

CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING BYLAW 6680, 2001, AMENDMENT BYLAW (88 TENTH STREET – COLUMBIA SQUARE) NO. 8485, 2024

WHEREAS the Council has adopted a zoning bylaw under Part 14 of the *Local Government Act*, and wishes to amend the bylaw,

THE COUNCIL of the Corporation 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 (88 Tenth Street – Columbia Square) No. 8485, 2024”.
2. The Lands that are the subject of this bylaw are shown cross-hatched and outlined in bold on the map attached to this bylaw as Schedule B, and are referred to in this bylaw as the “Subject Lands”.
3. Zoning Bylaw No. 6680, 2001 is amended by:
 - a) Adding as a new section, to be numbered section 1113, the regulations attached to this bylaw as Schedule A;
 - b) Changing the zoning designation of the Subject Lands from “Downtown Mixed Use Districts (High Density) (C-4)” to “Comprehensive Development District (88 Tenth Street – Columbia Square) (CD-113)”;
 - c) Updating the Zoning Map annexed as Appendix “A” to Zoning Bylaw No. 6680, 2001 to record these zoning changes.

Public Hearing prohibited, notice published _____ and _____, 2024.

GIVEN FIRST READING this _____ day of _____, 2024.

GIVEN SECOND READING this _____ day of _____, 2024.

GIVEN THIRD READING this _____ day of _____, 2024.

ADOPTED this _____ day of _____, 2024.

MAYOR PATRICK JOHNSTONE

HANIEH BERG, CITY CLERK

Schedule A to Zoning Amendment Bylaw No. 8485, 2024

Comprehensive Development District (88 Tenth Street – Columbia Square) (CD-113)



Comprehensive Development District (88 Tenth Street - Columbia Square) (CD-113)

1113 Comprehensive Development District (88 Tenth Street – Columbia Square) (CD-113)

1113 .1 The intent of this district is to allow an inclusive and dynamic mixed-use, walkable and transit centred urban community which connects Downtown and Lower Twelfth Street neighbourhoods.

Permitted Uses

1113 .2 The following principal and accessory uses are permitted in the CD-113 zoning district. For uses accompanied by a checkmark (✓), there are Conditions of Use within this zoning district or within the General Regulations or Special Conditions Sections of this bylaw.

Permitted Principal Uses	Use Specific Regulations
<i>Principal Uses Permitted within the Downtown Mixed Use Districts (C-4);</i>	✓
<i>Amusement arcade;</i>	✓
<i>Catering establishment;</i>	✓
<i>Community recreation facilities;</i>	
<i>Fire Halls;</i>	
<i>Food and beverage manufacturing;</i>	
<i>Lounge endorsement area;</i>	
<i>Museums, art galleries, civic buildings, aquariums, concert halls;</i>	
<i>Parks and playgrounds;</i>	
<i>Public Schools;</i>	
Permitted Accessory Uses	Use Specific Regulations
<i>Accessory uses permitted within the Downtown Mixed Use Districts (C-4);</i>	✓

Conditions of Use

1113 .3 For new buildings completed after October 22, 2024, only *Active Retail Uses* are permitted at grade within areas identified as “Active Retail Areas” in the Columbia Square Master Plan.



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- 1113 .4 No drive-in or drive-through uses shall be permitted for any permitted uses;
- 1113 .5 *Child care* in buildings otherwise used only for multiple dwelling residential uses shall be provided in accordance with Section 170.13 of this Bylaw;
- 1113 .6 *Food and Beverage Manufacturing* is limited to a floor area not exceeding 450 square metres (4,844 sq. ft.)
- 1113 .7 *Accessory Recycling Return Centre* shall only be permitted in accordance with the Special Conditions section of this Bylaw;

Definitions

- 1113 .8 Despite regulations and definitions elsewhere in the bylaw the following shall be defined for the purposes of this Zoning District:
- 1113 .9 **Active Retail Uses** includes only the following uses and, for certainty, does not include any drive-in or drive-through uses:
- Amusement arcades;
 - *Antique stores*, charity thrift stores, clothing consignment stores, second hand specialty stores;
 - Cafes and restaurants;
 - Community recreation facilities;
 - Cottage breweries;
 - *Hotels*;
 - *Jewelry manufacturing*;
 - Lounge endorsement areas;
 - Museums, art galleries, civic buildings, aquariums, concert halls;
 - *Personal service establishments*;
 - Public assembly and entertainment uses;
 - Public schools;
 - *Retail stores*;
- 1113 .10 **Affordable Housing** means housing offered for rent or sale at below market rates, pursuant to the terms of a housing agreement under s. 438 of the Local Government Act, and which is operated by a public agency, not-for-profit society or registered charity.
- 1113 .11 **Height** means the vertical distance measured to the highest point of a building, or portion of a building such as a podium or a tower, from a geodetic elevation of 1.83 metres (6 feet).
- 1113 .12 **Pre-Existing Residential Development** means the building located within AirSpace Parcel A, Blk 22, Reference Plan 82454 on October 22, 2024.



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1113 .13 **Site** means the entire area re-zoned to CD-113 by Bylaw No. 8485, 2024.

1113 .14 **Storey** means a storey as defined in the general regulations of this bylaw, excluding any storey with a ceiling lower than 1.83 metres (6 feet) geodetic elevation.

Base Density

1113 .15 Maximum base residential density is a floor space ratio (FSR) of 3.0.

1113 .16 Maximum base density for all uses, including residential uses, is a floor space ratio (FSR) of 5.2.

Subdivision

1113 .17 Despite any subdivision of land comprising the *site*, the total floor area in the CD-113 zone shall not exceed the maximum density for the *site*.

1113 .18 The *site* must not be subdivided unless, by covenant or zoning amendment, the allowable floor area for the zone, including any bonus residential floor area, is allocated among individual parcels created by the subdivision.

Bonus Residential Density

1113 .19 Residential density for the *site* may exceed the permitted base density, to a maximum of 9.5 FSR, if the conditions set out in this section are met.

1113 .20 Density exceeding the permitted base density for the *site* must provide a financial contribution towards amenities or affordable and special needs housing in accordance with rates published by the City and which are informed by a financial analysis conducted by the City for the neighbourhood.

1113 .21 In-lieu of financial contributions towards amenities the City may accept the provision of an alternate amenity equivalent in value to the financial contribution for the additional density allowed.

1113 .22 Residential density is not permitted unless at least 20% of the total residential floor area on the *site*, not including the floor area of *pre-existing residential development*, is *residential rental tenure*.

1113 .23 *Residential Rental Tenure* density subject to a Housing Agreement with the City, is exempt from the provision of financial contributions towards amenities, affordable housing and/or special needs housing.



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- 1113 .24 The floor area of *affordable housing* is exempt from the calculation of density.
- 1113 .25 Residential density exceeding the permitted base density is not permitted until a minimum of 0.13 FSR of business and professional offices uses are provided on the *site*.

Non-Residential Density

- 1113 .26 If more than 3.0 FSR of residential density is developed on the *site*, the maximum density for non-residential uses is 1.0 FSR.
- 1113 .27 The following uses are not included in the calculation of density, provided they are owned, leased or operated by a public agency:
 - community recreation facilities;
 - fire halls;
 - museums, art galleries, civic buildings, aquariums, concert halls;
 - public schools; and
 - parks and playgrounds.

Building Height

- 1113 .28 Maximum building height shall be as indicated on the map in section 190.49.5 of this Bylaw.
- 1113 .29 If density is increased in accordance with section 1113.19, the maximum height of buildings and structures shall be as indicated in the following table, but only if all buildings on the site are consistent with all Design Guidelines in effect and the Columbia Square Master Plan.

Building Portion	Maximum Height	Maximum Storeys
Podiums	72 feet	6 storeys
Overall Height	560 feet	53 storeys

Height and Setback Exemptions

- 1113 .30 Exemptions to height and *setback* regulations shall be permitted in accordance with the provisions of the Height and Setback Exemptions section of this bylaw.



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Fencing and Vision Clearance Requirements

- 1113 .31 Fencing shall comply with the provisions of the Fence and Vision Clearance Regulations section of this bylaw.
- 1113 .32 Vision clearance shall be maintained in accordance with the Fence and Vision Clearance Regulations section of this bylaw.

Off-Street Parking and Loading Requirements

- 1113 .33 Off-street vehicle parking shall be provided in accordance with the Off-Street Parking Regulation section of this bylaw.
- 1113 .34 Portions of buildings used for off-street automobile and bicycle parking areas, except those located with the *pre-existing residential development*, shall not have any portion of a vehicle parking area, except for vehicular ramps and points of entry and exit, extend above a geodetic elevation of 1.83 metres (6 feet), unless:
- a) at least one level of automobile parking within the building is located entirely below a geodetic elevation of 1.83 metres (6 feet);
 - b) all portions of above grade parking areas, except at points of entry and exit, are surrounded on all sides by floor area used for residential, commercial or institutional uses so as to fully screen the parking area from view at the exterior of the building, unless exemptions are made in writing by the Director or Planning and Development;
 - c) the design of the building is consistent with all Design Guidelines in effect and the Columbia Square Master Plan; and
 - d) the total combined area of all off-street automobile and bicycle parking and off-street loading areas located above a geodetic elevation of 1.83 metres (6 feet), do not exceed the following maximums:
 - a. 23,225 square metres (249,992 sq. ft.) for the first 6.4 FSR of density; and
 - b. 41,800 square metres (449,931 sq. ft.) total.
- 1113 .35 *Accessible off-street parking* shall be provided in accordance with the Accessible Off-Street Parking Regulation section of this bylaw.
- 1113 .36 Off-street bicycle parking shall be provided in accordance with the Off-Street Bicycle Parking Regulations section of this bylaw.



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1113 .37 Off-Street loading shall be provided in accordance with the Off-Street Loading Regulations section of this bylaw.

Schedule B to Zoning Amendment Bylaw No. 8485, 2024

Area to be Rezoned to Comprehensive Development District (88 Tenth Street – Columbia Square) (CD-113)

