

COMMUNITY PLANNING AND HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

RE: ZONING BYLAW TEXT AMENDMENTS

RECOMMENDATION:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 of this report.

R E P O R T

1.0 BACKGROUND INFORMATION:

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the bylaw, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarifications and improvements to the wording of the bylaw, and to respond to changes in related legislation and changes in forms of development, land uses and social trends.

2.0 GENERAL DISCUSSION

2.1 AMENITY PROVISIONS

Issue

The issue of the provision of amenity space in exchange for exclusions from FAR (Floor Area Ratio) calculations has arisen in discussion with developers relating to proposals throughout the city and additional exclusions are recommended beyond those already in the Zoning Bylaw.

Discussion

Section 6.20 (5) of the Zoning Bylaw presently allows a number of exclusions from gross floor area calculations for amenity provisions when determining the FAR in the RM (Multiple Family), C (Commercial), M (Industrial), B (Business Centre) and P (Public and Institutional) zoning districts, provided they are located below grade (i.e., in basements or cellars). In an effort to increase the

amount of amenity space in larger residential developments, thus contributing to overall livability and potential family orientation, it is proposed that this section of the Zoning Bylaw be broadened to include communal non-commercial, above grade, recreational, social or meeting type amenity space, up to a maximum square footage in multiple family type developments. This proposed amendment arose from discussions with the developer of the SFU East Neighbourhood, but is considered an appropriate adjustment applying generally in the city. The amendment should provide incentive for developers to provide more amenity/common space, not necessarily in cellar or basement locations.

In order to ensure that this amenity space is non commercial and remains for the communal and exclusive use of the residents of the development, it is proposed that developers utilizing this provision be required to enter into a Section 219 Covenant ensuring the use of the space by residents of the development and prohibiting the sale of the space to a third party. As an exception to this requirement, the committee considered it appropriate that child care centres provided under the provisions of the proposed bylaw amendments be permitted to be operated by a third party and also serve individuals and families residing outside of the development in which the child care centre is located.

Recommended Bylaw Amendments

It is proposed that a sub-section be added to Section 6.20(5) of the Zoning Bylaw to permit further exclusions from FAR calculations for the provision of communal non-commercial recreational, social or meeting type amenity space in the RM multiple family residential zoning districts and for residential developments in the institutional (P) zoning districts. Specifically, an exclusion for above-grade amenity space(s) up to 5% of the building's gross floor area, to a maximum of 278.7 m² (3,000 sq. ft.), is proposed (not inclusive of present below-grade amenity space exemptions). It is also proposed that a definition similar to the following be added to the Definition section of the bylaw:

"Amenity Space" means a communal non-commercial, recreational, social or meeting space for the exclusive use of the residents of a multiple family residential type development, having an above grade area that does not exceed 5% of the building's gross floor area or 278.7m² (3,000 sq. ft.). An exception to the foregoing is that child care facilities provided under this provision may serve individuals and families other than the residents of the development in which the child care centre is located.

2.2 RENAMING OF C8 AND C9 DISTRICTS

Issue

The names of the C8 and C9 commercial zoning districts both refer to specific geographic areas (Hastings Village and Royal Oak, respectively). It is considered useful to be able to utilize the C9 District zoning elsewhere in Burnaby. It would also be beneficial to categorize these zoning districts by more generic names which indicates that they are part of a family of urban village zones. Also, utilizing the current area-specific C9 Royal Oak Commercial District zoning name elsewhere in Burnaby could be confusing and misleading. Therefore, it is proposed that the names of these zoning districts be changed.

Discussion

The C8 Hastings Village Commercial District and the C9 Royal Oak Commercial District were both created within the context of a community plan process to facilitate a particular form of mixed use commercial / multiple family residential development within a specific geographical area. Staff have come to the conclusion, however, that the C9 zoning district could be successfully applied in other areas of Burnaby where sites have been designated for, or are being considered for, mixed-use commercial/multiple family residential development. Possible examples include the Brentwood, Apartment Study Area C and Sixth Street areas. It is therefore recommended that the C8 Hastings Village Commercial District and the C9 Royal Oak Commercial District be renamed to more generic names which, in the case of the C9 District, could be used anywhere in Burnaby. The C8 District, however, has a number of specific references to Hastings Street throughout the zoning regulations which will be retained, as C8 zoning is proposed to continue to be used exclusively within the Hastings Street Area Plan.

Recommended Bylaw Amendments

It is recommended that the C8 Hastings Village Commercial District and the C9 Royal Oak Commercial District be renamed C8 Urban Village Commercial District (Hastings) and C9 Urban Village Commercial District, respectively.

It is also recommended that Section 309.1 of the Bylaw, which deals with locations for C9 lots in the Royal Oak Community Plan be deleted to permit C9 development in other parts of Burnaby. Section 308.1 would be retained to indicate that the C8 is still intended to only be utilized within the Hastings Street Area Plan.

2.3 ANIMAL HOSPITALS IN THE C8A HASTINGS VILLAGE COMMERCIAL DISTRICT

Issue

A request has been received on behalf of a property owner within the Hastings Street Area Plan to initiate an amendment to the Zoning Bylaw to permit animal hospitals in the C8a zoning district.

Discussion

Animal Hospital is defined in the Burnaby Zoning Bylaw as premises operated for the care, treatment and hospitalization of animals, but does not include premises that keep or board healthy animals. Animal Hospitals are currently permitted in the C2 Community Commercial and C4 Service Commercial zoning districts, but not the C8 or C8a zoning district. This Department has received a request from Planet Consulting Group, on behalf of the owner of the property at 3995 Hastings Street, to amend the Zoning Bylaw to permit animal hospitals in the C8a district so that the owner may lease the property to a veterinarian. The property, located at 3995 Hastings Street, is currently occupied by a small one storey commercial strip plaza. As the C8a district also permits a mix of commercial and multiple family residential uses, the issue should be assessed in relation to permitting this use in a mixed-use development.

There are eight animal hospitals or veterinary clinics in Burnaby, including one in the 4400 block Hastings Street which is a legally non-conforming of use. Our Licensing Office advises that it has not received any complaints of a land use or nuisance nature (e.g. noise, smells) regarding any of these businesses in recent years.

Staff are in support of permitting animal hospitals in the C8a (non-core) zoning district as a use that would serve local residents. It is recommended that animal hospitals be limited to the C8a (non-core) area in order to preserve the C8 (core) area for uses which would provide more pedestrian traffic.

The Heights Merchants Association has written a letter in support of permitting animal hospitals in the C8a (non-core) district.

Recommended Bylaw Amendment

It is recommended that Animal Hospitals be included as a permitted use in the C8a Hastings Village Commercial District.

3.0 CONCLUSION:

The proposed text amendments of the Zoning Bylaw outlined in this report are intended to update and clarify portions of the Zoning Bylaw. It is recommended that Council approve the above proposed text amendments and authorize the City Solicitor to prepare the necessary bylaws.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

Councillor G. Begin
Member