with BCIT to prepare the proposed MOU. This report provides information related to the terms of the memorandum and recommend Council to endorse the propose MOU and authorize staff to enter into this MOU with BCIT.



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

PS:sa

Attachments

cc: Chief Administrative Officer
Deputy Chief Administrative Officer and Chief Financial Officer
General Manager Engineering
General Manager Corporate Services
General Manager Community Safety
Chief Building Inspector
City Solicitor
City Clerk

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Memorandum of Understanding

Between

British Columbia Institute of Technology ("BCIT")

And

City of Burnaby ("The City")

Dated 06/June/2021

DRAFT

Preamble

BCIT has adopted a Campus Plan for its Burnaby Campus to guide future land use, place-making, circulation networks, location of facilities, form and character of buildings, open space, sustainability, transportation, on-campus housing, and other elements of campus-building. The fundamental aim of the Campus Plan is to guide the evolution of the Campus to support BCIT's role as a premier polytechnic educational institution.

The City is generally supportive of the high level vision contained in the Campus Plan.

The City and BCIT agree that the implementation of some elements of the Campus Plan requires some clarifications of, and possible future amendments to, the Burnaby Zoning Bylaw as it applies to the BCIT Campus. The City and BCIT also agree that it is useful to consolidate a previous Joint Statement of Intent regarding Guichon Creek with a new statement of intent regarding implementation of the Campus Plan.

Therefore, BCIT and The City are entering into this Memorandum of Understanding.

Objectives

1. The objectives of this MOU are to:
 - a. Express the mutual support of BCIT and The City for the general vision contained in the BCIT Campus Plan.
 - b. Provide greater clarity on the interpretation of some elements of the recently adopted new zoning district for the BCIT Campus (P6-BCIT District).
 - c. Set out a framework for the consideration of possible future rezoning of portions of the BCIT Campus to permit some potential uses, potential changes to allowable building height, and potential changes to setback requirements that are consistent with the Campus Plan but are not included in the P6-BCIT District.
 - d. Confirm and clarify previous understandings between BCIT and The City regarding Guichon Creek.

Definitions

2. The following terms have the indicated meaning:

- a. "BCIT" means the British Columbia Institute of Technology, a post-secondary polytechnic education institution authorized by the BC Colleges and Institutes Act, offering courses of instruction in technological and vocational subjects, baccalaureate degrees, and applied master's degrees.
- b. "BCIT Campus" or "Campus" means BCIT's main Campus, which is located in central Burnaby and is bounded by Canada Way on the north, Willingdon Avenue on the west, Deer Lake Parkway on the south, and Wayburne Drive/Carey Avenue on the east.
- c. "BCIT Campus Plan" or "Campus Plan" means the plan for the BCIT Campus that was approved by the BCIT Board of Governors in May 2018, attached for reference as Schedule A to this MOU.
- d. "Burnaby Zoning Bylaw" means the City's Bylaw No. 4742, being the Burnaby Zoning Bylaw 1965.
- e. "Joint Statement of Intent" means the Guichon Creek Joint Statement of Intent entered into by the City and BCIT on 27 November 2001, attached for reference as Schedule D to this MOU.
- f. "MOU" means this Memorandum of Understanding.
- g. "OCP" means The City's Official Community Plan.
- h. "P6-BCIT District" means the new zoning district adopted by The City and applied to the BCIT Campus in 2021, attached for reference as Schedule B to this MOU.
- i. "Text Amendments" means a package of amendments to definitions in the Burnaby Zoning Bylaw adopted by The City in 2021 that affect the BCIT Campus, attached for reference as Schedule C to this MOU.
- j. "The City" means the City of Burnaby.
- k. "Willingdon Lands" means the approximately 40 acre parcel of land at the southwest corner of Canada Way and Willingdon Avenue which is proposed for redevelopment.

Status of the BCIT Campus Plan

- 3. The Campus Plan has been adopted by the BCIT Board of Governors to guide the development of the BCIT Campus.
- 4. The City is generally supportive of the goals and vision articulated in the BCIT Campus Plan, including the vision for the protection and daylighting of Guichon Creek.
- 5. Some proposed elements of the Campus Plan require amendments to the P6-BCIT Zoning District, or rezoning of part of the BCIT Campus to CD Comprehensive Development District, before they can be implemented.

Area Planning in the Vicinity of BCIT

- 6. The City anticipates that a new area plan will be prepared for the large institutional and employment precinct located around the intersection of Canada Way and Willingdon, which includes the BCIT Campus, the Willingdon Lands, and other lands. The City expects that this new area plan will be identified in the OCP.
- 7. The City anticipates that relevant elements of the vision contained in the BCIT Campus Plan will be incorporated into the new area plan, including the potential for the BCIT Campus to contribute to the sense of place in this area and the potential for greater interaction between the BCIT community and residents and workers in the surrounding area.

Rationale for the P6-BCIT District

8. The vision presented in the BCIT Campus Plan is highly consistent with the uses and regulations contained in the P6 District in the Burnaby Zoning Bylaw. However, The City and BCIT agreed that some changes to the P6 District, as it previously applied to the BCIT Campus, were needed. Therefore, BCIT and The City collaborated in the preparation of the P6-BCIT District. The new P6-BCIT District and the rezoning of the BCIT Campus into this Zoning District were approved by the City in 2021.
9. The P6-BCIT District reflects BCIT's and The City's mutual interest in enabling the BCIT Campus to accommodate uses that will enliven the Campus, enhance the educational experience, help recruit and retain students and faculty, allow the Campus to be more of a hub serving area residents and employees, and allow the Campus to make facilities available for industry partners with relationships with BCIT such as research, technology transfer, education, in-service training, and student or faculty project sponsorship.
10. The P6-BCIT District provides clearer regulations particularly with regard to uses that complement BCIT's academic uses, such as on-campus housing for people affiliated with BCIT, retail spaces, office spaces, and certain kinds of research facilities, laboratories, and accessory light manufacturing spaces that are consistent with BCIT's approach to polytechnic education.

Interpretation of the P6-BCIT District and the Text Amendments

11. The P6-BCIT District allows a variety of outright and accessory uses across the entire Campus, which is a single legal parcel of land. However, the parties agree that the primary use on the whole Campus is intended to be educational institution use consistent with the definition of "College and University" in the Burnaby Zoning Bylaw. In connection with the mix of types of floor space for buildings on the Campus, the parties approve the following interpretation guidelines:
 - a. Educational institution use should account for at least 60% of the total gross floor space on the entire Campus (including for this calculation any floor space on separate legal parcels created by future subdivisions of the Campus lands).
 - b. For the purpose of calculating the percentage in 11(a), educational institution use includes all teaching/learning spaces, meeting rooms, academic and administrative offices, research space, laboratories, libraries, social and recreational space for the use of the BCIT community, support space (including without limitation hallways, vertical circulation, lobbies, washrooms and changerooms, mechanical rooms, machine shops, storage, maintenance facilities), student services spaces, and housing space intended solely for BCIT students, faculty, and staff.
 - c. Any use(s) allowable in the P6-BCIT District can be in free-standing buildings or on free-standing parcels subdivided from the main Campus lands and such free-standing buildings or free-standing parcels do not have to contain any educational institution use, subject to the overall Campus floor space calculation in 11(a).

- d. Any additional use(s) allowed in future rezoning of part(s) of the Campus (to CD Comprehensive Development District or some other District) can be in free-standing buildings or on free-standing parcels subdivided from the main Campus lands and such free-standing buildings or free standing parcels do not have to contain any educational institution use, subject to the overall Campus floor space calculation in 11(a).
12. The P6-BCIT District and the Text Amendments contain language that is intended to be consistent with terminology and definitions used in other parts of the Burnaby Zoning Bylaw. For greater certainty, however, BCIT and The City want to express in more detail their shared understanding regarding the interpretation of the following terminology and requirements:
- a. **Housing on the Campus:** The P6-BCIT District allows dormitory use consisting of dwelling units and sleeping units "...for the accommodation of faculty, staff, students, or other persons affiliated with an educational institution...and their family members...which is regulated by such institution...". The City and BCIT agree that the phrase "persons affiliated with" includes full-time and part-time BCIT students, full-time and part-time BCIT faculty, full-time and part-time BCIT staff, research associates, employees of on-Campus industry partners, and attendees at events on the BCIT Campus. The City and BCIT agree that the phrase "regulated by such institution" means that BCIT in its discretion may decide on the rent rates and terms of occupancy of on-Campus dormitory units by affiliated persons on a daily, weekly, monthly, semester, annual, or other basis.
 - b. **Short Term Accommodation:** The parties acknowledge that the definition of "dormitory" use in the Burnaby Zoning Bylaw includes "sleeping units" and "dwelling units", which are also defined in the Burnaby Zoning Bylaw. The parties acknowledge that sleeping units (i.e. units without cooking facilities) are not regulated by the Burnaby Zoning Bylaw with regard to length of occupancy. The parties also acknowledge that the reference in the Burnaby Zoning Bylaw to dwelling units (i.e. the self-contained units that have one set of cooking facilities) being "permanent homes" is not aligned with the necessary temporary occupancy of dormitory units by persons affiliated with BCIT who reside on the Campus for varying lengths of time depending on their educational programs and other factors. The parties agree that it is desirable to achieve a better alignment between the necessary operation of on-Campus housing and City policies and regulations, possibly including amending the Burnaby Zoning Bylaw and addressing this situation in any applicable City policies regarding short term rentals in the general housing market.
 - c. **Light Manufacturing:** Light manufacturing is allowed in the P6-BCIT District as an accessory use to research and laboratory facilities. BCIT and The City agree that following principles should guide the amount, type, and location of accessory light manufacturing and storage uses on the Campus:
 - i. the total gross floor area on the Campus occupied by accessory light manufacturing and associated indoor storage should not exceed 40% of the total gross floor area occupied by research and laboratory uses, to be calculated on a "whole Campus" rather than building-by-building basis.
 - ii. Because the calculation is to be done on a "whole Campus" basis, it is not necessary that any individual building be limited in the percentage of gross floor area occupied by accessory light manufacturing or indoor storage.
 - iii. A building accommodating accessory light manufacturing or indoor storage does not require its own access to a public roadway.

- iv. A building accommodating accessory light manufacturing or indoor storage may have the maximum building height applicable to principal uses in the P6-BCIT District.
- v. Accessory light manufacturing and storage uses are to be within a completely enclosed building, except as provided in Section 6.27 of the Burnaby Zoning Bylaw (notwithstanding the fact that Section 6.27 does not specifically refer to the P6-BCIT District). Outdoor storage is permitted for materials and equipment used in educational programs (including without limitation vehicles, heavy equipment used in mechanics courses, and construction materials used for demonstrations and instruction).
- d. **On-Campus Meeting and Conference Facilities.** Meeting and conference facilities accessory to educational institution use are permitted under “public assembly and entertainment” use which is allowed in the P6-BCIT District.
- e. **Calculations of floor area ratio, lot coverage, off-street parking requirements, yard requirements, and other requirements of the Burnaby Zoning Bylaw that involve measurement of floor space, building footprints, or site dimensions:** Burnaby Zoning Bylaw requirements of this type will be calculated in accordance with these principles:
 - i. All such calculations will be done on a “whole Campus” basis rather than a building-by-building or site-by-site basis, inclusive of any portions of the Campus or floorspace leased to arm’s length parties via volumetric subdivision or other means, except as indicated in Section 12(e)(ii).
 - ii. Such calculations will be done on a site-by-site or building-by-building basis for any new legal parcel created within the Campus by two dimensional subdivision of land, but only if such parcel is created for the purpose of enabling a long-term ground lease of the parcel to an arm’s length party or if such parcel is rezoned from P6-BCIT to a different zoning district that is explicitly excluded from the “whole Campus” calculation.

Differences Between the BCIT Campus Plan and the P6-BCIT District

13. There are uses and forms of development proposed in the BCIT Campus Plan that have not been incorporated into the P6-BCIT District, particularly:
- a. Purpose-built rental housing that could be used for the accommodation of persons not affiliated with BCIT.
 - b. Hotel that would support on-Campus meetings and conferences and would provide short-term accommodation for students attending short programs, visiting faculty and researchers, and persons not affiliated with BCIT.
 - c. Future additional liquor license establishment(s).

14. The uses listed in Clause 13 are not necessarily opposed by The City, but they will require careful, site-specific consideration and so have not been incorporated as allowable uses in the P6-BCIT District. These uses may be considered by The City on a site-specific basis, upon submission of an application by BCIT or its agent, in a planning and design process that will provide an opportunity for The City and BCIT to collaborate on matters such as location, siting, urban design, architectural design, and servicing. Proposals for these uses would be in the form of CD Comprehensive Development rezoning applications for specific portions of the BCIT Campus. Any applications that include Multiple Family Residential uses would require amendment to the Residential Policy Framework of the OCP. Final adoption of any zoning amendment(s) to permit the uses in Clause 13 is subject to Council's approval and the statutory public hearing process. The City is under no obligation to approve any applications for changes in zoning to allow the uses listed in Clause 13.
15. The BCIT Campus Plan contemplates the possibility of an increase in allowable building height (greater than the maximum of 37 m contained in the P6-BCIT District) in locations where increased height can help enhance the sense of place, create stronger urban character, and increase the profile of BCIT. The City does not necessarily oppose an increase in allowable building height on some portions of the BCIT Campus but is of the view that any increase in allowable building height should be based on a detailed urban design study (the "Urban Design Study") of the surrounding area and the broader context that includes a comprehensive evaluation of appropriate building heights for the area. Any proposed building that exceeds the maximum building height permitted in the P6-BCIT District will require a zoning amendment bylaw which will be subject to Council approval and a public hearing process.
16. The BCIT Campus Plan contemplates the gradual creation of a more urban street character for the edges of the Campus, particularly along Canada Way and Willingdon Avenue. Current Burnaby Zoning Bylaw requirements for setbacks on the Campus are not necessarily consistent with the objective of a continuous urban, pedestrian-friendly streetscape, because the requirements vary based on adjacent building height possibly resulting in significant variation in setbacks along some streets. The City and Burnaby agree that the Urban Design Study should include consideration of establishing uniform setback requirements along the street frontages that surround the Campus, which may lead to amendments to the P6-BCIT District.

Guichon Creek

17. Guichon Creek is an important waterway that runs north-south across the entire Campus. Guichon Creek has two distinct sections:
 - a. The southern section (south of Ford Street) which is in a natural state and which has vegetation adjacent to most of both sides of the Creek.
 - b. The northern section (north of Ford Street) which was completely channeled into an underground pipe many years ago.
18. The Joint Statement of Intent sets out desired outcomes for Guichon Creek. However, there are components of the Joint Statement of Intent (referred to below by Statement number) that BCIT and Burnaby agree require clarification with regard to interpretation and implementation:
 - a. The reference to "riparian area" in Statement 1 and the reference to "remain open" in Statement 2 apply to the southern natural section of Guichon Creek, because this is the only part of Guichon Creek on the BCIT Campus that was open and had a surface riparian area as at the date of the Joint Statement of Intent.

- b. The reference in Statement 3 to “new development” meeting or exceeding applicable regulations and guidelines means new development adjacent to the southern natural section of Guichon Creek, as there was no surface streamside area in the northern section as at the date of the Joint Statement of Intent.
- c. The references in Statement 4 to “minimize encroachment on the existing forested area along the west side of the southern portion of the creek” and “protect and manage this forest” apply only to forested areas within Streamside Protection and Enhancement Areas as that term is defined and regulated in Section 6.23 of the Burnaby Zoning Bylaw and do not include any other treed area(s) located outside the Streamside Protection and Enhancement Area. The reference in Statement 5 to BCIT using “best efforts to daylight currently piped portions” of Guichon Creek does not mean at any cost and is agreed to mean reasonable efforts and costs within the financial means of BCIT and subject to BCIT’s physical ability to accommodate daylighting without unduly compromising its ability to construct and operate buildings and infrastructure adjacent to the Creek. The reference to “as redevelopment occurs” means as BCIT constructs new buildings adjacent to the piped section, subject to the approved capital budget for such redevelopment, including the cost of daylighting the adjacent section of the Creek. When seeking capital funding for new buildings or infrastructure adjacent to the Creek, BCIT will endeavour to have the funding source include provision for daylighting the adjacent segment of the Creek where this is physical possible.
- d. The design for daylighting of any of the piped section of the Creek should put highest priority on ensuring the safe passage of fish between Canada Way and the southern natural section of Guichon Creek, meaning sufficient water flow, appropriate water quality, suitable stream morphology, appropriate substrate material, and replacement or retrofit of existing pipes for fish passage through stream segments that remain enclosed. Where possible, daylighted portions should also provide fish habitat, subject to the proviso that the daylighted section is intended to be a multifunctional urban waterway that will have a defined urban edge for the most part, crossings, seating areas, and adjacent circulation system elements (e.g. walkways and cycling paths) and that will function as part of an urban character open space network rather than a natural riparian area.
- e. BCIT will collaborate with Burnaby on the design of any daylighted sections of the Creek and the design of any walkways, cycle paths, or Creek crossings in the southern portion of Guichon Creek.

Status of the MOU

- 19. This MOU is not binding on either party, but by entering into the MOU the parties express their intention to act in accordance with the terms contained herein.
- 20. Prior to the signing of this MOU by both parties, both parties will keep this matter confidential and will not disclose the content, make any announcements, or communicate that the MOU is underway to any party (except their respective employees and consultants on a “need to know basis”, members of Burnaby Council, and members of BCIT’s Board of Governors) without the prior approval of both parties. The parties will coordinate any announcements or communications about this MOU to any other parties.
- 21. Each party bears its own costs with regard to the preparation and approval of this MOU.

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Termination

22. If either party decides that it no longer considers this MOU to be an operative document between BCIT and The City or that the MOU no longer reflects their position with respect to specific interpretation principles and guidelines as they relate to the BCIT Campus Plan, Burnaby Zoning Bylaw, P6-BCIT District, Joint Statement of Intent, or Text Amendments, such party will provide prompt written notice to the other party of such decision.

Each party has signed this MOU to confirm its understanding and commitment to the general principles and guidelines set out in the MOU.

Add Signature Blocks for BCIT and The City

(Name/Title of Authorized Signatory, Signature, Date)

Schedules

Schedule A: BCIT Campus Plan (2018)

Schedule B: P6-BCIT District of the Burnaby Zoning Bylaw

Schedule C: Text Amendments

Schedule D: Guichon Creek Joint Statement of Intent



CITY OF BURNABY

**Memorandum of Understanding
Between
The City of Burnaby and the British Columbia Institute of Technology**

GUICHON CREEK

JOINT STATEMENT OF INTENT

The City of Burnaby (the "City") has long supported the preservation and enhancement of local waterways, as evidenced by the City's open watercourse policy, Streamkeepers' Program, significant parks and open space property acquisitions, and being the first municipality to proclaim BC Rivers Day in 1993.

The British Columbia Institute of Technology ("BCIT") has a long history of environmental stewardship, as evidenced by the Watershed Pledge Program, stream mapping and inventory work, nest box installation and monitoring program, smolt enumeration, purple loosestrife removal and other programs administered by the Fish, Wildlife and Recreation Program.

Together, the City and BCIT have partnered on environmental stewardship activities in the Brunette Basin through the Burnaby Lake System Project, jointly sponsoring community events for Environment Week and BC Rivers Day, and effecting enhancements with the help of local stewards.


Through these endeavours, the City and BCIT strive to provide leadership in the protection of our urban waterways. Guichon Creek is an urban waterway which flows through the BCIT campus. Given this shared interest and partnering history, the City and BCIT now enter a Memorandum of Understanding, whereby the City and BCIT agree to a common purpose with the intent of achieving the desired outcomes:

- (i) that the open portion of Guichon Creek flowing through the BCIT campus be managed to ensure its long lasting protection and enhancement;
- (ii) that Guichon Creek serve as an example of the possibilities available to revitalize an urban waterway; and
- (iii) that opportunities for daylighting the piped portion of Guichon Creek flowing through the BCIT campus be pursued as they become available.


THEREFORE, THE CITY OF BURNABY AND THE BRITISH COLUMBIA INSTITUTE OF TECHNOLOGY AGREE AS FOLLOWS:

1. BCIT and the City of Burnaby are committed to protecting Guichon Creek and the riparian area in perpetuity.
2. The creek will remain open and free flowing.
3. For any new development on campus, BCIT will meet or exceed the requirements of the Streamside Protection Regulations, the Land Development Guidelines and other applicable environmental regulations.
4. Future campus development will focus on the already disturbed lands (i.e. parking lots) and minimize encroachment on the existing forested area along the west side of the southern portion of the creek, in accordance with the *BCIT Master Plan 1997 Update*. BCIT will seek to protect and manage this forest in the south as natural vegetation in perpetuity.
5. As redevelopment occurs, BCIT will use its best efforts to daylight currently piped portions of the creek to improve fish passage and habitat.
6. At time of redevelopment, BCIT will use Best Management Practices (BMPs) and site design to ensure that in the future water flowing from the site more closely mimics natural flow and water quality conditions. BMPs include, but are not limited to, minimizing impervious surfaces and using technologies such as detention chambers and biofiltration ponds.
7. BCIT is committed to continuing and supporting the efforts of BCIT students, staff and other partners in the Fish, Wildlife, Recreation program to further enhance the creek.
8. BCIT will pursue joint watershed enhancement projects with the City of Burnaby and other stakeholder groups. These might include:
 - habitat enhancement such as streamside vegetation,
 - interpretative signs explaining the value and benefits of the creek, and
 - "complexing" the channel with features that provide protection and refuge for fish.
9. BCIT and the City of Burnaby are committed to on-going communication and dialogue to address mutual issues.

The authorized signatories of the City and BCIT have, this 27th day of November, 2001, executed this Memorandum of Understanding to commit the parties to the process herein set out.



Dr. Tony Knowles, B.Sc. (Hon), Ph.D.
President, BCIT



Douglas P. Drummond
Mayor, City of Burnaby