

**TO:** CITY MANAGER

2003 DECEMBER 02

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** PROPOSED TEXT AMENDMENTS TO THE M4 ZONING DISTRICT  
ADDITION OF ANIMAL TRAINING AND DAYCARE FACILITIES TO THE  
M4 SPECIAL INDUSTRIAL ZONING DISTRICT AND RESIDENTIAL  
DEVELOPMENT WITHIN THE M4 DISTRICT.

**PURPOSE:** To respond to points raised at the 2003 November 25 Public Hearing for the text amendment to the M4 Special Industrial District of the Burnaby Zoning Bylaw.

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**RECOMMENDATIONS:**

1. **THAT** copies of this report be sent to all those who submitted correspondence and made a submission at the 2003 November 25 Public Hearing for the subject Zoning Bylaw text amendment.
2. **THAT** Council direct staff to amend the proposed bylaw amendment to maintain single and two family dwelling use on all M4 District zoned properties which are currently occupied by single or two family dwellings
3. **THAT** Council authorize staff to initiate a rezoning application to be forwarded in the next rezoning series recommending that 948, 960, 518 & 530 Grove Avenue, 947 & 957 Sperling Avenue, 6675 & 6685 Curtis Street and 6789 Frances Street be rezoned from M4 Special Industrial District to R5 Residential District and that copies of this report be sent to the owners of record of these properties.

**R E P O R T**

**1.0 BACKGROUND INFORMATION:**

- 1.1 At the 2003 November 25 Public Hearing for the M4 District Zoning Bylaw text amendment, there was one speaker and three letters received - all from local property owners opposed to the text amendment. Concerns were raised regarding the necessity of permitting animal training and daycare facilities in another zoning district, loss of residential use of the properties and the rationale for the deletion of single- and two-family dwellings from the M4 District and the home owners ability to obtain replacement insurance in case of fire.

On 2003 December 1, Council gave Second Reading to the Bylaw amendment and directed staff to respond to the points raised at the Public Hearing. This report is in response to that request.

1.2 On 2003 November 3, Council adopted the three recommendations contained in the report regarding the subject text amendment to the Zoning Bylaw. One of the recommendations was that Council authorize staff to pursue a further report to Council regarding the rezoning of 948 & 960 Grove Avenue, 947 & 957 Sperling Avenue and 6675 & 6685 Curtis Street to the R5 Residential District. At that time Council directed staff to review whether there are any other properties which should be considered for rezoning to the R5 District. Information is also provided on which residentially occupied, M4 zoned properties will be recommended to be rezoned to the R5 Residential District.

**2.0 POINTS RAISED AT PUBLIC HEARING:**

The following discussion responds to the points raised at the Public Hearing.

**2.1 Permitting Animal Training and Daycare Facilities in the M4 Zoning District**

A letter was received which questions the necessity of permitting animal training and daycare facilities in another zoning district, as they are already permitted in four zoning districts, whereas, the writer claimed, their automotive business, which is located in the Royal Oak Community Plan area, is only permitted in one zoning district. While it is correct that animal training and daycare facilities are already permitted in four zoning districts in the Zoning Bylaw, the automotive repair shop business located on the writers' property is also permitted in four zoning districts. The principal criterion for assessing proposals for additional land uses in a particular zoning district, however, is the potential land use compatibility of the proposed use and the surrounding uses, not the number of zoning districts the proposed use is currently permitted. In this case, the 2003 October 27 report from the Housing Committee concluded that animal training and daycare facilities were compatible with the uses permitted in the M4 District, with the exception of single- and two-family dwellings. The report recommends that animal training and daycare facilities be permitted in the M4 District, subject to the use being a minimum of 10 metres (32.8 ft.) from a residential use. This clause was included in order to deal with the relationship between animal training and daycare facilities and the remaining residential uses in the M4 District.

**2.2 Replacement Insurance Related to Legally non-conforming Dwellings**

Concerns were expressed at the Public Hearing that the owners of legally non-conforming residential dwellings in the M4 District would no longer be able to purchase replacement insurance for the dwellings in the case of fire or some other form of loss of the building. Specifically, one writer indicated that their insurance company would repay the loss at actual cash value of the building (\$5.00 per square foot) versus replacement cost value (\$75.00 per square foot).

The question of replacement insurance for legally non-conforming buildings was investigated by Burnaby's Risk Manager in consultation with several insurance representatives and underwriters. Our research revealed several points. First, while the writer has raised a concern relative to their coverage, not every homeowner insurance policy is the same. Each homeowner needs to do their own situation assessment and find an insurance product that best suits the circumstances. Our research does lead to the conclusion that "off-site replacement insurance coverage" is available to most homeowners that have a legally non-conforming residence. The claims examiners and adjusters contacted regarding actual cash value versus replacement cost value feel that actual cost value on an occupied or livable home would never fall below 50% of replacement value and far more often would be in the range of 80% of replacement value. Therefore, the example of \$75.00 replacement costs square foot with a comparative actual cash value of \$5.00 per square foot did not seem realistic for an occupied livable home.

In summary, it would appear that some homeowners would likely need to re-assess their current insurance coverage if their dwellings became legally non-conforming in terms of use. Replacement insurance coverage or actual cash value payout would appear to offer varying levels of financial protection for affected owners.

Notwithstanding this finding, the original intent of the deletion of single- and two-family development as a permitted outright use in the M4 District was to preclude the possible construction of new dwellings in designated community plan areas intended for multiple-family residential or light higher end industrial purposes.

To not place undue hardship on the existing M4 residentially developed properties (there would be 74 affected properties if the 9 properties discussed in section 3.0 below were rezoned to R5 District), it would be possible to "grandfather" these parcels from the proposed text amendment. This would have the effect of removing the possibility of new single- and two-family development on the remaining 238 - M4 properties in the City (excluding the 9 proposed to be rezoned to R5 District) that are occupied by non-residential uses. This would however, permit property owners with lots currently developed with single and two family dwellings to do structural alterations and additions and to build new residential dwellings. Given that there has not been a pattern of new single or two-family development on M4 properties, leaving out these grand-fathered properties would appear to present a reasonable balance between helping to reduce any potential financial risk to current owners and the likely expansion of non-compatible new single- and two-family development. Staff are therefore recommending this revised approach given the concerns expressed.

In the event that a pattern of redevelopment of new dwellings on the grand-fathered parcels were to occur, then the option is available to review the deletion of the single and two-family residential component of the M4 District for the grand-fathered parcels.

2.3 **Loss of Residential Use of M4 Zoned Properties and the Rationale for the Deletion of Single- and Two-Family Dwellings from the M4 District**

A letter was submitted at the Public Hearing which referred to concerns of being ‘evicted by the City.’ The writer may have believed that if the proposed text amendment were to be approved by Council that occupants would be required to move out of residential dwellings on M4 zoned properties. While this would not have been the case even if the properties became legally non-conforming in terms of the single and two family dwelling use, this is no longer a relevant concern if Council adopts the recommendation to ‘grandfather’ the properties with existing single and two family dwellings.

3.0 **ARISING OUT OF CONSIDERATION OF HOUSING COMMITTEE REPORT**

**Residentially Occupied M4 District Zoned Properties to be Rezoned to R5 Residential District**

On 2003 November 3 Council, adopted the three recommendations contained in the report regarding the subject text amendment to the Zoning Bylaw. One of the recommendations was that Council authorize staff to pursue a further report to Council regarding the rezoning of 948 & 960 Grove Avenue, 947 & 957 Sperling Avenue and 6675 & 6685 Curtis Street to the R5 Residential District. The above properties were recommended to be considered for rezoning as they are the only M4 District zoned properties which are residentially occupied and not within a community plan area. At that time Council directed staff to review whether there are any other properties which should be considered for rezoning to the R5 District.

The residentially occupied M4 zoned properties have been reviewed again in terms of the appropriate zoning and it is recommended that three additional properties be included in a future rezoning to the R5 Residential District. The properties, which are all located within Apartment Study Area C, are 518 Grove Avenue, 530 Grove Avenue and 6789 Frances Street. Of the 83 residentially occupied M4 District zoned properties in Burnaby, these properties are unique in terms of being located in a community plan area with no industrial uses in the immediate vicinity and not being designated for significantly higher density development such as the properties in the Metrotown Development Plan area. These three properties within Apartment Study Area C are located within an area which has historically not moved towards the higher density designations in the community plan. The immediate area surrounding; and including, the three additional properties features two-family dwellings and R6 District zoned row housing, despite the medium density multiple family designation in Apartment Study Area C. Rezoning these properties to the R5 District acknowledges their existing residential character and the intended long term residential use of these properties within a non-industrial area. The adjacent properties at 490 & 514 Grove Avenue and 524 Sperling Avenue are not recommended to be included as they are currently in the process of being rezoned to Comprehensive Development District to permit infill multiple family development.

If the M4 zoned properties discussed in this section are rezoned to R5 Residential District, the uses permitted in the M4 District, including industrial uses and the proposed animal training and daycare facility use, would not be permitted on those properties.

It is therefore recommended that a rezoning application be initiated and forwarded to Council in the next rezoning series, recommending that 948, 960, 518 & 530 Grove Avenue, 947 & 957 Sperling Avenue, 6675 & 6685 Curtis Street and 6789 Frances Street (see attached sketch) be rezoned to from M4 Special Industrial District to R5 Residential District.

*B. Belhouse*

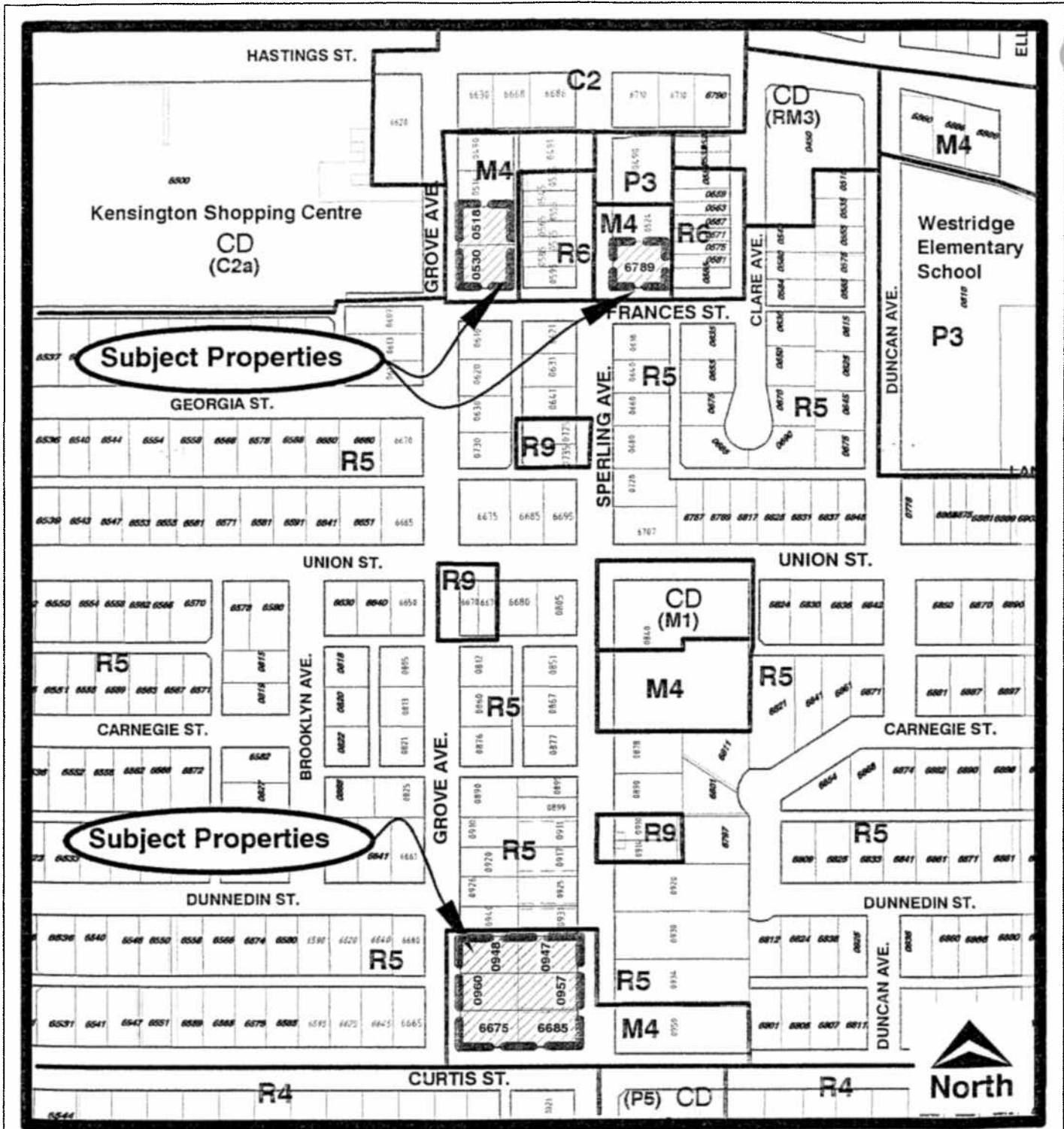
*for* J. S. Belhouse  
Director Planning and Building

BW:gk

***Attachment***

cc: Chief Building Inspector  
Chief Licence Inspector  
Director Engineering  
City Solicitor  
City Clerk  
Risk Manager

P:\Barry\Bylaw Amndmt\Response to PH comments re M4 Text Amendmnt 2.wpd



**Planning and Building Department**

Scale: N.T.S.

Drawn By: J.P.C.

Date: December 2003

**M4 Zoned Properties  
Proposed to be  
Rezoned to R5 District**

Sketch # 1