
COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: USE OF COMPREHENSIVE DEVELOPMENT
(CD) DISTRICT IN AREA REZONING PROCESS**

RECOMMENDATION:

1. **THAT** Council endorse the use of the Comprehensive Development (CD) District in the area rezoning process, on a case by case basis, as outlined in this report.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 June 28, received and adopted the *attached* report to present a proposal for the use of the Comprehensive Development (CD) District in the area rezoning process.

The subject CD District area rezoning approach has been prepared as means to enable a rezoning to proceed and achieve the development requirements at the time individual property owners intend to access the provisions of new zoning district approved under the CD Area Rezoning. This approach would also allow those lots not subject to conditions to rezone and develop under the new district and could maintain the existing development rights for those lots that have yet to meet established conditions.

Respectfully submitted,

Councillor C. Jordan
Chair

Copied to:	City Manager Dir. Engineering Dir. Plng. & Bldg. Chief Building Inspector City Solicitor
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Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT
COMMITTEE

DATE: 2011 June 22

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 49500 01
Reference: Area Rezoning General

SUBJECT: USE OF THE COMPREHENSIVE DEVELOPMENT (CD) DISTRICT IN
THE AREA REZONING PROCESS

PURPOSE: To present a proposal for the use of the Comprehensive Development (CD)
District in the area rezoning process.

RECOMMENDATION:

1. **THAT** the Committee recommend that Council endorse the use of the Comprehensive Development (CD) District in the area rezoning process, on a case by case basis, as outlined in this report.

REPORT**1.0 BACKGROUND**

The City has an approved process for the advancement of area rezonings in the single and two family residential neighbourhoods. The process, which involves demonstration of the support of the property owners within an area proposed for rezoning, was initially endorsed by Council in 1995. The approved process was subsequently amended in 2002 to clarify the types of area rezonings and the requirements for achieving support. Generally, the area rezoning process provides an avenue for changes to residential zoning in single and two-family neighbourhoods to address objectives for intensification of use, protection of neighbourhood character, zoning boundary adjustments, and other matters. Each application is also reviewed by the Planning Department with respect to community planning, transportation, and other neighbourhood protection and integration issues.

Most area rezoning processes are able to complete subject to meeting established guidelines for adequate neighbourhood support, support by the Community Development Committee and Council, and successful conclusion of the Public Hearing and the required Readings of the Bylaw. With final adoption of the Rezoning Bylaw, property owners are able to apply for subdivision and building permits in line with the revised zoning.

In some cases, however, departmental and community support for an area rezoning may not be achieved due to a need for provision or satisfaction of specific development requirements related to individual lots within the area rezoning to address community, transportation, and other community protection and integration issues. For example, areas being considered for rezoning may require:

- provision of dedications from existing lots to achieve the continuity of a rear lane or a proper street standard;
- specific setbacks on individual properties to respond to local circumstances,
- or other provisions to address community development issues in the area proposed for new zoning.

In these cases, where additional development requirements are identified, the process has either resulted in a recommendation of non-support for the area rezoning, or the establishment of pre-requisite conditions for the rezoning. In the case where pre-requisite conditions for finalization of the area rezoning are used to address specific issues, final completion of an area rezoning can be forestalled should an individual property owner within the area rezoning not wish to meet requirements established through the community consultation and rezoning processes. Typically, experience suggested that property owners may only be fully interested in meeting rezoning pre-requisite requirements at the time that they wish to pursue a subdivision application or Building Permit to access the new development rights made available under the area rezoning.

This condition has lead the Department to consider an alternative approach in cases where pre-requisite conditions to rezoning are warranted. The approach could potentially assist in resolving the issue whereby one or more owners forestall the rezoning of the area as generally agreed to by the community through the area rezoning community consultation, Council and Committee consideration and Public Hearing processes.

In response to this issue, staff have developed the proposal presented in this report to provide for the use of the Comprehensive Development (CD) District, as part of an area rezoning process, for Committee and Council approval.

2.0 PROPOSED APPROACH

2.1 Comprehensive Development (CD) Districts

The Burnaby Zoning Bylaw includes provision for Comprehensive Development Districts (CD) that allows for the development of specific zoning and development plans for an area with one or more land use classifications. The CD District specifies that it is available for use under the provisions of the Residential 'R' Districts, as well as other districts contained in the Bylaw. In application, the effect of the use of the CD District is to create a specific zoning district under the plan of development approved through the adoption of a CD Zoning Bylaw. The CD Zoning Bylaw approach would provide a means to establish specific requirements for lots within an area rezoning that could be used to address the type and range of issues identified, as outlined below.

2.2 Proposed CD District Area Rezoning Approach

A CD District area rezoning approach would identify, through the CD Plan, specific guidelines and conditions for development. In application through the area rezoning process, lots within the area rezoning would primarily be zoned to the applicable new district (e.g. R12 District) without conditions. In cases where specific conditions were identified to be applicable to a lot, the CD Plan would maintain the existing zoning provisions for the lot, (e.g. R5 District), and would also specify the conditions to be met to achieve new development potential under the new district approved under the area rezoning process (e.g. CD - R12 District, subject to satisfaction of specific conditions).

Under this approach, lots in the area rezoning zoned to the new district without conditions, would be able to seek building permit or subdivision approval based on the new district (e.g. R12 District). Those lots with conditions would be able to continue to receive approvals for development under the pre-existing district (i.e. R5 District), and would be able to achieve development approval under the new district on satisfaction of the specified conditions contained within the CD Plan of development.

For example, in the case of the recently advanced area rezoning involving 15 legal lots, seven of which are through lots, on the block containing 7270 to 7350 Stride Avenue, a CD bylaw approach to this rezoning would:

1. Rezone the non-through lots to the R12 Residential District, and allow for new building permit and subdivision approvals under the R12 District.
2. The seven through (double fronting) lots¹ for which specific conditions for rezoning were identified related to driveway locations, front yard setbacks, and accessory building width would be zoned to CD (R5, R12) and would continue to be eligible for uses permitted in the current prevailing R5 Residential District.
3. These through (double fronting) lots would be eligible for development (building permit and subdivision) under the R12 Residential District subject to meeting the conditions established on the CD Plan of development with respect to the community integration issues associated with the through lot configurations, referenced above.

This approach would permit the through lot owners to maintain existing development potential and rights under the prevailing zoning district (i.e. R5 District). At their option, it would also allow property owners to access the approved new zoning district provisions (i.e. R12 District), on satisfaction of requirements to address community, transportation and other community protection and integration conditions contained in the plan of development. These conditions would be identified and defined through the community consultation process, Council and Committee review and the Public Hearing process. This approach would assist in the advancement of those area rezoning processes, on a case by case basis, where the change in zoning is supportable subject to conditions.

¹ Actually eight legal lots composed of seven single family dwelling lots and one strata titled two family dwelling lot.

Attachment #1 to this report is an illustration of the CD Plan that would be used in relation to this area should the revised process be supported. The non-through lots in the proposed rezoning area would be rezoned to R12 District through a separate bylaw to be processed concurrently.

It is further noted that, while the cost of the area rezoning process is absorbed by the City, any costs associated with meeting development requirements, related to such items as covenant registration or road dedication, would remain with the property owner(s).

The benefit of the proposed CD approach is that it would provide a means to support area rezoning processes while addressing community, transportation, and other community protection and integration issues. Although there is some concern with permitting lots to maintain access to the prevailing existing zoning provision, pending satisfaction of CD Plan conditions to access the new District provision, it is likely that the area under the rezoning would transition over time to the new district. This transition process would in most cases be similar to the ongoing redevelopment process that occurs in neighbourhoods as residential dwellings approach the end of their economic life span and are advanced for new development.

It is recommended that Council endorse the CD area rezoning approach and that it be considered, on a case by case basis, for area rezoning proposals where conditions for support of an area rezoning are identified. The approach would then form part of the Council adopted process for area rezonings.

2.3 CD District Approach and Stride Avenue Area Rezoning

As noted above, the Stride Avenue R12 area rezoning (Rezoning Reference #08-40) is considered to be a candidate for the proposed CD District approach. Should the approach be endorsed by Council, staff would advise the petition organizer for this area rezoning of the option to pursue a new petition based on the CD District approach. The petitioner would be requested to distribute copies of this report to the owners with the petition. On submission of a new petition in support of advancement of a revised area rezoning on this basis, a report will be prepared to Community Development Committee and Council to authorize the standard community consultation process and pursuit of next steps.

3.0 CONCLUSION

During the area rezoning process for single and two family residential areas, issues can arise where additional development requirements are identified as being appropriate for the subject rezoning. The subject CD District area rezoning approach has been prepared as means to enable a rezoning to proceed and achieve the development requirements at the time individual property owners intend to access the provisions of new zoning district approved under the CD Area Rezoning. This approach would also allow those lots not subject to conditions to rezone and develop under the new district and could maintain the existing development rights for those lots that have yet to meet established conditions.

To: Community Development Committee
From: Director Planning and Building
Re: Area Rezoning – Use of the CD District
2011 June 22 Page 5

It is recommended that Council endorse the CD area rezoning approach, to be considered on a case by case basis, for area rezoning proposals where additional requirements are identified.



B. Luksun, Director
PLANNING AND BUILDING

SF/LP/sa

Attachment

cc: City Manager
Director Engineering
Chief Building Inspector
City Solicitor

COMPREHENSIVE PLAN OF DEVELOPMENT

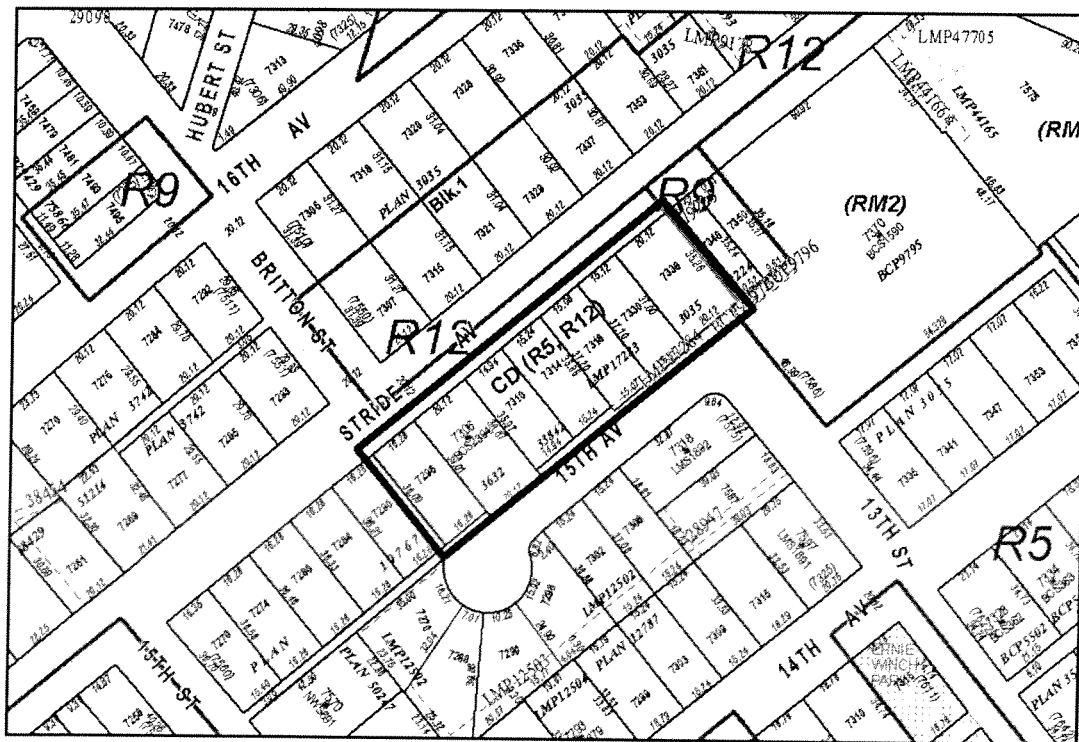
7296 - 7338 STRIDE AVENUE

Rezoning Reference #08-40

Subject Lands for Proposed CD (R5, R12) Rezoning as indicated on Sketch #1

7296, 7306, 7308, 7310, 7314, 7318, 7330, 7338 Stride Avenue

Existing Lots and Legal Descriptions	Applicable Zoning Districts and Permitted Uses
7296 Stride Avenue (Lot 6 District Lot 29 Group 1 New Westminster District Plan 10767)	As per the Burnaby Zoning Bylaw 1. R5 District, 2. R12 District subject to the registration of a Land Title Act Section 219 covenant, prior to subdivision or building permit approval, requiring that: a. the Grantor shall not thereafter use the lands nor any part thereof for vehicle access to or from Stride Avenue, but access shall be via Fifteenth Avenue only. b. no building or structure, including without limitation any garage or other accessory building, shall thereafter be constructed, erected, maintained, extended, located or placed on the lands within 6.1 m of either the property line abutting Stride Avenue or the property line abutting Fifteenth Avenue. c. no accessory building shall thereafter be constructed, erected, maintained, extended, located or placed on the lands the width of which exceeds two-thirds of the width of the lot. d. upon subdivision or issuance of a Building Permit under R12 District provisions all future uses on the lot shall comply with the R12 District as per the Burnaby Zoning Bylaw. Conditions of Use: 1. Development of existing lots under the R5 District shall comply with the provisions of the Burnaby Zoning Bylaw. 2. Upon subdivision or issuance of a Building Permit under the R12 Zoning District all future uses on a lot shall comply with the provisions of said Zoning District as per the Burnaby Zoning Bylaw.
7306 Stride Avenue (Strata Lot 1 District Lot 29 Group 1 New Westminster District Strata Plan BCS2394)	
7308 Stride Avenue (Strata Lot 2 District Lot 29 Group 1 New Westminster District Strata Plan BCS2394)	
7310 Stride Avenue (Lot 56 District Lot 29 Group 1 New Westminster District Plan 33842)	
7314 Stride Avenue (Lot 57 District Lot 29 Group 1 New Westminster District Plan 33842)	
7318 Stride Avenue (Lot 1 District Lot 29 Group 1 New Westminster District Plan LMP17283)	
7330 Stride Avenue (Lot 2 District Lot 29 Group 1 New Westminster District Plan LMP17283)	
7338 Stride Avenue (Lot 10 Block 2 District Lot 29 Group 1 New Westminster District Plan 3035)	



Sketch #1



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June 2011

Drawn by AY