

TO: CHIEF ADMINISTRATIVE OFFICER February 16, 2023

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: Development Variance Permit Application (DVP #22-05)

ADDRESS: 1203 Madison Avenue (see *attached* Sketch #1)

LEGAL: Strata Lots 1-35, District Lot 120, Group 1, New Westminster District Strata Plan LMS4302

APPLICANT: Bayside Property Services Ltd.
Attn: Sorina Timonea
100-6400 Roberts Street
Burnaby, BC V5G 4C9

PURPOSE: To seek Council approval for a Development Variance Permit to facilitate the installation of an exterior security gate at the parkade entrance with a turn-around area near the entrance to the parkade.

RECOMMENDATIONS:

1. **THAT** Council approve the issuance of Development Variance Permit (DVP #22-05).
2. **THAT** Council direct the City Solicitor to register notice of Development Variance Permit (DVP #22-05) with the Land Title Office.

REPORT**1.0 INTRODUCTION**

The applicant is pursuing the installation of an exterior security gate to the parkade of the apartment and commercial building on the subject site, located at 1203 Madison Avenue (see *attached* Sketch #1). Section 800.4(2)(b) of the Zoning Bylaw requires that a turn-around area be provided at the entrance to the visitor's parking area without the need for reversing the vehicle in the event the visitor does not gain access through the security gate. With respect to the subject site, the applicant has requested a variance to allow a functional turn-around area near the entrance to the parkade, with allowances to reverse the vehicle within the City lane allowance. The proposed security gate is intended to restrict unpermitted access to the parkade, and reduce theft from vehicles.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: Development Variance Permit Application (DVP #22-05)
February 16, 2023 Page 2

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

2.0 POLICY FRAMEWORK

The subject development variance permit (DVP) application aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2022), Regional Context Statement (2013), Official Community Plan (1998), Willingdon Heights Community Plan (1999), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), and Transportation Plan (2021).

3.0 BACKGROUND

- 3.1 The subject site, located on the western side of Madison Avenue between William Street and Charles Street, is currently zoned Comprehensive Development District based on the RM3 Multiple Family Residential District and C1 Neighbourhood Commercial District as guidelines (see *attached* Sketch #1). To the east, south, and southeast of the subject site are older medium density multiple family residential dwellings. To the north and west are single and two family dwellings.
- 3.2 The subject site consists of 29 residential units and 6 commercial units. Vehicular access to the underground parking is from a ramp leading to the parkade from a T-shaped laneway intersection west of the site. At the centre of the parkade, there are visitor, commercial, and residential parking spaces as well as a car wash stall. From the centre parking area, residents can access the north or south residential parkades through secure garage gates, operated by key fob.
- 3.3 The applicant previously submitted a rezoning application (REZ #22-07) to facilitate the installation of the exterior security gate with a turn-around area near the entrance to the property, which was received by Council on June 20, 2022 for information. It was later determined that a DVP application would be a more efficient and streamlined way to permit a small and singular variance to the *Burnaby Zoning Bylaw*.
- 3.4 On July 25, 2022 Council received a report proposing a framework and procedure for the review and issuance of DVP applications, and authorized the preparation of bylaw amendments. On January 23, 2023 Council received a report bringing forward amendments to the *Development Procedures Bylaw* (2022) and the *Consolidated Fees and Charges Bylaw* (2023). The bylaw amendments establish the type of DVP applications that require Council approval, and those more minor DVP requests that may be delegated to the General Manager Planning and Development for approval. While the procedural amendments are currently underway, and nearing approval, it is considered appropriate to advance the subject DVP application at this time to assist the applicant in achieving this simple variance in a timely

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: Development Variance Permit Application (DVP #22-05)
February 16, 2023 Page 3

fashion. As indicated in the July 25 2022 report, Council is the approving authority for variances relating to visitor parking requirements.

4.0 DEVELOPMENT VARIANCE PERMIT APPLICATION

4.1 The applicant is seeking a variance to vary Section 800.4(2)(b) of the Zoning Bylaw to change the Zoning Bylaw provision that requires a functional turn-around area to be provided at the entrance to the visitors parking area to permit adequate vehicle manoeuvring without the need for reversing the vehicle in the event that the visitor does not gain access to the visitors parking area through the security gate. The applicant seeks to vary this provision, such that the turn-around area for the site will be provided near the entrance to the parking area to permit a visitor to reverse their vehicle within the City lane allowance in the event that the visitor does not gain access to the visitors parking area through the proposed security gate. This request only applies to visitors and customers, as residents and commercial business operators will have key fobs to open the gate at all hours of the day.

4.2 The intent of this Zoning Bylaw requirement for a functional turn around is to ensure that visitors have the option to safely exit a parking area in their vehicle with maximized sightlines. Due to the existing site design, visitors would need to reverse their vehicle and turn around near the property entrance if they were not able to access the parking area through the proposed security gate. The supportive rationale for this variance is as follows:

- The proposed security gate is only intended to operate during the hours of 8:00pm to 8:00am in an effort to deter trespassing, theft, damage, and littering in the parking area, when the commercial businesses are closed and traffic volumes are lowest.
- The laneway at the entrance to the subject site, where vehicles would be turning around, has a low volume of traffic based on the low-density single family uses to the west.
- At the request of the Transportation Division, the applicant has agreed to install two convex mirrors at the parkade entrance to support safe reversing.

4.3 For the reasons outlined in this Section, staff support the variance request to visitor parking requirements to facilitate the installation of an exterior security gate on the subject site. The required permit to enact this variance is *attached* as Schedule “A” to this report. If approved, the permit will be deposited in the Land Title Office and registered on the subject property’s title.

5.0 PUBLIC NOTIFICATION

As per the requirements set out in the LGA, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 30 m of the subject property) at least ten (10) days before Council considers the application for approval. In addition to the LGA requirements, a sign was posted along the subject site’s Madison Avenue, William Street, and Charles Street frontages. The City has received no comments on this application.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: Development Variance Permit Application (DVP #22-05)
February 16, 2023 Page 4

6.0 CONCLUSION

Staff request that Council approve the DVP application received for 1203 Madison Avenue and direct the City Solicitor to register notice of the DVP with the Land Title Office. The requested variances to visitor parking requirements will facilitate the construction of an exterior security gate on the subject site, with a turn-around area near the entrance to the parkade.

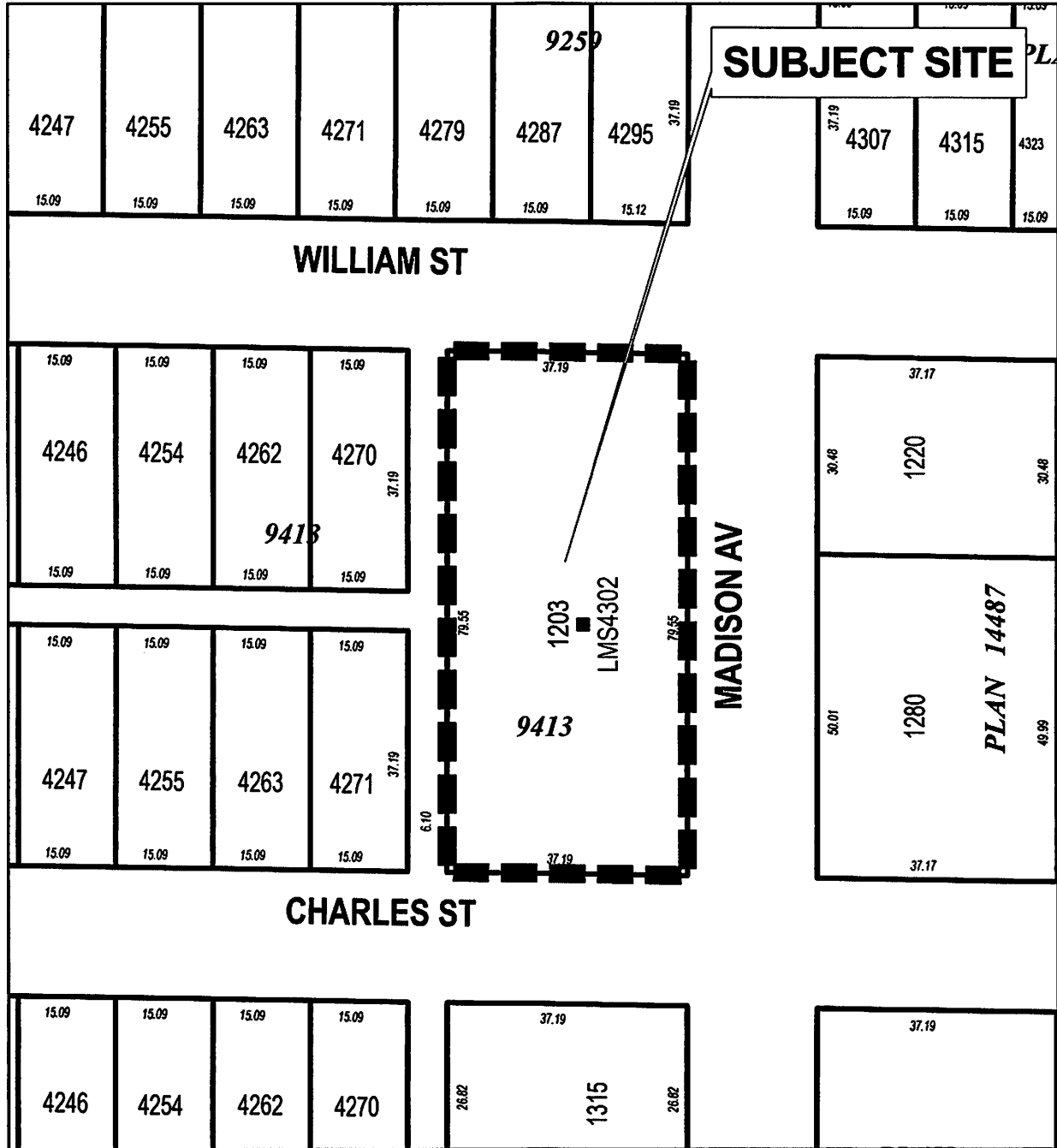


E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

JS:spf

Attachments

P:\40500 DVP (Dvlpmt Variance Permit)\03 Applications\2022\DVP22-05 1203 Madison Ave (Ref BOV22-00045)\Report\Council Report
DVP22-05 2023.02.27.Docx



SUBJECT SITE



PLANNING AND DEVELOPMENT DEPARTMENT



Date: JAN 11 2023

scale: 1:1,000

Drawn By: JS

**DEVELOPMENT VARIANCE APPLICATION #22-05
1203 MADISON AVENUE**

 Subject Site

**CITY OF BURNABY
DEVELOPMENT VARIANCE PERMIT DVP #22-05**

1. This Development Variance Permit DVP #22-05 (the "Permit"), issued pursuant to s. 498 of the *Local Government Act*, applies only to property with the civic address, parcel identifier, and legal description as follows:

Civic address: 1203 Madison Avenue

PID: 024-905-534

Legal Description: Strata Lots 1-35, District Lot 120, Group 1, New Westminster District Strata Plan LMS4302

2. This Permit is issued to:

Bayside Property Services Ltd.

100-6400 Roberts Street

Burnaby, BC, V5G 4C9

3. This Permit varies the following sections of the *Burnaby Zoning Bylaw, 1965*, but only to the extent necessary to allow *the installation of an exterior security gate*:

FROM:

- Section 800.4(2)(b) a functional turn-around area shall be provided at the entrance to the visitors parking area to permit adequate vehicle manoeuvring without the need for reversing the vehicle in the event that the visitor does not gain access to the visitors parking area through the security gate;

TO:

- Section 800.4(2)(b) a functional turn-around area shall be provided near the entrance to the property to permit adequate vehicle manoeuvring with allowance for reversing the vehicle in the event that the visitor does not gain access to the visitors parking area through the security gate;

4. This Permit shall lapse if the owner does not substantially start any construction with respect to which this Permit is issued, within two (2) years of issuance of this Permit.
5. This Permit is not a building permit, sign permit, preliminary plan approval, or a subdivision approval.

Schedule A

AUTHORIZING RESOLUTION PASSED BY COUNCIL ON ____ DAY OF _____, 20__

THIS PERMIT IS HEREBY ISSUED THIS __ DAY OF _____, 20__

MAYOR

CLERK