

COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: REVIEW OF DRIVE-IN RESTAURANTS IN BURNABY

RECOMMENDATION:

1. **THAT** Council send a copy of this report to Mr. Mark von Schellwitz, Vice President, Western Canada Canadian Restaurant & Foodservices Association, #2410 – 555 Hastings Street, PO Box 12125, Vancouver, BC V6B 4N6.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 February 22, received and adopted the attached report to respond to Council's inquiry on the regulation of drive-in restaurants in Burnaby.

The development of new drive-in businesses and restaurants in the City is regulated under the provisions of the Burnaby Zoning Bylaw. Current planning practice requires CD zoning for new drive-in restaurant developments, and development potential under the existing C7 District zoning is limited to only six sites in Burnaby. Staff is advising that a moratorium on the development of new drive-in restaurants is not considered necessary. This will allow Council to retain the ability to appropriately manage and regulate such businesses.

Respectfully submitted,

Copied to:	City Manager
	Deputy City Managers
	Dir. Engineering
	Dir. Finance
	Dir. Plng. & Bldg.
	Chief Licence Inspector
	City Clerk
	City Solicitor

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT COMMITTEE

DATE: 2011 February 16

FROM: DIRECTOR PLANNING AND BUILDING

FILE 42000 20
Reference: TA: Drive-In Restaurants

SUBJECT: REVIEW OF DRIVE-IN RESTAURANTS IN BURNABY

PURPOSE: To respond to Council's inquiry on the regulation of drive-in restaurants in Burnaby.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Mr. Mark von Schellwitz, Vice President, Western Canada Canadian Restaurant & Foodservices Association, #2410-555 Hastings Street, PO Box 12125, Vancouver, BC V6B 4N6.

REPORT**1.0 INTRODUCTION**

Council, at its 2009 January 19 meeting, received a report informing Council of a siting approval request to renovate an existing drive-in restaurant at 6038 Kingsway within the Royal Oak Community Plan. Arising from the discussion, Council referred the matter to the Community Development Committee to review the advisability of placing a moratorium on the development of new drive-in restaurants, in view of potential environmental impacts of idling vehicles at such businesses.

On 2009 March 24, the Community Development Committee received a delegation from the Canadian Restaurant & Foodservices Association, who provided information in opposition to a moratorium on drive-in restaurants. The delegation was advised that staff would review the matter and report to Committee and Council accordingly.

This report responds to the above requests.

2.0 BACKGROUND INFORMATION

Drive-in restaurants are defined within the Zoning Bylaw as follows:

“DRIVE-IN RESTAURANT” means an eating establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such establishment is located, and where the customer is permitted or encouraged, either by the design of the restaurant facilities or by service and/or packaging procedures, to:

- (a) remain in his vehicle for service and for consuming the food which is purchased,
or
- (b) leave his vehicle to purchase food and is given the choice of either consuming the food in his vehicle or within the drive-in restaurant building.

[Section 3 Definitions]

In summary, a “drive-in restaurant” is a restaurant business, wherein the customer has the option to remain in the vehicle or enter the restaurant building for the purchase, as well as consumption of food.

Drive-in restaurants are permitted in the C7 Drive-in Restaurant District, subject to a larger lot area and width requirement than typically required of commercial sites in Burnaby, as well as additional landscaping and screening requirements and pavement on the customer service area. The intent of these additional requirements is to ensure that such drive-in restaurant businesses are developed in appropriate locations in a manner that is compatible with adjacent land uses, including residential and higher intensity commercial uses.

To date, there are 13 drive-in restaurants operating in Burnaby. Of these drive-in restaurant businesses, 6 have been permitted under straight zoning and three are legal non-conforming buildings/uses with respect to the zoning bylaw. The remaining 4 drive-in restaurants are more recent drive-in restaurant developments which have been approved through specific rezoning applications under CD Comprehensive Development District zoning, based on the C7 District as guideline.

3.0 REVIEW OF DRIVE-IN RESTAURANTS DEVELOPED IN BURNABY

Drive-in restaurants provide a number of benefits to the retail industry and consumers, including:

- Fast and convenient service (including for persons with mobility impairment, elderly, young families);
- A sense of safety in one’s vehicle (particularly during late or early morning service hours);
and
- Economic benefits to businesses and community (i.e. increased revenue, employment generation).

There are, however, a range of viewpoints and issues regarding the establishment of such businesses related to potential environmental (i.e. promotion of automobile use), health (environmental health related issues resulting air quality being impacted by vehicular emissions), traffic safety (on- and off-site pedestrian and vehicular idling/movement), noise and nuisance (i.e. glare of vehicular lights, noise from voice box, drive-in queues impacting local traffic, litter), and land use impacts at a neighbourhood and community scale. As such, this Department has generally taken a cautious and careful approach to the development of drive-in restaurants, accommodating this type of service where appropriate through the rezoning process.

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In view of these potential impacts, with regard to new development proposals for drive-in restaurants which require rezoning, each proposal is reviewed on the merits of the individual application. As part of the rezoning review process, staff seek to ensure that the proposed development is on an appropriate site and designed to ensure minimal traffic congestion, safe pedestrian and vehicular on-site circulation, appropriate screening, and compatibility with adjacent land uses. In recent development applications for new drive-in restaurants which required rezoning, planning practice has been to rezone these developments to the CD Comprehensive District, based on the C7 District as guideline, to ensure that the development meets the above noted design objectives and is generally a higher quality of development than typical of such uses. These recent developments include the following sites:

- 4801 Hastings Street, CD(C7) District, (McDonalds) – 2002;
- 4400 Still Creek Drive, CD(C7, M5) District, (McDonald's) - 1998 ; and
- 7360 Market Crossing, CD(C2, C7) District, (McDonald's, Tim Hortons) - 2007

These drive-in restaurants have been developed in consideration of the urban/commercial context of the surrounding area with traffic circulation and other design features which minimize impacts on adjacent land uses, including nearby residential areas.

With regard to existing drive-in restaurants, there are six C7 District properties which have the potential to redevelop the existing drive-in restaurant under the prevailing zoning, as noted below:

- 5970 Kingsway (Wendy's);
- 6038 Kingsway (Whitespot);
- 6535 Kingsway (A&W);
- 7229 Kingsway (McDonald's);
- 7741 Edmonds (City-owned lot) (Lost in the 50's); and
- 4075 North Road (White Spot)

There are currently no other C7 District zoned sites in Burnaby.

With regard to the three legal non-conforming drive-in restaurants at 4129 Lougheed Highway (M2 General Industrial District - White Spot), 4605 Hastings Street (C4a Service Commercial District - KFC), and 5094 Kingsway (C4 Service Commercial District – KFC), while their business use may be retained/protected through their legal non-conforming status, structural improvement to the buildings or redevelopment of these sites for the non-conforming drive-in restaurant use is not permitted under the Burnaby Zoning Bylaw.

4.0 ADVISABILITY OF IMPLEMENTING A MORATORIUM ON DRIVE-IN RESTAURANTS DEVELOPMENTS

As noted in this report, current planning practice requires CD zoning for new drive-in restaurant developments, based on the C7 District as guideline to ensure that the development poses minimal traffic congestion, safe pedestrian and vehicular on-site circulation, appropriate screening, and compatibility with adjacent land uses.

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The development of drive-in restaurants through straight zoning is limited to the six existing C7 District sites noted in this report, which are improved with existing drive-in restaurants. These sites have the potential to redevelop or expand the existing establishment under the prevailing zoning district regulations. Redevelopment of these sites would be processed through the appropriate Preliminary Plan Approval and Building Permit processes to ensure compliance with the Zoning Bylaw and Building Code requirements.

With regard to the three legal non-conforming sites which are currently improved with a drive-in restaurant, the legal non-conforming buildings and uses may be retained. Structural improvement to the buildings or redevelopment of these sites while the non-conforming drive-in restaurant use is continued, however, is not permitted.

Based on staff review of drive-in restaurants in Burnaby, a moratorium on the development of new drive-in restaurants are not considered necessary. The development of such businesses in the City is substantially regulated under the provisions of the Burnaby Zoning Bylaw and planning practice. Any new drive-in restaurants in the City would require specific City approval through the regulatory approval process. Further, a moratorium on the development of drive-in restaurants would preclude Council's ability to consider the merits of specific development proposals on a case by case basis, which may otherwise be supportable from a community, business and land use perspective.

As such, staff would advise that a moratorium on the development of drive-in restaurants is not considered necessary and that these establishments are appropriately managed and regulated through the provisions of the Zoning Bylaw and current planning practice.

5.0 CONCLUSION

The development of new drive-in businesses and restaurants in the City is regulated under the provisions of the Burnaby Zoning Bylaw. Current planning practice requires CD zoning for new drive-in restaurant developments, and development potential under the existing C7 District zoning is limited to only six sites in Burnaby. As such, staff would advise that a moratorium on the development of new drive-in restaurants is not considered necessary. This will allow Council to retain the ability to appropriately manage and regulate such businesses.

It is also recommended that a copy of this report be sent to Mr. Mark von Schellwitz, Vice President, Western Canada Canadian Restaurant & Foodservices Association, #2410-555 Hastings Street. PO Box 12125, Vancouver, BC V6B 4N6.

B. Luksun, Director
PLANNING AND BUILDING

ZM:spf/tn

cc: City Manager
Director Finance
Chief Licence Inspector
City Clerk
Deputy City Managers
Director Engineering
City Solicitor