

ADVISORY PLANNING COMMISSION

Tuesday, September 20, 2011 **5:15** p.m.
Committee Room No. 2

AGENDA

1.0	ADDITIONS TO AGENDA	
2.0	ADOPTION OF MINUTES	5:15 pm
2.1	Adoption of the Minutes of June 21, 2011	2
3.0	LAND USE PRESENTATIONS	
4.0	REZONING	6:30 pm
4.1	115 Richmond Street	File: REZ00056 5
	An application has been received to rezone the property at 115 Richmond Street from Single Detached Dwelling Districts (RS-1) to Public and Institutional Districts (Low Rise) (P-1) in order to continue its current use as a cemetery and permit additions to the site. These additions include an 80 niche, granite-clad columbarium with a statue; a three-car parking lot on the south east corner of the improved round-about and thirty-six new double-depth lawn crypts adjacent to this area; and a new “Cremation Garden” which will provide approximately 330 new niches in both single-sided and double-sided, free-standing columbarium units.	
5.0	NEW BUSINESS	
6.0	REPORTS AND INFORMATION	5:30 pm
6.1	Zoning Bylaw Amendment for Drive-In and Drive-Through Restaurants	12
6.2	Zoning Amendment Bylaw for Landscaped Outdoor Space	20
7.0	CORRESPONDENCE	
8.0	NEXT MEETING	
	October 18, 2011 (in Committee Room No. 2)	
9.0	ADJOURNMENT	
	Please contact Kathleen Stevens to confirm your attendance 604-527-4656 or kstevens@newwestcity.ca .	

ADVISORY PLANNING COMMISSION

Tuesday, June 21, 2011 6:15 p.m.
Committee Room No. 2

MINUTES

VOTING MEMBERS PRESENT:

Alex Sweezey	- Chair
Helen Bodner	- Community Member
Baj Puri	- Community Member
Maryam Salmani	- Community Member
Brian Shigetomi	- Community Member
Mark Vance	- Community Member
Ken Williams	- Community Member

VOTING MEMBER REGRETS:

Maria Marcu	- Community Member
Terry Owen	- Community Member

STAFF:

Stephen Scheving	- Planning Consultant
Julie Schueck	- Heritage Planner
Donna Martin	- Committee Clerk

The meeting was called to order at 6:26 p.m.

1.0 ADDITIONS TO AGENDA

There were no additions to the agenda.

2.0 ADOPTION OF MINUTES

2.1 Adoption of the Minutes of May 17, 2011

MOVED and SECONDED

THAT the minutes of the Advisory Planning Commission meeting held on May 17, 2011 be received and adopted.

CARRIED.

All members of the Commission voted in favour of the motion.

3.0 LAND USE PRESENTATIONS

4.0 REZONING

4.1 660-700 Columbia Street (Trapp & Holbrook Blocks) **File: REZ00002/SDP159 HRA 2608.20.46**

Stephen Scheving, Planning Consultant reported an application has been received to amend the Comprehensive Development Districts (Trapp Block) (CD-19) zone and enter into a Heritage Revitalization Agreement for 660-700 Columbia Street in order to enable the retention and restoration of the façades of the Trapp Block and the Holbrook Block and construct a 20 storey building behind the façades.

Amendments to (CD-19) facilitate a reduction in the size of the site by exclusion of the south-west corner of the property, an increase in the height of the proposed building from 179 feet 6 inches to 183 feet, a decrease in the number of housing units from 190 to 180 and a reallocation of floor space from the podium to the tower which would increase the width of the tower from 72 feet to 85 feet 6 inches. **(Architect: IBI/HB Architects; Developer: Salient Group)**

Julie Schueck, Heritage Planner reported notices went out to the following:

- 658 notices to neighbours within 100 metres;
- New Westminster Heritage Preservation Society
- Superintendent of Schools
- Chair of School Board

One letter of support was received.

Questions from the Commission *(Response in italics)*

- What is the floor space ratio? *The floor space ratio will be 7.45.*
- Are the relaxations for this project more than what was given to the Interurban Building? *The Interurban Building went through a different process however the numbers are similar.*
- What exists on the southwest corner? *The western end of the project is currently occupied by a two-storey building.*
- How many buildings will be on the consolidated lot? *Four buildings occupy the consolidated lot.*
- When this came before the Planning Commission previously, were there any concerns? *The only issue staff can recall is the Commission wanted to see retail on Front Street and canopies over the sidewalks.*

Mr. Hancock, architect, indicated the intention is to restore the Trapp Building façade; to have retail on Front Street; to animate Columbia Street and to modify the top of the building to make more of a penthouse statement.

Questions from the Commission: *(Response in italics)*

- How many floors of Army and Navy building will be retained? *The building itself will not be retained however the historic façade will be restored.*
- Is visitor parking provided? *There will be visitor parking.*
- Will there be retail on Front Street? *Yes*

Marina Rommel, landscape architect, reported on the landscape plan noting there will be an amenity space on the interior with a fireplace, a patio space, a viewing deck, and an area for an herb garden. There will be common areas and private areas.

Questions from the Public: *(Response in italics)*

- How will the building process and traffic affect the retail businesses in the area? *There will be a construction plan to protect the safety of the public and agreements must be made with those affected.*
- How long will the construction take? *It could possibly be eighteen months.*

Comments from the Commission: *(Response in italics)*

- Great addition to downtown
- Hope this is start of revitalization of Columbia Street
- Project is complementary to the future vision of downtown
- Like addition of retail along Front Street

MOVED and SECONDED

THAT the revised proposal for 660 – 700 Columbia Street be supported.

CARRIED.

All members of the Commission present voted in favour of the motion.

5.0 NEW BUSINESS

6.0 REPORTS AND INFORMATION

7.0 CORRESPONDENCE

8.0 NEXT MEETING

July 19, 2011 in Committee Room No. 2

9.0 ADJOURNMENT

ON MOTION, the meeting closed at 7:25 p.m.

Alex Sweezey
Chair

Donna Martin
Committee Clerk

REPORT

DEVELOPMENT SERVICES DEPARTMENT

To: Members of the Advisory Planning Commission Date: August 10, 2011
From: Jim Hurst, Development Planner File: REZ0056
Subject: 115 Richmond Street – St. Peters Cemetery

RECOMMENDATION

THAT this report be received by the Advisory Planning Commission for information.

PURPOSE

An application has been received for a rezoning for the property addressed as 115 Richmond Street. The purpose of this report is to provide preliminary information to Advisory Planning Commission on this application.

BACKGROUND

Property Owner:	The Roman Catholic Archbishop of Vancouver
Zoning:	(RS-1) Single Detached Dwelling District
Official Community Plan Land Use Designation:	(CEM) Cemeteries/ Open Space
O.C.P. Development Permit Area Designation:	N/A
Site Area:	4.6 acres (1.87 hectares)

OFFICIAL COMMUNITY PLAN CONSIDERATIONS

The Official Community Plan designates this site as CEM) Cemeteries/ Open Space: this area will include cemeteries”.

DISCUSSION

The purpose of this application is to zone the site to conform to the current use. This is consistent with City practice as witnessed by the rezoning of the City owned cemetery on the south side of Richmond Street in 2008 when the upgrading that cemetery occurred.

CONCLUSION

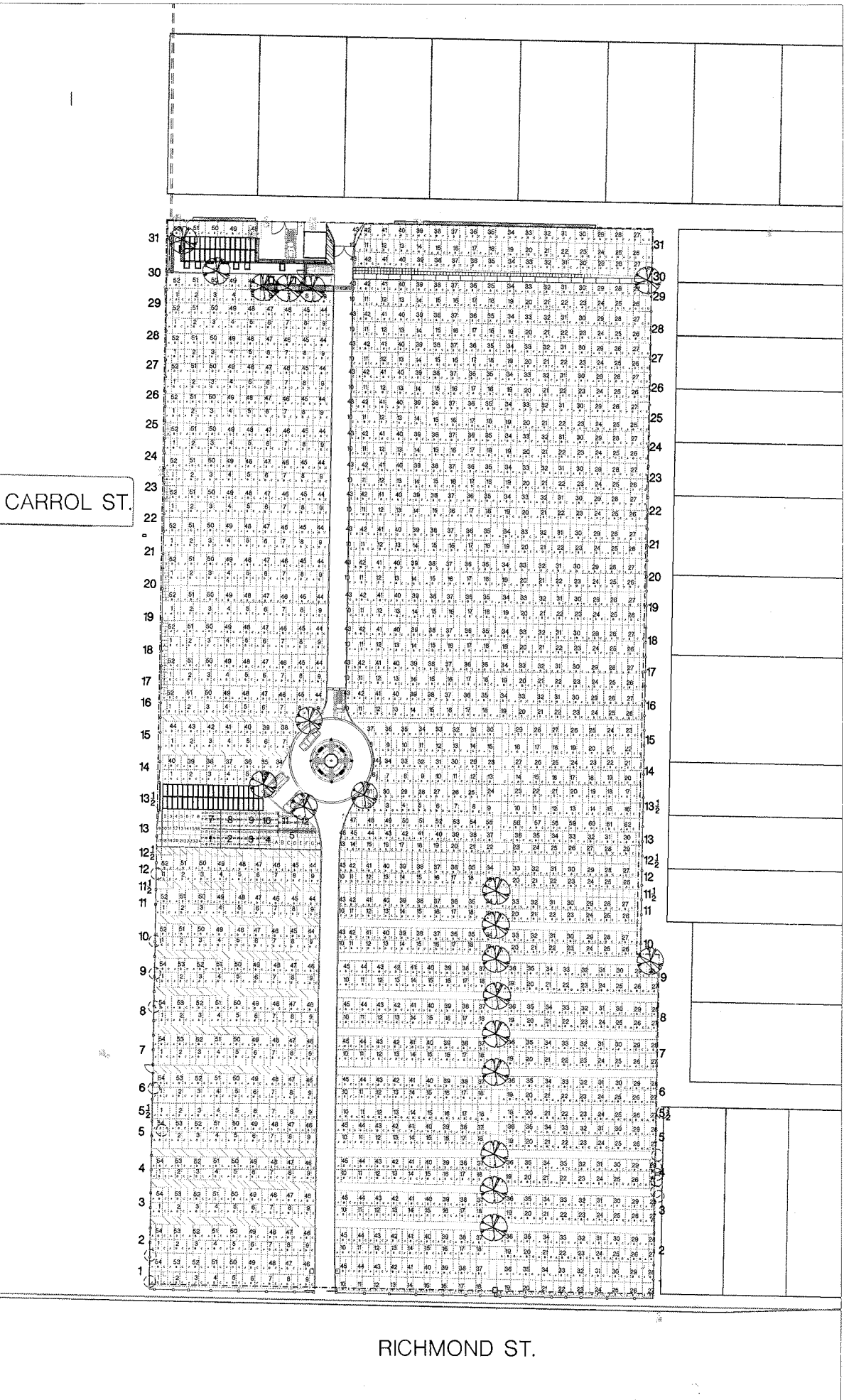
This report background information on a rezoning application for the property addressed as 115 Richmond Street, also known as Saint Peters Cemetery.

James Hurst,
Development Planner

APPENDIX

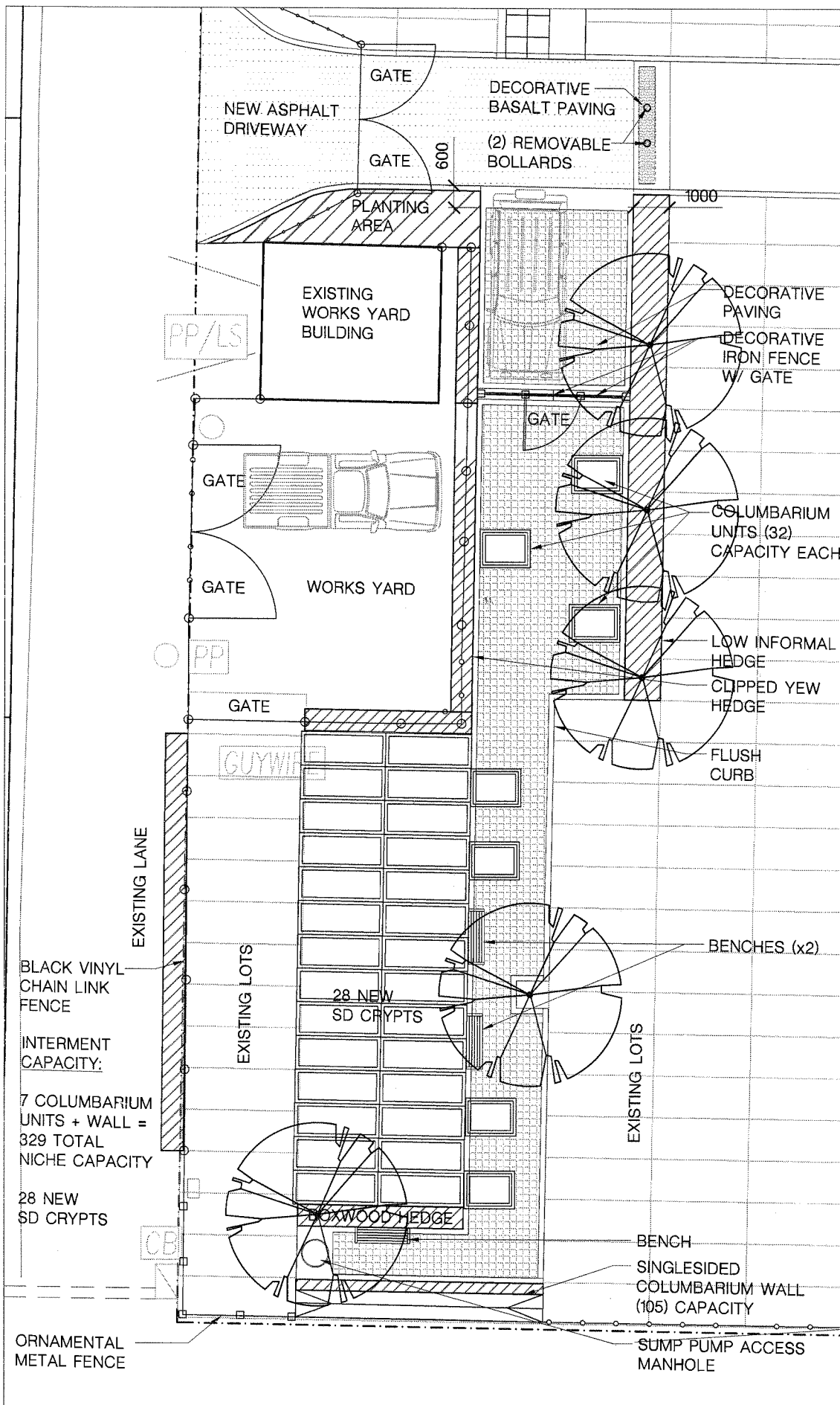
Project Plans

ST PETERS CEMETERY - STRATEGIC MASTER PLAN

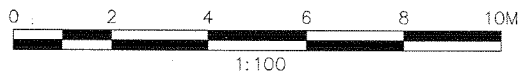


CARROL ST.

RICHMOND ST.



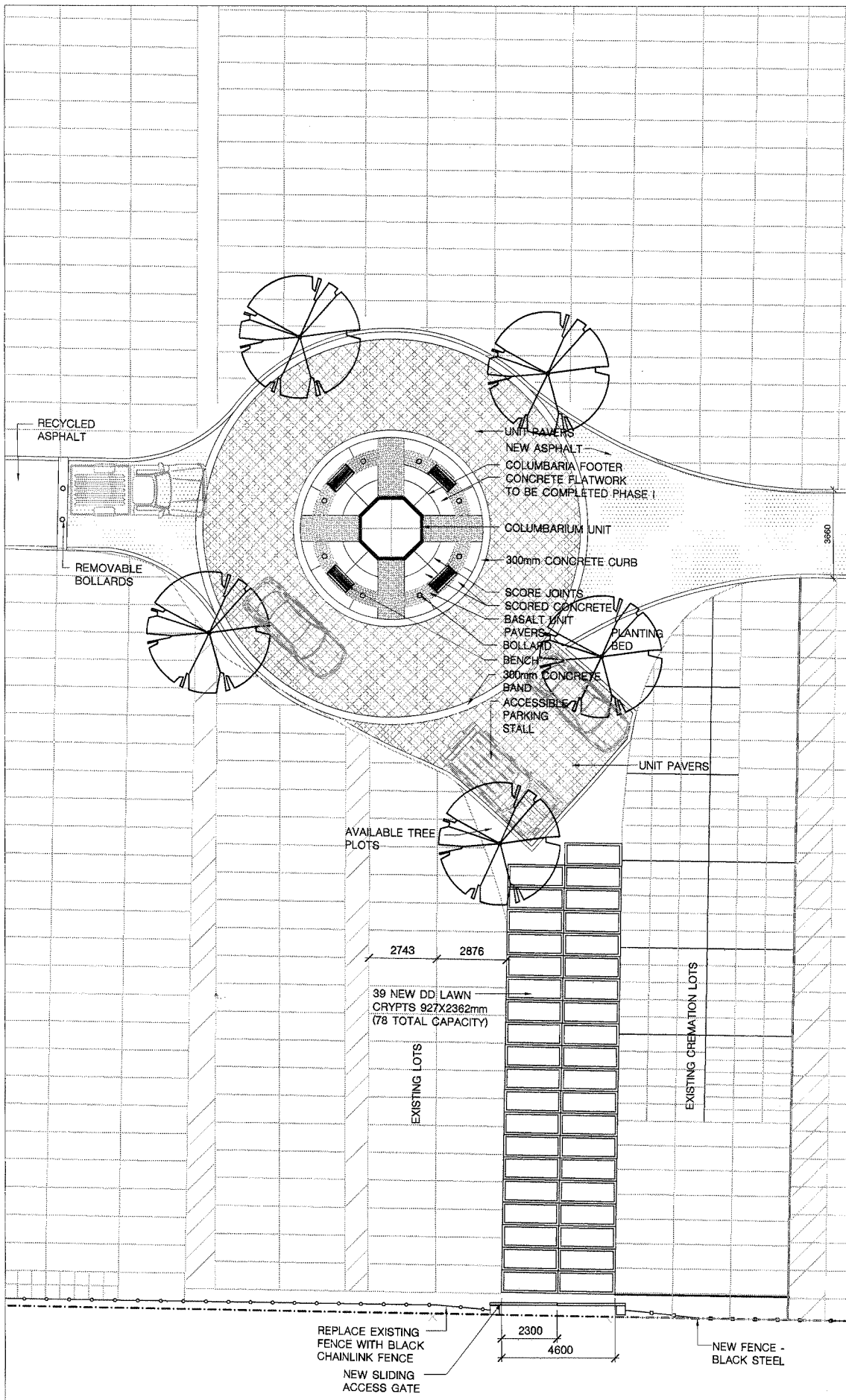
SW CORNER CONCEPT
 DD CRYPTS & COLUMBARIUM
 ST PETERS CEMETERY



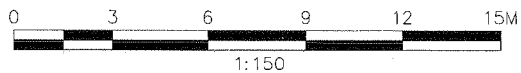
REVISED MAY 6, 2011

LEES+ASSOCIATES





TRAFFIC CIRCLE CONCEPT
ST PETERS CEMETERY



REVISED May 6, 2011

LEES+ASSOCIATES



REPORT

DEVELOPMENT SERVICES DEPARTMENT

To: Members of the Advisory Planning Commission Date: September 20, 2011
From: Michael Watson, Planning Assistant File: 13.2680.20
Subject: Zoning Bylaw Amendment – Drive-In and Drive-Through Restaurants

RECOMMENDATION

THAT this report be received for information.

PURPOSE

The purpose of this report is to provide the Advisory Planning Commission with information regarding drive-in and drive-through restaurants in commercial and industrial districts and changes to the Zoning Bylaw proposed by staff. Staff are looking for comment and feedback from the Advisory Planning Commission on this amendment. The proposed bylaw changes are as summarized:

- Changing the permitted use “Cafés and restaurants, excluding drive-in restaurants” in all conventional commercial zones to “Cafes and restaurants, excluding drive-in and drive-through restaurants”.
- Limiting the size of cafés and restaurants in the light industrial district (M-1) and the heavy industrial district (M-2).

BACKGROUND

Recently staff have received several inquiries regarding permitted locations for drive-through restaurants. A number of these inquiries have been concerning locating drive-through restaurants on properties zoned Light Industrial districts.

On May 7, 2009 Council Adopted the following recommendation from the Bicycle and Pedestrian Advisory Committee:

THAT staff be directed to review the current Zoning Bylaw in the context of

drive-throughs and develop guidelines relating to drive-throughs and their interface with traffic and pedestrians.

Originally, staff had anticipated updating the drive-in and drive-through restaurant regulations as part of the larger Zoning Bylaw review and rewrite. However, given the recent inquiries, staff are now pursuing changes to regulations ahead of the larger Zoning Bylaw review and rewrite.

On June 10, 2009, the Environment Committee Adopted the following motion:

***THAT** the Environment Committee is opposed to the expansion and/or creation of drive-throughs.*

EXISTING POLICY/PRACTICE

The Zoning Bylaw currently regulates the locations in which a café or restaurant would be permitted to operate. A café or restaurant would be permitted in all conventional commercial zoning districts, however a restaurant in these districts would not be permitted to include a drive-in restaurant. Zoning districts which allow cafés and restaurants list “Cafés and Restaurants, Excluding Drive-In Restaurants” as a permitted use.

Drive-in restaurants are permitted in Commercial Service Districts (CS-1), Larger Format Commercial Districts (C-10) and the Light Industrial Districts (M-1). These zones list “cafés and restaurants” as a permitted use. Drive-in restaurants would be permitted because there is no exclusion as in the use permitted in conventional commercial districts.

Use	Allows	Zoning Districts Permitted
Cafés and Restaurants, Excluding Drive-In Restaurants	Cafés or Restaurants, but would not permit drive-ins	All standard commercial zoning districts (not permitted in non-standard districts such as: C-2B, C-5, and C-7)
Cafés and Restaurants	Cafés and restaurants which could include a drive-in.	C-10, CS-1 and M-1
Restaurants, not exceeding a gross floor area of 1,500 square feet (139.35 square metres)	Cafés and restaurants which could include a drive-in, but would be limited to 1,500 sq. ft.	M-2

The Industrial Lands Strategy, adopted by Council February, 2008, recommends that: *“The City should [...] review the M-1 Light Industrial and M-2 Heavy Industrial zoning districts and ensure that only industrial uses and limited accessory uses that are usually part of industrial businesses (e.g. certain types of office, wholesale) or serve industrial employees (e.g. gas station, small restaurant) are allowed”*.

On October 20, 2008, Council adopted an amendment to Street Traffic Bylaw 6027, 1991, commonly referred to as the anti-idling bylaw. This bylaw limits the amount of time vehicles can idle to a maximum length of three minutes. This regulation does not apply to vehicles on private properties.

ANALYSIS

Restaurants in Industrial Districts

Currently, the Light Industrial Zoning District (M-1) allows several commercial uses including “Cafés and Restaurants”. The “Cafés and Restaurant” use would allow properties zoned M-1 to be used for drive-in and drive-through restaurants.

The Heavy Industrial Zoning District (M-2) allows restaurants to a maximum size of 1,500 square feet (139.35 square metres). This would allow properties zoned M-2 to be used for restaurants, including drive-in and drive-through restaurants, provided they do not exceed 1,500 square feet (139.35 square metres) in gross floor area.

The Industrial Lands Strategy, adopted in 2008, specifically recommends that the integrity of industrial zoned properties be maintained by removing commercial uses which do not support the function of industrial businesses. The inclusion of commercial uses can increase the value of the land and make it less financially desirable for industrial operations.

In order to permit restaurants which still serve the surrounding industrial uses, but which do not become a draw beyond the area, some municipalities limit the maximum floor area of restaurant uses in industrial districts. The chart below shows the size of some municipalities which employ this method:

Municipality	Size Limit
New Westminster (M-2)	139.35 square metres (1,500 square feet)
Port Coquitlam	75 square meters (807.30 square feet)
Vancouver	100 square metres (1,076.43 square feet)
Maple Ridge	200 square metres (2,152.85 square feet)
Abbotsford	175 square metres (1,883.75 square feet)

Staff recommend that the Zoning Bylaw be amended to allow cafés and restaurants in the M-1 and M-2 zoning districts to a maximum size of 140 square metres (1,507 square feet) in order to ensure that restaurants in industrial districts remain relatively small and directly serve industrial employees in the area.

Clarification of Extent of Drive-In Restaurants Permitted

Drive-in restaurants have been excluded from most commercial zones since September of 1966. Staff have interpreted the exclusion of drive-in restaurants to include both drive-in and drive-through restaurants. However, recently, the extent of the definition of “drive-in” has come into question and it has been suggested that drive-in may, in fact, not include drive-through restaurants.

Staff recommend that the Zoning Bylaw be amended to clarify and ensure that drive-through restaurants are not permitted in pedestrian oriented commercial districts for several reasons. Drive-through restaurants can pose a safety risk to pedestrians as the business results in additional vehicles crossing sidewalks to enter and exit the site. Drive-through restaurants focus on automobile functionality rather than on improving the pedestrian environment. Drive-through restaurants defeat the spirit of a recently adopted amendment to the Street Traffic Bylaw which prohibits vehicles from idling for more than three minutes. It is likely that cars queued for service will idle for longer than three minutes, particularly in times when restaurant services are in high demand. Finally, more generally, drive-through restaurants reinforce a transportation mode split which strongly favours automobile use over other modes, which has an adverse environmental impact. Additionally, this amendment would support the motion adopted by the Environment Advisory Committee which stated their opposition to the creation of drive-through restaurants.

RECOMMENDED AMENDMENTS

Staff are recommending that the following changes be made to the Zoning Bylaw:

1. All instances of “Cafés and restaurants, excluding drive-in restaurants” be replaced with “Cafés and restaurants, excluding drive-in and drive-through restaurants”.
2. “Cafés and restaurants, excluding drive-in restaurants”, in the M-1 zoning district and “Restaurants not exceeding a gross floor area of 1,500 square feet (139.35 square metres)” in the M-2 zoning district be replaced with “Cafés and

restaurants, not exceeding 140 square metres (1,507.00 square feet) in gross floor area, excluding drive-in restaurants and drive-through restaurants”.

A copy of the proposed Zoning Amendment Bylaw No.7478, 2011 to implement the recommended amendments has been attached in Appendix A.

PROCESS

The proposed amendment will be forwarded to local business associations for comment and then forwarded to public hearing and consideration of third reading by Council.

CONCLUSION

Staff have recommended several amendments to the Zoning Bylaw to clarify regulations regarding drive-in and drive-through restaurants and to limit the amount of commercial space permitted in light industrial districts. Comments from the Advisory Planning Commission regarding the changes are requested.

Michael Watson,
Planning Assistant

Beverly Grieve
Manager of Planning

:mw

APPENDIX A:
PROPOSED ZONING AMENDMENT BYLAW NO. 7478, 2011

CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (DRIVE-IN AND DRIVE-THROUGH
RESTAURANTS) NO. 7478, 2011

ADOPTED _____

A Bylaw to Amend Zoning Bylaw No. 6680, 2001.

The Municipal Council of the City of New Westminster, in open meeting assembled,
ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Drive-In and Drive-Through Restaurants) No. 7478, 2011”.
2. Zoning Bylaw No. 6680, 2001 is hereby amended as follows:
 - a) In section 461.4 by deleting the phrase “Cafes or restaurants (excluding drive-in restaurants)” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - b) In sections 464.5 and 512.11 be deleting the phrase “Cafes and restaurants, excluding drive-in restaurants” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - c) In sections 510.8, 511.4, 514.13, 515.11, 521.6, 522.4, 570.3, 572.4, 573.10, 580. 13 and 581.13 by deleting the phrase “Cafés or restaurants, excluding drive-in restaurants” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - d) In sections 513.11, 520.8, 532.5 and 540.7 by deleting the phrase “Cafés and restaurants, excluding drive-in restaurants” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - e) In section 529.4 by deleting the phrase “Cafés and restaurants, excluding drive-in and drive-thru restaurants” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - f) In section 581.2, sub-districts 1(a) and 1(b) (Health Services), by deleting the phrase “Cafe and restaurant excluding drive-ins” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.
 - g) In section 581.2, sub-district 2(a) and 2(b) (Pedestrian Oriented Mixed Use), by deleting the phrase “Cafe and restaurants excluding drive-ins” and replacing it with the phrase “Cafés and restaurants, excluding drive-in restaurants and drive-through restaurants”.

- h) In section 710.11 by deleting the phrase “Cafes and restaurants” and replacing it with the phrase “Cafés and restaurants, not exceeding 140 square metres (1,507.00 square feet) in gross floor area, excluding drive-in restaurants and drive-through restaurants”.
- i) In section 720.26 by deleting the phrase “Restaurants not exceeding a gross floor area of 1,500 square feet (139.35 square metres)” and replacing it with the phrase “Cafés and restaurants, not exceeding 140 square metres (1,507.00 square feet) in gross floor area, excluding drive-in restaurants and drive-through restaurants”.

GIVEN FIRST READING this _____ day of _____, _____ .

GIVEN SECOND READING this _____ day of _____, _____ .

PUBLIC HEARING held this this _____ day of _____, _____ .

GIVEN THIRD READING this _____ day of _____, _____ .

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____, _____ .

MAYOR

CORPORATE OFFICER

REPORT

DEVELOPMENT SERVICES DEPARTMENT

To: Members of the Advisory Planning Commission Date: September 20, 2011
From: John Stark, Senior Social Planner File: 13.2680.20
Subject: Zoning Amendment Bylaw for Landscaped Outdoor Space

RECOMMENDATION

THAT this report be received for information.

PURPOSE

The purpose of this report is to seek feedback from the Advisory Planning Commission regarding the proposed Zoning Amendment Bylaw 7480, 2011 to remove the requirement for suitably landscaped outdoor space for child care facilities from the City's Zoning Bylaw.

BACKGROUND

As part of the review and update of the City's existing Zoning Bylaw, staff became aware of General Regulation 190.5, which stipulates that: "Where a child care facility is created or added to in any non-residential building or portion of a non-residential building, 75 square feet (6.97 square meters) of suitably landscaped outdoor space shall be provided for each child" This regulation was not referenced in any of the sections pertaining to child care within the non-residential zones of the Bylaw and was positioned under the heading "Screening and Landscaping."

EXISTING POLICY/PRACTICE

The City's Zoning Bylaw includes the following General Regulation:

190.5 Where a child care facility is created or added to in any non-residential building or portion of a non-residential building, 75 square feet (6.97 square meters) of suitably landscaped outdoor space shall be provided for each child in addition to any requirements specified in the Off-Street Parking Section (Section 150) of the Bylaw.

As staff recently became aware of this requirement in the Zoning Bylaw, Community Care Facilities Licensing requirements have been used to determine the required amount of outdoor play space for child care facilities.

ANALYSIS

The proposed amendment to the City's Zoning Bylaw is supportive of the New Westminster Child Care Strategy (February 2009) and the efforts by Community Care Facilities Licensing to facilitate new licensed child care, while continuing to ensure high quality care environments, including access to developmentally appropriate and safe outdoor play space. It also recognizes the redundancy of regulating outdoor play space within the Zoning Bylaw.

Child Care Strategy

The Child Care Strategy states: "That a review of municipal policies, regulations and procedures be conducted to ensure that no undue procedural obstacles exist in the development of child care." The City regulation in question acts as a potential barrier to the provision of new child care facilities.

Community Care Facilities Licensing

Community Care Facility Licensing has become more flexible in its interpretation of facility requirements as they pertain to outdoor play space in the Provincial Child Care Licensing Regulation.

The Child Care Licensing Regulation specifies that a licensee must have for each child at least 7.0 square meters (75.4 square feet) of outdoor play space. While Licensing continues to work towards meeting this regulation, it is recognized that this is difficult in more heavily built-up areas and commercial districts. As such, Licensing is willing to consider exemptions to the regulation where it can be demonstrated that the licensee can provide for and safely meet the needs of children in their care for outdoor play space.

Exemptions may be granted in the following cases: (1) where a licensee can alternate outdoor play times for the same care type, thus reducing the amount of outdoor play space by up to half; and (2) where a licensee can safely access a nearby playground. Regarding the latter, the licensee must submit a plan of supervision, which addresses how the children will access the playground and how they will be supervised while on site.

Redundancy in Regulations

Given that outdoor play space requirements are already regulated by Community Care Facilities Licensing and given that they have implemented evaluations that allow for more flexibility in the allocation of such space, the regulations contained within the City's Zoning Bylaw are redundant and act as an additional barrier to the provision of new child care facilities.

Recommendation

Staff recommend that Bylaw 7480, 2011, to delete the duplicated regulation for outdoor play space within the City's Zoning Bylaw, be forwarded to Council for consideration of first and second readings.

SUSTAINABILITY IMPLICATIONS

The proposed amendment to the City's Zoning Bylaw will facilitate the creation of new licensed child care facilities, which will contribute to the social and economic development of New Westminster.

CONCLUSION

Given the need to meet the child care demands of residents and workers in the City, including in more built-up and commercial areas of the Downtown, Sapperton and Uptown, the City's Zoning Bylaw should be supportive of efforts by Community Care Facilities Licensing to facilitate new licensed child care facilities, while continuing to ensure high quality care environments, including access to developmentally appropriate and safe outdoor play space. As such, staff recommend that Council endorse the proposed amendment to the Zoning Bylaw in order to remove any duplicate regulations in regards to child care facilities.

John Stark,
Senior Social Planner

Michael Watson,
Planning Assistant

:js/mw

Appendix #1:

Proposed Zoning Amendment Bylaw 7480, 2011

CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING AMENDMENT BYLAW (CHILD CARE LANDSCAPING) NO. 7480, 2011

ADOPTED _____

A Bylaw to Amend Zoning Bylaw No. 6680, 2001.

The Municipal Council of the City of New Westminister, in open meeting assembled,
ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Child Care Landscaping) No. 7480, 2011”.

2. Zoning Bylaw No. 6680, 2001 is hereby amended by deleting section 190.5.

GIVEN FIRST READING this _____ day of _____, _____ .

GIVEN SECOND READING this _____ day of _____, _____ .

PUBLIC HEARING held this _____ day of _____, _____ .

GIVEN THIRD READING this _____ day of _____, _____ .

ADOPTED and the Seal of the Corporation of the City of New Westminister affixed this
_____ day of _____, _____ .

MAYOR

CORPORATE OFFICER