

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **TUP #23-02 (5549 KINGSWAY)**
PURPOSE: To seek Council approval for Temporary Use Permit (TUP) #23-02 to permit a retail store that sells new or used goods at 5549 Kingsway.

REFERENCES

Address: 5549 Kingsway
Legal: Lot 6 Except: Plan with By-Law Plan 30078, District Lot 94 Group 1
New Westminster District Plan 440
Applicant: David S. Mah
David S. Mah Architect
663D Market Hill, Vancouver, B.C. V5Z 4B5
On behalf of, and as agent for, the registered owner:
Paul Wilson Holdings Ltd. Inc. No. BC0445197
1827 W 5th Avenue, Vancouver, B.C. V6J 1P5

RECOMMENDATION

THAT the issuance of Temporary Use Permit #23-02 be approved.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

1.0 POLICY SECTION

The proposed Temporary Use Permit (TUP) aligns with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Official Community Plan (1998),
- Royal Oak Community Plan, (1999)
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016) and,
- Transportation Plan (2021).

2.0 BACKGROUND

The subject site is located in the Royal Oak Community Plan area, on the north side of Kingsway between Denbigh Avenue and Elgin Avenue (see **Attachment 1**). The site is improved with a one-storey commercial building consisting of two commercial retail units, with surface parking. Existing vehicle access to the site is via Kingsway and via Elgin Avenue.

The site is currently designated for Medium Density Mixed Use in the Royal Oak Community Plan, and zoned C4 Service Commercial District and P8 Parking District. To the north of the site are single family dwellings, to the east, south, and west are commercial buildings.

The applicant is proposing to operate a Canada Computers & Electronics store in one of the commercial retail units on the subject site, which would be a relocation of their existing facility on the neighbouring property to the east at 5593 Kingsway. The existing location is approximately 25 m (82 ft.) east of the subject site and is zoned C2 Community Commercial District.

3.0 GENERAL INFORMATION

3.1 Temporary Use Description

The applicant is proposing to relocate their Canada Computer & Electronics store from the neighbouring property at 5593 Kingsway to the subject site. This retail store sells and repairs various computer and consumer electronics such as computers, printers, monitors, health and fitness equipment, small appliances, gaming accessories, and more. There may also be occasional ancillary uses of the space, such as hosting gaming or consumer electronics events. Minor changes to the interior of the building would be required to facilitate this use. As the site currently conforms to the *Burnaby Zoning Bylaw* requirements for off-street parking, no additional parking spaces are required in order to accommodate the proposed temporary use. However, a reciprocal easement between 5549 and 5593 Kingsway would need to be registered as a condition of this permit because parking and driveway accesses are currently shared across the two sites, such that they operate as one.

3.2 Policies and Bylaw Consideration

Under the *Burnaby Zoning Bylaw*, retail stores that sell new and used goods are not permitted in the C4 Service Commercial District. As such, the applicant is requesting a temporary use permit to enable this in the C4 Service Commercial District.

It is noted that the Royal Oak Urban Village Plan is currently under review, and future proposals for the redevelopment of the property would be expected to follow the guidance of the existing or updated Community Plan. Further, the proposed temporary use does not include the construction of new buildings or additions that could deter or delay redevelopment of the property in line with Community Plan designations.

Overall, the proposed temporary use has a design, operation, and intensity of use that is compatible with adjacent properties and land uses, with anticipated noise and traffic impacts comparable to the existing conditions on the site. As such, the proposed temporary use is considered supportable, provided a shared driveway easement is registered and the use complies with the conditions of the use for the same permitted use under Section 302.2 of the Zoning Bylaw (notably, conducted within enclosed building and oriented to pedestrian needs.)

3.3 Terms and Conditions of Permit

The temporary use is permitted subject to the following conditions:

- a. Compliance with Section 302.2 of the Burnaby Zoning Bylaw; and
- b. Registration of a reciprocal shared driveway access and parking easement for 5549 and 5593 Kingsway.

The application has agreed to the above noted conditions.

3.4 Duration of Permit

Under the *Local Government Act*, a TUP is valid for a period of up to three (3) years from the date of issuance, and an application for one extension to the permit may be made and issued for up to three (3) additional years. A new TUP application is required after one extension. Subject to Council approval, the proposed TUP will be valid for up to three (3) years from the time of issuance of the permit.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

In accordance with the *Burnaby Development Procedures Bylaw*, public notices were mailed out to the properties within 50.0 m (164 ft.) of the subject site and published in accordance with *the Burnaby Public Notice Bylaw*. In addition, the applicant has posted public notification signs on the site for a minimum of 30 days prior to this Council meeting. The purpose of this public notification is to inform the public about the proposed temporary use and provide an opportunity to comment on the application.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

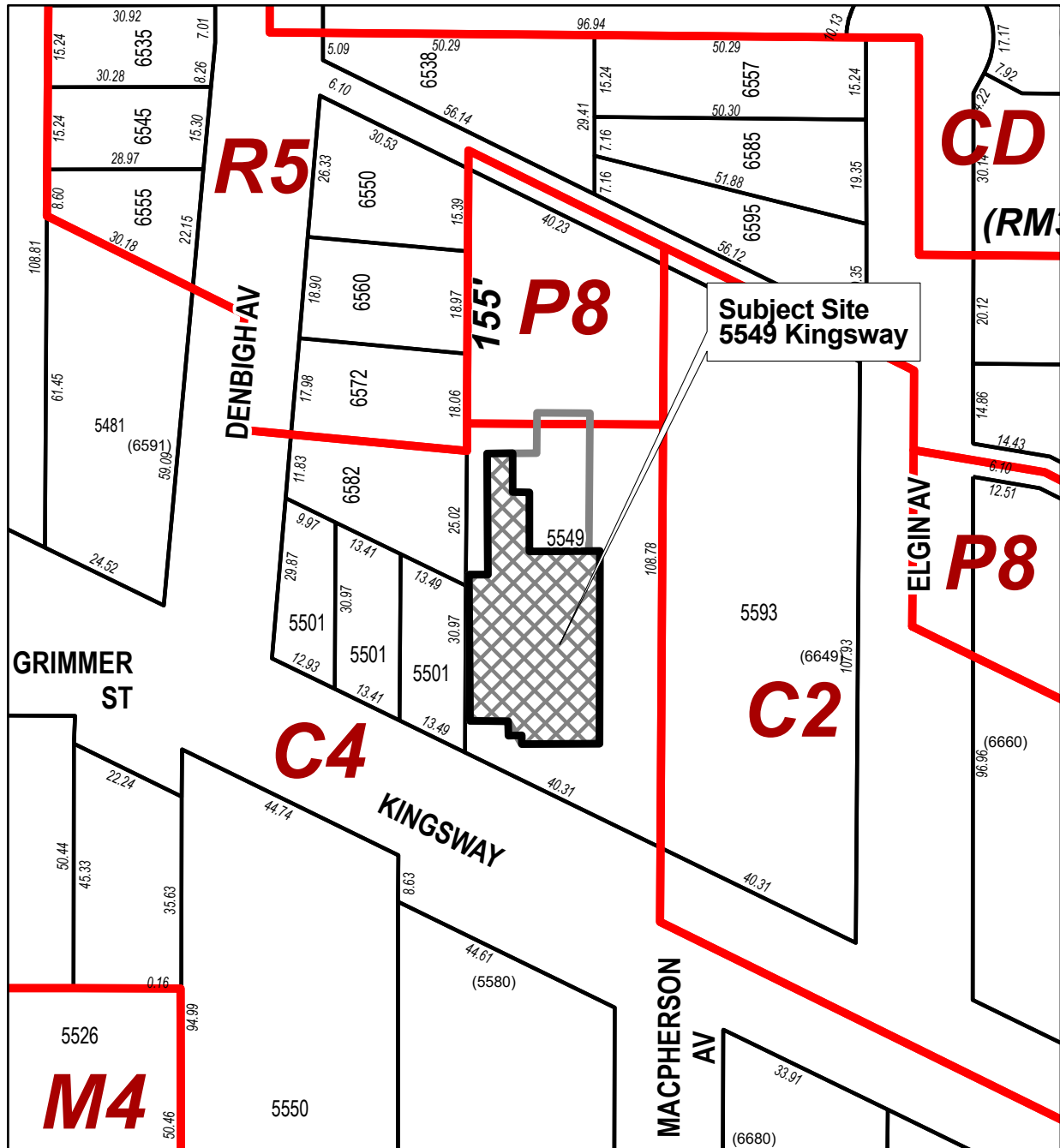
E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – Sketch #1
- Attachment 2 – TUP Permit #23-00002

REPORT CONTRIBUTORS

This report was prepared by Jasmin Senghera, Planning Analyst, and reviewed by May Leung, City Solicitor, Jesse Dill, Director Development and Lee-Ann Garnett, Deputy General Manager Planning and Development.



**Subject Site
5549 Kingsway**



PLANNING AND DEVELOPMENT DEPARTMENT




Date: AUG 16 2023

Scale: 1:1,200

Drawn By: RW

**TEMPORARY USE PERMIT APPLICATION #23-02
5549 KINGWAY**

 Subject Site

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

APPLICANT: DAVID S. MAH ARCHITECT
663D MARKET HILL
VANCOUVER, BC V6J 1P5

FILE: TUP#23-00002

PROPERTY: PORTION OF 5549 KINGSWAY
PID: 002-866-617
LOT 6 EXCEPT: PLAN WITH BY-LAW PLAN 30078, DISTRICT LOT 94
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 440

1. **Site:** This Permit applies to the portion of the Property shown hatched on drawing number A 1.00 **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:

Retail store that sells new or used goods and caters to the daily and occasional shopping needs of the residents of several neighbourhoods.
3. **Conditions:** The Temporary Permitted Use is permitted subject to:
 - a. compliance with Section 302.2 of the Burnaby *Zoning Bylaw*; and
 - b. registration of a reciprocal shared driveway access and parking easement for 5549 and 5593 Kingsway substantially in accordance with what is shown on Schedule A.
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.

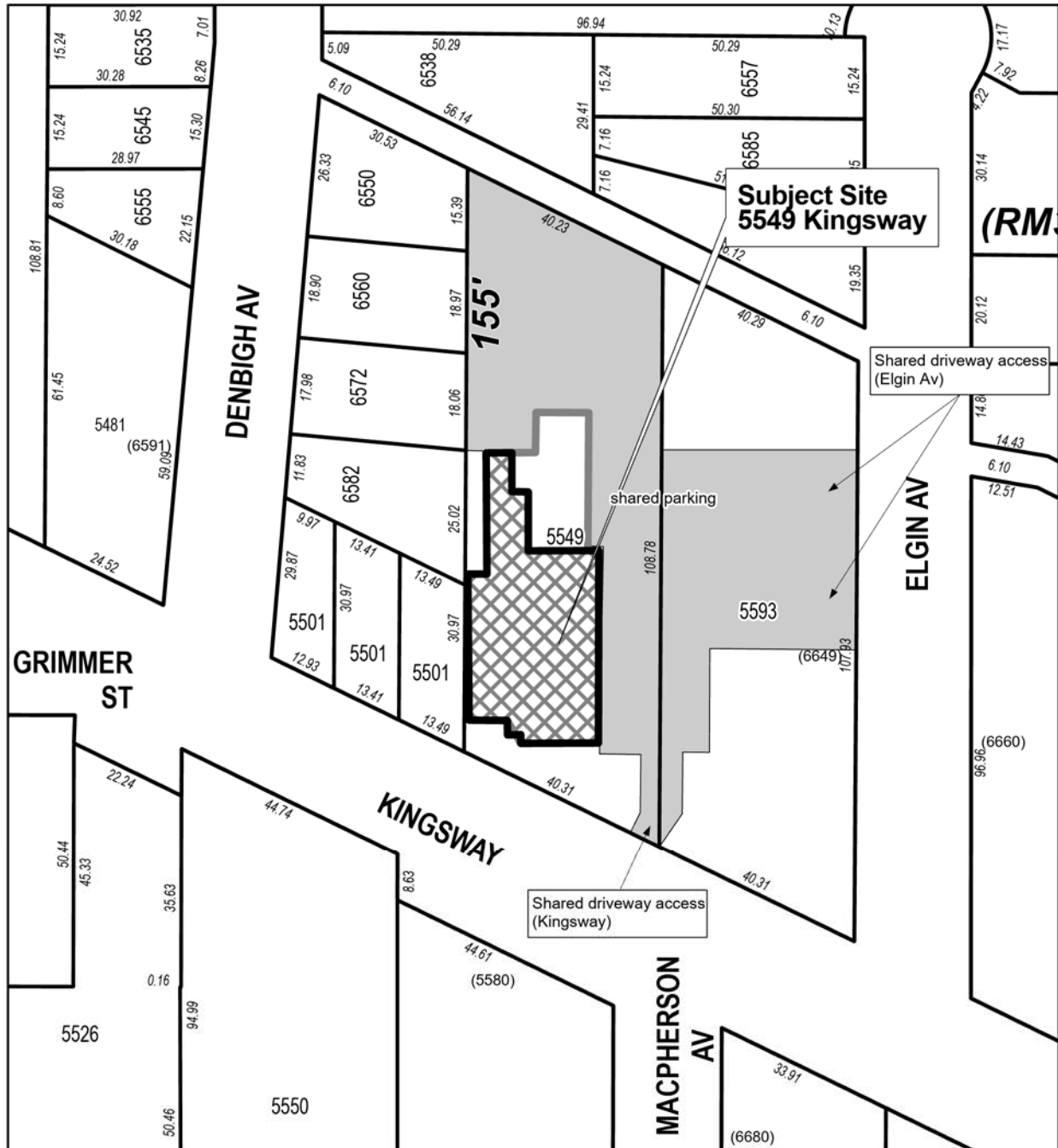
7. **Other Permits and Approvals:** This Permit does not constitute a rezoning, subdivision approval, sign permit, building permit, business licence or other required City permit or approval for the Site or Temporary Permitted Use(s).
8. **Lapse:** If this Permit authorizes construction, this Permit 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 the *Local Government Act* 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 _____, 2023.

MAYOR

CORPORATE OFFICER

DATE OF ISSUANCE: _____



	<p>PLANNING AND DEVELOPMENT DEPARTMENT</p>
<p>Date: OCT 04 2023</p>	<p>TEMPORARY USE PERMIT APPLICATION #23-02 5549 KINGWAY</p> <p>  Subject Site  Shared Parking </p>
<p>Scale: 1:1,200</p>	
<p>Drawn By: JS</p>	