

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **TEMPORARY USE PERMIT #23-03 (4045 KINGSWAY)**
PURPOSE: To seek Council approval for Temporary Use Permit #23-03 to permit an assembly use at 4045 Kingsway.

REFERENCES

Address: 4045 Kingsway
Legal: PID: 003-294-862 Lot 6 District Lot 34 Group 1 New Westminster District Plan 849; and
PID: 003-294-986 Lot 7 District Lot 34 Group 1 New Westminster District Plan 849

Applicant: On behalf of, and as agent for, the registered owner:
Community Living Society
7th Floor – 713 Columbia Street, New Westminster, BC, V3M 1B2
Attention: Aaron McQueen

RECOMMENDATION

THAT Temporary Use Permit #23-03 (included as **Attachment 2**) to the report titled “Temporary Use Permit #23-03 (4045 Kingsway)” dated January 15, 2024, be approved.

1.0 POLICY SECTION

The proposed Temporary Use Permit (TUP) aligns with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Official Community Plan (1998),
- Metrotown Downtown Plan (2017),
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016) and,
- Transportation Plan (2021).

2.0 BACKGROUND

The subject site is located in the Metrotown Downtown Community Plan area, on the north side of Kingsway between Inman Avenue and Patterson Avenue (see **Attachment 1**). The site is improved with a church, a childcare facility, and surface parking. Existing vehicle access to the site is via Patterson Avenue.

The site is currently zoned for institutional uses under the prevailing Comprehensive Development District (based on the P5 Community Institutional District) as a guideline. Located within the Central Park North neighbourhood of the Metrotown Downtown Plan area, the site is designated for high-density mixed-use based on the RM4s and RM4r Multiple Family Residential Districts and the C2 Community Commercial District as guidelines, and subject to a suitable land assembly.

To the north of the subject property are multiple family residential developments. To the east, are low-rise commercial developments and a multiple family residential development. To the south across Kingsway is Central Park. To the west, is a childcare facility and a multiple family residential development.

3.0 GENERAL INFORMATION

3.1 Temporary Use Description

The applicant is proposing to use a room in the childcare facility building, located on the northwestern portion of the site (see **Attachment 1**), from Monday to Friday from 8:30 am – 4:30 pm for their community embedded program for adults with disabilities. This room will primarily be used as a meeting and pickup point for participants of this program, as participants and support staff head out into the community to do various activities based on the participants' preferences. This site is ideal for this use, as it is 'community embedded' in that it is near a transit hub and has easy access to community centres and libraries. The room may be used for the full duration of time due to adverse weather conditions, at which point indoor activities are arranged. There will typically be 5 participants and 5 support staff. No changes to the interior of the building will be required to facilitate this proposed temporary use. As the site currently conforms to the *Burnaby Zoning Bylaw* requirements for off-street parking, no additional parking spaces are required in order to accommodate the proposed temporary use.

3.2 Policies and Bylaw Consideration

Under the Burnaby Zoning Bylaw, assembly facilities are not permitted in the P5 Community Institutional District. As such, the applicant is requesting a temporary use permit to enable this use from the P2 Administration and Assembly District.

Overall, the proposed temporary use has a design, operation, and intensity of use that is compatible with adjacent properties and land uses, with anticipated noise and traffic impacts comparable to the existing conditions on the site. Further, the proposed temporary use does not include the construction of new buildings or additions that could

deter or delay the redevelopment of the property in line with Community Plan designations. As such, the proposed temporary use is considered supportable.

3.3 Terms and Conditions of Permit

The temporary use is permitted subject to the following conditions:

- a. Compliance with Section 502.2 of the Burnaby Zoning Bylaw.
- b. Registration of a reciprocal shared driveway access and parking easement and covenant agreement on title to the two legal lots comprising 4045 Kingsway.

The applicant has agreed to the above noted conditions.

3.4 Duration of Permit

Under the *Local Government Act*, a TUP is valid until the earlier of the specified expiry date and the date that is three (3) years from the date of issuance, and an application for one extension to the permit may be made and issued for up to three (3) additional years. A new TUP application is required after one extension. Subject to Council approval, the proposed TUP will be valid for three (3) years from the time of issuance of the permit.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

In accordance with the Burnaby Development Procedures Bylaw, public notices were mailed out to the properties within 50.0 m (164 ft.) of the subject site and published in accordance with the Burnaby Public Notice Bylaw. In addition, the applicant has posted public notification signs on the site for a minimum of 30 days prior to this Council meeting. The purpose of this public notification is to inform the public about the proposed temporary use and provide an opportunity to comment on the application.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

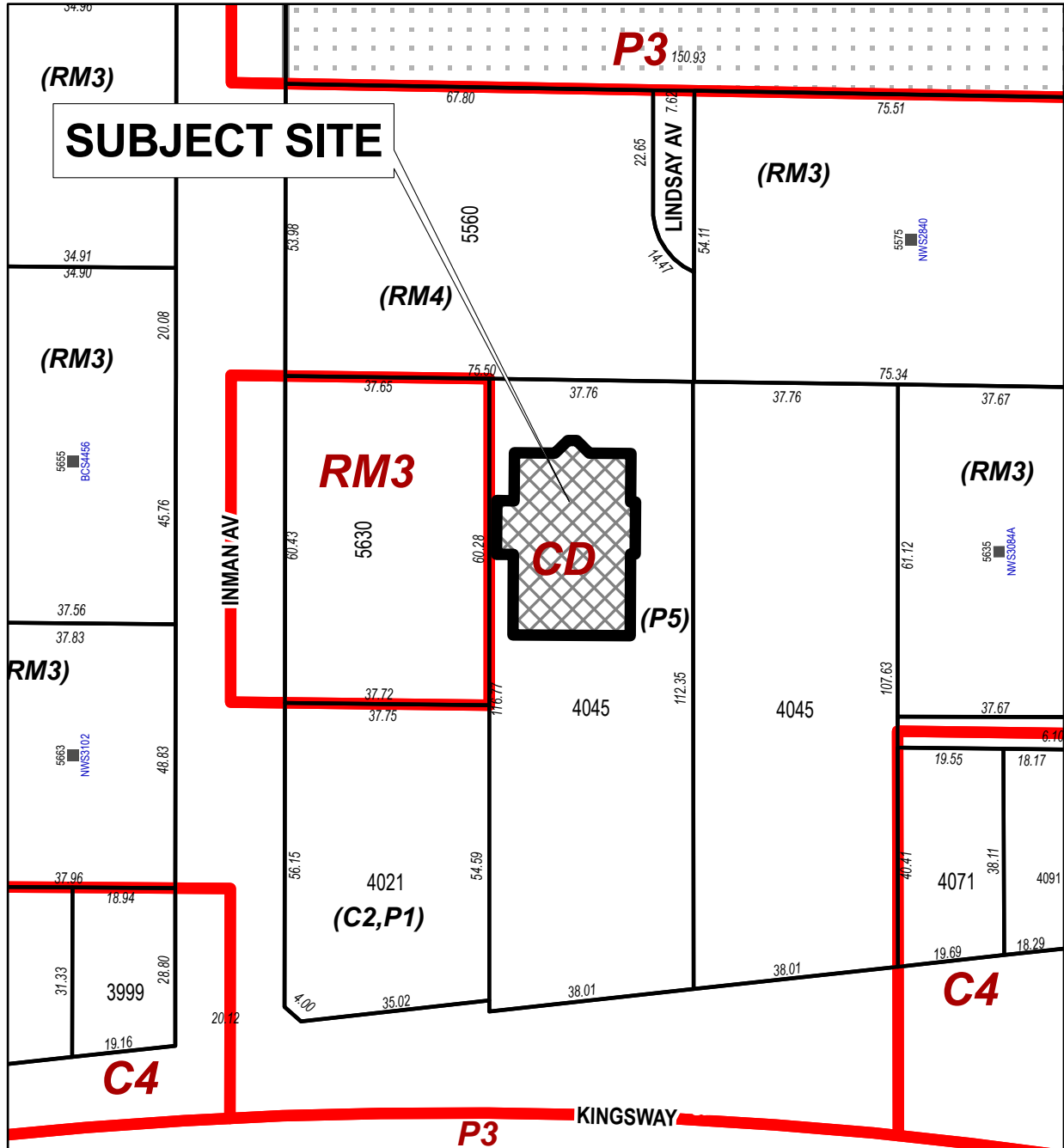
ATTACHMENTS

Attachment 1 - Sketch #1

Attachment 2 - Temporary Use Permit #23-03 (4045 Kingsway)

REPORT CONTRIBUTORS

This report was prepared by Jasmin Senghera, Planning Analyst, and reviewed by Jesse Dill, Director Development.



SUBJECT SITE



PLANNING AND DEVELOPMENT DEPARTMENT

Date: NOV 06 2023

Scale: 1:1,200

Drawn By: RW

**TEMPORARY USE PERMIT APPLICATION#23-03
4045 KINGSWAY**

 Subject Site

ISSUED BY: CITY OF BURNABY
4949 CANADA WAY
BURNABY, BC V5G 1M2

APPLIED FOR BY: COMMUNITY LIVING SOCIETY
7TH FLOOR – 713 COLUMBIA STREET
NEW WESTMINSTER, BC V3M 1B2

FILE: TUP#23-00003

PROPERTY: **4045 KINGSWAY**
PID: 003-294-862 LOT 6 DISTRICT LOT 34 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 849 AND
PID: 003-294-986 LOT 7 DISTRICT LOT 34 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 849

1. **Site:** This Permit applies to the portion of the Property shown hatched on drawing number A 1.00 **attached** as Schedule “A” and any and all buildings, structures and other improvements thereon (the “**Site**”).
2. **Temporary Permitted Use(s).** The Site may be used for the following temporary use(s) in accordance with this Permit:

Assembly facility.
3. **Conditions:** The Temporary Permitted Use is permitted subject to:
 - a. Compliance with Section 502.2 of the Burnaby *Zoning Bylaw*.
 - b. Registration of a reciprocal shared driveway access and parking easement and covenant agreement on title to the two legal lots comprising 4045 Kingsway.
4. **Security:** Not applicable
5. **Undertakings:** Not applicable
6. **Compliance with Laws:** This Permit is issued subject to compliance with all statutes, regulations, bylaws, orders, covenants and agreements relating to the Property, Site and the Temporary Permitted Use(s), except as specifically varied or supplemented by this Permit. No variances other than those specifically set out in this Permit are implied or to be construed by the issuance of this Permit.

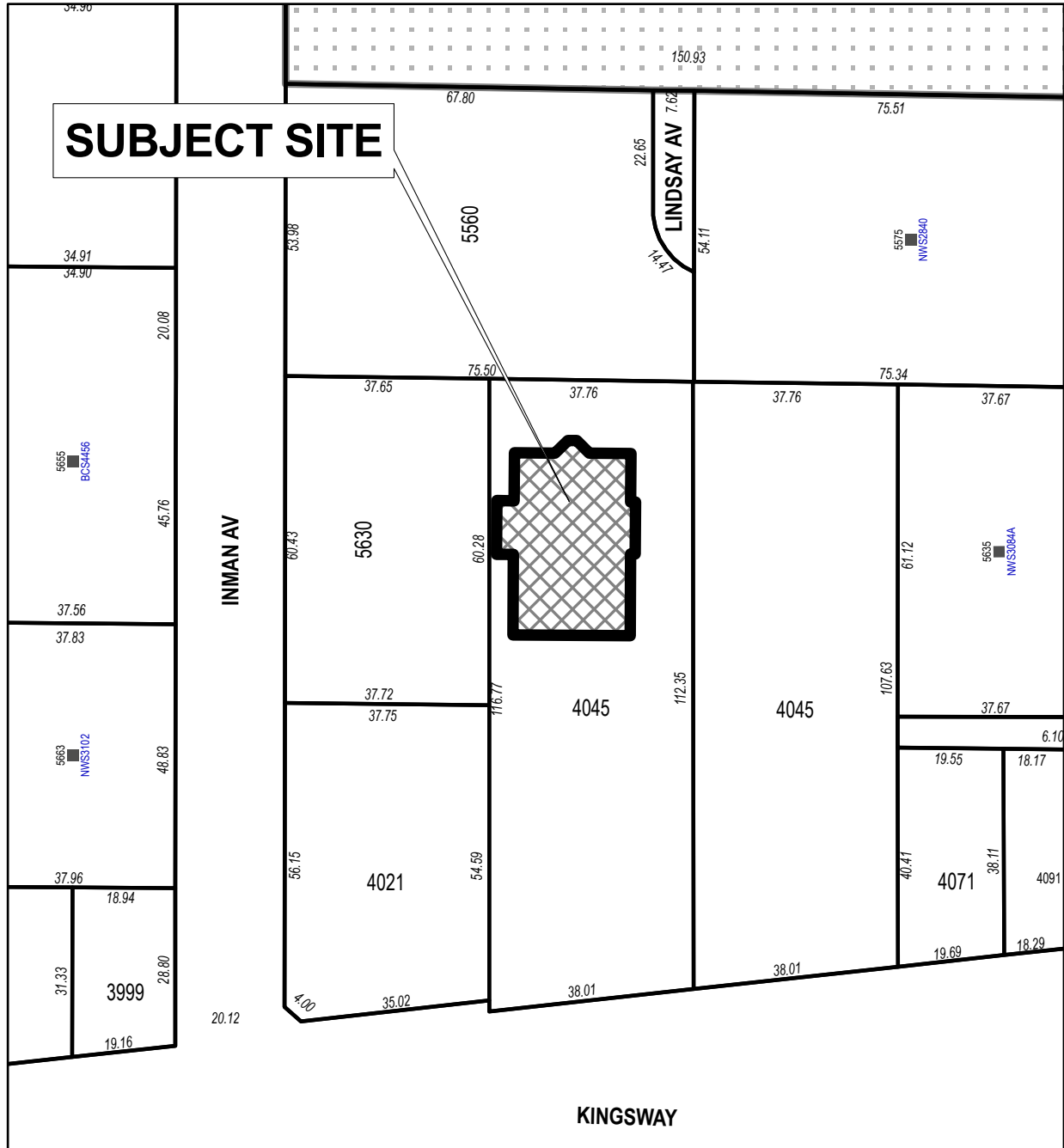
7. **Other Permits and Approvals:** This Permit does not constitute a rezoning, subdivision approval, sign permit, building permit, business licence or other required City permit or approval for the Site or Temporary Permitted Use(s).
8. **Lapse:** If this Permit authorizes construction, this Permit lapses if:
 - (a) a complete Building Permit application for the construction is not submitted to the City within ninety (90) days of the date of issuance of this Permit, except where an extension is granted by the General Manager Planning and Development; or
 - (b) the construction is not substantially started within two (2) years after the date of issuance of this Permit.
9. **Expiration:** Unless renewed in accordance with the *Local Government Act* and the *Burnaby Development Procedures Bylaw*, this Permit expires three (3) years after the date of issuance of this Permit. This Permit may be renewed only once.
10. **No Assignment or Transfer:** This Permit cannot be assigned or transferred.

AUTHORIZING RESOLUTION PASSED BY BURNABY CITY COUNCIL on the ____ day of _____, 2024.

MAYOR

DEPUTY CORPORATE OFFICER

DATE OF ISSUANCE: _____



SUBJECT SITE



PLANNING AND DEVELOPMENT DEPARTMENT



Date: NOV 06 2023

Scale: 1:1,200

Drawn By: RW

**TEMPORARY USE PERMIT APPLICATION#23-03
4045 KINGSWAY**

 Subject Site