



PLANNING AND DEVELOPMENT COMMITTEE A G E N D A

Tuesday, June 23, 2020, 2:00 p.m.
Council Committee Room, City Hall
4949 Canada Way, Burnaby, BC

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5. NEW BUSINESS

6. INQUIRIES

7. CLOSED

Public excluded according to Sections 90 and 92 of the Community Charter for the Committee to consider negotiations and related discussions respecting the proposed provision of a municipal services that are at the preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public; and to discuss matters concerning the acquisition, disposition or expropriation of land or improvements, if Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

8. ADJOURNMENT



PLANNING AND DEVELOPMENT COMMITTEE M I N U T E S

**Tuesday, May 26, 2020, 1:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

- PRESENT:**
- Councillor Pietro Calendino, Chair
 - Councillor Sav Dhaliwal, Vice Chair
 - Councillor Joe Keithley, Member
 - Councillor Paul McDonell, Member (*participated electronically*)
 - Councillor James Wang, Member
 - His Worship, Mayor Mike Hurley, Ex-Officio Member
- STAFF:**
- Mr. Dipak Dattani, Director Corporate Services
 - Mr. Ed Kozak, Director Planning & Building
 - Mr. Dave Critchley, Director Public Safety and Community Services
 - Mr. Johannes Schumann, Assistant Director, Planning & Building
 - Ms. Lee-Ann Garnet, Assistant Director Long Range Planning
 - Mr. Jonathan Helmus, Assistant Director Engineering, Infrastructure Services
 - Ms. Elaine Wong, Executive Assistant, Office of the Mayor
 - Ms. Eva Prior, Administrative Officer
 - Ms. Lauren Cichon, Council Support Assistant

1. CALL TO ORDER

The Chair called the Open Committee meeting to order at 1:00 p.m. and concluded the roll call. Members attended the meeting in person, with the exception of Councillor McDonell who, due to the COVID-19 pandemic, participated electronically.

For the benefit of Councillor McDonell, the Administrative Officer reviewed the staff present.

The Chair, Councillor Calendino, recognized the ancestral and unceded homelands of the hən̓q̓əmin̓əŋ and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this shared territory.

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR DHALIWAL

THAT correspondence from Mr. Nathan Rotman, Airbnb regarding the *Regulatory and Enforcement Framework for Short Term Rentals in Burnaby* report be added to the agenda as Item 3.3.

CARRIED UNANIMOUSLY

2. **MINUTES**

2.1 **Minutes of the Planning and Development Committee Open meeting held on 2020 April 20.**

MOVED BY COUNCILLOR DHALIWAL
 SECONDED BY COUNCILLOR KEITHLEY

THAT the minutes of the Planning and Development Committee meeting held on 2020 April 20 be now adopted.

CARRIED UNANIMOUSLY

3. **CORRESPONDENCE**

3.1 **Memorandum from Deputy City Clerk - Re: Pattullo Bridge Replacement**

A memorandum was received from the Deputy City Clerk regarding an item of correspondence referred at the 2020 February 24 Council meeting to the Planning and Development Committee. The correspondence was received from Mr. Nathan Davidowicz regarding traffic concerns in regard to the proposed Pattullo Bridge upgrades. Mr. Davidowicz advised that he supports a connector between McBride Boulevard and Highway 1.

The Committee expressed concern regarding the potential increased traffic on 10th Avenue to Canada Way and/or Cariboo Road to Highway 1, resulting from the Pattullo Bridge Replacement Project. The Committee requested that staff further investigate the feasibility of a Stormont Connector tunnel, which would direct traffic to Highway 1.

Arising from discussion, the Committee introduced the following motion:

MOVED BY COUNCILLOR DHALIWAL
 SECONDED BY COUNCILLOR KEITHLEY

THAT the Transportation Plan include solutions to mitigate increased traffic, including possible measures such as a Stormont Connector tunnel, in response to the Pattullo Bridge Replacement Project.

CARRIED UNANIMOUSLY

Staff advised that Phase 2 of the Transportation Plan accounted for the increased traffic through modelling and did not recommend a Stormont Connector, instead focused on active transportation and networks/connections to disperse the traffic.

Staff undertook to provide the Committee with information regarding modelling and implications on neighbouring streets as a result of increased traffic from the Pattullo Bridge Replacement.

3.2 Correspondence from Nathan Davidowicz - Re: New Burnaby Transportation Plan - Phase 2

Correspondence was received from Mr. Nathan Davidowicz providing input regarding the New Burnaby Transportation Plan Phase 2.

This item of correspondence has been forwarded to staff for inclusion in the Phase 2 Public Consultation Program for the Burnaby Transportation Plan.

3.3 Correspondence from Nathan Rotman, Airbnb - Re: Short Term Rental Report

Correspondence was received from Mr. Nathan Rotman, Airbnb in response to the City's *Regulatory and Enforcement Framework for Short Term Rentals in Burnaby*. Mr. Rotman outlined concerns in regard to the following areas of the framework:

- Business licence;
- Principal residence restriction;
- Strata or condo permission letter; and
- Deferral of decision.

The Committee requested that this item of correspondence be dealt with under Item 4.3 of this agenda.

4. REPORTS

4.1 Report from the Director Planning and Building - Re: Government Cannabis Store Guidelines

The Director Planning and Building submitted a report recommending guidelines regarding the location of government cannabis stores.

The Director Planning and Building recommended:

1. THAT the Committee recommend Council adopt the proposed guidelines for government cannabis stores, as discussed in Section 4.0 of this report.

2. THAT a copy of this report be forwarded to Mark Long and Rory Mandryk, the respective applicants for Rezoning References #19-16 and #19-17, BC Liquor Distribution Branch, 3383 Gilmore Way, Burnaby, BC V5G 4S1.

MOVED BY COUNCILLOR DHALIWAL
 SECONDED BY COUNCILLOR KEITHLEY

THAT the recommendations of the Director Planning and Building be adopted.

CARRIED UNANIMOUSLY

4.2 Report from Director Planning and Building - Re: 2020 Active Transportation Program

The Director Planning and Building submitted a report requesting funding in support of programs that promote active transportation in 2020.

The Director Planning and Building recommended:

1. THAT Council be requested to authorize the expenditure of \$17,050.00 from the Boards, Committees and Commissions budget for programs that promote active transportation in 2020, as outlined in this report.

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR WANG

THAT the recommendation of the Director Planning and Building be adopted.

CARRIED UNANIMOUSLY

4.3 Report from the Director Planning and Building - Re: Regulatory and Enforcement Framework for Short Term Rentals in Burnaby

The Director Planning and Building submitted a report proposing regulatory and enforcement framework for short term rentals in Burnaby.

The Director Planning and Building recommended:

1. THAT the Committee recommend Council:
 - a. support the proposed regulatory and enforcement framework for short term rentals in Burnaby and that it form the basis of initial public engagement;
 - b. authorize staff to engage a third party data monitoring firm to provide detailed and ongoing data on short term rental activity in Burnaby to assist with the proposed enforcement program;
 - c. authorize staff to bring forward a report with the necessary amendments to the Zoning Bylaw, Business Licence Bylaw, the Business Licence Fees Bylaw and Bylaw Notice Enforcement Bylaw; and

- d. authorize the Finance Department to provide an analysis on the guidelines and limitations related to the use of the Municipal and Regional District Tax (MRDT) revenues from short term rentals for affordable housing initiatives.

MOVED BY COUNCILLOR DHALIWAL

SECONDED BY COUNCILLOR KEITHLEY

THAT the recommendations of the Director Planning and Building be adopted.

REFER

MOVED BY COUNCILLOR DHALIWAL

SECONDED BY COUNCILLOR KEITHLEY

THAT the report be **REFERRED** back to staff.

CARRIED UNANIMOUSLY

The Committee expressed concern regarding several of the short term rental regulations and provided direction to staff regarding proposed amendments.

Arising from discussion, the following motion was introduced:

MOVED BY COUNCILLOR DHALIWAL

SECONDED BY COUNCILLOR KEITHLEY

1. THAT staff include the following amendments in the report:

- a. Reference to 'tenant' be removed; only homeowners permitted to rent part or all of their principal residence on a short term basis;
- b. Rental of Entire Principal Residence: maximum rental of 28 days total per year;
- c. Number of Guests: define family and clarify that the regulation of six related guests is intended to allow for family stays; and
- d. Annual limit of 60 nights per year on short term rental of partial residence.

AMENDED

MOVED BY COUNCILLOR WANG

SECONDED BY COUNCILLOR MCDONELL

THAT recommendation #1.d be **AMENDED** to read as follows: Annual limit of 90 nights per year on short term rental of partial residence.

CARRIED

(Opposed: Councillor Keithley)

MOVED BY COUNCILLOR WANG
 SECONDED BY COUNCILLOR MCDONELL

THAT the Committee recommendations be adopted, **AS AMENDED.**

CARRIED UNANIMOUSLY

**Councillor Wang left the meeting at 3:10 p.m.*

Staff undertook to ensure that the primary objective of protecting long term housing supply be highlighted in the introduction to the framework; and introduce a requirement for the hosts to maintain reporting records regarding the number of nights rented.

**Councillor Wang returned to the meeting at 3:15 p.m.*

**Councillor Keithley left the meeting at 3:15 p.m. and returned at 3:17 p.m.*

4.4 Report from the Director of Planning and Building - Re: Proposed Zoning Bylaw and Building Bylaw Amendments - Fences and Retaining Walls

The Director Planning and Building submitted a report proposing text amendments to the Burnaby Zoning Bylaw and Building Bylaw regarding fences and retaining walls.

The Director Planning and Building recommended:

1. THAT Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw to update requirements with respect to fences and retaining walls, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.
2. THAT Council be requested to authorize the preparation of a bylaw amending the Building Bylaw to impose requirements with respect to fences and retaining walls, as outlined in Section 4.0 of this report.

MOVED BY COUNCILLOR DHALIWAL
 SECONDED BY COUNCILLOR KEITHLEY

THAT the recommendations of the Director Planning and Building be adopted.

CARRIED UNANIMOUSLY

3. CORRESPONDENCE

3.3 Correspondence from Nathan Rotman, Airbnb - Re: Short Term Rental Report

This item of correspondence was brought forward for consideration at this time; however, the corresponding report had been REFERRED back to staff.

Arising from discussion, the Committee introduced the following motion:

MOVED BY COUNCILLOR MCDONELL
 SECONDED BY COUNCILLOR KEITHLEY

THAT correspondence from Mr. Nathan Rotman, Airbnb regarding the *Regulatory and Enforcement Framework for Short Term Rentals in Burnaby Report*, be **DEFERRED** to the 2020 June 23 Planning and Development Committee meeting.

CARRIED UNANIMOUSLY

Normal order of the agenda resumed at this time.

5. **NEW BUSINESS**

Councillor Dhaliwal – Correspondence received from Mr. Greg Zayadi, Senior Vice President, Rennie regarding Thind Properties Highline Metrotown Development

Councillor Dhaliwal received correspondence from Mr. Greg Zayadi, Senior Vice President, Rennie requesting a redesign of nine two-level townhome units into 18 single-level condominium units in the Thind Properties Highline Metrotown development on Sussex Avenue.

Staff met with Thind Properties and advised that they did not support their request. Staff advised that townhomes and ground oriented units are required in the Metrotown Downtown Plan and provide much needed family oriented housing. Council's objective, through the Mayor's Task Force on Community Housing, supports townhomes to meet the long term needs of the community.

6. **INQUIRIES**

Councillor Calindino – Update Secondary Suite Text Amendment

Councillor Calindino inquired regarding secondary suite text amendments to the Zoning Bylaw.

Staff informed that they are currently completing work on a new sub-section of the Zoning Bylaw that would specifically address secondary suites. The amendments would include, but are not limited to, removal of the maximum suite area of 96 square metres as outlined in the BC Building Code.

The Zoning Bylaw text amendment report will be brought forward at the next Planning and Development Committee meeting.

7. **CLOSED**

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR WANG

THAT the Committee, in accordance with Sections 90 and 92 of the Community Charter, do now resolve itself into a Closed meeting from which the public is excluded to consider negotiations and related discussions respecting the proposed provision of a municipal service that is at the preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR MCDONELL

THAT the Open Committee meeting recess at 3:40 p.m.

CARRIED UNANIMOUSLY

**During the Closed portion of the meeting, Councillor Calendino left at 4:05 p.m. and did not return, and Councillor Dhaliwal assumed the Chair.*

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR MCDONELL

THAT the Open Committee meeting reconvene at 4:12 p.m.

CARRIED UNANIMOUSLY

8. **ADJOURNMENT**

THAT the Planning and Development Committee meeting adjourn at 4:12 p.m.

CARRIED UNANIMOUSLY

CHAIR

ADMINISTRATIVE OFFICER



May 25, 2020

Dear Mayor and Council,

We are writing on behalf of Airbnb hosts in Burnaby who are sharing their homes to make extra income. Before the pandemic struck, these hosts were an essential part of the economic fabric of your city, providing space for business travel, tourism and family visits in your city. Our host community has struggled with the downturn in tourism and stands ready to support rebuilding Vancouver's tourism industry and local economy when appropriate.

While short-term rentals have been part of Burnaby's economy for generations, we recognize the desire of the community to develop short-term rental rules that foster healthy home sharing. Our experience working with governments around the world has consistently shown that broad and thoughtful consultation, drawing upon facts and constructive experiences in other cities and communities, are the best way to reach a positive outcome for hosts, guests, neighbours, and the entire community. Airbnb hosts are also proud to be tax collectors in the city as the report notes. We are proud to contribute to local revenue through both the MRDT and PST collection agreements with the provincial government.

Given the size of the host community in Burnaby, we would like to re-emphasize the importance of taking an approach that accounts for the size and scale of the community. A light-touch framework that avoids an unreasonable burden on responsible hosts would be better suited to achieving Burnaby's compliance and enforcement objectives. Cities with small host communities have had greater success when they choose to not duplicate the regulatory frameworks of larger municipalities with very different needs. We encourage you to continue to look for a tailored, made-in-Burnaby solution that reflects the actual scale of home sharing in the city. With that in mind, we would like to inform you of some of our concerns on your current regulatory framework.

Business license

We understand and support the implementation of a business licensing system. We encourage staff to explore the option of an online registration system, if this is not already being done. Our experience around the world has shown that providing a simple online registration process encourages higher compliance rates.

As can be seen in Vancouver, a registration system designed in conjunction with industry actors will help to ensure that the system is effective. However, it is critical that the government work in direct conjunction with platforms in order to design a system that works with the technology of short-term rental websites. Airbnb's agreement with the City of Vancouver was the result of years of close collaboration and cooperation throughout the entirety of their regulatory process. We would welcome the opportunity to share our experience designing and implementing registration systems with other jurisdictions around the world.

Furthermore, we would encourage the system to be as simple as possible and as such encourage you to reduce friction in registration. Requiring proof of principal residence or condo/strata permission is onerous on the host applicant in a digital age when many registrations are done at the same time as a host is registering their property on the Airbnb platform. Vancouver's system operates through a system of self-attestation and works very well.



Principal residence restriction

We are concerned that this approach is not taking into consideration the types of people who are visiting Burnaby, and that it will have a detrimental impact on the city's economy. Without flexibility regarding primary and secondary residences, many hosts would be unable to continue sharing their homes. For example, many hosts in Burnaby rent to university and college students for example during the academic year and then short-term rent during the summer months.

Most cities have always had some dedicated rentals in their community. While the advent of Airbnb has made this easier to find, it is by no means a new phenomenon. The need for these types of rentals is real and diverse. In our experience, a balance on this issue is possible by looking at a two-tiered approach that ensures simple and light-touch requirements for people who are sharing their primary residence, while requiring a more strict regulatory framework for dedicated rentals. This can take the form of higher licensing fees and/or stricter inspection and reporting requirements.

Strata or condo permission letter

The requirement that Airbnb hosts must get landlord or condo board approval imposes an unnecessary and repetitive bureaucratic burden. Requiring either a tenant, with a legally binding lease agreement, or a condo owner with a legally binding set of condominium by-laws, to seek additional clarity and permission is burdensome and unnecessary.

If the lease agreement and/or condo by-laws are legally binding documents, there is absolutely no reason that such a repetitive regulation should be put in place. Airbnb would argue that, like in many other jurisdictions, the host confirms their eligibility through self-attestation. Airbnb would gladly provide examples of jurisdictions in Canada or elsewhere where self-attestation is functioning well.

Deferral of decision

Lastly, we are concerned with the timing of this meeting and kindly ask that you defer any decisions to the Fall. As you can imagine, the Covid-19 pandemic has brought significant hardship to our host community. Global travel is at a standstill and many of our hosts have been left with little to no income. Deferral to the fall would ultimately allow the City to reassess the need to regulate and well as allow our hosts to attend any Council meetings in person to make their voices heard.

We sincerely hope that this input will prove to be helpful as you consider your policy options.

We stand by our commitment to be a good community partner and we continue to urge you to not over-regulate the entire home sharing community - a community that is made up of Burnaby residents who are helping bring recognition to the hospitality of your city to travellers from around the world. Please let us know if you have any follow-up questions or concerns.

Sincerely,

Nathan Rotman

From: Wong, Elaine <Elaine.Wong@burnaby.ca>
Sent: Tuesday, June 9, 2020 10:40 AM
To: OConnell, Kate <Kate.OConnell@burnaby.ca>; Clerks <Clerks@burnaby.ca>
Subject: FW: COVID-19 real estate stakeholder joint recommendations

From: Matthew Mayers [<mailto:mmayers@bcrea.bc.ca>]
Sent: June-08-20 2:59 PM
To: Mayor
Subject: COVID-19 real estate stakeholder joint recommendations

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June 8, 2020

Mike Hurley
 Mayor
 Burnaby
 4949 Canada Way
 V5G 1M2
 Sent by email: mayor@burnaby.ca

Dear Mayor Hurley,

The real estate sector is an important pillar of the Canadian economy and a vital component to the economic health of your municipality. To recover from the unprecedented economic impacts of Covid-19, there is an urgent need for local government and industry to work together to mitigate the challenges Canadian businesses are facing, while laying the groundwork for economic recovery.

As organizations that represent key professions within the BC real estate and housing sector, we have partnered to review existing measures and identify support gaps and urgently needed actions that will assist in COVID-19 economic recovery.

As a result, we have developed the following recommendations, designed to further the government's efforts to:

- prevent bankruptcies and insolvencies that result in job loss, lost government revenue and greater demand for taxpayer-backed government assistance,
- allow Canadians to keep their homes through tough times and remain in their communities,

- make it easier to find and afford safe, appropriate housing to either rent or own, and
- support the broad recovery of the national economy.

The following represents our first set of recommendations for immediate implementation while government continues to manage the first stages of the pandemic and the reopening plan. In the next few months, we will provide long-term recovery recommendations.

Encourage housing supply and property development

The COVID-19 pandemic has exacerbated the growing mismatch between housing demand and residential construction. Many construction projects have slowed down and new developments have not launched, which will increase the strain on our housing supply. BC Stats predicts the province's population will increase by over 1.3 million people by 2041, and the British Columbia Real Estate Association expects housing sales to increase in 2021. All levels of government have the opportunity to encourage more homes available for rent or purchase – allowing more British Columbians access to affordable, appropriate housing.

Our recommendations will help bridge the gap while recovery is underway with only temporary impacts to municipal revenues.

We recommend:

Some municipalities are seeking to prioritize the housing market's recovery by fast-tracking development projects, and we encourage all local governments to do so. Some measures that could be considered include:

- relaxing other defined deadlines in municipal bylaws, such as deferring timelines of development and building permit applications from May until the beginning of Phase 3 of BC's Restart Plan,
- amending policies that require physical meetings, such as public hearings, with municipal representatives and members of the general public, by allowing virtual access to meetings,
- waiving public hearings for projects that fit existing design guidelines, Official Community Plan designations and other existing policies, pursuant to *Local Government Act*, and
- adopting other measures described in the Development Approvals Process Review.

Recommendations to the BC provincial and federal governments

We have sent the following recommendations to the federal and provincial governments:

BC Government and organizations:

- Support the Union of BC Municipalities' recommendation to expand the Property Tax Deferral Program to all residential taxpayers; this should include purpose-built rental housing and residential development lands. Doing so will help property owners manage their expenses, including builders seeking to make more housing options available to British Columbians.
- Reduce or eliminate cost and access barriers for appraisers to Land Title and Survey Authority and BC Assessment data until restrictions are lifted to allow the mechanisms of finance for commercial and residential real estate to serve the needs of public during this time. Physical and social distancing guidelines restrict on-site property accessibility and require appraisers to collect and verify additional data, resulting in potential increased risks, costs and delays for consumers.
- Strongly encourage local governments to fast-track development applications by adopting ideas from the Development Approvals Process Review.
- Support local governments so development cost charges (DCCs) can be paid when building permits are issued rather than at the subdivision stage. This would ease the crisis for builders working on subdivision projects who want to move forward with projects but are paying their DCCs early in the process.
- Extend the 12-month grandfathering period for DCCs by an additional six months. Currently, when DCC rates increase, developments that are already underway or receive building permits within 12 months are exempt from the increase.
- Invest in public education campaigns focused on how to detect and avoid red flags in the mortgage process. Emergency measures related to the pandemic have placed many British Columbians under increased financial pressure, which can in turn increase their risk of being a target for mortgage fraud. Campaigns should be directed at prospective buyers who are most likely to be targeted by fraudsters, including people experiencing increased financial pressure, first-time buyers and newcomers to Canada.
- Permanently extend the timelines set out in Policy Statements 5 and 6 (pursuant to the *Real Estate Development Marketing Act*) to allow for an early marketing period for new developments of 12 months and a 15-month period to obtain a building permit and satisfactory financing commitment before buyers can unilaterally terminate their pre-sale contracts.

Federal government:

- Permanently provide renovation tax credits for all property owners, retroactive from May 1, 2020. This is important for renovation projects underway that are at risk of being cancelled as well as to incent new projects – especially to help all property owners voluntarily retrofit existing buildings to improve energy efficiency and reduce greenhouse gas emissions.
- Exempt existing mortgage holders from the mortgage stress test at the time of renewal when switching lenders.

- Consult with the real estate sector if considering any amendment to regulatory mortgage underwriting guidelines, product restrictions or other relevant matters that could impact existing or perspective homeowners and those who serve them.
- Introduce a program in partnership with the BC Government to fund residential and commercial landlords that have accrued rent deficits as a result of COVID-19. This program would help mitigate the impacts of rental deficits faced by landlords and tenants by working to prevent insolvencies and foreclosures.

We are committed to working with your government to develop and implement efficient business solutions during this time of crisis. We are happy to discuss any of the above recommendations in more detail and lend sector expertise, data or analysis as needed. Please email Trevor Hargreaves, Vice President of Government Relations at the BC Real Estate Association for follow up (thargreaves@bcrea.bc.ca or 1-236-333-4572).

Yours sincerely,

Christina Bhalla

Executive Director

British Columbia Association of the Appraisal Institute of Canada

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CYCLING

From: Richard Littlemore <richardlittlemore@gmail.com>
Sent: Tuesday, June 2, 2020 1:38 PM
To: Clerks <Clerks@burnaby.ca>; Traffic <Traffic@burnaby.ca>
Subject: Slow Streets

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I am writing on behalf of Glottman-Simpson Cycling, the largest road cycling club in the region, to bring to your attention our support for cycling infrastructure and for recent innovations that (in a post-COVID-19 world) make our streets safer for walking, cycling and rolling.

I attach a letter that we have sent to the City of Vancouver, thanking the City for expanding the network of so-called Slow Streets. But we also wanted to reach out to Burnaby staff and council. Many of our members live in Burnaby and many more ride through the municipality frequently. We are deeply appreciative of every gesture that makes that riding safer and more comfortable - to all.

Please know that you may count on our support in planning new active-transportation infrastructure and supporting its expansion.

Thank you,

r

Richard Littlemore

212-470 Granville Street

Vancouver, BC, V6C 1V5

o: 604-685-8242 c: 604-657-3765



CYCLING

June 2, 2020

Mayor and Council

City of Vancouver

453 West 12th Avenue

Vancouver, BC

V5Y 1V4

Dear Mayor and Council,

I am writing on behalf of the more than 300 members of Glottman-Simpson Cycling – the largest recreational bicycling club in the region – to thank you for the Slow Street innovations that you have implemented in response to the COVID-19 pandemic and to encourage you to show more ambition in expanding and preserving this network for safe walking, cycling and rolling.

Our members, who include roughly 100 racers, 100 avid recreational road riders and another 100 cyclists well on their way to becoming avid, together ride many thousands of kilometres a month, in Vancouver and surrounding municipalities. Many of our number also use bicycles to commute, riding through dense traffic at the busiest times of day. Accordingly, we have benefited enormously from the City of Vancouver's development of cycling-friendly infrastructure. On behalf of all cyclists, from the wobbliest toddler to the hardest senior, we also thank you for those health and safety investments.

The COVID-19 pandemic, however, has presented a specific opportunity and an urgent need for more action. In the last few months, streets that were strangely absent of motor vehicles were suddenly crowded with walkers, rollers and cyclists taking health officials' advice to embrace outdoor exercise as one of the best defences against the coronavirus. The closure of Stanley Park to vehicular traffic and the adjustment along Beach Avenue were clearly necessary – merely to maintain a base level of safety. Those measures and others in the city and region were just as clearly appreciated by people of all ages and abilities, whether they were walking safely on the seawall or cycling on the street.

Now, as social restrictions are relaxed, temporarily quiet streets are once again crowding with cars. Yet many more pedestrians, including families with young children, and cyclists of every kind are still enjoying activities that are new to some, but healthy to all (as long as they don't get hit by a



CYCLING

car!). With people still avoiding public transit, many more citizens may also choose to commute on foot or by bike – if they believe they can do so safely.

In response to these global trends, cities around the world – from Copenhagen to Calgary, from Berlin to Brampton – have closed streets, opened curb lanes, implemented shared streets and committed to building new bikeways. We rely, now, on your judgment, your sense of responsibility and your boldness in supporting, implementing and preserving these transportation alternatives. And we thank you again for what you have done already. A safer, healthier Vancouver hangs in the balance.

Sincerely,

Richard Littlemore



Meeting 2020 June 23

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE **DATE:** 2020 June 17

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 16000 20
DIRECTOR PUBLIC SAFETY AND *Reference:* *Short Term Rentals*
COMMUNITY SERVICES

SUBJECT: **REGULATORY AND ENFORCEMENT FRAMEWORK FOR SHORT TERM RENTALS IN BURNABY**

PURPOSE: To propose a regulatory and enforcement framework for short term rentals in Burnaby.

RECOMMENDATIONS:

1. **THAT** the Committee recommend Council:
 - a. support the regulatory and enforcement framework for short term rentals in Burnaby and that it form the basis of initial public engagement;
 - b. authorize staff to engage a third party data monitoring firm to provide detailed and ongoing data on short term rental activity in Burnaby to assist with the proposed enforcement program;
 - c. authorize staff to bring forward reports with the necessary amendments to the Zoning Bylaw, as well as the Business Licence Bylaw, the Business Licence Fees Bylaw and Bylaw Notice Enforcement Bylaw; and
 - d. authorize the Finance Department to provide an analysis on the guidelines and limitations related to the use of the portion of the Municipal and Regional District Tax (MRDT) revenues generated from short term rentals towards affordable housing initiatives.

REPORT**1.0 INTRODUCTION**

At its meeting on 2019 January 29, the Planning and Development Committee directed staff to bring forward bylaw amendments to improve regulations for short term rentals in Burnaby. This report seeks Council endorsement of a proposed regulatory and enforcement framework to short term rentals in advance of developing an enforcement regime and proposing bylaw amendments to the Zoning Bylaw and to the business licensing framework.

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Short term renting of residences to tourists and visitors is a growing trend throughout the world. These rentals operate outside the regulatory framework of traditional tourist accommodations such as hotels, and outside the framework of long term rental housing. Studies have shown that the use of online platforms has facilitated the rapid growth of short term rentals and concerns have been raised that this growth has impacted both the supply and affordability of long term rental housing, as well as the liveability and security of residential neighbourhoods and buildings. At the same time, this activity supports increased tourism, options for home based accommodations and economic use of residential property.

At its meeting on 2020 May 26, the Committee received a report outlining a proposed regulatory and enforcement framework. At this meeting, the Committee requested the following amendments to the framework:

- permit homeowners, but not tenants, to obtain a business licence and operate short term rentals within their principal residence;
- permit short term rentals for a maximum of 90 nights per year per principal residence;
- permit short term rental of an entire principal residence for a maximum of 28 nights per year; and,
- clarify regulation of six related people per short term rental booking.

This report responds to the Committee's direction and reflects the requested amendments in the approach to regulating short term rentals.

2.0 POLICY FRAMEWORK

The proposed approach is supported by the following City-wide policies:

The Official Community Plan

- Residential Goals
 - Goal 3: To maintain and improve neighbourhood livability and stability
 - Goal 4: To help ensure that the needs of people with special and affordable housing requirements are met.
- Social Planning Goal
 - To facilitate the development and ongoing sustainability of a community which enhances the physical, social, psychological and cultural well-being of Burnaby residents.

The Social Sustainability Strategy

- Strategic Priority 1 – Meeting Basic Needs
- Strategic Priority 5 – Enhancing Neighbourhoods

The Economic Development Strategy

- G1: Building a Strong, Livable, Healthy Community

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- S6: Tourism, Sport/Tournaments, Arts/Culture, Retail – Work with Tourism Burnaby to promote billeting and the availability of bed and breakfast accommodations

Further to the above, the proposed approach also aligns with the following goals and sub-goals of the *Corporate Strategic Plan*:

- **A Safe Community**
 - Crime prevention and reduction – Ensure citizens and businesses feel safe in our community
- **An Inclusive Community**
 - Serve a diverse community – Ensure City services fully meet the needs of our dynamic community
- **A Dynamic Community**
 - Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries
 - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
- **A Thriving Organization**
 - Communication – Practice open and transparent communication among staff, Council and the community

3.0 BACKGROUND

3.1 Short Term Rentals Overview

Short term rentals are typically considered to be the commercial rental of beds, bedrooms or entire dwelling units for a period of less than a month (~<30 nights at a time) for the purpose of accommodating tourists and visitors. Municipalities regulate various types of visitor and tourist accommodation within their jurisdictions through zoning and business licensing, most often within commercial areas and along highways or other major arterials. These types of accommodations typically include everything from hotels and motels, to bed and breakfasts and time-share vacation condominiums. Recently, there has been a growth in the use of private residences, both occupied and vacant, for tourist and visitor accommodations. Tourists and visitors can now access a multitude of listings available for short term rental through one-stop online platforms (e.g. Airbnb, VRBO, etc.). These platforms, for a fee, enable listing, searching and booking residential accommodation for short term stays. Property owners can offer an entire unit, individual rooms in a unit, or a bed in a shared room for a set price. The online platforms often allow prospective visitors to filter their search results according to their preferences.

Distinguishing between residential uses and short term tourist or visitor accommodation has become more difficult with the emergence of various online platforms. The physical aspects of residential buildings and tourist accommodations are getting more difficult to distinguish, with bed and breakfasts operating out of residences and hotels offering self-catering suites as

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accommodations. As short term rentals of residences become more popular, many municipalities have adopted or are considering regulatory frameworks that clarify this differentiation.

The short term rental market has been evolving. The concept of vacation rentals and bed and breakfasts have been around for a long time, but the introduction of new online marketplaces has made sharing residences for use by visitors and tourists much easier. To best understand this marketplace the following terminology is provided:

- Host: a person who is operating a short term rental in a residence. This person might be a property owner, a tenant or a third party hired by the property owner/tenant to operate the short term rental.
- Listing: an advertisement for a short term rental on an online platform. There may be multiple listings for one property.
- Booking transaction: a reservation and payment agreement made between a host and a guest party to rent a residence or part of a residence for a short term.
- Guest party: the person or group of people that booked the short term rental and will occupy the space reserved for a short term period.
- Entire home listing: an advertisement for the short term rental of an entire dwelling unit. If booked, the guest party will not share the space with anyone else.
- Private room listing: an advertisement for the short term rental of a room within a residence. If booked, the guest party may be sharing the common space with others, either the long term resident of the residence or other guest parties occupying other private rooms within the residence, during the short term rental.
- Shared room listing: an advertisement for the short term rental of a shared space (e.g. a bedroom or living room) in a dwelling unit. If booked, the guest party may share the space where they will be sleeping with other people. This is similar to renting out beds, much like a hostel setting, or a couch in someone's living room.

3.2 Snapshot of Short Term Rental Market in Burnaby

Collecting accurate and detailed data on short term rental operations is difficult for municipalities to obtain without the assistance of third parties or purchase of advanced technologies. Listings fluctuate on a daily basis as information is added or removed frequently. Listing data can be obtained in one of three ways:

- a) through hiring a third party that scrapes listing and booking information from the web;
- b) a few global municipalities (e.g. Vancouver, San Francisco, Amsterdam) have been able to negotiate Memorandums of Understanding with Airbnb to obtain data, but not with other online platforms; and/or
- c) by increasing staff and technology resources for staff to scrape the web and undertake undercover detective work to obtain listing data.

There are a few third party data monitoring firms that provide data and analysis services to local governments seeking to enforce short term rental regulations across several online platforms. One

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of those firms is Host Compliance Inc. which provided basic overview data to staff in 2020 January. These data included:

- 1,583 listings in 1,438 unique dwelling units;
- 55% of all listings were for an entire residence, 45% for a private room in a residence and a few for a shared room in a residence;
- highest density of listings appeared to be in the Metrotown area, though listings existed throughout Burnaby;
- average nightly rate charged in Burnaby was \$80;
- 79% of listings were in single family homes;
- there was a 20% increase in listings and 24% increase in the number of dwelling units being used for short term rentals in 2019; and,
- these data were pulled from 54 different online platforms.

On a regional basis, research out of McGill University (2017) indicated that the Vancouver Census Metropolitan Area (CMA) region (similar to Metro Vancouver) has:

- the highest ratio of active listings per population when compared with Toronto and Montreal;
- one active Airbnb listing per 123 people and one active listing per 51 homes;
- 64% of listings in the Vancouver CMA are located in the City of Vancouver with the rest of the listings being hosted in suburbs, primarily inner suburbs along transit corridors;
- 61% of listings were for entire units; and,
- greatest growth pressure for future listings is anticipated along SkyTrain lines, particularly in Burnaby,¹ likely due to lower nightly rates than Vancouver, and proximity and shorter travel times to major destinations in City of Vancouver.

3.3 Tourist Accommodations in Burnaby

Tourism is an important economic sector in Burnaby and across Metro Vancouver. To appeal to a variety of potential visitors, varying types of tourist accommodation can be offered. Tourism Burnaby indicates that tourist accommodations in Burnaby include:

- 1,317 hotel and inn rooms;
- dorm rooms at Simon Fraser University during the summer; and,
- a small number of bed and breakfasts offering rooms throughout the community.

¹ Wachsmuth et al. Short-term Cities: Airbnb's impact on Canadian Housing Markets, 2017.

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Tourism Burnaby estimated that in 2017 Burnaby hotels had an 80% occupancy rate, which is the same as the regional average of 79.9%.² Short term rentals are a more recent addition to tourist accommodation choices being offered and occupancy rate statistics are more difficult to calculate and obtain due to there being a multitude of platforms offering listings and diverse availability between different listings.

There appears to be some response from the hotel industry to tourist and visitor demands for self-catering units and additional space. A recent example would be the Element Hotel by Westin at Willingdon and Kingsway. All rooms in this hotel include a kitchenette and over 50 suites are also available which are similar to an apartment in layout and size.

3.4 Market Rental Housing in Burnaby

Rental housing is an important part of Burnaby's housing continuum, providing a range of housing options for persons who are unable to afford or choose not to enter homeownership. Burnaby's Housing Profile 2019 estimated approximately 31,600 units of market rental housing in Burnaby, which includes the rental of single family dwellings, secondary suites, two family (duplex) dwellings, multi-family purpose-built rental units and multi-family strata rented units. There continues to be high demand for rental housing as evidenced by Burnaby's 2019 rental vacancy rate of 1.3%, down from 2.0% in 2018. A healthy vacancy rate is generally considered to be between 3-4%.

Short term rentals can affect the rental housing supply when vacant dwelling units that could otherwise be rented to long term tenants are offered as nightly accommodation for tourists and visitors. Secondary rental housing units, such as secondary suites and strata apartment units, represent nearly 65% of Burnaby's total estimated rental housing stock. CMHC's Rental Market Report 2017 for Vancouver CMA advises that the secondary rental market represents a larger share of the rental supply in the Metro Vancouver region than in other large metropolitan areas in Canada, such as Montreal and Toronto.

3.5 Provincial Taxation of Short Term Rentals

The Provincial government is responsible for taxation of short term accommodations under the *Provincial Sales Tax Act*. In 2018, the Provincial government announced that it had reached an agreement with Airbnb that would see that online platform collect and remit the 8% provincial sales tax (PST) and up to 3% Municipal and Regional District Tax (MRDT) on all short term accommodations booked through its website. MRDT is set at 2% in Burnaby. The Provincial government also announced that it is pursuing similar agreements with other short term rental platforms, such as VRBO, but as yet, have not been successful. Over \$14 million in tax revenue was remitted to the Provincial government in the first six months of implementation of the

² Destination BC. Provincial Tourism Indicators 2019 Year-In-Review, March 2020.
https://www.destinationbc.ca/content/uploads/2019/06/Provincial-Tourism-Indicators_2018-Year-in-Review_FNL.pdf

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agreement with Airbnb. The application of these taxes to online short term rentals contributes towards leveling the playing field between traditional tourist accommodations and the emergence of short term rentals in residences.

Provincial Tax Policy Branch staff advised that revenue generated from the PST collected and remitted by Airbnb, like that from other tourist accommodations such as hotels, goes into general funds in British Columbia, but the extra revenue generated enables the Provincial government to spend more on affordable housing. MRDT revenue is transferred to the municipal tourism association/non-profit where the tax is collected to fund tourism promotion activities. The 2% MRDT collected by traditional tourist accommodations provided by hotels and motels, as well as short term rentals on Airbnb, currently finances the annual operating budget of Tourism Burnaby. Affordable housing was added as a permissible use of MRDT funds in the 2018 Provincial Budget, to help address local housing needs. Local governments have the flexibility to define, identify, and fund affordable housing initiatives that they deem appropriate using MRDT revenue to meet local needs. Staff propose that options for allocating MRDT funds, generated from short term rentals in Burnaby, towards affordable housing initiatives be investigated further.

4.0 REGULATING SHORT TERM RENTALS

4.1 Best Practices in Regulating Short Term Rentals

In response to the growth of short term rentals of residences, many municipalities have sought to regulate this use. Municipalities in the United States and Europe were some of the first jurisdictions to adopt specific regulations. Staff undertook a wide review of adopted and proposed regulations in 17 municipalities across North America, the results of which are summarized in *Appendix 1 attached*.

A number of emerging best practices for regulating short term rentals have resulted from jurisdictions that have had regulations in place for the last few years. These include:

1. Regulate rather than prohibit – bans on short term rentals have proven ineffective in eliminating this use.
2. Simple regulations – simple and straightforward regulations and processes achieve greater voluntary compliance.
3. Principal residences – permitting short term rentals only within dwelling units occupied as someone's principal residence is an effective regulation to reducing the impact of this use on long term rental supply and disruptions to neighbourhoods.
4. Business Licences – requiring a business licence helps to monitor the use and more easily identify non-compliance.
5. Active enforcement – actively pursuing enforcement of regulations ensures they are applied in a comprehensive and equitable manner.
6. Higher fines – fines for non-compliance should be high enough to be a deterrent for non-compliance.

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7. Obtain third party data – third party monitoring firms have the staff resources and tools necessary to verify compliance efficiently and cost effectively.
8. Extensive communications – proactive, multi-faceted and widespread communication of regulations achieves higher rates of voluntary compliance.

4.2 Enforcement of Short Term Rentals in Burnaby

Complaints about short term rentals have increased in Burnaby in recent years. Between January 2014 and September 2019, the City received 263 complaints related to suspected short term rentals and boarding, lodging and rooming houses. The majority of complaints received were about activities occurring in single family dwellings. Other types of dwelling units comprise a smaller proportion of the complaints received. Complaints are most commonly received from nearby residential properties, but also from strata councils for high-rise buildings and in some cases, from former short term rental guests themselves.

Most common complaints about short term rentals:

- a residence is being used as a hotel; or
- too many people being accommodated in a residence.

Other complaints received:

- increased traffic and parking issues;
- safety concerns due to increased number of transient people in a neighbourhood; and,
- increased volume of garbage, unsightly premises, and noise resulting from parties hosted in houses.

The City's complaints-based approach does not deal with the vast majority of short term rentals operating in Burnaby in contravention of the Zoning Bylaw.

5.0 IMPACTS OF SHORT TERM RENTALS

There has been considerable global debate about the rise in popularity of short term rentals and their proliferation through the use of online platforms. Those in support of this use advise that there is demand from tourists for accommodation alternatives to traditional hotels; that local businesses outside traditional tourist areas benefit from increased tourist spending; and that the income generated from short term rentals helps homeowners offset housing costs in an expensive housing market. Those who are concerned with the increasing popularity of short term rentals suggest that they are negatively impacting an already limited and expensive rental housing supply; creating nuisance and safety issues within buildings and neighbourhoods; and are a source of unfair competition to more traditional tourist accommodations that are subject to various regulations. These impacts are discussed below.

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5.1 Responding to Tourist/Visitor Demands

Short term rentals respond to tourist and visitor demands for accommodation in certain areas of the city or desire to have a “local’s experience” as short term rentals are often located in a greater variety of neighbourhoods than hotels. Short term rentals also appeal to tourists who wish to self-cater and have access to a kitchen, or families with children, who are attracted to those rentals that have multiple rooms. Short term rentals in residences also provide additional accommodation options during peak tourist and visitor seasons when hotel occupancy is greater.

5.2 Supports Neighbourhood Businesses

Businesses in residential neighbourhoods benefit from tourist dollars spent in these non-traditional tourist areas when tourists patronize local restaurants, grocery stores, and other stores and services commonly available to residents in a neighbourhood. However, if short term rentals become concentrated in an area, the types of businesses that choose to locate in these neighbourhoods could change and begin catering more to a transient population than a permanent one.

5.3 Defrays High Cost of Living and Homeownership or Rental Housing Costs

Income generated from short term rentals helps to defray the high cost of living and housing costs for homeowners and tenants in the region’s expensive housing market. While the high cost of housing can also be offset by renting a space to a long term tenant, operators may prefer the flexibility of renting a room or unit as a short term rental rather than entering into a tenancy agreement with a long term tenant.

5.4 Impact on Rental Housing Supply and Affordability

The most common concern regarding short term rentals is the conversion of long term rental housing into short term rentals for tourists and visitors. These conversions have the potential to reduce the supply of rental housing available for long term renters primarily when entire units are offered on a nightly basis, as opposed to a private or shared room in a unit already occupied as a permanent residence.³ Additionally, the potential for increased rental income and exemption from the responsibilities of the *Residential Tenancy Act* incentivize renting an entire unit for a nightly fee to visitors or tourists instead of renting to a longer term tenant. Furthermore, increased competition between potential tenants for a reduced supply in an already tight rental market creates an environment in which landlords can demand higher rents, impacting rental affordability.

5.5 Nuisance and Safety Impacts to Buildings and Neighbourhoods

Introducing commercial uses into residential buildings and neighbourhoods creates the potential for conflicts to arise. Tourist and visitor accommodation is typically permitted in commercial areas

³ Private or shared rooms may also be a source of long term rentals in roommate situations.

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as opposed to residential areas due to its inherently more intensive use. Potential negative impacts associated with short term rentals in residential areas include:

- Noise: large groups staying together in a short term rental, lack of awareness or respect for commonly held quiet hours in a building or neighbourhood, inconsistent and inconvenient arrival and departure times, and guests being in vacation mode may contribute to increased noise associated with short term rentals.
- Safety: strangers accessing private and semi-private areas of a building may result in residents experiencing real and perceived impacts to personal safety and the safety of property. Provision of security fobs to strangers for access to otherwise secure buildings is commonly of concern.
- Nuisance: increased pressure on on-street or visitor parking, increased volume and improper disposal of garbage and recycling, and poor guest behaviour in a building or neighbourhood may be of concern, particularly when there is limited oversight or absent hosts.

5.6 Unfair Advantage Over Traditional Forms of Tourist Accommodation

Hotels and other forms of tourist accommodations are regulated by provincial and municipal governments through taxation, business licencing, and building and fire code safety inspections. Short term rentals are not subject to the same oversight and have been able to operate without application of similar costs or regulatory scrutiny.

6.0 DISCUSSION

In considering a short term rental policy, the City first needs to determine the objectives it wishes to achieve and the policy approach that will achieve the desired objectives. Using existing City policies, complaints records, and the research in other municipalities, the following objectives for Burnaby are proposed:

- protect long term rental housing supply;
- maintain and improve neighbourhood livability and stability;
- support economic opportunities, including tourism in Burnaby and opportunities for Burnaby residents and local businesses; and,
- provide regulatory program that is clear and inspires high levels of compliance.

Current language in the Zoning Bylaw does not refer to “short term rentals”, home-sharing, bed and breakfasts, or “Airbnbs” or “VRBOs”, terms commonly used today when referring to tourist accommodations or vacation rentals in residential dwelling units. As such, the City’s regulatory framework does not effectively contemplate short term rentals as a use and clarity is needed due to the growth of this use.

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Permitting short term rentals only within dwelling units that serve as the permanent residence of a household provides strong support for protecting the long term rental housing supply and could also contribute toward maintaining the livability and stability of neighbourhoods by upholding the primary use of residences for residential use. Permitting short term rentals in a limited way would accommodate alternative economic opportunities to renting to a long term tenant by permitting residents to generate income by sharing their homes with tourists and visitors.

The lack of clarity in the City's regulatory framework also inadequately responds to current challenges with enforcement. At present it is difficult to distinguish short term rentals from long term rentals under existing use categories and definitions. Moreover, compliance levels would continue to be difficult to ascertain without business licence requirements and monitoring of short term rental activity provided through agreements with online platforms or from third party data monitoring firms.

To provide the needed clarity for this use the Zoning Bylaw will need to define the use, differentiate it from other uses, and permit it in appropriate zoning districts. The Business Licence Bylaw and Business Licence Fees Bylaw would also need to be amended to regulate short term rentals and define a business licence program to aid with enforcement. Further, the Bylaw Notice Enforcement Bylaw would need to be amended to define the contraventions and associated penalties.

For the above reasons, staff propose a regulatory and enforcement framework that provides clarity on this use and establishes a process for regulating and monitoring it in Burnaby. The framework is outlined in Sections 7.0 and 8.0 below.

7.0 RECOMMENDED REGULATORY AND ENFORCEMENT FRAMEWORK TO SHORT TERM RENTALS

Based on the objectives mentioned above, the research of other municipalities' regulations, as well as direction received from the Committee, the approach set out in this report reflects that only homeowners (in the case of strata properties, only if permitted under strata bylaws), holding a valid business licence be permitted to rent their principal residence on a short term basis for a maximum of 90 nights per year. Of those 90 nights, short term rentals of entire principal residences are to be permitted for a maximum of 28 nights per year. Short term rentals within secondary suites and homes with secondary suites, as well as flex suites and homes with flex suites would not be permitted. Renting non-principal residences (i.e. dwelling units not occupied by a homeowner or tenant on a permanent basis) would not be permitted. All short term rentals would be required to be within a legal dwelling unit (i.e. not a vehicle, tent, trailer, shed, etc.). Each principal residence occupied by the homeowner would be permitted to host one guest booking at a time of a maximum of four unrelated people or six people related by blood, marriage, adoption or foster care (inclusive of adults and children) per booking. Short term rentals would be precluded from purpose built rental units and seniors' housing. The following sections elaborate on the revised regulatory and enforcement framework for short term rentals.

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7.1 Use of Principal Residences Only

It is recommended that short term rental regulations maintain that the primary use of all dwelling units be as a permanent home for one family, not as transient accommodations. Short term rentals within principal residences would be permitted as an accessory use. This would maintain the primary use of the housing supply as residential and avoid permanent conversion of housing units to commercial uses. It would also reduce the likelihood that tenanted dwelling units will be removed from the rental housing supply and converted to tourist accommodation. Confirmation of permanent occupancy and strata bylaw compliance in the case of stratified property owners are proposed to be required as part of a new business licencing process.

7.2 Only Homeowners Permitted to Operate Short Term Rentals

The framework proposes that only homeowners be permitted to operate short term rentals within their principal residence. Tenants, even with the landlord's permission, would not be permitted to operate short term rentals nor eligible to obtain a business licence for this use.

7.3 Number of Guests

A balanced number of guests that could rent rooms within a principal residence (occupied by the homeowner) as a short term rental is anticipated to reduce neighbourhood impacts of short term rentals. It could also increase economic opportunities for Burnaby residents and enable visiting families to stay together at one property as an alternative to a hotel room. As it is likely that families are utilizing short term rentals in Burnaby residences already, this approach could legitimize some short term rentals anticipated to already be operating in the city. In an effort to mitigate an increase in disruption within neighbourhoods and multi-family buildings, it is proposed that one guest party of a maximum of four unrelated guests or six people related by blood, marriage, adoption or foster care (inclusive of adults and children) be permitted to rent a principal residence short term at one time.

7.4 Rental of Entire Principal Residence

Many tourists and visitors prefer to rent entire dwelling units for their accommodation as they provide more privacy, independence, and an opportunity to save money by having access to a kitchen. Permitting Burnaby homeowners to rent out their principal residence to tourists or visitors while they are away from home would not appreciably reduce the stock of long term rental housing as it would limit entire unit rentals to residences that are already occupied long term by the owner. It would also provide more opportunities for property owners to earn additional income by attracting tourists or visitors to stay in their residence while they (the homeowner occupying the principal residence) is away.

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7.5 Cap on the Number of Nights

The amended framework proposes to also place a cap on the number of nights that a homeowner could operate a short term rental in their principal residence. The maximum number of nights per year is proposed at 90 nights. Additionally, of those 90 nights, the homeowner would be restricted to a maximum of 28 nights per year for short term rentals of their entire principal residence.

7.6 Secondary Suites and Flex Suites

Council adopted the Secondary Suite program in 2013 in an effort to legalize this significant supply of affordable rental housing in the community. The program included restrictions on accessory uses within secondary suites given the compounding impacts of accessory uses. More recently, bylaw text amendments were adopted in 2018 to clarify the prohibition of several accessory uses within a secondary suite and the home that contains a secondary suite. Staff propose that short term rentals be added to the list of accessory uses precluded from homes containing a secondary suite and secondary suites themselves, as it would help to maintain this supply of housing for long term renters and potentially mitigate intensifying effects that could be attributed to short term rentals. For similar reasons, staff propose that short term rentals be precluded from flex suites and homes with flex suites.

7.7 Purpose Built Rental Housing and Seniors' Housing

Rental use zoning was adopted by Council in 2018 to increase the supply and improve affordability of rental housing in Burnaby. It seeks to protect existing, and incentivize the construction of new, rental housing. Recognizing the critical shortage of affordable purpose built rental housing in Burnaby, staff propose that short term rentals not be permitted in these rental units to ensure that this supply of affordable rental housing continues to be protected for long term renters. It is also proposed that this use not be permitted in seniors' housing.

8.0 BUSINESS LICENSING AND ENFORCEMENT

8.1 Business Licences

Staff propose that a new regulatory framework to this use include the requirement of a business licence. There are several benefits to considering the introduction of a business licence process. First, it provides a clear path to legitimization of short term rental operations that comply with the City's regulations. Business licences would also provide the City with information about short term rental activities in Burnaby and assist with monitoring and reporting on this use. It would also provide the City with more enforcement options, including issuing a bylaw violation notice if a short term rental were operating without a licence. Additionally, the introduction of a business licence fee would help to offset some of the costs of enforcement activities.

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In order to obtain a business licence, operators will have to:

1. Submit an application form along with mandatory documentation (proof of principal residence, and where applicable a letter of permission from strata).
2. Pay a business licence fee.
3. Agree to conform to the short term rental regulations and all City bylaws.
4. Operators would be provided with information about responsible short term rental operations when they receive their business licence.

Operators will also be asked to review and distribute the following information:

1. Guest guidelines that will inform guests about relevant City bylaws (e.g. quiet hours, parking restrictions, garbage and recycling information and schedules, etc.).
2. Fire safety information, including a fire plan.
3. Neighbour notification form to distribute to neighbours with important contact information.

Fees for a business licence will be based on a cost recovery model.

8.2 Advertising and Booking Requirements

Staff propose that the following requirements be applied to the advertisement of short term rentals in Burnaby:

- advertising a short term rental is not permitted without a valid business licence;
- a valid business licence number must be included in any short term rental advertisement;
- only one short term rental may be advertised per business licence; and,
- a hard copy of the business licence must be posted within the short term rental unit.

8.3 Enforcement

Enforcement activities for short term rentals are currently conducted on a complaints basis only. Staff propose implementing an active approach to enforcement. Most municipalities with recently adopted short term rental regulations have chosen to undertake an active enforcement program, at least in the short term, in an effort to apply the new regulations in a comprehensive and equitable manner. This would involve actively searching various online platforms for short term rental ads, working with a third party data monitoring firm to receive ongoing detailed data and supporting evidence regarding short term rental activity in Burnaby and potentially hiring additional staff dedicated to this topic area. Engaging a third party is necessary to acquire a comprehensive inventory of current and future short term rental activity as staff do not have the technological expertise or software necessary to gather the detailed data in-house.

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The proposed enforcement framework would prioritize enforcement actions in the following order:

1. First, enforce against operations that are not permitted by the new regulatory framework;
2. Second, bring those operations that could be legalized into compliance through the business licence process; and,
3. Third, investigate other suspected operations that arise through complaints.

The proposed approach is anticipated to require three full time investigators and 1-2 administrative staff.

9.0 NEXT STEPS

The regulatory and enforcement framework as described above in Sections 7.0 and 8.0 are presented as a basis for advancing to the next steps in developing a business licence and active enforcement program for short term rentals in Burnaby. The preliminary activities associated with this work are proposed as follows:

1. Council consideration of the proposed framework as outlined in this report;
2. Undertake concurrently:
 - development of detailed Zoning Bylaw text amendments and business licence regulations and an active enforcement implementation program;
 - engaging a third party to provide detailed data about short term rental activity in Burnaby to serve as a baseline of activity;
 - development and implementation of a public engagement and communications strategy for informing the public about the advancement of short term rental regulations and rolling out the short term rentals program once adopted;
3. Report back to Committee and Council with draft bylaw amendments and the detailed enforcement program;
4. Council adoption of bylaw amendments; and
5. Undertake an active approach to enforcement of the Short Term Rental Program.

10.0 CONCLUSION

This report presents an overview of short term rentals, their regulation in other municipalities, potential impacts and local context, as well as recommendations for a regulatory and enforcement approach for this activity in Burnaby. In summary, the proposed regulatory and enforcement framework to short term rentals would:

- permit short term rentals in all legal dwelling units that are occupied by the homeowner on a permanent basis (subject to strata permission) for a maximum of 90 nights per year,

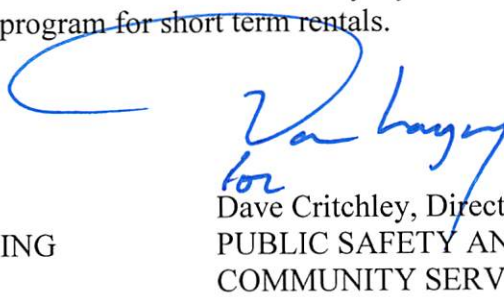
To: Planning and Development Committee
 From: Director Planning and Building
 Director Public Safety and Community Services
 Re: Regulatory and Enforcement Framework for Short
 Term Rentals in Burnaby
 2020 June 17..... Page 16

except in secondary suites, homes that contain a secondary suite, flex suites or homes with a flex suite, or any purpose built rental or seniors' housing unit;

- permit one short term rental booking per property for a guest party of no more than four unrelated people or six people all related by blood, marriage, adoption or foster care at a time;
- permit homeowners to offer their entire principal residence as a short term rental while they are away from home for a maximum of 28 nights per year;
- require a business licence to operate a short term rental; and,
- include undertaking an active enforcement program and engaging a third party data monitoring firm to provide detailed data regarding short term rental activity in Burnaby to assist with this active enforcement approach.

It is recommended that Council support in principle the proposed framework. It is also recommended that staff engage a third party to provide detailed data about short term rental activity in Burnaby to inform the development and implementation of the detailed business licence and enforcement program and necessary bylaw amendments for short term rentals in Burnaby. It is further recommended that the Finance Department provide an analysis on the guidelines and limitations related to the use of the portion of MRDT revenue generated from short term rental activity in Burnaby for affordable housing initiatives. Future reports will be brought forward for Committee and Council consideration of the necessary bylaw amendments that will form the regulatory and enforcement program for short term rentals.


 E.W. Kozak, Director
 PLANNING AND BUILDING


 for
 Dave Critchley, Director
 PUBLIC SAFETY AND
 COMMUNITY SERVICES

CS:sa

Attachment

cc: City Manager
 Director Finance
 City Solicitor

City Clerk
 Chief Licence Inspector

Appendix 1: Municipal Regulations for Short Term Rentals

Jurisdiction	Vacancy rate 2018	Operator Licence or Registration	Operator Fees	Dwelling type	Principal Residence Only	Sleeping Unit Cap	Entire unit permitted	Night Cap	Safety Provisions	Nuisance Provisions
Nelson, B.C.	0%	3 types of short term rental business licences: - Year Round - May – Aug - 31 days	\$200-\$400 + \$500 deposit	SF and MF dwelling units	Yes	No	Yes (if principal residence)	Yes, see BL types	Premises inspected every 3yrs;	Provide guests and neighbours with 24/7 contact person; ownership required; max 3/block;
Tofino, B.C.	n/a	Business licence	\$450-\$900	SFDs; secondary suites and accessory dwelling units also permitted	No	3 max; 6 people max	Yes (but must be located on operator's principal residence property)	No	Not specified	1 per property; 1 additional parking space required;
City of North Vancouver, B.C.	0.8%	Accessory Boarding business licence	\$10.50 per bedroom used for boarding	SF and MF dwelling units	Yes	1-2 room max; 2 person max	No	No	Not specified	1 on-site parking stall per boarder
Richmond, B.C.	0.7%	Bed and breakfast business licence; boarding does not require a business licence	B&B licence \$162	Boarding and Lodging - SF and MF dwellings; B&B - SF dwellings only	Yes	2 boarders max; 3 B&B rooms max	No	No	Not specified	Owner operator required; not permitted in dwellings that already have a secondary suite, granny flat or coach house; B&Bs not permitted in homes that already have a boarding and lodging use.

Jurisdiction	Vacancy rate	Operator Licence or Registration	Operator Fees	Dwelling type	Principal Residence Only	Sleeping Unit Cap	Entire unit permitted	Night Cap	Safety Provisions	Nuisance Provisions
Coquitlam, B.C.	1.2%	Bed and breakfast business licence	\$85	Bed and breakfast in SF and MF dwelling units	Yes	1 family or 2 boarders max.	Yes (if principal residence)	No	Initial inspection of premises, compliance with Building and Fire Codes	Max 40% of dwelling unit floor space to be used for bed and breakfast use; must not create parking or traffic disturbance; permission from strata council required
Delta, B.C.	1.3%	Not required	No fee	SFD (some zones only)	Yes	2 boarders max	No	No	Not specified	
Port Coquitlam, B.C.	1.2%	Bed and Breakfast business licence	\$90	SFD (some zones only)	Yes	2 sleeping units; max 4 people	No	No	Not specified	
Surrey, B.C.	0.3%	Bed and breakfast business licence	\$105	SFD	Yes	6 people max.	No	No	Inspection of premises prior to business licence approval; compliance with Building and Fire Code	Building must not contain secondary suite; 1-2 additional on-site parking spaces;
Vancouver, B.C.	0.8%	Short term rental business licence	\$49 + one time processing fee of \$54	SF and MF dwelling units	Yes	2 ppl per sleeping unit	Yes (if principal residence)	No	fire plan posted at entrance and exit points; smoke detectors and fire extinguishers; subject to audits and inspections; must have appropriate insurance	Provide guests with 24/7 contact; Must have strata permission; must have owner permission; operator responsible for ensuring no unreasonable disturbance or nuisance

Jurisdiction	Vacancy rate	Operator Licence or Registration	Operator Fees	Dwelling type	Principal Residence Only	Sleeping Unit Cap	Entire unit permitted	Night Cap	Safety Provisions	Nuisance Provisions
Toronto, Ont.	1.1%	Operator registration and online platform business licence	Online platform licence - \$5000 one time fee + \$1 per night booked STR operator license - \$50/yr	SF and MF dwelling units	Yes	3 rooms max per unit	Yes (if principal residence)	180 nights per year	Building and Fire Code compliance; 24 hr contact and emergency information provided to guests;	Operator responsible for ensuring compliance with all City bylaws and regulations
San Francisco, CA	2.7%	Registration of business and approved as certified operator by City	\$90+ business registration fee based on income; MTI \geq \$484	SF and MF dwelling units	Yes, operator must reside there a minimum of 275 days per year	No	Yes (if principal residence)	Yes, 90 night limit if renting entire unit	Liability insurance required; Property owner/homeowner association notification	Operator responsible for complying with all City bylaws and regulations; Registration number displayed; self-report STR activities every 3 months;
Portland, OR	2.4%	Accessory STR permit and business licence	\$178 two-year permit fee; \$62 renewal fee after two years	SF and MF dwelling units; cap on number of MF units permitted	Yes, operator must reside there a minimum of 270 days per year	5 max	Type A: Yes (if principal residence) Type B: accessory dwelling units permitted in addition to principal unit	No	Fire and building safety requirements; inspection of dwelling unit	Neighbour notification letter;
Santa Monica, CA	2.0%	Short term rental operator registration	\$75+ Business Licence Tax	SF and MF dwelling units	Yes	No	No	No	Fire and building safety requirements	

Seattle, WA	2.5%	Short term rental operator business licence and online platform business licence	TBD	SF and MF dwelling units	No (principal residence includes secondary suite, granny flat or accessory dwelling unit plus one additional unit)	No	Yes (1 investment property)	No	Signed declaration that unit complies with building and fire codes, safety information posted in unit for guests	Operator responsible for providing 24 hour / 7 days contact number
Philadelphia, PA	7.1%	Commercial Activity business licence	No fee	SF and MF dwelling units	Yes	No	Yes (if principal residence)	180 nights per year	Not specified	Operator responsible for ensuring guests limit hours in which they have visitors on site; providing information for garbage and recycling; providing information about fines and penalties for noise and disturbances.



Meeting 2020 June 23

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 2020 June 11

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 16000 20
Reference: Homelessness

**SUBJECT: HOUSING AND HOMELESSNESS STRATEGY AND HOUSING NEEDS
REPORT**

PURPOSE: To provide an overview of the preparation of a housing and homelessness strategy and housing needs report, and to seek Council endorsement of a draft policy framework as the basis for public consultation.

RECOMMENDATION:

1. **THAT** Council endorse the draft policy framework for the housing and homelessness strategy, as generally described in *Section 3.0* of this report, as the basis for public consultation.

REPORT**1.0 INTRODUCTION**

On 2019 July 29, Council authorized staff to prepare a housing strategy to build upon the recommendations of the Mayor's Task Force on Community Housing ("Task Force"). The Task Force made 10 "quick start" recommendations and 18 final recommendations, as outlined in *Appendix A*. One of the recommendations was to develop a "made in Burnaby" plan for decreasing homelessness. As such, the housing strategy is being developed as a "housing and homelessness" strategy.

On 2019 November 18, Council authorized the preparation of a housing needs report, pursuant to new provincial legislation that requires all local governments to prepare a report by April 2022, and every five years thereafter. The housing needs report will inform the housing and homelessness strategy.

This report provides an update on the preparation of the housing and homelessness strategy and housing needs report. It introduces basic elements of the strategy and outlines its preliminary draft vision, goals and strategies. It also outlines next steps, including public consultation activities and opportunities for Task Force, Committee and Council review.

To: *Planning and Development Committee*
 From: *Director Planning and Building*
 Re: *Housing and Homelessness Strategy and Housing
 Needs Report*
 2020 June 11 Page 2

2.0 POLICY SECTION

The development of the housing and homelessness strategy and housing needs report will help fulfill many of the City's strategic directions, and will serve to update the housing policies of the City's Official Community Plan (OCP). Work on these documents will align with the following City-wide policies:

- Burnaby's *Official Community Plan* (1997), including its residential and social policy frameworks, and its Regional Context Statement (RCS), which contains housing actions based on OCP policies.
- The *Burnaby Economic Development Strategy* (2007), which sets a goal of building a strong, liveable, and healthy community. This includes developing a diverse and affordable housing stock that is appropriate to residents' needs and exploring possible ways to use the rezoning of land for market residential development as a means to achieve more non-market housing.
- The *Burnaby Social Sustainability Strategy* (2011), which contains several actions on housing, including looking for opportunities to facilitate the development of housing that is supportive of, suitable, and affordable to specific target groups, such as low and moderate income households, and those experiencing mental illness, addictions, family violence, homelessness and other challenges.

It will also align with the following goals and sub-goals of the *Corporate Strategic Plan*:

- ***A Connected Community***
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments
 - Social connection – Enhance social connections throughout Burnaby
- ***An Inclusive Community***
 - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging
- ***A Healthy Community***
 - Healthy life – Encourage opportunities for healthy living and well-being
- ***A Dynamic Community***
 - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

3.0 HOUSING AND HOMELESSNESS STRATEGY AND HOUSING NEEDS REPORT

A housing and homelessness strategy, also called a "housing and homelessness action plan," is a document that outlines goals, policies, and actions to meet a community's housing needs. Burnaby's housing and homelessness strategy will provide a policy blueprint for housing and homelessness actions over the next 10 years and will inform the housing and homelessness sections

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 From: Director Planning and Building
 Re: Housing and Homelessness Strategy and Housing Needs Report
 2020 June 11 Page 3

of the forthcoming Official Community Plan (OCP) update. In turn, the housing and homelessness strategy will be informed by the City's housing needs report, a provincially-mandated summary of existing and projected housing needs that is being developed concurrently. These companion documents are discussed below.

3.1 HOME: Burnaby's Housing + Homelessness Strategy

The strategy will be a comprehensive policy document addressing the entire housing system, including the challenge of reducing homelessness. This broad scope reflects the recommendations of the Task Force, which considered a wide range of housing issues and opportunities across the housing continuum, and specifically called for a "made in Burnaby" plan for decreasing homelessness. Drawing on the "Your Voice. Your Home." campaign that informed the work of the Task Force, the proposed title of the document is HOME: Burnaby's Housing + Homelessness Strategy.

In order to be accessible to a wide audience, the document will adhere to the following principles:

- easy to read and understand;
- concise and focused;
- clearly structured; and,
- visually appealing with approachable graphic elements.

A draft outline of the document is attached as *Appendix B*.

The strategy's policy framework, including the vision, goals, strategies, actions, and implementation plan, is currently being drafted, and will be amended and refined based on feedback received through public engagement and Committee, Task Force, and Council review.

Vision

The draft vision for the strategy is "**a home for everyone.**" This vision reflects a number of key themes that will be highlighted in the document, including:

- affordability;
- inclusion;
- robust and diverse housing supply;
- reducing homelessness; and,
- meeting people's housing needs at different stages of life.

Ultimately, this vision sees Burnaby as a place where everyone can find a home, afford a home, and feel at home.

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 Re: Housing and Homelessness Strategy and Housing Needs Report
 2020 June 11 Page 4

Goals

Draft goals for the strategy seek to apply the vision throughout the housing continuum. The draft goals are:

- Inclusive and Livable Neighbourhoods;
- Options for Homeowners;
- A Renter-Friendly Community;
- A Healthy Supply of Secure, Non-Market Housing; and,
- A Place where Homelessness is Rare, Brief, and One-Time.

Strategies

These goals will be supported by draft strategies that set out how the goals are to be achieved. Staff are exploring a range of strategies, many based on Task Force recommendations, and many supporting more than one goal. These strategies are shown in the table below:

HOME: Burnaby's Housing + Homelessness Strategy Preliminary Draft Strategies	
Strategy 1	Introduce new housing forms, such as laneway homes, triplexes, and four-plexes, in single and two-family neighbourhoods.
Strategy 2	Review community plans to increase the number and quality of mixed-use, walkable communities in transit-friendly locations.
Strategy 3	Support educational activities that promote awareness of new housing forms and inclusive neighbourhoods.
Strategy 4	Encourage a range of multi-family housing types.
Strategy 5	Facilitate inclusive housing for people with disabilities and others who live in housing with supports.
Strategy 6	Pursue inclusive, mixed-income communities through rental zoning.
Strategy 7	Support projects that offer attainable home ownership.
Strategy 8	Pursue affordable housing partnerships with senior levels of government, First Nations, not-for-profit organizations and other housing developers.
Strategy 9	Provide land, funding, and regulatory support for non-market housing development.
Strategy 10	Unlock free land by co-locating affordable housing with other public facilities.
Strategy 11	Support the development of more housing co-operatives.
Strategy 12	Facilitate renewal and redevelopment of under-utilized land for affordable housing.
Strategy 13	Consider new ways to expedite affordable housing approvals.
Strategy 14	Pursue innovative financing mechanisms for non-market housing.

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 From: Director Planning and Building
 Re: Housing and Homelessness Strategy and Housing Needs Report
 2020 June 11 Page 5

Strategy 15	Review the use of the Housing Fund to maximize its impact.
Strategy 16	Use rental zoning to protect and grow our rental housing stock.
Strategy 17	Maintain a robust tenant assistance policy.
Strategy 18	Regulate and incentivize the maintenance of rental buildings.
Strategy 19	Encourage construction of market and below-market rental units.
Strategy 20	Limit opportunities for short-term rental housing through regulation.
Strategy 21	Prevent people from entering homelessness.
Strategy 22	Support pathways out of homelessness.
Strategy 23	Facilitate coordination among homeless serving agencies in Burnaby.
Strategy 24+	Other homelessness strategies TBD.

The draft vision, goals and strategies will be the subject of the first phase of consultation on the strategy, as outlined in *Section 4.0* below.

Actions and Implementation

The goals and strategies will be supported by more specific actions that will be prioritized and assigned timelines in an accompanying implementation plan. The actions and implementation plan will be developed following consultation on the draft goals and strategies and with further input from the housing needs analysis.

3.2 Housing Needs Report

On 2019 April 16, the province amended the *Local Government Act* to require all local governments to develop a housing needs report by April 2022, and every five years thereafter. A housing needs report provides a summary of the local government's housing stock and determines existing and anticipated housing needs.

On 2019 November 18, Council authorized the preparation of a housing needs report and the submission of a grant proposal to the Union of British Columbia Municipalities (UBCM) to fund the project. Under the terms of the \$70,000 UBCM grant, which was awarded to the City on 2020 January 29, Burnaby must complete its housing needs report by 2021 January 29. However, due to the impacts of COVID-19, the province will consider extension requests, if required.

Housing needs reports must include approximately 50 distinct kinds of data related to population, households, economic sectors, labour force and housing units. This information will be drawn from both standardized data sets, such as census results, and qualitative input from housing stakeholders. Key findings will include:

- the current and anticipated number of housing units needed, by number of bedrooms;

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 From: Director Planning and Building
 Re: Housing and Homelessness Strategy and Housing Needs Report
 2020 June 11 Page 6

- the number and percentage of households in core housing need, or extreme core housing need, by tenure, for the last three census reports; and,
- the current and anticipated needs for specific types of housing including affordable housing, rental housing, special needs housing, seniors housing and temporary housing.

This information will strengthen the ability of the City to understand the number and type of housing units that are most needed across the City immediately and into the future.

The housing needs report is being developed in conjunction with the strategy and will inform its policies. The report will be a companion document to the strategy.

4.0 PROCESS

As the strategy is informed by the Task Force recommendations, the process of developing the strategy will build on last year's Your Voice. Your Home. public engagement process. **Appendix C** illustrates this continuity in a flow diagram similar to the one that represented the Task Force process. This diagram identifies the review and engagement activities for the strategy and housing needs report as Phases 3, 4, and 5 of the Your Voice. Your Home. process. Key steps in the process, and the proposed timeline, are outlined below. Staff will report to the Committee and Council at each phase of the process.

Phase 3 – Identifying Needs, Goals and Strategies

Phase 3 represents the first phase in the development of the housing and homelessness strategy and housing needs report, and will focus on the following:

- public information on the housing needs report and housing and homelessness strategy;
- development of a draft housing needs report; and,
- development of the policy framework for the housing and homelessness strategy.

It includes the following public and stakeholder engagement activities:

Activity	Description	Target Date
Public information	Website, social media and print media on the project	June 2020
Stakeholder Consultation on Housing Needs	Online survey and follow-up with stakeholder organizations to gather qualitative information on housing needs	July/August 2020
Public and Stakeholder Consultation on Housing Goals and Strategies	Online survey to gather input on draft goals and strategies for the Housing + Homelessness Strategy; follow-up with stakeholder organizations	August 2020

Target stakeholders include over 100 organizations involved in housing operation, development, social service delivery, advocacy, and other housing-related areas in Burnaby. The format of

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 From: Director Planning and Building
 Re: Housing and Homelessness Strategy and Housing Needs Report
 2020 June 11 Page 7

follow-up activities, originally envisioned as in-person workshops and open houses, will likely be virtual in conformance with public health guidelines for COVID-19. Staff are exploring best practices for virtual engagement to employ in this process. This phase will specifically include stakeholder engagement on goals and strategies on the topic of homelessness.

Phase 3 will end with the production of a draft housing needs report, as well as summaries of “what we heard” from the consultation activities.

Phase 4 – Finalizing the Housing Needs Report/Drafting the Strategy

This phase focuses on:

- finalizing the housing needs report; and,
- drafting the housing and homelessness strategy.

It includes the following public and stakeholder engagement activities:

Activity	Description	Target Date
Stakeholder Check-in on Draft Housing Needs Report	Stakeholder review of the initial draft of the housing needs report	September/ October 2020

Phase 4 will end with the production of the final housing needs report and a draft housing and homelessness strategy. The housing needs report will require adoption by Council resolution per provincial legislation. Staff will seek Council endorsement of the draft housing and homelessness strategy as the basis for public consultation.

Phase 5 – Finalizing the Housing + Homelessness Strategy

The last phase in the process focuses on finalizing the housing and homelessness strategy.

It includes the following public and stakeholder engagement activities:

Activity	Description	Target Date
Task Force Review of Draft Strategy	Review of the draft strategy at the scheduled reconvening of the Mayor’s Task Force on Community Housing	November 2020
Public and Stakeholder Input on Draft Strategy	Online survey to gather feedback on the Housing + Homelessness Strategy	November 2020 – January 2021

Phase 5 will end with Committee and Council review and approval of a final housing and homelessness strategy.

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 From: Director Planning and Building
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 Needs Report
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5.0 CONCLUSION

This report provides an update on the preparation of the housing and homelessness strategy, authorized by Council on 2019 July 29, and the accompanying housing needs report. These documents will guide the City's housing policies, programs, and decisions into the future, and will inform the housing section of the forthcoming Official Community Plan (OCP) update. This report provides an overview of the two documents and outlines next steps in their development, including stakeholder and public consultation and review of the strategy by the Committee, the Task Force and Council. It also outlines a draft policy framework for the strategy, including vision, goals and strategies. It is recommended that Council endorse the draft policy framework for the strategy, as generally described in *Section 3.0* of this report, as the basis for public consultation.



E.W. Kozak, Director
 PLANNING AND BUILDING

LF:sa

Attachments

cc: City Manager
 Director Corporate Services
 Director Public Safety and Community Services
 City Clerk

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APPENDIX A

Mayor's Task Force on Community Housing Themes and Recommendations

Theme 1: Create Livable Neighbourhoods	
#	Recommendation
1	Develop a plan for introducing new housing forms and family-oriented housing in a variety of neighbourhoods.
2	Create sustainable and accessible communities, with a range of amenities and services, in and around arterials and transit corridors.
3	Launch an education and advocacy campaign to increase community acceptance of new housing forms.
Theme 2: Invest in Housing Partnerships	
#	Recommendation
4	Review the City's land assets to identify suitable sites to pilot a portfolio development opportunity.
5	Create a program to facilitate redevelopment of under-utilized land for affordable housing.
6	Review the mandate and allocation of the City's Housing Fund to maximize its support of Task Force recommendations.
7	Negotiate a Memorandum of Understanding (MOU) with BC Housing and CMHC to establish terms for partnerships.
8	Build on the City's Homelessness Response to create more homes for people experiencing homelessness.
9	Co-locate affordable housing with community facilities such as community centres, firehalls, schools, libraries, and other suitable public facilities.
Theme 3: Support Rental Housing and Tenants	
#	Recommendation
10	Adopt a robust tenant relocation policy.
11	Explore incentives and accountability for the maintenance of older rental buildings.
12	Increase the supply of affordable rental housing.
Theme 4: Promote Innovative Housing Policy and Build Capacity	
#	Recommendation
13	Consider increasing the percentage of density bonus funds allocated to housing.
14	Establish a housing department to coordinate housing work.
15	Increase staff and review regulations to speed housing approvals.
16	Support the development of more housing co-operatives.
17	Pursue innovative financing mechanisms for non-market housing, such as land value capture.
18	Adopt ways to support affordable home ownership.

Mayor's Task Force on Community Housing "Quick Start" Recommendations

QS#	Quick Start Title	Description
Quick Starts for Rental Housing		
1	Create a Modular Housing Strategy	Create a strategy to develop more modular supportive housing in partnership with BC Housing.
2	Regulate Short-term Rental Housing	Prioritize the City's current review of options to regulate short-term rental housing (e.g., Airbnb).
3	Adopt a Robust Tenant Assistance Policy	The Task Force endorses a robust Tenant Relocation policy. Detailed recommendations to follow in the Final Report.
4	Establish a Rent Bank Using Housing Fund Monies	Create a rent bank providing no-fee loans for low-income renters.
5	Scale Up/Increase Additional Density for Projects with Below-market Rentals	Encourage the practice of approving additional density for projects providing below-market rental housing.
Quick Starts for Housing Partnerships		
6	Partner with BC Housing, Non-profits, and Private Developers for More Non-Market Housing	Pursue partnerships that leverage the contributions of the City, BC Housing, non-profit societies, and private developers to provide more non-market and below-market rental housing.
7	Use a Portfolio Approach for the City Lands Program for Non-Market Housing	Adopt a portfolio approach to the existing City Lands Program for Non-Market Housing, under which suitable lands would be identified and offered for lease on a bulk basis.
Quick Starts for Land Use, Zoning and Approvals		
8	Simplify Zoning and Other Requirements to Increase the Number of Homes in More Neighbourhoods	Initiate a review of zoning and other requirements to make it easier to build small-scale multiple family homes in a wider variety of neighbourhoods.
Quick Starts for Research		
9	Commission a Land Value Capture Study	Study land value capture practices, including opportunities to capture the financial benefits from increased density outside of Town Centres.
10	Gather Data on Empty Homes	Obtain data from BC Assessment and/or other sources to determine the number of empty homes in Burnaby.

Appendix B

HOME: Burnaby's Housing + Homelessness Strategy Document Outline

#	Section
1	Opening Sections (Acknowledgments/Territorial Acknowledgment; Table of Contents; Mayor's Message)
2	Executive Summary
3	Introduction/Context
4	Consultation Process and Key Findings
5	Policy Elements <ul style="list-style-type: none"> ○ Vision/Goals ○ Strategies ○ Actions (This section may be supplemented with information on existing policies, context, and case studies, as needed)
6	Implementation Plan and Timelines / Targets and Monitoring
7	Appendices – housing needs report summary; glossary; Task Force recommendations

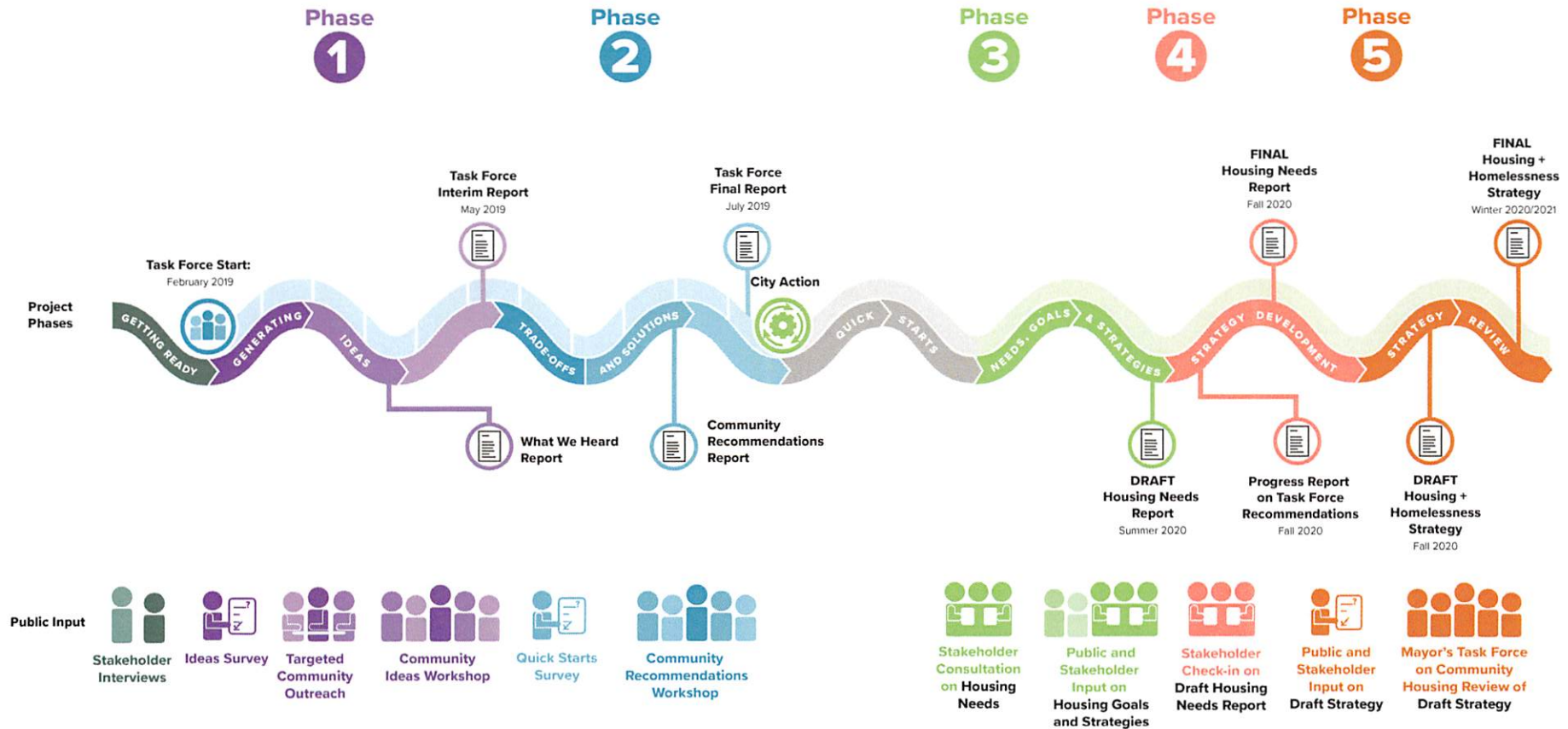
YOUR VOICE. YOUR HOME.

Project Phases



Mayor's Task Force on Community Housing

Burnaby's Housing and Homelessness Strategy





Meeting 2020 June 23
COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 June 17

FROM: DIRECTOR PLANNING AND BUILDING
DIRECTOR FINANCE

FILE: 16000 20

SUBJECT: EXTENSION TO TEMPORARY BURNABY RENT BANK

PURPOSE: To propose an extension to the temporary Burnaby Rent Bank to 2020 October 31, and to provide an update on a potential opportunity to establish a permanent Burnaby Rent Bank.

RECOMMENDATION:

1. **THAT** the Committee request Council approve an extension to the temporary Burnaby Rent Bank, operated by the Lower Mainland Purpose Society, to 2020 October 31.

REPORT

1.0 INTRODUCTION

On 2019 July 29, Council unanimously adopted the *Mayor's Task Force on Community Housing Final Report*, which recommends 18 actions and 10 "Quick Starts" to increase the supply, diversity, and affordability of housing in Burnaby. Quick Start #4 – Establish a Rent Bank using Housing Fund Monies – is specifically recommended to support renters, particularly vulnerable renters with lower incomes, in maintaining their current housing and preventing homelessness.

Prior to the current state of emergency declared for the COVID-19 pandemic, staff were in discussions with BC Rent Bank to explore the creation of a rent bank for Burnaby renters. With \$10 million in provincial funding, BC Rent Bank supports existing rent banks and establishes new rent banks in new communities. However, on 2020 March 26, BC Rent Bank announced that all applications for new rent banks would be temporarily suspended during the COVID-19 pandemic. Instead, only funding for existing rent banks would be available during this period to sustain existing services and to extend services to unserved communities, if possible.

To ensure Burnaby renters had access to this financial service, BC Rent Bank agreed to provide funding of approximately \$30,000 to the Lower Mainland Purpose Society (Purpose Society), operator of the New Westminster Rent Bank, to extend services to Burnaby renters on a temporary three-month period (2020 April 06 to 2020 July 06). To support this initiative, Council approved a grant of \$30,000 from Operating Contingency funds at its 2020 April 20 meeting to further assist

To: Planning and Development Committee
 From: Director Planning and Building
 Director Finance
 Re: Extension to Temporary Burnaby Rent Bank
 2020 June 17..... Page 2

vulnerable renters during the COVID-19 pandemic. The \$30,000 grant from the City has helped to bolster the program to allow the Purpose Society to grant loans to lower income renters in the community, in addition to ensuring the successful administration of the temporary program, and expansion for Burnaby residents in need.

On 2020 June 08, BC Rent Bank announced a new Expression of Interest (EOI) to establish four new rent banks in British Columbia – two in large communities and two in small communities. The EOI is eligible to not-for-profit organizations and closes on 2020 July 03. If successful, the selected not-for-profit organizations are anticipated to commence operations of these new rent banks on 2020 October 01.

2.0 POLICY CONTEXT

Assisting vulnerable renters in Burnaby through a rent bank aligns with the following goals and sub-goals of the *Corporate Strategic Plan*:

- ***A Connected Community***
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities, and governments
- ***An Inclusive Community***
 - Serve a diverse community – Ensure City services fully meet the needs of our dynamic community
 - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging
- ***A Healthy Community***
 - Healthy life – Encourage opportunities for healthy living and well-being
- ***A Dynamic Community***
 - Community development - Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

3.0 DISCUSSION

3.1 Temporary Burnaby Rent Bank

The COVID-19 pandemic has brought about significant uncertainty to Burnaby residents, as many individuals have lost their jobs or have had to stay home for extended periods of time. Renters are particularly vulnerable, with many renters experiencing challenges with affordability and the availability of rental housing prior to the pandemic. In response, both the federal and provincial governments have announced financial measures for renters, including emergency income programs and a temporary rental supplement, in addition to direct regulatory measures to keep renters in their housing, such as a moratorium on evictions, during the current state of emergency.

The temporary Burnaby Rent Bank, which began operations on 2020 April 06, was established to support lower income individuals and families during the COVID-19 pandemic. Funded equally

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between BC Rent Bank and the City of Burnaby, each contributing approximately \$30,000, to ensure adequate funding for the Purpose Society to manage the temporary Burnaby Rent Bank; thus providing renters access to low-fee, no interest loans for rent and/or utilities. The temporary program also provides support and information to interested renters, in addition to connecting them to available resources, including current federal and provincial funding opportunities.

The non-profit operator of the temporary Burnaby Rent Bank, Purpose Society, has experience in delivering rent bank services for the New Westminster Rent Bank since it began operations in 2017, and has provided mentorship to other rent banks in the province. The temporary Burnaby Rent Bank adheres to the best practices established by BC Rent Bank and operates as follows:

- available to Burnaby renters or individuals moving to Burnaby;
- loans may be used to pay for rental arrears, next month's rent, essential utility arrears, security deposits, and first months' rent;
- maximum loan of \$1,400 for individuals or \$1,700 for families (2 or more people living in a family relationship) for rent arrears;
- maximum loan of \$500 for essential utility arrears;
- Loan Committee consisting of the Rent Bank Coordinator, City staff, and other stakeholders review applications based on established loan criteria;
- approved funds will be issued by cheque, payable directly to the creditor;
- loans are to be repaid in monthly installments, with repayment terms ranging between six and 24 months (loans are interest free, but subject to a \$1.00 monthly administrative fee); and,
- Purpose Society staff will continue to operate from the New Westminster Rent Bank location (close to New Westminster SkyTrain station), but will provide limited face-to-face meetings with clients without computer access at a City facility or other location in Burnaby accessible to clients as required (e.g. meeting room at Purpose Society-operated child care in Burnaby, etc.).

To date, the temporary Burnaby Rent Bank has issued one loan, reviewed seven pre-assessment applications, and received 37 inquiries. The relatively low number of applications is not unexpected; the provincial program to assist landlords with unpaid rents, and the current moratorium on evictions has resulted in reduced usage of rent banks across the province. Once these programs end more renters may seek rent bank services to help maintain their housing.

To ensure continued support for Burnaby renters during the COVID-19 pandemic and beyond, staff recommend that Council extend the temporary Burnaby Rent Bank from the current end date of 2020 July 06 to 2020 October 31. This will help to provide renters greater assurance over the next few months, especially if the provincial state of emergency ends and the moratorium on evictions and provincial rent relief program conclude. In addition, by extending the temporary Burnaby Rent Bank to 2020 October 31, it provides additional time for succession planning and information sharing if a new rent bank operator is selected through the BC Rent Bank EOI process. Based on BC Rent Bank's timeline, the new rent banks are anticipated to start operations on 2020 October 01.

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Based on current usage of the temporary Burnaby Rent Bank, and even with a potential increase in usage upon the end of the state of emergency, the current funding for loan capital and administrative costs is anticipated to be sufficient until the end of October. Purpose Society has agreed to continue operation of the temporary Burnaby Rent Bank for the extended period.

3.2 BC Rent Bank Expression of Interest for Permanent Rent Bank

On 2020 June 08, BC Rent Bank issued a call for Expressions of Interest (EOI) from not-for-profit organizations interested in establishing and operating new BC Rent Bank programs. The EOI seeks to identify and begin operations of four new rent bank programs across the province by March 2021 – two rent banks in communities with populations of 50,000 people or less and two rent banks to serve communities with 50,000 people or more.

BC Rent Bank, a project established by Vancity Community Foundation, received \$10 million in funding from the Province in 2019 to deliver upon the Provincial Rental Housing Task Force recommendation of provincial funding of rent banks. BC Rent Bank anticipates additional phases to the expansion of rent bank services at later dates, but notes the current financial commitment from the provincial government ends 2022 March 31.

A summary of the BC Rent Bank EOI is as follows:

- **Eligibility** – Not-for-profit organizations/agencies with experience in providing housing services or working with vulnerable populations needing to maintain their housing, including First Nations, Metis, and urban indigenous service providers, are eligible to apply. Community partnerships or coalitions, up to four listed partners, are permitted.
- **Process Overview** – The 2020-2021 expansion process consists of two phases:
 - Phase 1: Expression of Interest (2020 June 08 – 2020 July 03)
 - not-for-profit organizations/agencies must complete the BC Rent Bank Expression of Interest Submission Template and submit by the due date.
 - organizations successful in the EOI process will be invited to Phase 2: Full Proposal Submission.
 - Phase 2: Full Proposal Submission (2020 July 16 – 2020 September 03)
 - BC Rent Bank will assess the lead agency's readiness to open and operate a rent bank, including more detailed information about organization capacity, interviews, and reference checks.

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- **Funding** – Funding from BC Rent Bank includes both seed funding and operating funds:
 - seed funding is a one-time contribution granted to a rent bank in its first year of operation. Seed funding can be used to cover expenses related to staff salary and benefits, loan capital, and administrative costs, up to 80% of the projected first annual costs to operate the rent bank.
 - operating funds will be awarded based on continued participation in the BC Rent Bank network, ability to provide accurate and timely reporting, demonstration of other funding supports, as well as demonstration of strong policies and procedures to support ongoing work. Operating funds may be directed towards staffing costs, loan capital, and administrative costs associated with operating the project.
 - lead rent bank agency and partners, including other non-profits, municipalities, and other organizations, are expected to contribute 20% of the projected budget in the first year of operations from in-kind contributions. In-kind contributions could include resources to cover staffing costs, loan capital, and administrative costs.
- **Key Dates:**

2020 June 08	Launch of EOI (Phase 1)
2020 July 03	EOI submissions due
2020 July 14	Participating organizations will be informed of outcomes of the EOI evaluation process
2020 July 16	Launch of Full Proposal process (Phase 2)
2020 September 03	Proposal submissions due
2020 September 18	Final decisions made and communicated to organizations
2020 October 01	Proposed start date of new rent bank sites

In light of the short timeframe of the BC Rent Bank EOI, and the potential end of provincial rent bank funding by March 2022, staff will encourage interested local not-for-profit organizations to apply directly to the EOI to capitalize on this funding opportunity. This includes notifying the Burnaby Interagency Council, which includes membership of most non-profit service providers in the community, as well as directly contacting organizations who had previously indicated interest in operating a permanent rent bank in Burnaby. Should BC Rent Bank decide to establish a permanent Burnaby Rent Bank, the City would enter into discussions with the selected not-for-profit organization to determine an appropriate role for the City.

4.0 NEXT STEPS

Should Council support the extension to the temporary Burnaby Rent Bank to 2020 October 31, staff will work with Purpose Society and BC Rent Bank to communicate the extended timeline to renters, non-profit and social service agencies, and other stakeholders who may benefit from this information. City staff will also continue to participate on the Loan Committee to review

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applications based on established loan criteria, in addition to monitoring this program to ensure its value to Burnaby renters during the COVID-19 pandemic and beyond.

In addition, staff will ensure local not-for-profit organizations are made aware of the current funding opportunity from BC Rent Bank and encourage interested agencies to apply to the EOI. The City will also continue to liaise with and advocate to BC Rent Bank to communicate the need for a permanent rent bank program in Burnaby.

Staff will notify Committee and Council on any new information related to the BC Rent Bank EOI process. In the event that BC Rent Bank does not select an operator for a rent bank in Burnaby, staff would return to Council with potential options to deliver and fund a permanent rent bank without provincial funding.

5.0 CONCLUSION

Quick Start #4 of the *Mayor's Task Force on Community Housing Final Report* specifically recommends the creation of a rent bank program to help support renters, particularly vulnerable renters with lower incomes, in maintaining their current housing, preventing homelessness, and maintaining community connections. The temporary Burnaby Rent Bank has been an important resource to City renters during the COVID-19 pandemic, and an extension of the service to 2020 October 31 can provide greater assurance to renters during these uncertain times.



E.W. Kozak, Director
 PLANNING AND BUILDING



Noreen Kassam, CPA, CGA
 DIRECTOR FINANCE

DS:WT:sa

cc: City Manager
 City Clerk

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Meeting 2020 June 23

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 June 11

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 94000 20
Reference: Transportation Plan

SUBJECT: BURNABY TRANSPORTATION PLAN – PHASE 2 PUBLIC CONSULTATION PROGRAM UPDATE

PURPOSE: To provide an update on the Phase 2 Public Consultation Program for the *Burnaby Transportation Plan*.

RECOMMENDATION:

1. **THAT** Committee recommend that Council receive for information the updated Phase 2 Public Consultation Program, as outlined in Section 4.0 of this report.

REPORT**1.0 INTRODUCTION**

The *Burnaby Transportation Plan* is the City's guiding policy document for transportation. On 10 February 2020, Council endorsed the *Plan*'s draft Targets, Big Moves, Policies, and Networks and authorized staff to undertake the Phase 2 Public Consultation Program. The public consultation was anticipated to begin in April of 2020, however it was put on hold due to the COVID-19 Pandemic.

This report provides an update to the Phase 2 Public Consultation Program, in light of the COVID-19 Pandemic. As the Province and the City begin to “reopen” and as online tools have become more ubiquitous, it is possible to undertake public consultation while meeting provincial health orders and guidance and is aligned with Burnaby’s Recovery Framework. This report provides an updated Phase 2 Public Consultation Program outlining online methods to be used to collect feedback, and, provides a sample of the consultation materials to be shared with the public.

2.0 POLICY SECTION

The new *Burnaby Transportation Plan* is aligned with and supported by a number of City policies, including the *Official Community Plan (OCP)*, *Environmental Sustainability Strategy*, *Community Energy and Emissions Plan (CEEP)*, *Economic Development Strategy*, and *Social Sustainability Strategy*. The *Plan* is also aligned with the City’s *Climate Emergency Declaration* and the new targets to reduce greenhouse gas emissions. The *Burnaby Transportation Plan* will be one of the key tools for the implementation of the City’s climate actions.

In addition to the policies noted above, the *Plan* supports a number of goals and sub-goals of the *Corporate Strategic Plan*:

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 Re: Burnaby Transportation Plan – Phase 2 Public
 Consultation Program Update
 2020 June 11 Page 2

- ***A Safe Community***
 - Transportation safety – Make City streets, pathways, trails and sidewalks safer
- ***A Connected Community***
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments
 - Geographic connection – Ensure that people can move easily through all areas of Burnaby, using any form of transportation
- ***An Inclusive Community***
 - Serve a diverse community – Ensure City services fully meet the needs of our dynamic community
 - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging
- ***A Healthy Community***
 - Healthy life – Encourage opportunities for healthy living and wellbeing
 - Healthy environment – Enhance our environmental health, resilience and sustainability
- ***A Dynamic Community***
 - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
 - City Facilities and infrastructure – Build and maintain infrastructure that meets the needs of our growing community
- ***A Thriving Organization***
 - Communication – Practice open and transparent communication among staff, Council and the community
 - Technology and innovation – Support technology development and innovation to empower staff and to advance community objectives

3.0 BACKGROUND

At its meeting on 10 February 2020, Council endorsed the draft Targets, Big Moves, Policies, and Networks proposals as the basis for public consultation. Staff was authorized to undertake the Phase 2 Public Consultation Program, as outlined in that report and public consultation was anticipated to begin in April of 2020.

During the preparation for the public consultation, the first cases of COVID-19 were diagnosed in Canada in late January and on 18 March 2020, the Provincial State of Emergency was announced. Following the direction of the Provincial Public Health Office, the City of Burnaby instituted a number of measures to keep people safe, including ceasing all in-person gatherings, which effectively put the public consultation for the *Burnaby Transportation Plan* on hold. The Province and the City have now turned attention to carefully “re-opening”. However, physical distancing measures will be in place for the foreseeable future and therefore the consultation program needs to be adjusted to better work within our “new normal” and the Public Health Office orders and guidelines.

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It is important to continue the strategic initiatives for the City and to plan for its future. The intent of strategic initiatives, such as the *Burnaby Transportation Plan*, aim to do just that – plan for the challenges ahead, think about the “big picture”, consider a broad range of solutions, and seek opportunities that best achieve multiple goals and objectives in alignment with the community’s values.

In order to assess the readiness and interest in public consultation by the public during this time, a representative national survey entitled ‘*Government Consultations in the Era of COVID-19*’ was undertaken by Hill + Knowlton Strategies in late March 2020. When asked about engagement, over two-thirds of Canadians answered that engagement is more important now than ever before, for all three levels of government. Most (79%) felt that government consultation online can be as effective as in-person consultation. In addition, a survey undertaken by the City of Vancouver found that the majority (84%) of respondents are in favour of virtual engagement during the COVID-19 pandemic and a majority (between 67%-80%) said they were likely to participate.

Given the changes that have occurred in the way staff can interact with the public, and in such a short period of time, it is timely to provide an update on how the public consultation program has been adjusted to ensure a robust public engagement, while adhering to physical distancing requirements and other public health orders and guidelines.

4.0 UPDATE TO PHASE 2 PUBLIC CONSULTATION FRAMEWORK

The Phase 2 Public Consultation Program for the *Burnaby Transportation Plan* will continue to be built upon the Public Consultation Framework established in Phase 1, and outlined in the 10 February 2020 Council Report. Adjustments have been made to reflect the new conditions from the COVID-19 Pandemic. The Phase 2 Public Consultation Program is anticipated to commence in July 2020 and run until September 2020.

The Framework continues to be based on a “graduated” approach, which is organized around three styles of communication: Process Awareness (Inform), Broad Public Consultation (Inform and Engage), and Targeted Engagement (Inform, Engage, and Involve). This approach enables citizens to participate at whichever level of detail they choose. However, the key change in the approach is that larger in-person meetings and events are to be replaced by online or virtual tools, meetings, and events.

4.1 Phase 2 Public Consultation Activities

The activities for Phase 2 are as follows:

1. Inform – Process Awareness:

The intent is to provide general information about the new *Plan* including the process, the transportation system, how the public can get involved, and the vision for the future. The activities will include:

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- **Website:** The City’s website will serve as the public face and the main repository of information on the project.
- **Social Media/Online Advertising:** Social media platforms and online advertising will be used to inform a broader audience.
- **Subscriber List:** The subscriber list will be used to maintain a connection to subscribers by providing updates on the process, events, and other aspects of the planning work.
- **Email:** The project email is transportation@burnaby.ca.

2. Engage – Broad Public Consultation:

The intent is to provide opportunities for feedback on the draft Targets, Big Moves, Policies, and Networks. The activities will include:

- **Survey:** The survey will be used to collect feedback on the draft Targets, Big Moves, Policies, and Networks.
- **Webinar(s):** Host/participate in a webinar(s) to discuss creative ideas, invite comments and questions, and promote opportunities to engage in the process.
- **‘Coffee Conversations’ Discussion Guide:** A discussion guide to provide information, stimulate ideas, and support the survey.
- **Static Displays at Public Locations:** Pop-up static displays in public locations to provide information and encourage citizens to fill out the survey, visit the webpage, check out the webinars and more.

3. Involve – Targeted Engagement:

The intent is to provide opportunities for specific or more detailed feedback on the draft Targets, Big Moves, Policies, and Networks. The activities will include:

- **Stakeholder Meetings/Workshops:** Host or participate in meetings and/or workshops online or by telephone with internal and external stakeholders.
- **Virtual Event(s):** Host virtual events to discuss the details of the proposals, trade-offs, and solutions. The events may include “breakout rooms” and other activities to further enable more detailed feedback on specific topics.

These activities will be supported by a variety of materials such as reports, fact sheets, website, the subscription list, email, social media, survey, discussion guide, display boards, presentations, and other means to reach a broad audience. See *Attachment 1* for a sample of materials.

Following the conclusion of Phase 2, a Public Consultation Summary Report summarizing the feedback received and providing next steps would be presented to Committee and Council. The input received during this phase is to be used to inform and refine the proposals leading to the creation of a draft *Plan*.

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5.0 CONCLUSION

This report has described an update to the Phase 2 Public Consultation Program for the new *Burnaby Transportation Plan*, and outlines how public engagement will be conducted virtually and online. The updated Phase 2 Public Consultation Program is anticipated to begin in July 2020.

It is recommended that the Committee recommend that Council receive for information the updated Phase 2 Public Consultation Program.



E.W. Kozak, Director
 PLANNING AND BUILDING

RDSC:sa
Attachment

cc: City Manager
 Director Corporate Services
 Director Public Safety and Community Services
 Director Engineering
 Director Parks, Recreation and Cultural Services
 Director Finance
 City Clerk

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WALKING AND ACCESSIBILITY



BURNABY TRANSPORTATION PLAN UPDATE

Everyone is a pedestrian. All trips begin and end with walking or rolling. A pedestrian is defined as a person traveling by foot, as well as those traveling using mobility-assistance devices such as wheelchairs or walkers, people using strollers, people working with assistance animals such as guide-dogs, and those using other smaller devices to move or travel. It is an activity in which most of the population can participate. It is the greenest, most affordable, and most space-efficient mode of travel.

Draft Big Move:

Make walking and rolling the first choice for trips under 1km by building high quality pedestrian infrastructure and amenities.

Draft Policies

Policies focus on achieving the Vision, Themes, Goals, Targets and Big Moves for the Plan.

- 1 Complete and enhance the City's pedestrian network by 2050



- 2 Make streets safe for pedestrians



- 3 Make infrastructure accessible for all people



- 4 Improve the quality and maintenance of pedestrian infrastructure and amenities



- 5 Promote and inspire walkability in the City



Walking as a mode choice



Overall, a higher proportion of Burnaby residents are choosing to walk.

Where do we walk?



More Burnaby residents are choosing to walk to social events, recreation and for dining.

How far do we walk?



The average walking trip length is 0.8 km in Burnaby.

WALKING AND ACCESSIBILITY



BURNABY TRANSPORTATION PLAN UPDATE

Draft Network

What are we doing?

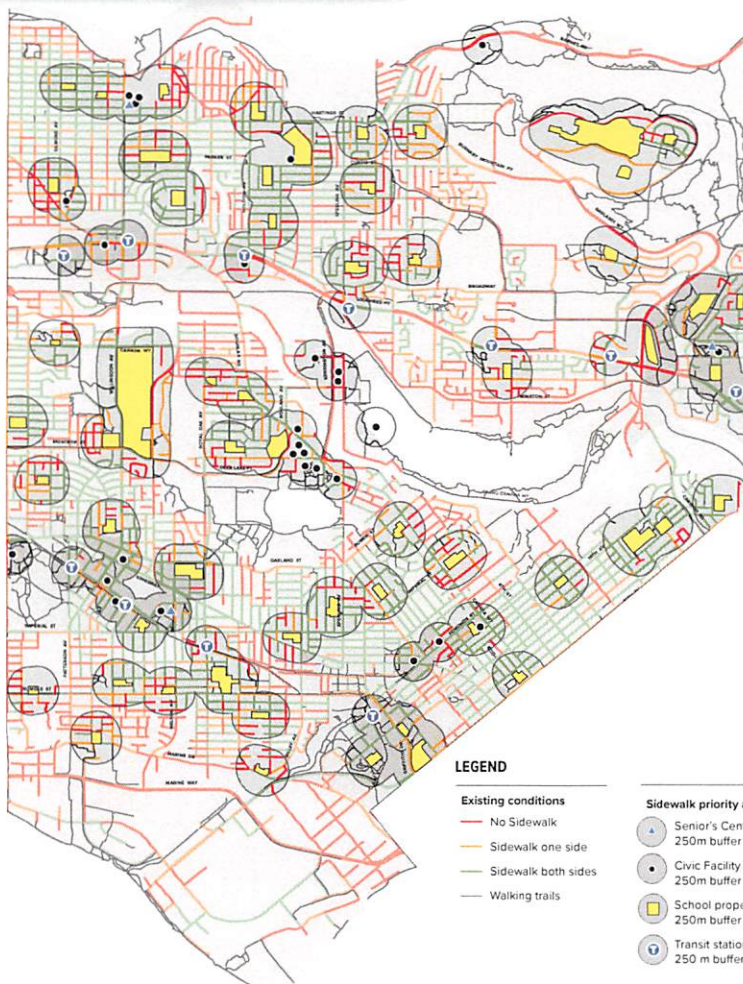
- building and completing sidewalks on all streets by 2050

How will we do it?

- prioritizing building and completion of sidewalks where there is higher demand (eg. within 250m of schools, civic facilities, and transit facilities)

What result do we expect?

- make it easy to choose walking and rolling for shorter trips
- make walking and rolling safe for everyone, especially children and seniors
- make pedestrian facilities accessible and comfortable for everyone



LEGEND

Existing conditions

- No Sidewalk
- Sidewalk one side
- Sidewalk both sides
- Walking trails

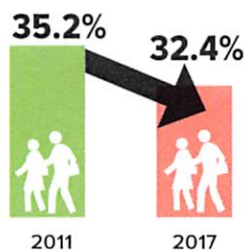
Sidewalk priority areas

- Senior's Centre with 250m buffer
- Civic Facility with 250m buffer
- School property with 250m buffer
- Transit station with 250 m buffer

Sidewalk priority areas also include bus stops – not shown on map at this scale

Did you know?

The percentage of children walking to school in Burnaby has decreased.



11.8%
of daily trips in Burnaby
are walking trips



Percentage of roads with
sidewalks in Burnaby





Meeting 2020 June 23
COMMITTEE REPORT

TO: CHAIR AND MEMBERS
 PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 June 17

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20
Reference: Bylaw Text Amdmt

**SUBJECT: PROPOSED ZONING BYLAW TEXT AMENDMENTS –
 GROSS FLOOR AREA**

PURPOSE: To propose a number of text amendments to the Burnaby Zoning Bylaw regarding calculation of gross floor area.

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.

REPORT

1.0 BACKGROUND INFORMATION

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the Zoning Bylaw and the general need to update the Zoning Bylaw, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarification and improvements to the wording of the Zoning Bylaw, and to respond to changes in related legislation and changes in forms of development, land uses, and social trends.

This report presents four Zoning Bylaw text amendments regarding:

- 1) definitions of “balcony,” “sundeck,” and “covered deck”;
- 2) calculation of gross floor area;
- 3) calculation of gross floor area in a building with over-height ceilings; and,
- 4) definitions of “gross floor area,” and “floor area ratio.”

The proposed amendments are brought forward, in large part, in order to update older parts of the Zoning Bylaw that no longer reflect contemporary practices and perspectives, including the City’s climate action initiatives.

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2.0 POLICY

The advancement of the proposed Zoning Bylaw amendment aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- **A Connected Community**
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments.
- **A Healthy Community**
 - Healthy Life – Encourage opportunities for healthy living and well-being.
- **A Dynamic Community**
 - City facilities and infrastructure – Build and maintain infrastructure that meets the needs of our growing community.
- **A Thriving Organization**
 - Organizational culture – Ensure that our core values are reflected in our policies, programs and service delivery.

3.0 PROPOSED BYLAW TEXT AMENDMENTS

3.1 Definitions of “Balcony,” “Sundeck,” and “Covered Deck”

Issue

There is a need to amend the definitions of “balcony,” “sundeck,” and “covered deck” to include other appendages that have similar forms and functions, and to simplify the Zoning Bylaw by consolidating different terms used for similar appendages.

Discussion

According to Section 3 of the Zoning Bylaw, buildings’ appendages that are used as outdoor amenity areas are defined as follows:

“Balcony” means a cantilevered deck that projects from a building and that, except for a guard rail is not enclosed.

“Deck, covered” means a roofed deck that is not cantilevered, projects from a wall of a building, is accessible from the interior of a building and, except for a guard rail, is not enclosed.

“Sundeck” means a roofless deck that is not cantilevered, projects from a wall of a building, is accessible from the interior of the building and, except for a guard rail, is not enclosed.

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The above definitions of balcony, sundeck, and covered deck do not account for all forms of balconies and decks, which result in inconsistencies in the application of the Zoning Bylaw, particularly the calculation of gross floor area (GFA).

In general, balconies, sun decks, and covered decks that are not enclosed are excluded from GFA in the RM Multiple Family Residential, C Commercial, M Industrial, B Business Centre, and P Institutional Districts. Similarly, in a number of R Residential and A Agricultural Districts, balconies, sun decks, and covered decks up to a maximum area of 8% of the permitted GFA are excluded from GFA. However, covered decks and sun decks located above a building or accessible from the exterior of a building, and recessed balconies, are not excluded from GFA as they do not meet the associated definitions in Section 3 of the Zoning Bylaw. The inclusion of these appendages in GFA is inequitable as they serve the same purpose as balconies, sun decks, and covered decks which are excluded from GFA.

The Zoning Bylaw requires that balconies, sun decks and covered decks shall not be enclosed with the exception of a guard rail. This requirement is to prevent illegal conversion of these outdoor spaces to habitable indoor areas by completely enclosing these appendages. However, there is a desire to partly enclose these areas by a wall on two or more sides for privacy purposes, which results in the inclusion of these appendages in GFA, as the current definitions for “balcony,” “sundeck,” and “covered deck” in the Zoning Bylaw prohibit any enclosure other than a guard rail.

To address the above mentioned issues, it is recommended that the definitions of “balcony,” “sundeck,” and “covered deck” be amended to include all forms of appendages that serve as usable outdoor areas. It is also recommended that these appendages be permitted to be enclosed but only to the extent that they remain permanently open to the exterior environment. This recommendation will allow further enclosure of these outdoor amenity areas beyond a guard rail for privacy purposes, while preventing the full enclosure of these appendages.

In addition, it is recommended that balconies, sun decks, and covered decks shall be accessible, either from the interior of the building or by exterior stairs. This recommendation is to ensure that deeper roof overhangs [i.e. more than 1.2 m (4.0 ft.) in depth] that are solely provided to improve a buildings’ energy performance will not be considered a balcony, sun deck, or covered deck. It should be noted that roof overhang structures can also be used as a balcony or deck, subject to BC Building Code requirements.

The Zoning Bylaw also uses a number of separate terms including “open porch,” “veranda,” “unroofed porch,” and “roofed deck” in reference to appendages that have a similar form and function as balconies, sun decks and covered decks. Use of different terms for the appendages without providing a definition in the Zoning Bylaw creates confusion for the users of the Zoning Bylaw. To simplify the reading and application of the Zoning Bylaw, and to create consistency, it is recommended that the terms “open porch,” “veranda,” “unroofed porch,” and “roofed deck” be replaced with the terms “balcony,” “sundeck,” and “covered deck,” as applicable. As such, any cantilevered deck with or without a roof will be considered a balcony, and any roofless, non-cantilevered appendages will be considered a sun deck. Any roofed non-cantilevered appendages will be considered a covered deck.

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In addition, to be consistent with the term “covered deck” which describes a deck with roof covering, it is recommended that the term “uncovered deck” be used in place of the term “sundeck” throughout the Zoning Bylaw.

Recommended Bylaw Amendment

1. **THAT** the definition of “Balcony” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“BALCONY” means an accessible cantilevered deck that projects from a building, or is recessed into the wall of a building above ground level, and is partially enclosed so as to remain permanently open to the exterior environment.

2. **THAT** the definition of “Deck, Covered” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“DECK, COVERED” means an accessible roofed deck that is not cantilevered, and is partially enclosed so as to remain permanently open to the exterior environment. A covered deck does not include a terrace that is covered.

3. **THAT** the definition of “Sundeck” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“DECK, UNCOVERED” means an accessible roofless deck that is not cantilevered, and is partially enclosed so as to remain permanently open to the exterior environment. An uncovered deck does not include a terrace that is roofless.

4. **THAT** subsection (c) under the definition of “Depth, Principal Building” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

c) balconies, covered decks, uncovered decks, canopies, and sunshades, including supporting structures, up to 1.2 m (3.94 ft.) in length.

5. **THAT** Section 6.12(1)(d) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(d) Balconies, covered decks, uncovered decks, canopies, and sunshades, provided such projections, including supporting structures, shall not exceed 1.2 m (3.94 ft.), or 50 percent of the width of a required side yard.

6. **THAT** the term “unroofed porches” be replaced with the term “uncovered decks” in the definition of “Building, Front Line of ” and “Building, Rear Line of” in Section 3 of the Zoning Bylaw.

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7. **THAT** the term “roofed deck” be replaced with the term “covered deck” in the definition of “Story, Half” in Section 3 of the Zoning Bylaw.

3.2 Calculation of Gross Floor Area

Section 6.20 of the Zoning Bylaw, which governs calculation of GFA and floor area ratio (FAR), was first introduced in 1991. Since then, it has received periodic amendments in order to provide greater clarity and respond to changing forms of development. The purpose of calculating GFA is to regulate building bulk and development density in the RM, B, and A Districts, and in a number of R, C, M, and P Districts throughout the City.

In recent years, it has become apparent that a thorough review of GFA regulations is necessary. The purpose of this review is to:

- 1) simplify and add further clarity to the wording of the Zoning Bylaw;
- 2) maintain equity in treatment of similar forms of development throughout the City;
- 3) allow for developments that meet the City’s current and future housing needs while maintaining neighbourhood character;
- 4) improve consistency in application of the Zoning Bylaw; and
- 5) improve building’s energy performance by providing wall thickness exemptions in support of the City’s climate action initiatives and zero-emissions developments.

Section 3.2 of this report reviews a number of issues pertaining to the existing GFA regulations under Section 6.20 of the Zoning Bylaw, and provides recommendations to address these issues.

Currently, Section 6.20 of the Zoning Bylaw specifies the floor areas that are included in calculation of GFA, as well as the floor areas that are excluded from GFA. In order to simplify the reading of the Zoning Bylaw, it is recommended that the definition of “gross floor area” be amended to specify the floor areas that are included in the calculation of GFA, and that Section 6.20 be amended to specify only those floor areas to be excluded from GFA. The proposed Section 6.20 would be comprised of three sub-sections. Recognising that some GFA exclusions are applicable to all forms of development, and to avoid repetition, the first sub-section would specify all floor areas to be excluded from GFA in all districts where density is regulated by GFA. The second sub-section would specify the additional floor areas to be excluded from GFA in the R and A Districts, with the exception of permitted category A supportive housing facilities. The third sub-section would specify the additional floor areas to be excluded from GFA in districts other than the R and A Districts, as well as in category A supportive housing facilities permitted in the R Districts.

Category A supportive housing facilities are permitted in a number of R Districts, as well as in some of the RM and C Districts. Currently, the facilities permitted in the RM and C Districts benefit from the GFA exclusion of parking areas, amenity spaces, and a number of other non-habitable areas. These exclusions allow the floor area of habitable spaces to be maximized to provide more living units in these facilities. To maintain consistency in the treatment of these facilities, it is recommended that the same GFA exclusions be applied to category A supportive

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housing facilities in the R Districts. The permitted GFA exclusions would allow for more total floor area for these facilities in the R Districts; however, the building bulk would be controlled by other requirements of the Zoning Bylaw, such as building heights and setbacks through a CD Comprehensive Development rezoning process, to ensure that the building fits within single and two family residential neighbourhoods.

3.2.1 Exterior Wall Thickness

According to the Zoning Bylaw, the total area of all floors measured to the extreme outer limits of the building, including exterior wall thickness, shall be included in the calculation of GFA. The inclusion of exterior wall thickness in GFA has become a concern as it creates barriers for the construction of highly energy efficient buildings by reducing salable floor area. In general, highly energy efficient buildings contain thicker exterior wall assemblies due to the use of thicker exterior insulation, which takes up a considerable amount of salable floor area. As such, it is recommended that additional exterior wall thickness used for the provision of insulating materials be excluded from GFA, in order to achieve higher thermal energy performance.

Accordingly, it is recommended that the excluded exterior wall thickness be calculated as follows:

- Considering that a typical exterior wall thickness, excluding the exterior cladding, in wood-frame constructions is approximately 0.165 m (6.5 in.), any insulation in excess of this wall thickness will improve buildings' thermal performance. As such, it is recommended that in wood-frame exterior wall assemblies, wall thickness in excess of 0.165 m (6.5 in.) shall be excluded from GFA, provided that the excess wall thickness is used for the provision of insulating materials.
- In all other types of exterior wall assemblies, any additional insulation added to the exterior walls' structural members will improve the buildings' thermal performance. As such, it is recommended that in all exterior wall assemblies other than wood-frame wall assemblies, any portion of the exterior wall thickness that is exclusively used for the provision of insulating materials shall be excluded from GFA.

Furthermore, to encourage the use of high quality exterior cladding, such as brick, to improve buildings' thermal performance and aesthetics, and to protect exterior walls from moisture and other environmental elements, it is recommended that any non-structural exterior cladding be excluded from GFA. This recommendation is to ensure that buildings with thicker exterior cladding will not be penalized by including the cladding's thickness in the calculation of GFA.

3.2.2 Access

According to the Zoning Bylaw, all areas providing access, such as corridors, hallways, landings, foyers, staircases and stairwells, shall be included in the calculation of GFA. However, Section 6.20(5)(d) allows for exclusion of steps and stairs that are permitted under Section 6.12 as projections into required yards, in the RM, C, M, B, and P Districts. This requirement is to ensure

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that exterior stairs and steps, and intermediate landings that are not fully enclosed are not included in GFA, given that such forms of access do not contribute to the building's bulk.

The exclusion of exterior stairs and steps is applicable to single and two family dwellings in the RM, C, M, B, and P Districts, where they are permitted, but not in the R and A Districts despite their similar forms and function. Therefore, it is recommended that exterior access areas that are not fully enclosed be excluded from GFA in all districts where density is regulated by GFA. This recommendation is to maintain equity and consistency in the treatment of unenclosed exterior access areas throughout the City.

The Zoning Bylaw allows for the exclusion of various accessory service facilities, such as electrical/mechanical facilities and amenity spaces from GFA to encourage the provision of these service areas. To further facilitate the provision of these areas, it is recommended that areas exclusively providing access to these service facilities shall also be excluded from GFA. Examples of this situation are a corridor or steps that exclusively provide access to an amenity space in a multiple family residential building.

According to the Zoning Bylaw, all access areas including elevators shall be included in GFA. As such, in a building containing an elevator, the area of the elevator shaft is included in the GFA of each floor. However, in some developments, more than one elevator may be incorporated into the building design to provide a separate access to different sections of the building. An example of this situation is a 20-storey building containing two elevators, where one elevator provides access to floors 1 through 15, and the second elevator provides access to the top five floors without stopping on any of the floors below. This may also be the case for mixed-use buildings where residential elevators may not stop at any of the commercial floors.

In these circumstances, the inclusion of the elevator shafts' area on the floors where the elevator does not stop, is considered onerous. As such, it is recommended that the area of an elevator shaft on floors where the elevator does not provide general access be excluded from GFA. It should be noted that these floors may still be accessible during emergencies, or for special circumstances when access is necessary.

All other access areas that do not meet the requirements of Section 3.2.2 of this report shall be included in GFA.

3.2.3 Crawl Spaces and Attic Spaces

According to Sections 6.20(6)(a) and 6.20(6)(b) of the Zoning Bylaw, crawl spaces and attic spaces are excluded from GFA in the R1 through R5, R9 through R12, and A1 through A3 Districts. These areas that are located at or below natural grade (crawl spaces), or above a storey or a half-storey (attic spaces), have a maximum vertical clear height of less than 1.2 m (3.9 ft.) with no permanent means of access thereto. These requirements which restrict the use of these spaces as habitable areas, result in their exclusion from GFA in most R and A Districts.

Crawl spaces and attic spaces are generally provided in single and two family dwellings, which are permitted in the R and A Districts. However, they can be found in other forms of development,

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including townhouses, commercial and industrial buildings, and single and two family dwellings in the RM and M4 Districts. In order to maintain equity in treatment of crawl spaces and attic spaces, it is recommended that these areas be excluded from GFA in all forms of development, and in all districts where density is regulated by GFA.

3.2.4 Architectural Features, Landscape Features, and Bay Windows

According to the Zoning Bylaw, architectural features, landscape features, and bay windows are excluded from GFA in all districts, with the exception of R and A Districts. Architectural features, such as eaves, cornices, and bay windows, generally improve the buildings' facade without adding to the floor area. In addition, landscape features such as trellises and ornaments are not considered a building, and therefore ought to be excluded from GFA.

Considering that architectural features, landscape features, and bay windows (as defined in the Zoning Bylaw) are common in many forms of development, it is recommended that these features be excluded from GFA in all districts where density is regulated by GFA, to maintain consistency throughout the City.

3.2.5 Exterior Appendages including Balconies, Sundecks, and Covered Decks

Section 6.20 of the Zoning Bylaw requires that all enclosed balconies, sundecks, porches and verandas are included as GFA in all districts, with the exception that balconies, sundecks and covered decks, up to a maximum of 8% of the permitted GFA in a number of R and A Districts may be excluded from GFA. This requirement is inconsistent with the current definitions of balconies, sundecks, and covered decks which prohibit the enclosure of these appendages, except for a guard rail, and creates confusion regarding the calculation of GFA, especially in the absence of a definition for the term "enclosed".

Balconies, sundecks and covered decks as outdoor amenity areas are required to be permanently open to the exterior environment. However, there is sometimes a desire to enclose these appendages for privacy purposes. As such, defining a maximum percentage of enclosure for these spaces is critical to ensure these appendages continue to be used as outdoor areas while providing the desired privacy.

Illegal conversion of balconies and covered decks to habitable areas by completely enclosing these appendages has been an issue in single and two family dwellings. However, in other forms of development (i.e. multiple family residential) enclosure of these spaces is further prohibited by registering a Section 219 Covenant on title as part of the development review process, and also by strata corporations. To address the above mentioned issues, it is recommended that balconies and covered decks be permitted to have up to a maximum 60% of their perimeter enclosed, except for open (pervious) guards, in single and two family dwellings, and to remain permanently open to the exterior environment in other forms of development.

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In order to maintain consistency in treatment of balconies, sun decks and covered decks throughout the City, and to clarify the application of the Zoning Bylaw, the following recommendations are provided:

- a) Sun decks, balconies and terraces that are uncovered, and are not fully enclosed shall be excluded from GFA, in all districts where density is regulated by GFA. The uncovered appendages which are not completely enclosed, do not contribute to the bulk of a building, and therefore should not be included as GFA.
- b) Decks, balconies, and terraces that are covered but are not fully enclosed, shall be excluded from GFA in all districts, with the exception of the R and A Districts. This requirement shall also apply to category A supportive housing facilities in the R Districts. The Zoning Bylaw allows amenity spaces in developments other than single and two family dwellings to be excluded from GFA. Given that decks, balconies and terraces are considered outdoor areas, they should not be included in GFA, provided that they remain permanently open to the exterior environment.
- c) Decks, balconies, and terraces that are covered, whether they are attached to a building or detached, up to a maximum 14% of the permitted above grade floor area (AGFA), shall be excluded from GFA in the R and A Districts, provided that except for open guards with a maximum height of 1.07 m (3.5 ft.), not more than 60% of their perimeters are enclosed. This requirement would not apply to category A supportive housing facilities permitted in the R Districts. An unenclosed covered deck or terrace that is detached from a building, such as a gazebo, is intended to be used as an amenity area, and therefore should be treated similarly to other covered appendages with regard to the calculation of GFA.

According to Section 6.20 of the Zoning Bylaw, balconies, sun decks and covered decks up to a maximum 8% of the permitted GFA shall be excluded from GFA in a number of R and A Districts. In addition, covered porches up to a maximum area of 3.7 m² (39.8 sq. ft.) for a dwelling unit shall also be excluded from GFA, subject to a number of conditions. These requirements are to encourage the construction of exterior appendages as outdoor amenity spaces in single and two family dwellings.

In 2019 March 25, Council adopted an amendment to the Zoning Bylaw which allows for the construction of a cellar not exceeding the floor area of the storey next above it, on a lot developed with a single family dwelling, in a number of R Districts. Prior to adoption of the amendment bylaw, the permitted GFA on each lot was the lower of either a maximum permitted floor area or an established percentage of the lot area. However, following adoption of the amendment bylaw, the Zoning Bylaw now stipulates that the maximum GFA on each lot is the sum of the building's AGFA and the floor area of the cellar.

Considering that the permitted GFA on each lot varies depending on the floor area of the storey above a cellar, calculation of the 8% GFA exclusion for balconies, sun decks, and covered decks has become challenging. Therefore, it is recommended that the floor area exclusion for balconies, sun decks and covered decks be calculated based on a percentage of

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AGFA which does not vary depending on the size of a building. It should be noted that 14% of AGFA is approximately equivalent to 8% of GFA (being the currently permitted GFA exclusion for balconies, sun decks, and covered decks) plus 3.7 m² (39.8 sq. ft.) (being the currently permitted GFA exclusion for covered porches).

- d) Decks and terraces that are covered with a vertical clear height of less than 1.8 m (5.91 ft.), measured from ground level to the underside of the roof, structure or floor joist covering the deck or terrace, shall be excluded from GFA in the R and A Districts. This recommendation is to ensure that these under-height outdoor areas, which are generally used for storage rather than as an amenity area, will not be included as GFA.

The Zoning Bylaw, defines “terrace” as a paved, planted or constructed area that is not more than 600 mm (1.97 ft.) above the adjacent finished ground level. This broad definition includes any paved or planted areas that meet the required elevation, such as a paved or planted sloped area under a deck structure. To ensure that only covered terraces with a vertical height of 1.8 m (5.91 ft.) or more that can be utilized as outdoor amenity areas will be included in calculation of GFA in the R and A Districts, it is recommended that the definition of “terrace” be amended. The recommended definition defines “terrace” as a level surface with an elevation of not more than 600 mm (1.97 ft.) that is paved, planted or constructed, to exclude sloped areas, or other areas that cannot be utilized as outdoor amenity areas.

3.2.6 Private Hospitals and Supportive Housing Facilities’ Amenity Spaces

According to Section 6.20(5)(i) of the Zoning Bylaw, amenity spaces accessory to private hospitals and category A or B supportive housing facilities not exceeding 13.6% of the floor area shall be excluded from GFA in the RM and P Districts. Category A supportive housing facilities are also permitted in a number of R Districts, and both category A and B supportive housing facilities are permitted in the C8 and C9 Urban Village Commercial Districts. In order to maintain consistency in treatment of supportive housing facilities’ amenity spaces throughout the City, it is recommended that amenity spaces not exceeding 13.6% of the floor area be excluded from GFA in the districts where supportive housing facilities are permitted, and density is regulated by GFA. It is further recommended that the current wording of this section of the Zoning Bylaw be amended to clarify that the exempted amenity spaces shall not exceed 13.6 percent of the maximum permitted gross floor area.

3.2.7 Garage and Carport in the R Districts

Sections 6.20(3) and 6.20(6)(c) of the Zoning Bylaw stipulate that a maximum of 42.0 m² (452.1 sq. ft.) of a garage or carport shall be excluded from GFA in a number of R and A Districts, with some exceptions. These exceptions include:

- a garage or carport located in a cellar, in the R1, R2, R3, R4, R5 and R9 Districts on a lot containing a single family dwelling; this requirement is to ensure that a cellar does not exceed the floor area of the storey directly above, following the addition of a maximum 42.0 m² (452.1 sq. ft.) for a garage or carport.

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- in the R10 and R11 Districts, an attached garage or carport on a lot with lane access, or a garage or carport that is not located within 9.0 m (29.5 ft.) of the rear lot line; this requirement is to encourage the construction of a detached garage or carport on a lot with lane access, as well as to reduce the building bulk by requiring an adequate separation between a garage or carport and a principal building on a lot where access to a detached garage can be provided from a lane. In addition, the 9.0 m (29.5 ft.) siting requirement is to discourage the construction of an extended driveway to access a garage that is located substantially away from a lane.

The GFA exclusion of a portion of a garage and carport accessory to a single or two family dwelling is to maximize the floor area of habitable space. The GFA exclusion of a maximum 42.0 m² (452.1 sq. ft.) for a garage and carport is consistent with the City's objectives, and meets the needs of single and two family developments in Burnaby. As such, it is recommended that the current provisions of the Zoning Bylaw allowing the GFA exclusion of a maximum 42.0 m² (452.1 sq. ft.) for a garage and carport, except where it is located in a cellar in the R1 through R5, and R9 Districts on a lot developed with a single family dwelling, remain unchanged.

Currently, the Zoning Bylaw requires that a detached garage and carport in the R10 and R11 Districts shall be located within 9.0 m (29.5 ft.) of the rear lot line in order to have a maximum 42.0 m² (452.1 sq. ft.) of the garage or carport excluded from GFA. On a lot with extreme grades, meeting this requirement may not be feasible, considering that a maximum grade for a driveway accessing the garage shall not exceed 15%. In such circumstances, the applicants lose the benefit of a 42.0 m² (452.1 sq. ft.) GFA exclusion despite construction of a detached garage or carport with an access from a lane. As such, to maintain equity in treatment of detached garages or carports, it is recommended that the 9.0 m (29.5 ft.) siting requirement in the R10 and R11 Districts be repealed.

Should Council adopt the recommended bylaw amendment, a maximum of 42.0 m² (452.1 sq. ft.) of a garage or carport would be excluded from GFA where a detached garage or carport is constructed on a lot with lane access, regardless of its distance from the property's rear lot line. It should be noted that a detached garage and carport will continue to be subject to other siting requirements of the Zoning Bylaw, including setbacks from property lines, and a minimum 4.5 m (14.8 ft.) setback from a principal building.

In addition, to address those properties where access from a lane is not feasible due to extreme grades, it is recommended that in all R and A Districts where density is regulated by GFA, a maximum of 42.0 m² (452.1 sq. ft.) be excluded from GFA for an attached garage or carport, if the Director of Engineering is satisfied that construction of an access from the lane is not feasible.

It should be noted that the length of a driveway providing access to a detached garage or carport will continue to be subject to the impervious surface requirement of the Zoning Bylaw which requires that not more than 70% of the total lot area in the R Districts shall be covered by impervious materials.

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3.2.8 Accessory Service Facilities

According to Section 6.20(5) of the Zoning Bylaw, accessory service facilities shall be excluded from GFA in the RM, C, M, B, and P Districts. This exclusion encourages the provision of accessory operational and/or supportive services, while maximizing the floor area of habitable or employment-related spaces. However, there are some inconsistencies in the application of GFA exclusions with regard to accessory service facilities in various districts. To maintain consistency in the application of the Zoning Bylaw, the following GFA exclusions for accessory service facilities are recommended in all districts other than the R and A Districts. These exclusions shall also apply to category A supportive housing facilities in the R Districts:

- Areas exclusively used to provide accessory electrical, mechanical, heating, ventilating, or similar service facilities:

Sections 6.20(5)(c) and 6.20(5)(f) of the Zoning Bylaw stipulate that any portion of a basement or cellar containing accessory heating facilities, or any portion of a penthouse containing ventilating machinery shall be excluded from GFA. These facilities that are necessary for the operation of a building may take up a considerable percentage of floor area that otherwise could be used as habitable space, or for industrial, commercial or office purposes. Considering that these facilities can be located anywhere within the building, it is recommended that all accessory service facilities be exempted from GFA, regardless of their location.

- Areas used for accessory end-of-trip cyclist facilities:

According to Section 6.20(5)(c) of the Zoning Bylaw any portion of a basement or cellar containing end-of-trip cyclist facilities shall be excluded from GFA. Considering that there is a general desire to promote cycling as a means of transportation within the City, it is recommended that these facilities be excluded from GFA, regardless of their location within the building.

- Areas used for parking of bicycles, accessory to a principal use:

Currently there is no requirement in the Zoning Bylaw to exclude bicycle parking areas from GFA. However, to promote cycling as a means of transportation throughout the City, it is recommended that parking areas for bicycles, accessory to any multiple family residential, industrial, commercial, or institutional use be excluded from GFA.

- Amenity spaces:

According to Section 6.20(5)(h) of the Zoning Bylaw, amenity spaces are excluded from GFA in the RM and P Districts. Amenity spaces are communal areas provided for the exclusive use of the residents of multiple family dwellings. Considering that rental dwelling units are permitted in the C Districts, amenity spaces provided for the exclusive

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use of their residents should also be excluded from GFA, similar to other multiple family dwellings.

- Storage areas for scooters in supportive housing facilities:

Section 800.4(5.2) of the Zoning Bylaw requires that one electrically serviced motorized scooter storage space shall be provided for each four living units in category A and B supportive housing facilities. Considering that scooter storage areas are similar in function to parking areas for vehicles and bicycles, they should be excluded from GFA, regardless of their location within the building.

Section 6.20(5) of the Zoning Bylaw allows for GFA exclusions of a number of other accessory service facilities such as storage located in a basement, accessory laundry facilities, accessory parking, and a portion of adaptable units, in the RM, C, M, B, and P Districts. Considering that these provisions are consistent with the City's objectives and meet today's needs for different forms of development, it is recommended that these provisions remain unchanged.

3.2.9 Child care facilities in a basement or cellar:

Section 6.20(5)(g) of the Zoning Bylaw stipulates that the floor area of child care facilities located in a basement or cellar shall be excluded from GFA in the RM, C, M, B, and P Districts. This requirement is consistent with other provisions of the Zoning Bylaw which exempt accessory mechanical/heating, laundry facilities, recreational areas, storage and end-of-trip facilities from GFA, provided that they are located in a basement or cellar.

The GFA exemption of child care facilities in a basement or cellar was provided as an incentive to provide more child care spaces. However, there has been little interest from service providers to locate child care facilities in a basement or cellar due to limited access to adequate sunlight, and other issues. As such, it is recommended that the GFA exclusion of child care facilities in a basement or cellar be removed from the Zoning Bylaw.

Recommended Bylaw Amendments

8. **THAT** Section 6.20 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

6.20 Calculation of Gross Floor Area

- (1) *For the purpose of calculating gross floor area, the following shall be excluded:*

- (a) *in wood-frame exterior wall assemblies, any portion of exterior wall thickness in excess of 0.165 m (6.5 in.), provided that the excess wall thickness is used for the provision of insulating materials;*

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- (b) *in all exterior wall assemblies other than those referred to in paragraph 6.20(1)(a), any portion of exterior wall thickness that is exclusively used for the provision of insulating materials;*
 - (c) *any non-structural exterior claddings;*
 - (d) *exterior access areas such as corridors, landings, staircases, stairways, and similar areas, provided that they are not fully enclosed;*
 - (e) *crawl spaces;*
 - (f) *areas of undeveloped floors located above a storey or a half-storey, or adjacent to a half-storey, with a maximum vertical clear height of 1.2 m (3.9 ft.), and no permanent means of access other than a hatch;*
 - (g) *exterior architectural features including belt courses, cornices, eaves, gutters, sills, pilasters, and similar features;*
 - (h) *chimneys;*
 - (i) *bay windows;*
 - (j) *balconies and terraces which are not covered, and uncovered decks, provided that they are not fully enclosed; and*
 - (k) *arbors, trellises, and similar landscape features.*
- (2) *In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area in the R and A Districts, with the exception of category A supportive housing facilities, the following shall be excluded:*
- (a) *garages or carports up to a maximum area of 42.0 m² (452.1 sq. ft.), except:*
 - i) *in the R1, R2, R3, R4, R5, and R9 Districts on a lot developed with a single family dwelling, where such garage or carport is located in a cellar; and*
 - ii) *in the R10 and R11 Districts, where such garage or carport is attached to a principal building on a lot with lane access. In cases where the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions, up to a maximum area of 42.0 m² (452.1 sq. ft.) of the garage or carport attached to the principal building shall be excluded from gross floor area.*

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- (b) balconies and terraces which are covered, and covered decks, whether attached to a building or detached, up to a maximum area of 14% of the permitted above grade floor area, provided that except for the required open guards with a maximum height of 1.07 m (3.5 ft.), not more than 60% of their perimeters are enclosed; and
 - (c) any portion of a deck or terrace that is covered, and has a vertical clear height of less than 1.8 m (5.91 ft.), measured from ground level to the underside of the roof, structure or floor joist covering the deck or terrace, provided that not more than 60% of its perimeter is enclosed.
- (3) In addition to the exclusions listed in Section 6.20(1), for the purpose of calculating gross floor area for category A supportive housing facilities permitted in the R Districts, and in districts other than the R and A Districts, the following shall be excluded:
 - (a) areas that exclusively provide access to areas excluded from gross floor area, in accordance with Sections 6.20(1) and 6.20(3);
 - (b) areas of an elevator shaft on a floor to which the elevator does not provide general access, except in special circumstances;
 - (c) balconies and terraces which are covered, and covered decks, provided that they are not fully enclosed;
 - (d) areas exclusively used to provide accessory communal recycling and garbage storage, electrical, mechanical, heating, and ventilating, or similar service facilities accessory to a principal use;
 - (e) amenity spaces;
 - (f) areas exclusively used for communal laundry facilities that are accessory to a principal use;
 - (g) any portion of a basement or cellar used exclusively for storage, or laundry facilities that are accessory to a principal use;
 - (h) any portion of a basement or cellar used for non-commercial recreational and social purposes that are accessory to a principal use;
 - (i) areas used for parking of vehicles and bicycles that are accessory to a principal use;

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- (j) *end-of-trip cyclist facilities that are accessory to a principal use;*
 - (k) *areas used exclusively for storage of scooters in supportive housing facilities;*
 - (l) *private hospital and supportive housing facility amenity spaces not exceeding 13.6% of the maximum permitted gross floor area; and*
 - (m) *1.86 m² (20 sq. ft.) of floor area for every studio and one bedroom adaptable housing unit, plus 0.93 m² (10 sq. ft.) for every additional adaptable bedroom in excess of the first adaptable bedroom with an adaptable housing unit.*
9. **THAT** Sections 110.4(3), and 111.4(3) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:
- (3) *A maximum of 42.0 m² (452.1 sq. ft.) of a garage or carport shall not be included as gross floor area, except where such garage or carport is attached to a principal building on a lot with lane access. In cases where the Director Engineering is satisfied that access from a lane is not feasible due to an extreme grade, or other restrictions, a maximum 42.0 m² (452.1 sq. ft.) of the garage or carport attached to the principal building shall not be included as gross floor area.*
10. **THAT** Section 111.4(4) of the Zoning Bylaw (R11 Residential District) be amended with wording the same or similar to the following:
- (4) *The gross floor area of all accessory buildings on a lot shall not exceed 56.0 m² (602.8 sq. ft.).*
11. **THAT** the definition of “Terrace” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:
- “TERRACE” means a level surface that is paved, planted, or constructed, and is not more than 600 mm (1.97 ft.) above the adjacent finished ground level.*

3.3 Calculation of Gross Floor Area in a Building with Over-height Ceilings

Issue

There is a need to amend the GFA calculation of any portion of a building with an over-height ceiling in single and two family dwellings, in order to include any over-height area that has a ceiling height equal to two or more floors somewhere else in the building.

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Discussion

Section 6.20(4) of the Zoning Bylaw requires that in single- and two-family dwellings, GFA for any portion of a building, with the exception of staircases and stairwells, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.) be calculated as the cumulative floor area of such portions multiplied by two, less 9.3 m² (100.1 sq. ft.) for each dwelling unit on the lot. The purpose of this provision is to control the overuse of high ceilings which may contribute to the overall bulk of a building, and to discourage illegal conversion of “open to below” areas to create an additional floor, by double counting the floor area of such over-height portions.

According to this requirement, 9.3 m² (100.1 sq. ft.) shall be exempted from the GFA calculation of such portions to prevent penalizing vaulted ceilings that do not significantly add to the bulk of a building.

This provision was originally introduced to calculate GFA of any portion of a building where the height from the floor to the ceiling is approximately equivalent to a maximum of two floors. To include building designs where an over-height portion of a building could potentially contain more than two floors, it is recommended that Section 6.20(4) of the Zoning Bylaw be amended by calculating GFA of such portions as the cumulative floor area of such a portion, multiplied by the number of floors of the section of the building adjacent to the over-height portions, less 9.3 m² (100.1 sq. ft.).

It is further recommended that Section 6.20(4) be re-numbered as the new Section 6.20.1, as it regulates GFA calculation of over-height portions of a building, rather than GFA exclusions specifically.

Recommended Bylaw Amendment

12. **THAT** Section 6.20.1 be added to the Zoning Bylaw with wording the same or similar to the following:

6.20.1 Calculation of Gross Floor Area in a Building with Over-height Ceilings

For single family and two family dwellings, gross floor area for any portion of a building, with the exception of staircases, where the height from the floor to the ceiling directly above exceeds 4.5 m (14.8 ft.) shall be calculated in accordance with the following:

- (a) cumulative floor area of such over-height portion(s) of the building, multiplied by the number of floors of the adjacent section within the building. For the purpose of this section of the Bylaw, where the number of floors of the adjacent section on any side of the over-height portion(s) are not equal, the greater number of floors shall apply,

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- (b) less 9.3 m² (100.1 sq. ft.) for each dwelling unit with a ceiling which exceeds the height specified in this section.

3.4 Definitions of “gross floor area” and “floor area ratio”

Issue

There is a need to amend the definition of “Floor Area, Gross” in order to clarify all floor area types included in the calculation of GFA. As “Floor Area Ratio” is closely related to GFA, this term also requires a corresponding update.

Discussion

Currently, “Floor Area, Gross” is defined as “the total area of all the floors measured to the extreme outer limits of the building in accordance with the regulations set out in Section 6.20.” Section 6.20 specifies all areas of a floor that are included in GFA, as well as the areas that are excluded from GFA.

To simplify the Zoning Bylaw, it is recommended that the definition of “gross floor area” be amended as “the areas of all floors within the outer limits of all buildings on a lot, subject to certain exclusions. As discussed in section 3.2 of this report, Section 6.20 of the Zoning Bylaw would include all areas that are excluded from GFA.

In addition, “Floor Area Ratio” is currently defined as “the figure obtained when the GFA of all buildings on a lot less the exclusions permitted in accordance with Section 6.20 is divided by the area of the lot”. Considering that the exclusions are embedded in calculation of GFA, in order to simplify the Zoning Bylaw, it is recommended that the definition of “Floor Area Ratio” be amended by deleting the reference to “GFA exclusions.”

Recommended Bylaw Amendment

13. **THAT** the definition of “Floor Area, Gross” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“FLOOR AREA, GROSS” means, subject to Sections 6.20 and 6.20.1, the total area of all floors, measured to the outer limits of all buildings on a lot.

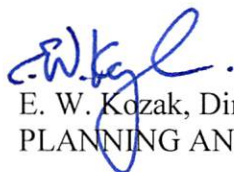
14. **THAT** the definition of “Floor Area Ratio” in Section 3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

“FLOOR AREA RATIO” means the figure obtained by dividing the gross floor area by the area of the lot.

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4.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of the Zoning Bylaw, make amendments in support of existing practices and Council policies, and achieve other regulatory changes. It is recommended that Council approve the above proposed text amendments, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.



E. W. Kozak, Director
PLANNING AND BUILDING

PS:

cc: City Manager
City Clerk
City Solicitor
Director Engineering
Chief Building Inspector



Item
Meeting.....2020 June 23

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 June 17

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20
Reference: Bylaw Text Amdmt

SUBJECT: PROPOSED ZONING BYLAW AMENDMENTS – JUNE 2020

PURPOSE: To propose a number of text amendments to the Burnaby Zoning Bylaw.

RECOMMENDATIONS:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.
2. **THAT** the “Locational Guidelines for Cyber Centres” *attached* as part of Attachment #1 to this report, which were endorsed by Council at the Open Council meeting held on 2002 May 06, be repealed.
3. **THAT** all references to “amusement arcades” and “arcades” in the “Locational Guidelines for Pool/Billiard Halls and Amusement Arcades” *attached* as part of Attachment #2 to this Report, which were approved by Council at the Open Council meeting held on 1993 November 29, be repealed.

REPORT

1.0 BACKGROUND INFORMATION

As part of the ongoing review of the Burnaby Zoning Bylaw, which usually takes place in the context of development enquiries and discussions regarding the intent of the Zoning Bylaw and the general need to update the Zoning Bylaw, text amendments are brought forward from time to time. These text amendment reports are submitted in order to provide clarification and improvements to the wording of the Zoning Bylaw, and to respond to changes in related legislation and changes in forms of development, land uses and social trends.

This report presents eight Zoning Bylaw amendments regarding:

- 1) secondary suites;
- 2) cyber centres and amusement arcades;
- 3) uses, structures, and equipment permitted outside of an enclosed building;
- 4) home occupations in the RM3s Multiple Family Residential District;
- 5) usable open space;
- 6) off-street parking for cafes, restaurants, and liquor licence establishments having more than 50 seats;

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- 7) shared use of off-street parking spaces for two or more uses; and,
- 8) off-street parking for manufacturing and industrial uses, and storage yards.

2.0 POLICY

The advancement of the proposed Zoning Bylaw amendments aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- **A Connected Community**
 - Social connection – Enhance social connections throughout Burnaby.
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments.
- **A Healthy Community**
 - Community involvement – Encourage residents and businesses to give back and to invest in the community.
- **A Dynamic Community**
 - Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

3.0 PROPOSED ZONING BYLAW TEXT AMENDMENTS

3.1 Secondary Suites

Issue

The Burnaby Zoning Bylaw limits the maximum floor area of a secondary suite to 90 m² (970 sq. ft.), or 40% of the gross floor area of the principal building, whichever is less. These requirements were originally introduced to the Zoning Bylaw in line with the provisions of the then-current BC Building Code. The maximum floor area requirements for secondary suites was removed from the BCBC 2018 (BCBC) to allow for larger family oriented secondary suites. This BCBC 2018 change warrants a full review of the secondary suite regulations in the Zoning Bylaw.

Discussion

According to Section 3.0 of the Zoning Bylaw, secondary suites are permitted as an accessory use to single family dwellings in a number of R Residential, A Agricultural, and RM6 Hastings Village Multiple Family Residential Districts, subject to the following conditions:

- it should be limited to one secondary suite in a dwelling;
- the secondary suite shall have a minimum floor area of 32.0 m² (345.0 sq. ft.), and a maximum floor area of 90.0 m² (970.0 sq. ft.), or 40% of the gross floor area of the principal building, whichever is less, in line with the BCBC 2012; the secondary suite and the principal building shall not be subdivided by way of strata plan, air space plan or otherwise;

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- the secondary suite shall not be permitted in a single family dwelling that contains an in-law suite; and,
- care facilities, boarding, lodging and rooming houses, home occupations with on-site client services, and the keeping of boarders and lodgers are not permitted in a single family dwelling that contains a secondary suite, including within the secondary suite.

These requirements were introduced to the Zoning Bylaw in 2014, as part of the secondary suite program. The purpose of these requirements are to provide accessible affordable rental housing as an accessory use in existing single family residential neighbourhoods, while maintaining the low density character of those neighbourhoods.

Effective 2019 December 12, the Province introduced several amendments in the BCBC 2018, in an effort to remove barriers to the creation of more affordable housing, including secondary suites. The changes introduced in the BCBC 2018 were aimed at increasing the options for the design and construction of more secondary suites in a wider range of building types (such as side by side two family dwellings), and to remove secondary suite size restrictions. The changes in the BCBC 2018 provide municipalities the opportunity to review their zoning bylaws regarding the construction of secondary suites, and make appropriate amendments, if desired.

The provision of family-oriented housing in a variety of residential neighbourhoods, and increasing the supply of affordable rental housing are two of the recommendations provided in the final report of the Mayor's Task Force on Community Housing. The changes to BCBC 2018 facilitate the construction of accessible and affordable rental housing with a focus on family-oriented units in existing neighbourhoods. As such, staff conducted a review of the secondary suite requirements of the Zoning Bylaw in line with the BCBC 2018 changes.

According to the Zoning Bylaw, only one secondary suite is permitted as an accessory use to a single family dwelling, and the secondary suite shall be occupied by only one family, which is limited to three unrelated non-transient persons living together. Removing the size restrictions on secondary suites (90.0 m² (970.0 sq. ft.) of floor area, or 40% of the gross floor area of the principal building, whichever is less) would facilitate the construction of larger secondary suites that are more suitable for larger families. However, this could also facilitate the illegal conversion of a single, large secondary suite into multiple smaller secondary suites or two family dwellings, or lead to the creation of additional bedrooms for rent to more than three unrelated individuals. The potential for abuse of the additional secondary suite floor area would defeat the goal of creating additional accessory dwellings while maintaining the low density of single family residential neighbourhoods and neighbourhood character.

To remove barriers to the construction of larger, family-oriented secondary suites, while minimizing the possibility of the construction of multiple secondary suites, or additional rental rooms for the accommodation of unrelated individuals beyond what is permitted under the Zoning Bylaw, it is recommended that the 90.0 m² (970.0 sq. ft.) size restriction be removed from the Zoning Bylaw, while the maximum 40% floor area requirement continues to apply.

It should be noted that other Zoning Bylaw requirements related to secondary suites which emphasize the accessory nature of these dwelling units, such as a maximum of one secondary suite in a dwelling, the prohibition of subdivision of the secondary suite, or restriction on the construction of a secondary suite in a single family dwelling containing an in-law suite, is proposed to remain unchanged. It is also recommended that these requirements, including the maximum of one secondary suite in a single

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family dwelling, and the maximum number of unrelated tenants living together in a secondary suite, be brought to the attention of home owners when the supplementary utility fees payment is made for a rental secondary suite. The provision of this information - in the form of a brochure, or in the supplementary utility fees declaration form – will help ensure that property owners are aware of these requirements.

The housekeeping review of the Zoning Bylaw pertaining to secondary suites triggers the following Zoning Bylaw amendments. It should be noted that the existing requirements of the Zoning Bylaw related to secondary suites, other than the following amendments, will remain unchanged.

- location of the new secondary suites within the principal building:

Section 6.9(6) of the Zoning Bylaw stipulates that in the R1, R2, R3, R4, R5, and R9 Districts, on a lot developed with a single family dwelling, a cellar exceeding a floor area of 32.0 m² (345.0 sq. ft.) shall meet the requirements of the BCBC and all other requirements of the Zoning Bylaw for a secondary suite. The original intent of this Section was to facilitate the construction of secondary suites in a cellar exceeding 32.0 m² (345.0 sq. ft.) by requiring that the cellar be “suite ready.” The “suite ready” condition for a cellar would require the installation of certain basic utilities, fire safety systems and other BCBC requirements for a future secondary suite, which would otherwise be difficult and costly to install after construction of the cellar is completed.

Section 6.9(6) of the Bylaw facilitates the addition of a future secondary suite, however it limits the location of any new secondary suite to the cellar if the cellar exceeds a floor area of 32.0 m² (345.0 sq. ft.), as it requires that a cellar exceeding 32.0 m² (345.0 sq. ft.) meet the secondary suite requirements of the BCBC, instead of “suite ready” requirements. Although the majority of Building Permit applications propose to locate secondary suites in the cellar, there is also a growing aging population, with associated mobility issues, that requires the flexibility and ability to locate secondary suites anywhere within the building. To address this concern, it is recommended that Section 6.9(6) be amended as follows:

- the reference to BCBC and other requirements of the Zoning Bylaw for secondary suites be replaced with the “suite ready” requirements. This ensures that basic utilities, fire safety systems and other BCBC requirements for a secondary suite, which would otherwise be difficult and costly to install for the future addition of a secondary suite in the cellar, are met at the time of construction of the cellar.
- the “suite ready” requirements would only apply to a cellar in a single family dwelling where no secondary suite is constructed or proposed to be constructed anywhere within the dwelling. This requirement eliminates the potential for future illegal conversion of a cellar to a secondary suite, in a single family dwelling that already contains a secondary suite.

The proposed amendment to Section 6.9(6) enables the addition of a provision to the Zoning Bylaw stipulating that a secondary suite may be located anywhere within the principal building without increasing the potential for illegal construction of multiple secondary suites in a single family dwelling.

It is further recommended that a new definition for “suite ready” be added to the Zoning Bylaw as being “constructed to a standard, as determined by the Chief Building Inspector, which facilitates the future conversion of that portion of a building to a secondary suite in accordance

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with the British Columbia Building Code”. This definition enables the Chief Building Inspector to require the basic utilities, fire safety systems and other BCBC requirements that are fundamental for the future addition of a secondary suite, at the time of construction of a cellar.

- Minimum floor area of a secondary suite:

According to the Zoning Bylaw, the gross floor area of a secondary suite shall not be less than 32.0 m² (345.0 sq. ft.). Considering that secondary suites are a form of rental housing, and to be consistent with the minimum floor area requirements for rental units in purpose-built rental housing as defined in Section 6.10(2.1) of the Zoning Bylaw, it is recommended that the minimum floor area of secondary suites be reduced to 30.0 m² (322.93 sq. ft.). It is further recommended that all references to secondary suite minimum floor area be updated accordingly, throughout the Zoning Bylaw.

- Addition of a new Section 6.7.1 regulating the construction of secondary suites:

Currently, the definition of “accessory use” in Section 3.0 of the Zoning Bylaw contains the regulations related to secondary suites. However, in general, Section 6.0 of the Zoning Bylaw includes the supplementary regulations for all uses, buildings and structures. In order to be consistent with other uses, it is recommended that the secondary suite regulations be located under a new Section 6.7.1 in the Zoning Bylaw. It is further recommended that all references to secondary suite requirements under the current Section 3.0 be replaced with Section 6.7.1 throughout the Zoning Bylaw.

- Ceiling height in a basement or cellar:

Section 6.9(2) of the Zoning Bylaw requires that the height of a basement or cellar, measured between floor and ceiling surfaces, shall not be less than 2.3 m (7.5 ft.). This requirement exceeds the minimum ceiling height requirement of the BCBC, which requires a minimum ceiling height of 2.1 m (6.9 ft.) for living spaces, including secondary suites. According to the BCBC, the required ceiling height may be reduced to 2.0 m (6.6 ft.), measured from a floor to the underside of beams, in common hallways and stairs.

The BCBC requires a minimum ceiling height of 1.95 m (6.4 ft.) (1.85 m (6.1 ft.) under beams and ducts) in new secondary suites constructed in existing dwelling units, in order to facilitate the construction of secondary suites where the ceiling height is less than the BCBC requirements.

The minimum ceiling height requirement of the Zoning Bylaw precludes the construction of secondary suites in a basement or cellar in existing single family dwellings where the ceiling height is less than 2.3 m (7.5 ft.). Considering that the BCBC, as a provincial regulation, establishes the minimum requirements for safety, health, accessibility, and structural protection of buildings, it is recommended that Section 6.9(2) of the Zoning Bylaw be repealed in its entirety. If Council adopts this recommendation, the minimum ceiling height of all floors of a building, including basements or cellars, shall comply with the minimum ceiling height requirements of the BCBC.

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Recommended Bylaw Amendments

1. **THAT** Section 3.0 of the Zoning Bylaw be amended by repealing subsection (3) under the definition of “accessory use” in its entirety.
2. **THAT** the definition of “dwelling, single family” in Section 3.0 of the Zoning Bylaw be amended by replacing the words “the Accessory Use provisions of Section 3” with the words “Section 6.7.1”.
3. **THAT** Section 3.0 of the Zoning Bylaw be amended by adding a new definition for “suite ready” with wording the same or similar to the following:

“SUITE READY” means constructed to a standard, as determined by the Chief Building Inspector, which facilitates the future conversion of that portion of a building to a secondary suite in accordance with the British Columbia Building Code.

4. **THAT** Section 6.7.1 be added to the Zoning Bylaw with wording the same or similar to the following:

“6.7.1 Secondary Suites:

- (1) *A secondary suite may be permitted as an accessory use to a single family dwelling in an R1, R2, R3, R4, R5, R6, R9, R10, R11, R12, RM6, A1, A2, and A3 District, subject to the following conditions:*
 - (a) *only one secondary suite shall be permitted in a single family dwelling;*
 - (b) *a secondary suite shall not be permitted in a single family dwelling that contains an in-law suite;*
 - (c) *a secondary suite may be located anywhere within a single family dwelling;*
 - (d) *a secondary suite shall meet the requirements for a secondary suite under the British Columbia Building Code;*
 - (e) *a secondary suite shall have a minimum floor area of 30.0 m² (322.93 sq. ft.);*
 - (f) *the floor area of a secondary suite shall not exceed forty percent (40%) of the gross floor area of the principal building;*

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(g) *a secondary suite and the principal building shall at all times remain a single parcel under a single title and shall not be subdivided into separate parcels by way of strata plan, air space plan or otherwise;*

(h) *neither the keeping of boarders or lodgers, the operation of a boarding, lodging or rooming house, the operation of a child care facility or home-based child care facility, the operation of a group home, private hospital or supportive housing facility nor the operation of a home occupation that includes on-site client services shall be permitted in a single family dwelling that contains a secondary suite, including within the secondary suite.*

5. **THAT** Section 6.9(2) of the Zoning Bylaw be repealed in its entirety.

6. **THAT** Section 6.9(6) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(6) *In the R1, R2, R3, R4, R5, and R9 Districts, on a lot developed with a single family dwelling, a cellar exceeding a floor area of 30.0 m² (322.93 sq. ft.) shall be suite ready, except where there is an existing secondary suite constructed in the single family dwelling, or where a secondary suite is proposed to be constructed anywhere within the single family dwelling.*

7. **THAT** Section 6.10(1) of the Zoning Bylaw be amended by replacing the words “32 m² (345 sq. ft.)” with the words “30.0 m² (322.93 sq. ft.)”.

3.2 Cyber Centres and Amusement Arcades

Issue

Advancements in personal computing and video game technology over the past two decades have revolutionized the way in which people access the internet and play video games. This has largely affected the conventional standalone amusement arcade and cyber centre business model. As such, there is a need to update the Zoning Bylaw to reflect the new realities of digital entertainment, and to remove barriers in attracting entertainment establishments in Burnaby.

Discussion

In the Zoning Bylaw, “cyber centres” are permitted in the C3e General Commercial District, and C4e Service Commercial District, while “amusement arcades” are permitted in the C3c and C4c Districts. These uses are currently permitted subject to a site specific rezoning to ensure that each application is assessed on its own merit, and that the public has an opportunity to provide input. Cyber centre and amusement arcade are defined in Section 3.0 of the Zoning Bylaw as follows:

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“Amusement arcade” means a commercial undertaking containing six or more pinball, videogame or other game machines available for the use of its patrons, but does not include an establishment holding a Class "A", "C", "D", "F" or "I" licence under the Liquor Control and Licensing Act, a club or lodge nor a children's amusement facility where game machines are designed primarily for the use of children under the age of thirteen.

“Cyber centre” means a commercial establishment that has available for the use of its patrons six or more computer terminals or other electronic devices that provide or are capable of providing access to the internet or other computer network system, but does not include a school, college, university or other educational institution or a public library.

The introduction of cyber centres and amusement arcades into the Zoning Bylaw as distinct land uses, subject to a site specific rezoning and Council-adopted locational and operational guidelines, was in response to concerns related to the dominant use of these establishments for online video gaming by youth and young adults, and the potential for violence, gang activities and online gambling.

However, individuals can now access the internet and play video games in almost any location and at any time on their personal cellular and gaming devices. This ease of access, and the time and uncertainty associated with the rezoning requirement for such establishments, have significantly reduced interest in establishing conventional standalone amusement arcades and cyber centres. In addition, monitoring of Burnaby's few existing amusement arcades and cyber centres has indicated that violence, gang activities, and online gambling have never been an issue in these establishments.

Given that the land use impacts or concerns associated with conventional standalone amusement arcades and cyber centres are negligible, it is recommended that the site specific rezoning requirement to allow such establishments be eliminated. The purpose of this recommendation is to update the Zoning Bylaw to reflect the new realities of digital entertainment, and to remove barriers that currently deter new forms of entertainment venues from locating in Burnaby. Should Council adopt this recommendation, the C3e and C4e Districts, which were specifically created to allow cyber centres would be repealed in its entirety, and “amusement arcades” would be removed from the C3c and C4c Districts as a permitted use. It is also recommended that the “Locational Guidelines for Cyber Centres”, which were endorsed by Council at the Open Council meeting held on 2002 May 06, and are *attached* hereto as Attachment #1, and all references to “amusement arcades” and “arcades” in the “Locational Guidelines for Pool/Billiard Halls and Amusement Arcades”, which were approved by Council at the Open Council meeting held on 1993 November 29, and are *attached* hereto as Attachment #2, be repealed.

Cyber centres and amusement arcades most closely resemble the “public assembly and entertainment use” which is permitted in the C2, C3, C4, C8, and C9 Commercial Districts. However, to monitor these land uses, and to ensure that any related concerns can be addressed on a case by case basis, it is recommended that cyber centres and amusement arcades continue to be permitted under a distinct use category, rather than the general public assembly and entertainment use. According to the Burnaby Business Licence Bylaw, the Chief Licence Inspector may impose terms and conditions on a Business Licence to address issues and complaints associated with a business. As such, any future concerns related to the operation of these establishments, such as noise, outside gathering of customers, or extended hours of operation can be resolved by imposing conditions on the establishment's Business Licence.

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Considering that today's cyber centres and amusement arcades are mostly used for digital entertainment, and to simplify the Zoning Bylaw, it is recommended that these land uses be repealed and replaced with a new "cyber entertainment use" which will be added to Section 3.0 of the Zoning Bylaw, as follows:

"CYBER ENTERTAINMENT USE" means a commercial establishment that has available for the use of its patrons for entertainment purposes six or more:

- (a) games machines; and/or
- (b) computers or other electronic devices that provide access to:
 - (i) the internet or other electronic communication network;
 - (ii) videogames; and/or
 - (iii) virtual realities.

According to this definition, any assembly and entertainment use utilizing computers or other electronic devices, such as eSport facilities, would be considered a "cyber entertainment use" which will be permitted as an outright permitted use in the C2, C3, C4, C8, and C9 Districts. The "cyber entertainment use" will be excluded from the "public assembly and entertainment use."

Schedule VIII – Off-Street Parking of the Zoning Bylaw regulates the required off-street parking for all permitted land uses. Considering that the "cyber entertainment use" is recommended to be introduced to the Zoning Bylaw, the required off-street parking should also be established for this use.

Currently, the required off-street parking for "cyber centre" is 1 parking space per 5 terminals, and for other recreational uses, such as miniature golf courses, skating rinks, trampoline centres, and similar uses, is 1 parking space per 46.0 m² (495.16 sq. ft.) of gross floor area, plus 1 parking space for each 10 spectator seats. Considering that "cyber entertainment use" are recreational in nature, it is recommended that the same off-street parking requirement, with the exception of required parking for spectator seats, apply to cyber entertainment use. The established off-street parking requirement will facilitate the accommodation of "cyber entertainment use" in C Districts, as it is consistent with the required off-street parking for most permitted uses in Commercial Districts.

It is further recommended that the required off-street loading for office building, places of public assembly, and other similar uses apply to entertainment uses, such as "cyber entertainment use."

Recommended Bylaw Amendments

8. **THAT** Section 3.0 of the Zoning Bylaw be amended by deleting the definitions of "cyber centre" and "amusement arcade" in their entirety.
9. **THAT** Section 3.0 of the Zoning Bylaw be amended by adding a new definition for "cyber entertainment use" with wording the same or similar to the following:

"CYBER ENTERTAINMENT USE" means a commercial establishment that has available for the use of its patrons for entertainment purposes six or more:

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- (a) games machines; and/or
- (b) computers or other electronic devices that provide access to:
 - (i) the internet or other electronic communication network;
 - (ii) videogames; and/or
 - (iii) virtual realities.

10. **THAT** the definition of “public assembly and entertainment use” in Section 3.0 of the Zoning Bylaw be amended by replacing the words “amusement arcades” with the words “cyber entertainment uses”.

11. **THAT** Sections 302.1(22), 303.1(32), 304.1(41), 308.2(23), and 309.2(21) be added to the Zoning Bylaw with wording the same or similar to the following:

Cyber entertainment uses.

12. **THAT** Sections 303.1B(2), 303.1D, 304.1A(2), and 304.1B of the Zoning Bylaw be repealed in their entirety.

13. **THAT** Section 800.4(35) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(35) *Cyber entertainment uses. 1 for each 46 m² (495.16 sq. ft.) of gross floor area.*

14. **THAT** Section 900.4(2) of the Zoning Bylaw be amended by adding the words “place for entertainment purposes,” after the words “place of public assembly,”.

3.3 Uses, Structures, and Equipment Permitted Outside of an Enclosed Building

Issue

The Zoning Bylaw in most C Commercial, M Industrial, B Business, as well as the P9 Marine Districts requires that all permitted uses and undertakings, with the exception of a number of uses, shall be located within a completely enclosed building. This requirement restricts the location of certain other uses, structures and equipment which should be located in an open area due to safety concerns and other considerations. As such, an amendment to the Zoning Bylaw is required to exempt the certain particular uses, structures and equipment from the enclosure requirement of the Bylaw.

Discussion

Currently, the “conditions of use” requirements of the Zoning Bylaw require that in the P9 Marine District, and in all C, M, and B Districts, except the C5, C6, C7, M3, and M6 Districts, all permitted uses and undertaking should be conducted within a completely enclosed building, with the exception of a number of uses, such as parking and loading facilities. The uses exempted from the enclosure requirement of the Zoning Bylaw include most permitted uses that cannot be located within an enclosed building due to safety concerns, or those activities which are required to be conducted in an open space.

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Section 3.0 of the Zoning Bylaw defines “a completely enclosed building” as a building separated on all sides from adjacent open spaces, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

To simplify the reading of the Zoning Bylaw, and to ensure the exemptions from the enclosure requirements of the Bylaw are applied consistently, it is recommended that references to the exemptions under the “conditions of use” section in all C, M, and B Districts, except the C5, C6, C7, M3, and M6 Districts, as well as the P9 Marine District, be repealed in their entirety. It is further recommended that a new Section 6.27 be added to the Zoning Bylaw to list all those uses that are currently exempted from having to be conducted within a completely enclosed building under the various “conditions of use” sections in the C (except C5, C6, C7), M (except M3 and M6), and B Districts. Section 6.27 will also include permitted uses that cannot be located within an enclosed building due to safety concerns, such as fueling installations, or are more suitably located in an open space for accessibility purposes, but which currently are not exempted from the enclosure requirements of the Zoning Bylaw. These uses are as follows:

- industrial or marina fueling installations;
- public works yards;
- public utility installations;
- public transportation depots;
- car washing establishments; and,
- lunch bars.

In addition, it is recommended that the following new uses, structures and equipment be added to Section 6.27 of the Zoning Bylaw:

- Film production trucks and trailers used in conjunction with production studios for radio, television, motion picture, theatre, dance and similar productions:

Rehearsal and production studios for radio, television, motion picture, and similar productions are permitted in the M1, M2, M3, M4, and M5 Districts, provided that they are conducted within a completely enclosed building. However, there is an increasing interest in conducting many of the associated activities, such as wardrobe, make up, and catering, in production trucks and trailers instead of within the building. The production trucks and trailers can easily move from one site to one another and serve different productions. The production trucks and trailers may also be used for storage and transport of equipment. This recommendation would allow the use of production trucks and trailers for activities associated with rehearsal, broadcasting, and film production, which otherwise should be conducted within an enclosed building.

- Food trucks as an accessory food service for the use of the employees of an establishment:

Currently, the operation of food trucks for the retail sale of foods and beverages is not permitted in Burnaby, except as part of farmers’ market operations. However, there is an increasing interest from businesses and manufacturers to use food trucks in order to provide daily food services to their employees. The intended use of food trucks can help businesses and manufacturers to repurpose existing kitchen and dining areas for the expansion of their operations and activities. While food trucks could currently be permitted as an accessory use, their location is currently restricted in all districts except the M3 District, as the Zoning Bylaw

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requires that all uses shall be located within an enclosed building. The exemption of food trucks from being housed within an enclosed building would permit food trucks as an accessory use. It should be noted that in the absence of a food truck program for the retail sale of food and beverages to the public, this recommendation would only allow food trucks that are operated by or on behalf of the owner or manager of the establishment, for the use of their employees.

- Storage tanks, including the storage of petroleum products:

Storage tanks for the storage of liquid, gas and other substances accessory to industrial/manufacturing activities or other operations, which cannot be located within an enclosed building due to safety concerns or size of the tanks, may be located in an open area.

- HVAC, air intake and exhaust units, emergency generators, and other electrical or mechanical equipment, provided that they are not a principal component of the primary activities conducted under the principal or accessory uses on a lot

HVAC, air intake and exhaust units for parkades, and other electrical or mechanical equipment proposed to be located outside of an enclosed building, may be located in an open area. It should be noted that electrical or mechanical equipment only includes the accessory equipment that provides necessary services and support for the operation of primary activities, and should not include any component of the primary operations. Examples of such equipment include cooling systems for data centres, and air condensing units for frozen food manufacturing.

Section 6.15 of the Zoning Bylaw requires screening for storage yards, parking areas, loading areas, and display yards, to improve the visual impacts of these outdoor uses on neighbouring properties and streetscapes. Should Council adopt the above noted recommendations, it is further recommended that Section 6.15 of the Zoning Bylaw be amended to include the following screening requirements:

- screening for public works yards, similar to storage yards, as required by Section 6.15(2) of the Zoning Bylaw.
- screening of 1.8 m (5.91 ft.) in height for industrial fueling installations or public utility installations along any boundary of the property abutting a lot in an A, R, or RM District, or separated therefrom by a lane, similar to gasoline service stations and display yards.
- screening of 1.8 m (5.91 ft.) in height to screen storage tanks, HVAC, air intake and exhaust units in parkades, emergency generators, and other electrical or mechanical equipment that are not a principal component of the primary activities conducted under the principal or accessory uses, listed in Section 6.27(22) and 6.27(23) of the Bylaw, provided that they are located outside of an enclosed building, in the RM, C, M, B and P Districts.

Recommended Bylaw Amendments

15. **THAT** Section 6.15(2) of the Zoning Bylaw be amended by adding the words “and public works yards” after the words “storage yards”.

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- 16. THAT** Section 6.15(3) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(3) *Parking Areas, Loading Areas, Display Yards, and Similar Uses:*

- 17. THAT** Section 6.15(3)(b)(ii) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(ii) *where any display yard, industrial fueling installation, or public utility installation abuts a lot in an A, R, or RM District, or is separated therefrom by a lane.*

- 18. THAT** Section 6.15(3)(b)(iii) be added to the Zoning Bylaw with wording the same or similar to the following:

(iii) *where any storage tank or equipment, listed in Sections 6.27(22) and 6.27(23) of this bylaw, is located outside of an enclosed building, in the RM, C, M, B, and P Districts.*

- 19. THAT** Section 6.27 be added to the Zoning Bylaw with wording the same or similar to the following:

6.27 Uses, Structures, and Equipment Permitted Outside of an Enclosed Building:

In C, M, B, and P9 Districts, where the following uses, structures, or equipment are permitted, they may be located outside of a completely enclosed building:

- (1) *Parking and loading facilities.*
- (2) *Gasoline service stations.*
- (3) *Industrial or marina fueling installations.*
- (4) *Outdoor produce shops.*
- (5) *Outdoor garden shops.*
- (6) *Outdoor play areas.*
- (7) *Agricultural uses, excluding commercial nurseries and greenhouses.*
- (8) *Display yards.*
- (9) *Storage yards.*
- (10) *Public works yards.*
- (11) *Public utility installations.*
- (12) *Public transportation depots.*
- (13) *Car washing establishments.*
- (14) *Film production trucks and trailers used in conjunction with production studios for radio, television, motion picture, theatre, dance and similar productions.*
- (15) *Food trucks as accessory food service for the use of the employees of an establishment, provided that they are operated by, or on behalf of the owner or manager of the establishment.*

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- (16) Outdoor seating at cafes, restaurants or other facilities where food or drink is served.
- (17) Mobile retail carts, including but not limited to, mobile food carts.
- (18) Lunch bars.
- (19) Hoist and launching ramps.
- (20) Facilities and installations related to the transshipment of goods and materials.
- (21) Outdoor storage of boats associated with water-oriented uses.
- (22) Storage tanks, including the storage of petroleum products.
- (23) HVAC, air intake and exhaust units, emergency generators, and other electrical or mechanical equipment, provided that they are not a principal component of the primary activities conducted under the principal or the accessory uses on a lot.

20. THAT Sections 301.2(1), 302.2(1), 303.2(1), 304.2(1), 308.3(1), 309.3(1), 401.2(1), 402.2(1), 404.2(1), 405.2(1), 407.2(2), 408.2(2), 451.2(2), 452.2(2), and 509.2(2) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

All uses and undertakings shall be conducted within a completely enclosed building, except as provided for in Section 6.27 of this Bylaw.

3.4 Home Occupation in the RM3s Multiple Family Residential District

Issue

Currently, the Zoning Bylaw does not allow the establishment of home occupation in the RM3s Multiple Family Residential District, similar to other RM and RMs Districts within the City.

Discussion

According to Section 203.2 of the Zoning Bylaw, land uses permitted in the RM3s District include all uses permitted in the RM3 District, excluding uses permitted in the R6 District, dormitory units or groups of dormitory units, and boarding, lodging and rooming houses. The exclusion of uses permitted in the R6 District results in the prohibition of home occupation in the RM3s District. Home occupation, which is a permitted use in all other RM and RMs Districts, appears to have been excluded from the RM3s District erroneously. As such, to be consistent with the permitted uses in other RM and RMs Districts, it is recommended that home occupation be added to the permitted uses in the RM3s District.

Recommended Bylaw Amendments

21. THAT Section 203.2 of the Zoning Bylaw be repealed and replaced with wording same or similar to the following:

- (1) *Uses permitted in the RM3 District, excluding uses permitted in the R6 District, dormitory units or groups of dormitory units, and boarding, lodging and rooming houses.*
- (2) *Home occupations.*

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3.5 Usable Open Space

Issue

There is a need to update the Zoning Bylaw with respect to “usable open space” requirements to bring the Zoning Bylaw in line with certain previous Zoning Bylaw amendments which removed the usable open space requirements in the RM Districts without revising other sections of the Zoning Bylaw accordingly.

Discussion

On 2018 December 03, Council adopted a Zoning Bylaw amendment to establish rental-only zoning sub-districts in a number of districts where multiple family dwellings are permitted. As part of this amendment, the “usable open space” requirements of the RM Districts were repealed to bring the Zoning Bylaw in line with today’s design guidelines and principles for the development of multiple family dwellings and mixed-use developments.

However, the Zoning Bylaw still requires the provision of “usable open space” in townhouse developments located in the R8 Residential District. Considering that townhouse dwellings are a form of multiple family development where each dwelling unit has individual direct access to the outside, it is recommended that the “usable open space” requirement in the R8 District be repealed. It is further recommended that the definition of “usable open space” in Section 3.0 of the Zoning Bylaw, and any reference to usable open space throughout the Zoning Bylaw, be repealed.

Recommended Bylaw Amendments

22. **THAT** the definition of “Bedroom” in Section 3.0 of the Zoning Bylaw be amended by removing the words “or usable open space requirements.”
23. **THAT** the definition of “usable open space” in Section 3.0 of the Zoning Bylaw be repealed in its entirety.
24. **THAT** Section 7.3(2)(f) of the Zoning Bylaw be amended by removing the words “and usable open space.”
25. **THAT** Section 108.6 of the Zoning Bylaw be repealed in its entirety.

3.6 Off-Street Parking for Cafes, Restaurants, and Liquor Licence Establishments Having More Than 50 Seats

Issue

The off-street parking requirement of the Zoning Bylaw for cafes, restaurants, and similar establishments having 50 seats or more is significantly higher than the off-street parking requirement for similar establishments with 50 seats or less. An amendment to off-street parking requirement of such establishments with more than 50 seats is required to remove barriers in establishment of such facilities in commercial areas.

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Discussion

Currently, the Zoning Bylaw requires 1 parking space for each 5 seats for restaurants and liquor licence establishments having more than 50 seats in total, and drive-in restaurants. The required off-street parking for restaurants and liquor licence establishments located outside of a shopping centre, having 50 seats or less, is 1 parking space for each 46 m² (495.16 sq. ft.). The required off-street parking for restaurants and similar establishments having more than 50 seats is significantly more than similar establishments with 50 seats or less.

Originally, the required off-street parking for all restaurants were calculated based on the number of seats. On 1986 August 18, Council adopted an amendment to the parking requirement of the Zoning Bylaw for restaurants and similar establishments having 50 seats or less in line with the required parking for retail and other commercial uses. The purpose of this amendment was to facilitate the establishment of restaurants in commercial areas where a general parking ratio of 1 parking space per 46 m² (495.16 sq. ft.) was applied. However, at the time, it was decided that a higher parking ratio of 1 parking space per 5 seats should continue to apply to restaurants with over 50 seats, as these restaurants were realized as significant destination and parking demand generators.

In general, a dining room occupies approximately 60% of a restaurant's floor area, with the remaining area allocated to kitchen, cooking area, food preparation and storage. Restaurant seating capacity is calculated based on the floor area occupied by each seat which depends on the type of dining establishment (fine dining, fast food, etc.). Considering that the average floor area allotted for each seat based on the type of establishment is the same for different sized restaurants, it is recommended that the required off-street parking for restaurants having 50 seats or more be amended in line with the required parking for smaller restaurants and other commercial uses.

According to Sections 800.4(19), 800.4(19a), and 800.4(19b) of the Zoning Bylaw, the same off-street parking should be required for liquor licence establishments and restaurants with similar seating capacity. The original intent of these sections was to regulate required off-street parking for a liquor licence establishment as a principal use. "Liquor licence establishment" is defined as an establishment selling or dispensing liquor for which a liquor primary licence or a liquor primary club licence is required under the *Liquor Control and Licensing Act*. As such, any use such as a public assembly and entertainment use (i.e. karaoke box) with a liquor primary licence or a liquor primary club licence should be considered a liquor licence establishment, which requires the same off-street parking as a restaurant.

The required off-street parking is generally defined based on the parking needs for the primary activities. The accessory sales or dispensing of liquor in an establishment where different primary activities are conducted, such as a karaoke box, do not impact the parking needs beyond the parking requirement of the Zoning Bylaw for the principal use. As such, it is recommended that "liquor licence establishments" in Sections 800.4(19), 800.4(19a), and 800.4(19b) of the Zoning Bylaw be replaced with "similar establishments where food and/or beverage are sold for consumption of food or beverage on the premises." Should Council adopt the recommended bylaw, the parking ratio of 1 parking space per 46 m² (495.16 sq. ft.) will only apply to establishments where the sale or consumption of food or beverage on the premise is the principal use.

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Recommended Bylaw Amendments

26. THAT Sections 800.4(19), 800.4(19a), and 800.4(19b) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(19) *Drive-in restaurants, cafes, 1 for each 46 m² (495.16 sq.ft.) of gross floor
 restaurants, and similar area.
 establishments where food and/or
 beverage are sold for consumption on
 the premises, provided that such
 establishments are not located in a
 shopping centre.*

(19a) *Cafes, restaurants, and similar Equal number to that required for a retail store
 establishments where food and/or occupying equal floor space in a shopping
 beverage are sold for consumption on centre.
 the premises, provided that such
 establishments are located in a
 shopping centre.*

3.7 Shared Use of Off-Street Parking Spaces for Two or More Uses

Issue

Currently the off-street parking for any use, regardless of the hours of operation, should be provided on the assumption that the use is operating 24 hours a day, seven days a week. This requirement restricts the shared use of a commercial or industrial unit by various individual uses which do not have overlapping hours of operation, if the provided off-street parking is less than the sum of the requirements for each individual use. An amendment to the parking requirement of the Zoning Bylaw is required to facilitate the shared use of commercial and industrial buildings by various individual uses where the uses' hours of operation do not overlap.

Discussion

According to the Zoning Bylaw, all required off-street parking spaces shall be used only for the purpose of accommodating the vehicles of persons who make use of the principal building or use for which the parking area is provided. This provision has been interpreted to require that parking for each individual use should be provided on 24/7 basis, precludes the location of multiple uses where their hours of operation do not overlap, in a building or a unit, if the provided off-street parking is less than the sum of the requirements for the various individual uses.

Section 800.5(2) of the Zoning Bylaw, stipulates that off-street parking spaces may be used collectively by two or more uses, excluding dwellings located in residential districts, provided that the total number of parking spaces is not less than the sum of the requirements for the various individual uses, and that such parking facilities are located not more than 122 m (400.26 ft.) from any use to be served. This provision facilitates the establishment of a use or multiple uses on a property where the required off-

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street parking cannot be provided on-site, but the excess parking within a 122 m (400.26 ft.) distance may be allocated to such uses on a 24/7 basis.

Considering that the provision of excess parking within a 122 m (400.26 ft.) distance and on a 24/7 basis is not always an option, to facilitate the location of multiple uses on a property where total provided parking spaces are less than the sum of the requirements for the various individual uses, it is recommended that the shared use of off-street parking spaces by two or more buildings or uses be permitted subject to the following conditions:

- the hours of operation for such uses do not overlap significantly;
- the provided off-street parking is located not more than 122 m (400.26 ft.) from the uses to be served; and,
- the provided off-street parking for each use at any given time during the hours of operation meet the off-street parking requirement of the Zoning Bylaw for such a use.

Application of a Preliminary Plan Approval (PPA) for the shared use of off-street parking between two or more uses is required to ensure access to such parking at any given time during the hours of operation for the associated uses. The off-street parking spaces located on another property are typically secured by way of a lease or easement agreement between the two properties, and a Section 219 Covenant.

Recommended Bylaw Amendments

27. **THAT** Sections 800.5(4) be added to the Zoning Bylaw with wording the same or similar to the following:

- (4) *Shared use of off-street parking spaces by two or more uses, except for dwelling units in residential districts, may be permitted, provided that the hours of operation for such uses do not overlap significantly, and that the shared off-street parking spaces are located not more than 122 m (400.26 ft.) from the uses to be served. The off-street parking for any use at any given time during its hours of operation shall be provided and used in accordance with this Schedule.*

3.8 Off-street Parking for Manufacturing and Industrial Uses, and Storage Yards

Issue

There is a need to amend the required off-street parking for various industrial uses to simplify the administration of the Zoning Bylaw, provide greater clarity in application of the Zoning Bylaw, maintain equity in treatment of similar uses, and to revise the parking ratio based on actual parking needs.

Discussion

Sections 800.4(23) and 800.4(24) of the Zoning Bylaw regulate the required off-street parking for various industrial uses, including manufacturing, warehousing, display yards, storage yards, and similar uses. There are a number of challenges and issues related to the application of these sections which are described as follows:

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- the required off-street parking for manufacturing, warehousing, storage yards, display yards, laboratories, and other uses specified in these sections is calculated based on the number of employees, or gross floor area of the establishment, whichever is greater. Calculation of off-street parking based on the number of employees requires that any change due to expansion or change of use be recorded over time. As calculating off-street parking based on the number of employees can be a time consuming process, staff generally use gross floor area to calculate the required off-street parking.
- the required off-street parking for display, rental and retail sales purposes accessory to manufacturing/industrial uses and storage yards under Section 800.4(23), is 1 per 93.0 m² (1,001.08 sq. ft.) of gross floor area or lot area, whereas the required off-street parking for similar uses accessory to warehousing and storage buildings under Section 800.4(24) is 1 per 46.0 m² (495.16 sq. ft.) of gross floor area.
- the required off-street parking for storage yards is 1 per 93.0 m² (1,001.08 sq. ft.) of gross floor area, or 1 per each 3 employees, whichever is greater. Considering that a storage yard is defined as an area outside of an enclosed building, calculation of the required off-street parking based on gross floor area is irrelevant.

To address the above mentioned issues, to simplify the application of off-street parking requirements for industrial uses, and improve consistency in application of the Zoning Bylaw, the following recommendations are provided:

- to simplify the administration of the Zoning Bylaw, it is recommended that off-street parking requirements based on the number of employees be removed from Sections 800.4(23) and 800.4(24) of the Zoning Bylaw. Required off-street parking for manufacturing/industrial buildings and uses, research facilities and laboratories, servicing and repair establishments or other similar uses, warehousing, storage buildings, whole sale establishments, and other similar uses will be calculated based on gross floor area.
- to maintain equity in treatment of similar accessory uses, it is recommended that the same off-street parking requirement apply to indoor display, rental or retail sales purposes accessory to manufacturing/industrial uses, warehousing, storage buildings and similar uses [1 per 46.0 m² (495.16 sq. ft.) of gross floor area]. The recommended off-street parking for accessory display, rental or retail purposes is similar to off-street parking for commercial uses, subject to Section 800.4(20) of the Zoning Bylaw.
- to align the required off-street parking with actual parking needs for storage yards, and to maximize the industrial use of properties by reducing the excessive number of off-street parking beyond actual parking needs, it is recommended that the following off-street parking requirements apply to storage yards:
 - 0.25 parking space per 100 m² (1,076.39 sq. ft.) of the lot area used as storage yard up to 4,000 m² (43,055 sq. ft.), plus 0.1 parking space per additional 100 m² (1,076.39 sq. ft.) exceeding 4,000 m² (43,055 sq. ft.).

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The recommended off-street parking requirements for storage yards are based on the observations that: (a) parking demand in storage yards is minimal, as it is limited to infrequent visits of the equipment operators or contractors' employees for occasional pick up or drop off of materials and equipment; (b) larger storage yards do not result in greater parking needs, as the majority of lot area in existing storage yards is used for outdoor storage of contractors' equipment or machinery; and (c) the recommended off-street parking requirements are consistent with actual parking needs of existing storage yards in Burnaby.

The proposed off-street parking requirements for storage yards is based on a reduced parking space to lot area ratio. These requirements ensure that on larger sites, open areas are preserved for storage purposes instead of provision of excessive off-street parking. Therefore, for storage yards that exceed a lot area of 4,000 m² (43,055 sq. ft.), a lower parking ratio will apply. The proposed approach ensures the provision of adequate parking for customers and employees, while maximizing the use of the property for its primary intended purpose as a storage yard.

The Zoning Bylaw defines storage yards as an area outside of an enclosed building where contractors' or construction materials and equipment are stored. Accordingly, additional off-street parking should be provided for customers and employees of the building located on a property used as a storage yard. Such buildings are generally used for office, storage or retail purposes.

Section 800.4 of the Zoning Bylaw stipulates that where the required off-street parking for a specific use is not mentioned in the Zoning Bylaw, the off-street parking requirement shall be the same as for a similar use. However, for clarity and consistency purposes, it is recommended that off-street parking requirements for a number of uses be added to Section 800.4 of the Zoning Bylaw, where appropriate. These uses include greenhouses and nurseries with recommended off-street parking similar to warehousing and storage [1 for each 186 m² (2,002.15 sq. ft.) of gross floor area], and rehearsal and production studios with required off-street parking similar to industrial uses and manufacturing for that portion of the lot area used for production and staging [1 for each 93 m² (1,001.04 sq. ft.) of gross floor area], and with required off-street parking similar to warehousing and storage buildings for that portion of the lot area used for storage purposes [1 for each 186 m² (2,002.09 sq. ft.)].

Recommended Bylaw Amendments

28. THAT Sections 800.4(23) and 800.4(24) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

- | | |
|---|--|
| <p>(23) <i>Manufacturing and industrial buildings and uses, research facilities and laboratories, servicing and repair establishments and other similar uses.</i></p> | <p><i>for each 93 m² (1,001.04 sq. ft.) of gross floor area, plus 1 for each 46 m² (495.14 sq. ft.) of gross floor area used for indoor display, rental or retail sales purposes.</i></p> |
| <p>(24) <i>Warehousing, storage buildings, greenhouses and nurseries, wholesale establishments and other similar uses.</i></p> | <p><i>1 for each 186 m² (2,002.09 sq. ft.) of gross floor area, plus 1 for each 46 m² (495.14 sq. ft.) of gross floor area and/or of lot area used for display, rental or retail sales purposes.</i></p> |

29. **THAT** Sections 800.4(39), 800.4(40), and 800.4(41) be added to the Zoning Bylaw with wording the same or similar to the following:

- | | | |
|------|---|---|
| (39) | <i>Display yards.</i> | <i>1 for each 93 m² (1,001.04 sq. ft.) of lot area used for outdoor display, rental, or sales purposes.</i> |
| (40) | <i>Storage yards, junk yards and automobile wrecking yards.</i> | <i>0.25 for each 100 m² (1,076.39 sq. ft.) of lot area up to 4,000 m² (43,055.64 sq. ft.), plus 0.1 for each additional 100 m² (1,076.39 sq. ft.) of lot area exceeding 4,000 m² (43,055.64 sq. ft.) used for outdoor storage purposes.</i> |
| (41) | <i>Rehearsal and production studios.</i> | <i>1 for each 93 m² (1,001.04 sq. ft.) of gross floor area, and/or of lot area used for production and staging, and 1 for each 186 m² (2,002.09 sq. ft.) of gross floor area and/or of lot area used for storage purposes.</i> |

4.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of zoning requirements, make amendments in support of existing practices and Council policies, and achieve other regulatory changes. It is recommended that Council approve the above proposed amendments, as outlined in Sections 3.0 of this report, and direct that the Zoning Bylaw text amendment be advanced to a future Public Hearing.


E. W. Kozak, Director
PLANNING AND BUILDING

PS:tn

cc: City Manager
Director Corporate Services
Director Public Safety and Community Services
Director Finance
Chief Building Inspector
City Solicitor
City Clerk

Attachment #1

Item	04
Manager's Report No.	13
Council Meeting	02/05/06

TO: CITY MANAGER

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: INTERNET CAFES (CYBER CENTRES)
PROPOSED TEXT AMENDMENT

2002 APRIL 25

PURPOSE: To respond to points raised by Council regarding the proposed amendments to the Zoning and Burnaby Business Licence Bylaws related to cyber centres, and to propose adjustments to the said amendments.

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to prepare bylaws amending the Burnaby Zoning Bylaw and the Burnaby Business Licence Bylaw as outlined in Appendix 1, attached.
2. **THAT** Council endorse Locational Guidelines for cyber centres as presented in Appendix 2, attached.

REPORT**1.0 BACKGROUND**

Council, at its meeting held on 2002 March 25, received a report from this department which recommended a number of amendments to the Burnaby Zoning and Burnaby Business Licence Bylaws related to internet café (cyber centre) uses. The report proposed a definition of cyber centre, inclusion of cyber centres in the "c" subscript within the C3 General Commercial and C4 Service Commercial Districts, and a host of amendments to the Burnaby Business Licence Bylaw to address operational concerns regarding cyber centres. It was also proposed that the Council-adopted locational criteria for pool/billiard halls and amusement arcades be used in evaluating cyber centre proposals. Council subsequently referred the report back to staff to respond to the questions and concerns raised by Council. This report is in response to that request.

2.0 AREAS OF CONCERN

The concerns raised by members of Council include: reviewing the locational guidelines in terms of including a uniform 400 m. distance requirement from various uses and a review of the feasibility of requiring screening devices designed to prevent access to pornography and online gambling. A discussion of those issues is provided below.

2.1 *Revision of Locational Guidelines*

Issue:

- Require a minimum 400 m. separation from potentially conflicting land uses, such as schools, seniors' housing and residential areas.

Comment:

- The locational guidelines appended to the 2002 March 25 report were intended to provide policy guidance for assessment of applications with the understanding that each application would be assessed on a site specific basis, taking into account the orientation of the development, major physical barriers between uses, traffic flow to/from the site, and the Community Plan designation for properties in close proximity to the proposed establishments. The guidelines stipulated minimum separations from various uses. For example: 100 meters from residentially zoned properties and seniors housing; 100 meters from hospitals and rest homes; 400 meters from public and private elementary and secondary schools, and various other institutional-type uses. Some members of Council expressed a desire to amend the guidelines to require a uniform 400 meter separation of cyber centres from the aforementioned uses.
- It is noted that these locational requirements would further restrict the siting of cyber cafes to core commercial areas. This adjustment, however, is considered supportable based on the desire to have cyber centres locate in town centre areas, and adequately separated from residential uses. Given that the locational guidelines for cyber centres were originally proposed to be included in the Council adopted locational guidelines for amusement arcades and billiard halls, the aforementioned amendments require the locational guidelines for cyber centres to be adopted separately. Therefore, the uniform 400 m. separation requirement has been reflected in the locational guidelines presented in Appendix 2, attached.
- As it is now proposed to have cyber centres evaluated separately from amusement arcade uses, proposals to amend the Zoning Bylaw must be made accordingly. In line with this, a new subscript zoning category to accommodate cyber centres in the C3 General Commercial and C4 Service Commercial Districts – the “e” District – is proposed. This new zoning subcategory recognizes cyber centres as unique uses unto themselves, and will allow Council to assess each application on an individual basis.

2.2 *Feasibility of Screening Devices*

Issue:

- Utilize screening devices to prevent access to illegal web sites.

Comment:

- Screening devices used to prevent access to certain areas on the world wide web are being used by other jurisdictions with varying degrees of success. To require them to be used by cyber centres to specifically prevent access to pornography or online gambling would not be considered practical. Screening devices are relatively unsophisticated software applications, and as such are susceptible to manipulation by the user. Considering their relatively high level of computer literacy, many youths and young adults would likely be able to circumvent software applications used to screen certain web sites. Therefore, the effectiveness of such screening devices is significantly reduced. Moreover, it is doubtful whether City staff would be able to effectively enforce such requirements (i.e., ensuring the presence of screening software) given the unobtrusiveness of such applications. Finally, it is noted that screening software, much like "anti-virus" software, requires continual updating to remain current, thus adding to enforcement problems.
- The issue of screening devices also has a moral component. To some degree, use of the devices can be likened to censorship, and thus raises the question of whether it is the City's responsibility to monitor and regulate what people should or should not be able to access on the internet at commercial establishments, especially in light of the fact that screening devices are not required on internet terminals at public libraries or other similar institutions. It should be noted that the Burnaby Public Library has a policy of not using screening devices on internet terminals at public libraries other than for those terminals in children's areas (an excerpt from the *Burnaby Public Library Policy Manual* is attached as Appendix 3 for Council's information). The commercial content filter which controls internet access in children's departments, however, while effective for monitoring children, would not be effective against savvy computer users who may be determined to gain access to otherwise restricted sites.

In light of the foregoing, screening device requirements are not being proposed at this time.

2.3 *Limitations on Size*

Issue:

- Further discussions with RCMP staff have revealed a desire to restrict the number of permitted terminals to below the fifty (50) which was originally proposed.

Comment:

- After further consulting with RCMP staff, who expressed concern over the potential for overcrowding at cyber centres, it is being proposed that the maximum number of permitted terminals in a cyber centre be reduced from fifty (50) to fifteen (15). It is felt that the concerns regarding potential overcrowding and establishing an appropriate place

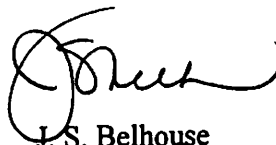
City Manager
Proposed Text Amendment
Internet Cafes
2002 April 25 Page 4

for congregation would be allayed. Further, cyber centres of this size would be better suited for business, research and communication purposes, and function less as a *de facto* arcade use.

3.0 CONCLUSIONS

This report attempts to provide answers to the concerns raised by Council members about the proposed amendments to the Zoning Bylaw concerning cyber centres. Arising from further consideration of some of the issues raised by Council, revised amendments to the Zoning Bylaw and Burnaby Business Licence Bylaw are detailed in the attached Appendices 1 and 2. Three significant adjustments are noted. The first includes amending the locational guidelines to reflect a uniform 400 metre separation from potentially conflicting land uses, such as schools, seniors' housing and other residential areas. The second adjustment includes inclusion of the cyber centre use as a separate use from arcade uses, with its own distinct subscript zoning designation in the C3 General and C4 Service Commercial Districts. A third proposed adjustment involves reducing the maximum number of permitted terminals from fifty (50) to fifteen (15) with the size still being determined by available and designated parking. Given the concerns with internet cafes expressed throughout the previous report to Council, a number of amendments to the Burnaby Zoning Bylaw and the Burnaby Business Licence Bylaw are proposed which together, comprise a balanced approach in addressing the social and locational issues associated with internet cafes.

Staff propose to monitor the effectiveness of the foregoing measures pertaining to cyber centres on an ongoing basis. If concerns arise, and adjustments are required, staff will inform Council accordingly.



J. S. Belhouse
Director Planning and Building

EK:gk
Attach

cc: Chief Licence Inspector
RCMP Officer-In-Charge
City Solicitor
Director Finance

P:\gulzar\EK\Info Rpt on Internet Cafes

APPENDIX 1

Proposed Amendments To The Zoning Bylaw And Burnaby Business Licence Bylaw Related To Cyber Centre Uses

1.0 Zoning Bylaw

1.1 Definition

As it is desirable to have cyber centres as a discreet permitted use in the bylaw, a definition of the use must be provided. Therefore, it is proposed that Section 3 of the Burnaby Zoning Bylaw be amended to include a definition of "cyber centre" similar to the following:

'CYBER CENTRE means an establishment that provides six (6) or more computers and/or other electronic devices to a maximum of fifteen (15) for access to that system commonly referred to the "internet", e-mail, or for playing video games over the internet, and/or access to other computer software programs, to the public for compensation, but does not include internet access facilities provided at educational institutions or public libraries.'

It is acknowledged that this definition does not distinguish internet cafes used for video gaming purposes from those used for communication or research. This is due largely to the impracticality of making such a distinction insofar as enforcement would be complex and difficult. It is therefore believed that an all encompassing single definition would function adequately in the context of the Zoning Bylaw text amendments put forth below, and that the overall process would not prove to be onerous on those establishments with a research or communication focus. The term "cyber centre" is used rather than "internet café" due to the latter connoting a principal use that includes the serving of food and/or drink.

1.2 Zoning

It is further proposed that Sections 303.1 and 304.1 of the Burnaby Zoning Bylaw be amended to include cyber centres as a permitted use in the C3 General Commercial and C4 Service Commercial Districts, subject to obtaining the "e" subscript zoning designation. The subscript zoning designation would require each internet café proposal to go through a rezoning, thus allowing public input into the process. Each application would be assessed on its own merits to ensure internet cafes are appropriately located in commercial areas with high pedestrian and vehicular traffic, and away from schools, residential uses, and other arcade-type establishments. Furthermore, the intent behind including internet cafes in the C3 and C4 zoning districts is to ensure they are centrally located in busy commercial areas where they can be effectively policed. It is noted that the use of subscript zoning is common in Burnaby. For example, restaurants in Industrial Zones are required to obtain an "r" designation, liquor stores in Commercial Districts an "a" designation, and Leisure Centres in Industrial Districts an "l" designation.

It is proposed that Schedule VIII of the Burnaby Zoning Bylaw be amended to include a parking requirement for internet cafes at a ratio of one space for every five terminals, which is appropriate given the potential for traffic to be generated by internet cafes. This standard was determined by applying the parking ratio for amusement arcades, which has worked satisfactorily since being adopted.

2.0 Burnaby Business Licence Bylaw

Dovetailing the recommended changes to the Burnaby Zoning Bylaw are proposed amendments to the Burnaby Business Licence Bylaw, which would largely address the operational issues associated with internet café uses. It is therefore proposed that the Burnaby Business Licence Bylaw be amended to include the definition of cyber centre as discussed above. Further, it is proposed that the following be included in the Burnaby Business Licence Bylaw as operational standards applying to internet cafes:

- The general business licence fee of \$426.00 shall apply for new business licences, with \$125.00 being the annual renewal fee in subsequent years of operation;
- “No Loitering” signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than eight seats shall be provided for customers waiting to use a terminal. No outside waiting or seating area is permitted;
- The hours of business operation shall be between 7:00 a.m. through 12:00 a.m. only. There shall be no customers or patrons in or about the premises between the hours of 12:00 a.m. and 7:00 a.m., during any day of the week; and
- Employees shall be at least eighteen (18) years of age. There shall be a minimum of one (1) employee present at all times.

These proposed changes to the Burnaby Business Licence Bylaw are intended to work in conjunction with those proposed for the Burnaby Zoning Bylaw. Therefore, the two bylaws will work together as a set of regulations governing the location and manner of operations for internet cafes in Burnaby.

APPENDIX 2

Locational Guidelines for Cyber Centres

Although cyber centres are permitted only in Commercial Districts, their location must also be considered in relation to adjacent land-uses.

The Planning Department's support for individual applications would be dependent upon each applicant for rezoning demonstrating that the proposed development would be generally compatible with the adjacent existing and planned land uses and not present a nuisance factor.

The following guidelines would be used as references in assessing rezoning applications and in reporting to Council:

1. Rezoning to the C3e and C4e zoning districts should be considered only on properties currently zoned or designated for commercial use.
2. A reasonable separation and distribution of arcades, billiard halls and cyber centres in the area of the proposed C'e' rezoning should be maintained in order to avoid a concentration of such sensitive uses in any one area.
3. The proposed location, including the parking area, should be well-lit, relatively open to surveillance and not attractive as a "hang out" area.
4. Primary criteria for assessment would be the degree of separation of the cyber centre from certain land uses which could experience direct negative impacts and the time of day those negative impacts might apply. These impacts include, but are not limited to, increased noise, nuisance activity and a decrease in the liveability of residential developments in general.

Although the following separation criteria are intended to be definitive discretion may be applied from time to time. Applications will be assessed on a site specific basis, taking into account the orientation of the development, major physical barriers between uses, traffic flow from the site, and Community Plan designation for properties in proximity.

It is recommended that, in general, sites zoned C3e and C4e have the following minimum separation from the current and/or designated uses listed below:

- a. 400 metres (1312 ft.) from residentially zoned properties and senior citizens housing project.
- b. 400 metres (1312 ft.) from hospitals and rest homes.
- c. 400 metres (1312 ft.) from public and private elementary and secondary schools.

- d. 400 metres (1312 ft.) from licenced child care facilities, especially those providing out-of-school care, including those in residentially- zoned areas.
- e. 400 metres (1312 ft.) from parks.
- f. 400 metres (1312 ft.) from special institutional uses such as rehabilitation centres and half way houses.
- g. 400 metres (1312 ft.) from licenced group homes.

In sites/uses such as outdoor shopping centres and individual commercial lots, the separation should be measured from the property lines of the commercial property, as the major impact of these uses is usually generated outside the actual building. However, if the site proposed for the use is in an enclosed mall, it is recommended that the above separation be measured from the actual tenant space, because the activity area, including the parking and potential patron hang out area, can be contained within the mall.

It should be noted that many strip commercial areas will be unable to fully satisfy all the specific guidelines noted, particularly those pertaining to residential areas.

APPENDIX 3

BURNABY PUBLIC LIBRARY**POLICY MANUAL****3.3 INTERNET POLICY****3.3.1 General**

Burnaby Public Library provides access to the Internet as part of its mandate to meet the self-defined needs of its users.

Amended
00 09 21

In accord with the Statement on Intellectual Freedom, the Library does not control, and assumes no responsibility for, information accessed on the Internet. Library users are responsible for the sites they visit and any text or images they print. As is the case with materials in the Library collection, any restriction of a child's access to the Internet is the responsibility of the parent or guardian.

Amended
00 09 21

The Library will not filter Internet workstations in the adult areas of the Library.

Internet workstations in Children's Departments will have a commercial content filter which will allow parents and children to use workstations with controlled access. This policy is consistent with the book and materials collection policy which stresses children's collections be appropriate for the age and interests of children. It recognizes community expectations that the Children's Department will provide content and services suitable for children.

Amended
01 08 02

The Library provides access to manuals and other information on using the Internet and recommended sites. Library staff may provide limited individual training on Internet use as time permits.

The Library reserves the right to restrict users access to Internet workstations when they have made inappropriate use of them.

Adopted
97 02 20

Attachment #2

ITEM	11
MANAGER'S REPORT NO.	70
COUNCIL MEETING	93/11/29

TO: CITY MANAGER 1993 NOVEMBER 22

FROM: DIRECTOR PLANNING & BUILDING OUR FILE: 17.927

SUBJECT: **LOCATIONAL GUIDELINES FOR POOL/
BILLIARD HALLS AND AMUSEMENT ARCADES**

PURPOSE: To propose amendments to the draft locational guidelines for assessing rezoning applications for pool/billiard halls and amusement arcades reviewed by Council at its meeting of 1993 November 1.

RECOMMENDATION:

1. **THAT** Council approve the revised locational guidelines for assessing rezoning applications for pool/billiard halls and amusement arcades, presented in Appendix 1, *attached*.

R E P O R T

1.0 INTRODUCTION

At its meeting of 1993 November 1, Council considered draft locational guidelines for assessing rezoning applications for pool/billiard halls and amusement arcades. Council requested that staff review the draft guidelines to consider offering more protection from such uses to residential areas, hospitals, rest homes, and child care facilities.

This report responds to that request from Council.

2.0 AMENDMENTS TO LOCATIONAL GUIDELINES

The amended guidelines are attached as Appendix 1. Changes from the original draft guidelines are as follows:

Beginning at Point 4, Paragraph 2:

The following separation criteria are not intended to be definitive. They are guidelines to which discretion will be applied. Applications will be assessed on a site specific basis, taking into account the orientation of the development, major physical barriers between uses, traffic flow from the site, and Community Plan designation for properties in proximity.

Planning and Building
Re: Locational Guidelines for Pool/
Billiard Halls and Amusement Arcades
1993 November 22 Page 2

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It is recommended that, in general, sites zoned C2c, C3c and C4c have the following minimum separation from the current and/or designated zones/uses listed below:

- a. 100 metres (328 ft.) from residential properties and senior citizens' housing projects.
- b. 100 metres (328 ft.) from hospitals and rest homes.
- c. 400 metres (1312 ft.) from public and private elementary and secondary schools.
- d. 400 metres (1312 ft.) from licenced child care facilities, especially those providing out-of-school care, including those in residentially-zoned areas.

3.0 CONCLUSION

The Zoning Bylaw text amendment regulating the location of pool/billiard halls and amusement arcades was adopted to ensure that new establishments locate in suitable locations with a minimum of social and neighbourhood disruption. The locational guidelines serve to further limit potential negative impacts from such establishments on vulnerable adjacent land uses.

Amending the separation for residential areas, senior citizen housing projects, hospitals and rest homes to 100 metres from 50 metres will offer those uses more protection from nuisance activities often associated with pool/billiard halls and amusement arcades. However, the initially proposed separation of 400 metres for child care facilities is considered sufficient, particularly in relation to the other separations proposed.

Applied strictly, the guidelines would restrict locational opportunities for pool/billiard halls and amusement arcades, with a few exceptions, to enclosed shopping malls. However, applied as they are intended - with discretion and flexibility - the guidelines will help to create a more appropriate balance between the establishment of pool/billiard and arcade businesses, and the need to protect adjacent residential and other sensitive uses.


D.G. Stenson, Director
PLANNING & BUILDING


JS\BW\db
Attachment

cc: Director Administrative & Community Services
Director Engineering
Director Finance
Director Recreation & Cultural Services
City Solicitor
Officer-in-Charge, RCMP
Chief Licence Inspector

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APPENDIX 1

Locational Guidelines for Pool/Billiard Halls and Amusement Arcades

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Although pool/billiard halls and amusement arcades are permitted only in Commercial Districts, their location must also be considered in relation to adjacent land uses.

The Planning Department's support for individual applications would be dependent upon each applicant for rezoning demonstrating that the proposed development would be generally compatible with the adjacent existing and planned land uses and not present a nuisance factor.

The following guidelines would be used as references in assessing rezoning applications and in reporting to Council:

1. Rezoning to the C2c, C3c and C4c zoning districts should be considered only on properties currently zoned or designated for commercial use.
2. A reasonable separation and distribution of arcades and billiard halls in the area of the proposed Cc rezoning should be maintained in order to avoid a concentration of such sensitive uses in any one area.
3. The proposed location, including the parking area, should be well-lit, relatively open to surveillance and not attractive as a "hang out" area.
4. Primary criteria for assessment would be the degree of separation of the arcade or pool/billiard hall from certain land uses which could experience direct negative impacts and the time of day those negative impacts might apply. These impacts include, but are not limited to, increased noise, nuisance activity and a decrease in the liveability of residential developments in general.

The following separation criteria are not intended to be definitive. They are guidelines to which discretion will be applied. Applications will be assessed on a site specific basis, taking into account the orientation of the development, major physical barriers between uses, traffic flow from the site, and Community Plan designation for properties in proximity.

It is recommended that, in general, sites zoned C2c, C3c and C4c have the following minimum separation from the current and/or designated uses listed below:

- a. 100 metres (328 ft.) from residentially zoned properties and senior citizens housing projects.

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- b. 100 metres (328 ft.) from hospitals and rest homes.
- c. 400 metres (1312 ft.) from public and private elementary and secondary schools.
- d. 400 metres (1312 ft.) from licenced child care facilities, especially those providing out-of-school care, including those in residentially-zoned areas.
- e. 400 metres (1312 ft.) from parks.
- f. 400 metres (1312 ft.) from special institutional uses such as rehabilitation centres and half way houses.
- g. 400 metres (1312 ft.) from licenced group homes.

In sites/uses such as outdoor shopping centres and individual commercial lots, the separation should be measured from the property lines of the commercial property, as the major impact of these uses is usually generated outside the actual building. However, if the site proposed for the use is in an enclosed mall, it is recommended that the above separation be measured from the actual tenant space, because the activity area, including the parking and potential patron hang out area, can be contained within the mall.

It should be noted that many strip commercial areas will be unable to fully satisfy all the specific guidelines noted, particularly those pertaining to residential areas.