

CITY OF BURNABY

HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

RE: ZONING BYLAW TEXT AMENDMENTS - 2004

RECOMMENDATION:

1. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 of this report, and to advance the bylaw amendment to a Public Hearing.

REPORT

The Housing Committee, at its Open meeting held on 2004 March 15, received and adopted the *attached* report proposing text amendments to the Zoning Bylaw regarding the residential component in C9a District, removal of "Housekeeping Unit" from zoning bylaw and floor area calculations in the A1, A2 and A3 Districts. The Committee advised that these text amendments provide clarifications and improvements to the wording of the bylaw and respond to changes in related legislation and changes in forms of development, land uses and social trends.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

Councillor C. Jordan
Member

:COPY - CITY MANAGER
- DIRECTOR PLANNING & BUILDING
- DIRECTOR ENGINEERING
- CHIEF LICENCE INSPECTOR
- CITY SOLICITOR

TO: CHAIR AND MEMBERS
HOUSING COMMITTEE

2004 FEBRUARY 12

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: ZONING BYLAW TEXT AMENDMENTS - 2004

PURPOSE: To propose a number of text amendments to the Zoning Bylaw.

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw as outlined in Section 2.0 of this report, and to advance the bylaw amendment to a Public Hearing.

REPORT

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 and the general need to update 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 Residential Component in C9a District

Issue

Section 309.3 (4) of the C9 Urban Village Commercial District in the Zoning Bylaw requires that on C9a lots only, any residential use shall not exceed 25% of the gross floor area of all buildings on the lot (including any combined residential and commercial use of the same premises). There are no properties zoned C9a Urban Village Commercial District in Burnaby, but the zone was initially established to apply to Sub-Area 8 of the Royal Oak Community Plan, a special urban precinct bounded by Kingsway, Imperial Street and Royal Oak Avenue. The guide plan designated this triangular sub-area for Comprehensive Development zoning (based on C9a District guidelines with a maximum 25% residential). Numerous enquiries have been received from architects, real estate agents, potential

component of the C9a District be re-examined. Such a re-examination is considered warranted and is discussed as follows.

Discussion

As background, the C9 District (including the C9a District) was originally called the Royal Oak Commercial District in the Zoning Bylaw as it was established as an operational initiative in furthering the Royal Oak Community Plan adopted by Council in 1999. However, the C9 District name was changed in 2002 through a text amendment to the Zoning Bylaw to the Urban Village Commercial District in order to facilitate its broader usage. Therefore, the C9 District (including the C9a District) can now be utilized in other community plan areas in the City where appropriate.

The C9a District was initially established to apply to Sub-Area 8, a special urban precinct, of the Royal Oak Community Plan. This special urban precinct was intended for a higher level of mixed-use activity permitting a unique mixture of retail, office, clean industrial, and non-family residential, including live-work option with strong urban design. In addition to the reduction of residential use to 25%, the C9a District specifically permits establishments for making beer, cider or wine for personal consumption or liquor primary establishments with a maximum capacity of 100 persons. Other C9 District uses are also permitted in the C9a District.

The C9a District designation continues to apply to Sub-Area 8 of the Royal Oak Community Plan. Since adoption of the Plan in 1999, there have been numerous verbal and eight written enquiries regarding redevelopment within Sub-Area 8. Property owners, realtors and prospective developers see the C9 District guidelines as being too restrictive in the current market as it only allows a maximum 25% of gross floor area on the lot being used for residential purposes. The expressed desire is that the option of providing wholly residential uses above ground floor commercial be permitted in the C9a District making it similar in this respect to the C9 District.

The 25% restriction applied to residential use does not appear appropriate under current conditions where new multi-level commercial developments (i.e. non-residential) including offices are in lower demand and less marketable. The intent of the commercial component of Urban Village Commercial Districts such as the C9 and C9a Districts is to provide for convenient and close-to-home access to commercial facilities and services that meet the day-to-day and occasional shopping needs of surrounding residential areas. Even if the condition of use requirement that any residential use shall not exceed 25% of the gross floor area in the C9a District is eliminated, commercial uses will still be required on the first floor meeting the commercial intent of the Urban Village Commercial Districts and promoting street-oriented vitality. Such a change to the C9a District will increase redevelopment

opportunities in community plan areas where the use of the C9a District is considered appropriate.

In view of the consistent request for a change to meet both current and projected market needs and the restrictive nature of the existing regulations, it is considered appropriate that the restriction of residential use on C9a District zoned lots to 25% of the gross floor area be eliminated. With that residential restriction eliminated, the only difference between the C9 and C9a Districts is the provision for liquor licence and "U" Brew establishments. To ensure that Council is involved in the potential approval of these two uses as they relate to residential uses in the floors above, it is recommended that the use of C9a be subject to Comprehensive Development (CD) zoning. The use of the C9 and C9a Districts would continue to be utilized in conjunction with the Comprehensive Development District (CD) as is the case to date, for example, in the urban village frontage of Dawson Street within the Brentwood Town Centre.

Recommended Bylaw Amendment

It is recommended that Section 309.3 (4) of the Zoning Bylaw, which limits any residential use to a maximum 25% of the gross floor area of all buildings on all C9a zoned lots, be deleted. It is further recommended that the use of the C9a category for liquor licence establishments be subject to the condition that such a use is included as part of a comprehensive development plan to which the provisions of the Comprehensive Development District apply.

2.2 Removal of "Housekeeping Unit" From Zoning Bylaw

Issue

The term "Housekeeping Unit" is defined in the Zoning Bylaw, but is not permitted in any zoning district in the Bylaw, therefore the term should be deleted from the Bylaw.

Discussion

Housekeeping Unit is defined in the Burnaby Zoning Bylaw as:

"HOUSEKEEPING UNIT" means two or more rooms, used or designed to be used together, as living quarters for not more than one family, and containing at least one living room, one kitchen or kitchenette, and one bathroom; and equipped with at least one water closet, one basin, one sink and one bath or shower"

The only other place where the term Housekeeping Unit appears in the Zoning Bylaw, in addition to the definition, is Section 6.9 (1), which says:

6.9 Cellars and Basements:

- (1) *No dwelling unit, housekeeping unit or kitchen shall be permitted in a cellar.*

The only reference to Housekeeping Unit beyond the definition is one that states where the use is not permitted. It is also noted that a Housekeeping Unit is very similar in definition to a Dwelling Unit. While some of the defining components in the definitions are different, the essence of the two terms are the same, therefore the term "Housekeeping Unit" is redundant. The term "Housekeeping Unit" was originally in the 1948 Town Planning Bylaw and was transferred to the 1965 Zoning Bylaw. The removal of the Housekeeping Unit component of the Zoning Bylaw will not create any non-conforming issues.

Recommended Bylaw Amendment

It is recommended that the "Housekeeping Unit" term in section 6.9 (1) and the Housekeeping Unit definition be deleted from the Zoning Bylaw.

2.3 Floor Area Calculations in The A1, A2 & A3 Districts

Issue

A Building Permit application has been received to construct a single-family dwelling on a property zoned A1 Agricultural District. A maximum residential development density or gross floor area of single-family dwellings in the A1 Agricultural District, A2 Small Holdings District and A3 Truck Gardening District was recently included in these zones. However, the A1, A2 and A3 zoning districts were inadvertently not included in a section in the Supplementary Regulations which lists areas not included as floor area in the R (single-family and two-family dwellings) zoning districts.

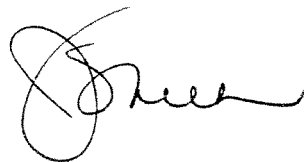
Discussion

On 2001 September 17, Council gave Final Adoption to a text amendment to the Burnaby Zoning Bylaw which placed a maximum residential development density on the development of single-family dwellings in the A1, A2 and A3 agricultural zoning districts. The maximum residential development density in all three zoning districts is the lesser of a floor area ratio of 0.60 or 590m² (6,350.9 sq. ft.), with a maximum of 42m² (452.1 sq. ft.) of a garage or carport not included in the gross floor area. The maximum gross floor area of 590m²

as in the R1 Residential District and was considered appropriate due to the large size of some A zoned lots in Burnaby. The concept was that single-family dwellings on A1, A2 and A3 zoned lots would be treated the same as single-family dwellings in the single-family residential areas of Burnaby, utilizing the R1 District maximum gross floor area. Section 6.20 of the Zoning Bylaw deals with computation of gross floor area and floor area ratio and contains sub-sections which address these calculations in the R zones for single-family dwelling. Section 6.20 (4) addresses how gross floor area calculations are done for over-height areas within single-family dwellings. Section 6.20 (6) of the Zoning Bylaw lists areas in single-family dwellings which are not included in the floor area calculations. In order to standardize the manner in which gross floor area is calculated for single-family dwellings in the A (Agricultural) zoning districts with the way it is calculated for single-family dwellings in the R (Residential) zoning districts, it is recommended that the gross floor area calculations for single-family dwellings in the A1, A2 and A3 be subject to the same regulations as single-family dwellings in R zoned areas of Burnaby.

Recommended Bylaw Amendment

It is recommended that reference to the A1, A2 and A3 zoning districts be included as a housekeeping adjustment in sections 6.20 (4) and 6.20 (6) of the Supplementary Section of the Zoning Bylaw.



J.S. Belhouse
Director Planning and Building

BW:KI:gk

- cc: City Manager
- Director Engineering
- Chief Licence Inspector
- City Solicitor
- City Clerk