City of Burnaby

PLANNING AND DEVELOPMENT COMMITTEE

MINUTES

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 hən̓q̓əmin̓əm̓ and Sḵwx̱wú7mesh 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 Calendino – 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