



PLANNING AND DEVELOPMENT COMMITTEE A G E N D A

Tuesday, November 24, 2020, 2:00 p.m.

Council Chamber, City Hall

4949 Canada Way, Burnaby, BC

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>MINUTES</u>	
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5. <u>NEW BUSINESS</u>	

6. INQUIRIES

7. CLOSED

Public excluded according to Sections 90 and 92 of the Community Charter to discuss matters concerning the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and to consider negotiations and related discussions respecting the proposed provision of a municipal service(s) that are at the their 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.

8. ADJOURNMENT



PLANNING AND DEVELOPMENT COMMITTEE M I N U T E S

**Tuesday, October 27, 2020, 2:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

PRESENT: Councillor Pietro Calendino, Chair
Councillor Sav Dhaliwal, Vice Chair
His Worship, Mayor Mike Hurley, Member
Councillor Joe Keithley, Member
Councillor James Wang, Member

STAFF: Mr. Lambert Chu, City Manager
Mr. Dipak Dattani, Director Corporate Services
Mr. Ed Kozak, Director Planning & Building
Mr. Johannes Schumann, Assistant Director Planning & Building
Ms. Lee-Ann Garnet, Assistant Director Long Range Planning
Mr. Jonathan Helmus, Assistant Director Engineering
Infrastructure and Development
Ms. Elaine Wong, Executive Assistant to the Mayor
Ms. Eva Prior, Administrative Officer
Ms. Samantha Thompson, Council Support Assistant

1. CALL TO ORDER

The Chair called the Open Committee meeting to order at 2:05 p.m. and conducted the roll call.

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

2. **MINUTES**

2.1 **Minutes of the Planning and Development Committee Open meeting held on 2020 September 29**

MOVED BY COUNCILLOR KEITHLEY
 SECONDED BY COUNCILLOR DHALIWAL

THAT the minutes of the Planning and Development Committee meeting held on 2020 September 29 be now adopted.

CARRIED UNANIMOUSLY

3. **DELEGATIONS**

3.1 **Re: Burnaby Liquor Store Framework**

Mr. Joe Van Vliet appeared before the Committee requesting that Council give consideration to amendments to the City's Liquor Store Framework (the Framework) policy.

Mr. Van Vliet cited that the Framework strictly considers new private liquor store applications once a BC Signature Store has been opened in that quadrant of the City. The speaker advised that although the Metrotown BC Liquor store at Kingsway and Willingdon Avenue has been expanded, it is not classified as a Signature store. Due to the lack of a BC Signature Liquor Store in Metrotown, applications for private liquor stores are not currently permitted.

Mr. Van Vliet provided the Committee with a petition containing 229 names in support of a specialty beer and wine store. The speaker advised that the southwest quadrant of the City is underserved, in comparison to other quadrants.

In conclusion, Mr. Van Vliet requested that Council give consideration to private liquor store applications for the Metrotown area.

The Committee thanked Mr. Van Vliet for his presentation and advised that the Framework is in place to mitigate a proliferation of liquor stores in any one area of the City.

4. **CORRESPONDENCE**

4.1 **Robert Bennett - Re: Affordable Housing Solution**

Correspondence was received from Mr. Robert Bennett regarding recommendations for Canada's housing affordability planned strategy.

Mr. Bennett advised that using a combination of the current housing affordability program and Canada's housing affordability planned strategy principals (CHAPS), significant contributions towards solving generational poverty and the financial security of Canadians can be made. Governments can put forward suitable lands from their existing land holdings into a citizen owned land bank. This land bank will serve as the foundation for the financial funding required to build and operate the affordable housing needed. The funds used to build these homes will be repaid by the revenue generated from their sales to new homeowners and will cost approximately half the current market price.

4.2 Nathan Davidowicz - Re: Transportation Strategy for the Lower Mainland

Correspondence was received from Mr. Nathan Davidowicz requesting consideration be given to develop a transportation strategy for the Lower Mainland.

5. NEW BUSINESS

There were no items of new business brought before the Committee at this time.

6. INQUIRIES

There were no inquiries brought before the Committee at this time.

7. CLOSED

MOVED BY MAYOR HURLEY
SECONDED BY COUNCILLOR KEITHLEY

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 discuss matters concerning the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and to consider negotiations and related discussions respecting the proposed provision of a municipal service(s) that are at the their 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 DHALIWAL
SECONDED BY COUNCILLOR KEITHLEY

THAT the Open Committee meeting do now recess at 2:25 p.m.

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR WANG
 SECONDED BY COUNCILLOR KEITHLEY

THAT the Open Committee meeting do now reconvene at 3:45 p.m.

CARRIED UNANIMOUSLY

8. **ADJOURNMENT**

MOVED BY COUNCILLOR WANG
 SECONDED BY COUNCILLOR KEITHLEY

THAT the Planning and Development Committee meeting do now adjourn at 3:45 p.m.

CARRIED UNANIMOUSLY

CHAIR

ADMINISTRATIVE OFFICER



City of
Burnaby

Office of the City Clerk

REVISED

B. Zeinabova, Acting City Clerk
E. Prior, Acting Deputy City Clerk

INTER-OFFICE MEMORANDUM

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 2020 NOVEMBER 2

FROM: ACTING CITY CLERK

FILE: 2410-20

SUBJECT: GREENTREE VILLAGE PARK – SUPPORT FOR COMMUNITY
GARDEN

NEW BUSINESS, COUNCIL 2020 OCTOBER 26

Under the New Business portion of the Council meeting held on 2020 October 26, Councillor Calendino referred to Item 1.4. of the 2020 October 22 Council Correspondence package from Mr. Jugoslav Bajkin (see attached) regarding a request that Council support a community garden at 4540 Wayburne Drive.

Arising from discussion, Council introduced and adopted the following motion:

THAT Item 1.4 of the 2020 October 22 Council Correspondence package, regarding a community garden at 4540 Wayburne Drive, be **REFERRED** to the Planning and Development Committee.

Blanka Zeinabova
Acting City Clerk

Copy: Director Planning and Building

From: JUGOSLAV BAJKIN <[REDACTED]>
Sent: Friday, October 2, 2020 9:47 PM
To: Clerks <Clerks@burnaby.ca>
Subject: Fwd: Community Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. **The City will never ask for personal or account information or account password through email.** If you feel this email is malicious or a scam, please forward it to phishing@burnaby.ca

Dear Mr. Mayor and Council Members,

A couple of years ago the neighbors from the Greentree Village asked Burnaby City Council to consider their support for the Community Garden at Greentree Village Park, 4540 Wayburne Drive (LTO PID 006-890-199). The request was denied.

Although this lot is zoned as a park use, it is rarely used and we believe that in the changing environment, now more than ever before, the local food will gain its importance environmentally, security wise and also economically. The partial or complete use of this park as a community garden would benefit many residents of Greentree Village but also Metrotown and other parts of Burnaby.

Please advise what would be the best way to initiate the process for setup of a new Community Garden in the Greentree Village Park.

Best Regards,

Jugoslav Bajkin

[REDACTED]

Burnaby

[REDACTED]

----- Forwarded message -----

From: Mahaffey, Rebekah <Rebekah.Mahaffey@burnaby.ca>
Date: Thu, Jul 30, 2020 at 3:58 PM
Subject: RE: Community Garden
To: [REDACTED]

Hi Jugoslav,

Thanks for your email. It was forwarded to me for response. I remember this initial request and was personally sad that it wasn't approved.

To re-initiate please send a letter or email to City Council. See this link for instructions on how to do this:
<https://www.burnaby.ca/Our-City-Hall/Mayor---Council/Submit-a-Letter-to-Council.html>

If Council approves of the direction they will direct staff to work with you.

Thank you!

Rebekah Mahaffey RPP MCIP

Social Planner

Direct: 604-570-3623

Pronouns: She/Her/Hers

City of Burnaby | Planning & Building Department | Long Range Planning Division

City Hall | 3rd Floor - 4949 Canada Way | Burnaby, BC V5G 1M2

Our Vision: A world-class city committed to creating and sustaining the best quality of life for our entire community.

I respectfully acknowledge that Burnaby is located on the ancestral and unceded homelands of the hən̓q̓əmin̓əŋ and Skwxwú7mesh speaking peoples.

The contents of this email message are solely the writings, thoughts and/or ideas of the account holder and may not necessarily reflect those of the City of Burnaby. If you have any concerns regarding inappropriate use of this account please e-mail the postmaster@burnaby.ca

From: JUGOSLAV BAJKIN [REDACTED]
Sent: Wednesday, July 29, 2020 3:37 PM
To: socialplanning, <socialplanning@burnaby.ca>
Subject: Community Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. **The City will never ask for personal or account information or account password through email.** If you feel this email is malicious or a scam, please forward it to phishing@burnaby.ca

Dear Madam/Sir,

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Although this lot is zoned as a park use, it is rarely used and we believe that in the changing environment, now more than ever before, the local food will gain its importance environmentally, security wise and also economically. The partial or complete use of this park as a community garden would benefit many residents of Greentre Village but also Metrotown and other parts of Burnaby.

Can you please advise what would be the best way to initiate the process for setup of a new Community Garden in the Greentree Village Park.

Best Regards,

Jugoslav Bajkin





Meeting 2020 Nov 24

COMMITTEE REPORT

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

FROM: DIRECTOR FINANCE **FILE:** 16000-20

SUBJECT: MUNICIPAL AND REGIONAL DISTRICT TAX (MRDT)

PURPOSE: To request approval to make application to the Province for an increase in the Municipal and Regional District Tax (MRDT) rate and for the use of MRDT revenue from Online Accommodation Platforms for affordable housing initiatives.

RECOMMENDATIONS:

1. **THAT** the Planning and Development Committee recommend Council approve an application to the Province to increase the Municipal and Regional District Tax (MRDT) from two percent to three percent effective 01 January 2022.
2. **THAT** the Planning and Development Committee recommend Council approve an application to the Province for the use of MRDT revenue from Online Accommodation Platforms (OAP) for affordable housing initiatives effective 01 January 2022.

REPORT**1.0 INTRODUCTION**

At the 2020 July 06 Council meeting, a report from the Planning and Development Committee was presented to Mayor and Council outlining recommendations for the creation and sustainability of a regulatory and enforcement framework for short term rentals in Burnaby.

Item 1d of the recommendations was to “authorize the Finance Department to provide an analysis on the guidelines and limitations to the use of the portion of the Municipal and Regional District Tax (MRDT) revenues generated from short term rentals towards affordable housing initiatives.”

This report provides the information requested from the Finance Department.

To: Planning and Development Committee
 From: Director Finance
 Re: Municipal and Regional District Tax (MRDT)
 2020 November 24.....Page 2

2.0 POLICY SECTION

Goals

- 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 *Municipal and Regional District Tax (MRDT)*

In 1987, BC Provincial Legislation introduced the MRDT to provide funding for local tourism marketing, programs and projects. The MRDT applies to the sale of short term accommodations, contributes to the goals of growing BC revenues, visitation and jobs, and amplifies BC's tourism marketing efforts. The City of Burnaby received Provincial approval in 2004 for the establishment of Tourism Burnaby – an independent Destination Marketing Organization (DMO) that develops and supports tourism promotional activities to increase visitation to Burnaby, British Columbia. Tourism Burnaby comprises an Executive Director and three marketing/support staff. The Board is composed of seven directors: two directors representing hotels with less than 100 rooms, two directors representing hotels with 100 or more rooms, two directors representing and nominated by the City of Burnaby, and one director representing and nominated by the Burnaby Board of Trade.

The MRDT rate is set by the local government with approval from the Ministry. The tax is collected by the Provincial government and remitted to the City. The MRDT received by the City is provided to Tourism Burnaby and approvals from the Province for the distribution of the MRDT are for a five-year period, with a renewal request at the end of the term. Burnaby's last MRDT renewal was June 2019 and runs until June 2024. The approved MRDT rate for Burnaby accommodation sales is two percent.

Effective 2015 September 01, Provincial legislation has allowed for the maximum MRDT tax rate to be three per cent. In order to increase the MRDT tax rate from two percent to three percent, an application must be submitted to and approved by the Province. Communities that choose to increase their MRDT rate to three per cent must also sponsor a new Provincial Tourism Events Program designed to help support the planning, marketing and organization of provincially significant events and celebrations that offer a high tourism value.

To: Planning and Development Committee
 From: Director Finance
 Re: Municipal and Regional District Tax (MRDT)
 2020 November 24.....Page 3

The MRDT distributions to Tourism Burnaby are broken down into two categories: general MRDT revenues, which are generated from short term stays at hotels and motels; and, Online Accommodation Platforms (OAP) which are online marketplace booking systems, such as Airbnb, also for short term stays.

3.2 MRDT for Affordable Housing

In 2018, the Provincial Budget added affordable housing as a permissible use of MRDT funds as a means of supporting and addressing local and regional housing needs. This addition provides the flexibility to define, identify and fund local affordable housing initiatives. Utilization of these funds for affordable housing initiatives requires additional reporting to the Ministry to ensure ongoing accountability. In addition, stakeholder consultation and engagement must be increased and remains mandatory.

With the extension of use of the MRDT for affordable housing initiatives, funds can be used from either the general or OAP MRDT revenues. Depending on the fund sharing model chosen, specific documentation and stakeholder engagement would be required. For example, the OAP portion even at two percent can be used for affordable housing initiatives and be reported to the Province as part of the annual November reporting requirements. However, the use of a portion of the general MRDT revenues for affordable housing initiatives would require approval from 51% of the accommodation provider stakeholders. What must be agreed upon between the DMO and the municipality is the percentage of the MRDT that will be used for affordable housing initiatives and from what revenues; general, OAP or both.

The model most prevalent between DMOs and municipalities that choose to claim a portion of the MRDT for affordable housing, is an increase in the MRDT to three percent with the full OAP portion being transferred to affordable housing initiatives. The general portion remains with the DMO for its initiatives.

The MRDT recipients may use revenues for any of the following affordable housing initiatives as per the Province:

- Acquiring, constructing, maintaining or renovating housing or shelter;
- Acquiring or improving land used for, or intended to be used for, housing or shelter;
- Supporting the acquisition, construction, maintenance, renovation or retention of housing or shelter or the acquisition or improvement of land intended to be used for housing or shelter;
- Supporting housing, rental or shelter programs; or
- Paying expenses related to the administration or disposal of housing, shelter or land acquired with money paid out of MRDT revenues.

To: *Planning and Development Committee*
 From: *Director Finance*
 Re: *Municipal and Regional District Tax (MRDT)*
 2020 November 24.....Page 4

The utilization of MRDT funds for affordable housing will increase the annual reporting requirements to the Ministry, and may require a heightened level of stakeholder engagement, both of which would require additional resources from Tourism Burnaby. The analysis, preparation and submission would be conducted by Tourism Burnaby with assistance from City staff as needed. A service level agreement between municipalities and DMOs ensure responsibilities are clear and the administrative funding costs are transparent.

4.0 CURRENT MARKET AND RECOVERY

In 2019, to fund Tourism Burnaby operations, the MRDT revenue at two percent generated \$1,694,758 with \$1,380,124 contributed from hotel and motel stays and \$316,347 from OAP short term rentals. Tourism Burnaby's 2019 expenditures were \$1,094,230. Had the MRDT been three percent and the full OAP revenues provided for affordable housing initiatives, the contribution would have been \$474,520 to housing programs. This revenue can provide impactful program funding for housing in both the short and long term.

The current tourism market under the COVID-19 pandemic however is extremely weak. Most British Columbia DMOs have laid off staff and some have shutdown operations. Tourism Burnaby operates with five staff, an Executive Director and four specialists. To date, Tourism Burnaby has not laid off any staff and continuously engages partners so activities can resume and be brought to Burnaby as soon as possible, post-pandemic.

Revenues in the 2020 budget have been adjusted by the Tourism Burnaby Board of Directors to reflect the current market and industry. Total income for 2020 is now projected to be 1/3 of the 2019 totals. This would represent \$352,000 from MRDT general revenues and \$151,000 from OAP. This is a significant reduction in an annual operating budget that was initially set at \$1.2M. Quick action and significant cost cutting measures have meant the ability to maintain full staffing while supporting the entire Burnaby hospitality industry with support programs and initiatives.

There are several recovery model projections taking into account various factors such as a vaccine, border opening and domestic and international travel resumption. Currently, best case models for 2021 put short term stays at 50% of 2019 levels. Tourism Burnaby, however, projects the recovery in the tourism industry will take much longer, with a full recovery possibly taking longer, potentially out to 2024.

To: *Planning and Development Committee*
 From: *Director Finance*
 Re: *Municipal and Regional District Tax (MRDT)*
 2020 November 24.....Page 5

5.0 PROPOSED INCREASE IN MRDT

An increase in the MRDT from two percent to three percent is proposed and, if approved, would align the City of Burnaby with the MRDT rate of other neighbouring municipalities.

For a DMO that is currently in the middle of a five year term, a full renewal application is required to request an increase to the three percent MRDT. The application must be submitted nine months prior to the target effective date and, if OAP revenues will be spent on affordable housing initiatives, the application must include an Affordable Housing MRDT Plan. Once approved, the DMO's five year term will be reset and will start from the approval date at the new MRDT rate.

A review of 41 municipalities in British Columbia that participate in the MRDT program, identified that 30 had an MRDT rate of three percent and the remaining 11 (including Burnaby) currently have a rate of two percent. The most common affordable housing revenue sharing model from these 30 municipalities provides the general MRDT revenues to the DMO and the full OAP generated revenues to affordable housing initiatives.

6.0 SUMMARY

Implementing a three percent MRDT for Burnaby short term accommodations and providing all OAP revenues from the program to City of Burnaby affordable housing initiatives, managed by the City of Burnaby, will have a profound and positive effect on the entire Burnaby community.

The City of Burnaby's Affordable Housing Community Benefit Bonus Reserve is set up to meet the Province's criteria for affordable housing initiatives. The OAP MRDT revenues would be collected in this reserve until used for the applicable affordable housing initiatives.

A three percent MRDT requires additional reporting and stakeholder engagement and additional synergies between City of Burnaby and Tourism Burnaby staff. A high level of engagement already exists between several City departments and Tourism Burnaby, and the partnership would be expanded to allow for the respective initiatives to be carried out successfully. The additional one percent generated by Tourism Burnaby on the MRDT for general revenues would cover any additional costs incurred by the organization for the increase in the MRDT rate and the contribution of the OAP revenues for affordable housing initiatives (i.e. application, stakeholder engagement, communication, reporting and any additional administration requirements).

While the benefits of implementing the three percent MRDT are clear, timing of such a change must be considered to ensure Tourism Burnaby can weather the current challenges faced by the pandemic in which revenues have been significantly reduced. Implementing the increase for 01 January 2022 would provide the time required to set the program up as well as obtain clarity over time around the tourism industry, and the local and global financial market recovery pace and scope. Implementing sooner may strain an already hard hit industry and hinder a quicker economic recovery.

To: Planning and Development Committee
 From: Director Finance
 Re: Municipal and Regional District Tax (MRDT)
 2020 November 24.....Page 6

Due to the market uncertainty at this time, it is recommended that the distribution of the full OAP MRDT revenues to affordable housing initiatives be implemented on 01 January 2022 to coincide with the increase in the MRDT rate from two percent to three percent. This will allow Tourism Burnaby and City staff enough time to administer the changes, which would include a detailed service level agreement while meeting Ministry administration and reporting requirements.

7.0 RECOMMENDATION

It is recommended that the Planning and Development Committee recommend Council approve an application to the Province to increase the MRDT from two percent to three percent effective 01 January 2022, and to use the MRDT revenue from Online Accommodation Platforms for affordable housing initiatives effective 01 January 2022.



Noreen Kassam, CPA, CGA
 DIRECTOR FINANCE

NK:DS / md

Copied to: Director Corporate Services
 Director Planning and Building
 Director Public Safety and Community Services
 City Solicitor



Meeting 2020 Nov 24
COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 Nov 18

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 49500 20
Reference: REZ #18-50

SUBJECT: **REQUEST FOR COMMUNITY BENEFIT AFFORDABLE HOUSING
RESERVE FUNDS
NEW VISTA SOCIETY (FEES AND CHARGES)
7898 EIGHTEENTH AVENUE
REZONING REFERENCE #18-50
SIXTH STREET COMMUNITY PLAN AREA**

PURPOSE: To seek Committee consideration of an application for Community Benefit Affordable Housing Reserve funds to support the development of 25 non-market housing units at 7898 Eighteenth Avenue.

RECOMMENDATION:

1. **THAT** The Committee recommend that Council approve a Community Benefit Bonus Housing Reserve grant of \$1,024,311, as outlined in this report.

REPORT

1.0 INTRODUCTION

On 2016 June 15, the City issued a Request for Expressions of Interest (RFEOI) for the development of non-market housing at 7898 Eighteenth Avenue (see *attached* Sketch #1), under the then newly established City Lands Program for Non-Market Housing Projects ("City Lands Program"). The City Lands Program offers long-term nominal leases of designated City properties to non-market housing providers, along with other supports.

On 2017 March 06, Council approved the preliminary selection of the New Vista Society ("New Vista") as the developer and operator for the site, subject to the successful completion of a rezoning application for the proposed development.

On 2020 July 27, Council gave Third Reading to a rezoning application for the site (REZ #18-50). In the application, New Vista proposes to construct a three-storey, approximately 2,000 m² (21,500 ft²) apartment building with 25 units of non-market housing, amenity space, and one level of underground parking. The proposed project includes a mix of studio, one, two, and three bedroom

To: Planning and Development Committee
 From: Director Planning and Building
 Re: Request for Community Benefit Affordable Housing Reserve
 Funds – New Vista Society – 7898–18th Avenue
 2020 November 18 Page 2

units. The proposed project has received a funding commitment from the *Building BC: Community Housing Fund*, as well as project development funding from *BC Housing* and *Canada Mortgage and Housing Corporation (CMHC)*.

The New Vista Society has requested a Community Benefit Bonus Housing Reserve grant of \$1,024,311, to offset capital expenses for the project, including servicing costs and City application and permit fees.

Under the approach adopted by Council, the Committee receives requests for Community Benefit Bonus Housing Reserve grants and provides Council with recommendations on each proposal. This report recommends that the Committee forward the request to Council with a recommendation of approval.

2.0 POLICY CONTEXT

Support for the provision of non-market housing aligns 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 emphasizes diverse and affordable housing choices.
- 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.
- 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 also 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
 - 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

To: Planning and Development Committee
 From: Director Planning and Building
 Re: Request for Community Benefit Affordable Housing Reserve
 Funds – New Vista Society – 7898–18th Avenue
 2020 November 18 Page 3

- **A Dynamic Community**
 - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

3.0 FUNDING REQUEST

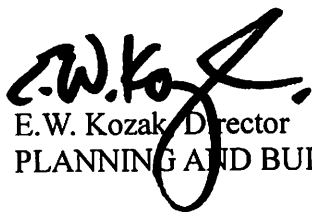
In a letter dated 2020 November 06, the New Vista Society has requested a grant in the amount of \$1,024,311 to offset capital expenses for the project, including servicing costs and City application and permit fees. A copy of the letter, which details the fees and costs, is **attached** as *Appendix A*.

The proposed non-market housing development (Rezoning Reference #18-50) and the request for funding meet the guidelines established by Council. The current unallocated balance of the Community Benefit Bonus Housing Reserve is sufficient to support this grant request.

With Committee and Council approval, the funds would be released to the applicant upon the issuance of a Building Permit for the project.

4.0 CONCLUSION

The New Vista Society has requested a \$1,024,311 Community Benefit Affordable Housing Reserve grant, to help offset capital costs of their proposal to construct 25 non-market housing units at 7898 Eighteenth Avenue (Rezoning Reference #18-50). The requested amount will offset City application and permit fees, as well as servicing costs for the project. As the request is consistent with Council guidelines for use of the fund, and sufficient funds are available, this report recommends that the Committee forward the request to Council with a recommendation of approval.


 E.W. Kozak, Director
 PLANNING AND BUILDING

LF:tn

Attachments

cc: City Manager
 Director Finance
 City Solicitor
 City Clerk

APPENDIX A



7550 Rosewood Street, Burnaby, B.C. V5E 3Z3
 Telephone (604) 521-7764 Fax (604) 527-6001
www.newvista.bc.ca

November 6, 2020

City of Burnaby
 4949 Canada Way
 Burnaby, British Columbia V5G 1M2

Attn: Ed Kozak, Director of Planning and Building

Re: 7898 18th Avenue, Burnaby, B.C

Dear Sir,

The New Vista Society through a proposal call with the City of Burnaby was selected for development of non-market housing at 7898 18th Avenue, Burnaby, B.C. The Society partnered with Terra Housing Consultants as our Development Consultant, NSDA Architects and BC Housing for project capital funding. The New Vista Society is looking forward to construction start on the last leg of providing much needed affordable rental housing in the City of Burnaby.

Please accept this letter as a request to Mayor and Council for a Housing Grant up to \$ 1,024,311.00. This figure represents and estimates the required City permits, fees, off site service costs for all the items and betterments that City of Burnaby has requested of the project for rezoning Burnaby's land to facilitate the development of the 25 unit family and seniors affordable rental project. BC Housing has committed to providing operating and capital funding for this project.

We have attached a breakdown of all anticipated site costs to this request for the Housing Grant.

If you require further information or clarification, please do not hesitate to contact Simon Davie, Simon@terrahousing.ca or 604-639-0472 by telephone.

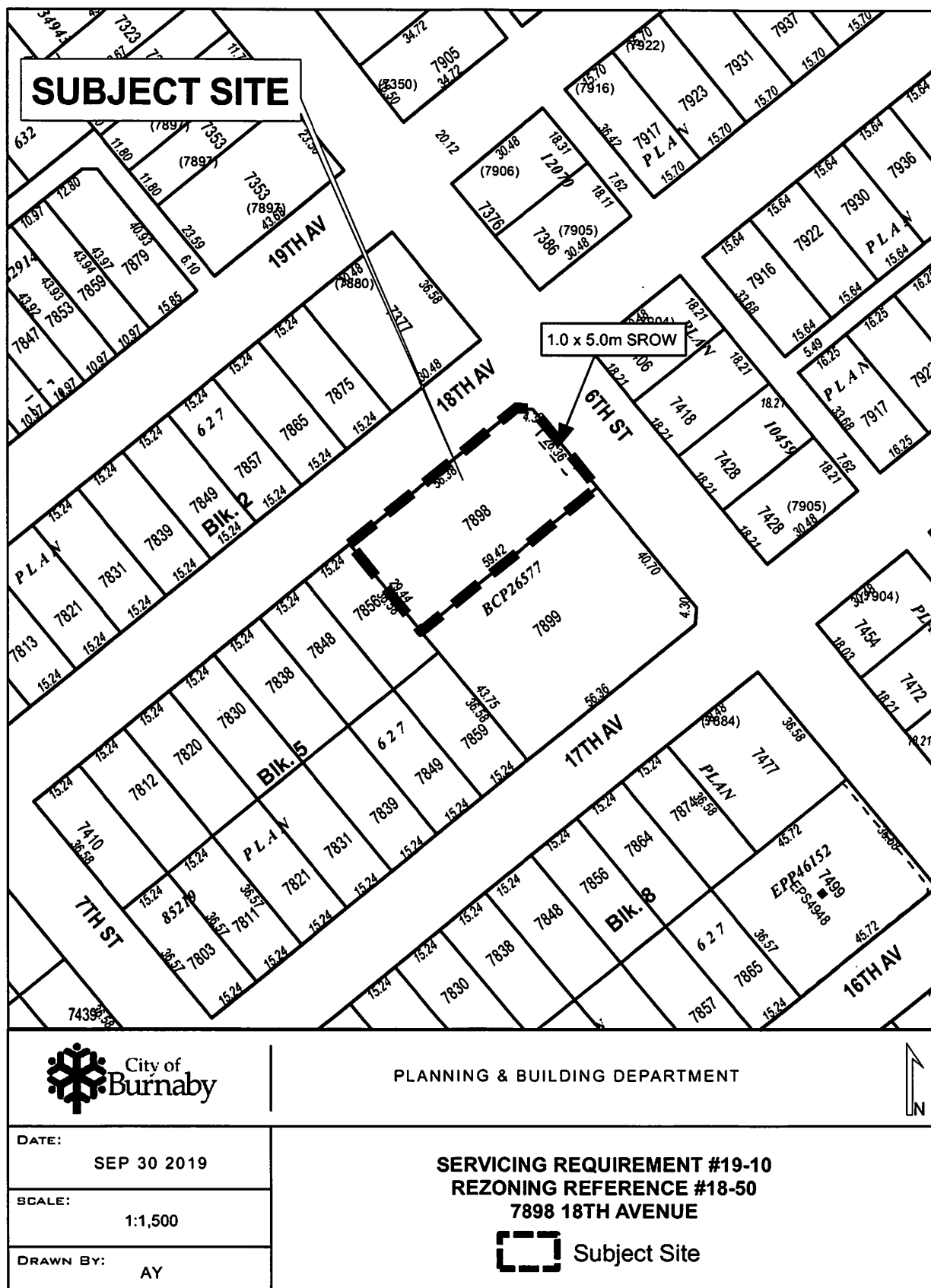
Sincerely,

Darin Froese
 Chief Executive Officer
 New Vista Society

Calculation for Burnaby Housing Grant Request

GVS&DD DCC		88,250	to be waived
Regional Transportation DCC		30,000	to be waived
Burnaby Parkland Acquisition waiver		83,492	Per Servicing Document
Burnaby School site Acquisition waiver		17,500	Per Servicing Document
Burnaby Application costs		88,060	
Building Permit	68,726		
Rezoning Application/PPA	19,334		paid
Servicing Costs		284,350	
323 Pavement Local	48,400		per HY Oct 23, 2020
324 Structure local	55,750		per HY Oct 23, 2020
355 Sidewalk concrete	28,500		per HY Oct 23, 2020
341 Streetlighting	26,800		per HY Oct 23, 2020
411 Storm main PVC HDPE	3,000		per HY Oct 23, 2020
426 Storm service PVC	8,500		per HY Oct 23, 2020
518 Sanitary Service PVC	8,500		per HY Oct 23, 2020
627 Water main DI DC	78,800		per HY Oct 23, 2020
Miscellaneous	26,100		per HY Oct 23, 2020
Payments			
Deposits for City services		60,000	
Fire Hydrant	10,800		per HY Oct 23, 2020
Water service CU	25,000		per HY Oct 23, 2020
Tie-in new water main	17,000		per HY Oct 23, 2020
Cap and abandon ex. watermain	7,200		per HY Oct 23, 2020
Fees - contracted City services		26,074	
Cap existing san serv at 18th	3,600		per HY Oct 23, 2020
Cap existing water serv at 6th	3,600		
Street markings	5,000		
4% Engineering admin fee on Servicing	11,374		
Street signs	2,500		
Other site costs per HY		256,970	
Inspections and testing	4,970		per HY Oct 23, 2020
Erosion and Sediment control	40,000		per HY May 14, 2020
Driveways	5,000		per HY Oct 23, 2020
Hydro and Tel works	207,000		
Civil	77,000		per HY Oct 23, 2020
Hydro works	100,000		Estimate with one small
Telus works	30,000		Estimate
Contingency 20%		131,091	
Ground Water testing		22,000	
SRW work - Hydro, Telus, Bus shelter		15,000	
GST on servicing	795,485	5%	39,774
Sub-total			1,142,561
Less:			
GVS&DD DCC Waiver		88,250	
Regional Transportation DCC Waiver		30,000	
City Grant Request		1,024,311	

Note - under rezoning #05-53 (including this parcel) BCH paid a \$57,000 future works fee for sewer
Land purchase to be at nominal value \$10
Ground lease to be registered prior to Final Adoption of Rezoning
Housing Grant Agreement required
Bond amount based on final cost estimate. Bank Letter of Credit
Must enter into a Service Agreement





Meeting 2020 November 24

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 November 18

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 49500 20

SUBJECT: **REZONING REFERENCES #17-34, 17-39, 18-21 and 18-23**
Proposed Density Transfer and Phased Development Agreement
Metrotown Downtown Plan Area

PURPOSE: To seek Council authorization for staff to pursue a density transfer and a Phased Development Agreement in connection with four rezoning applications in the Metrotown Downtown Plan area.

RECOMMENDATIONS:

1. **THAT** the Committee recommend that Council authorize staff to pursue a density transfer and a Phased Development Agreement in connection with four rezoning applications in the Metrotown Downtown Plan area, as generally outlined in this report.
2. **THAT** a copy of this report be sent to Mr. Jay Lin, Vice President Development, Belford Properties Ltd.

REPORT**1.0 INTRODUCTION**

In 2017 and 2018, Belford Properties submitted rezoning applications for four sites in the Maywood neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketches #1-5):

Site	Rezoning Reference	Address
1	#17-34	6366 Cassie Avenue 6433 McKay Avenue
2	#17-39	6444 Silver Avenue
3	#18-21	4355 Maywood Street
4	#18-23	6630 Telford Avenue

In line with the adopted plan, each application proposed the development of a single high-rise strata residential apartment building with street fronting townhouses. As a result of concerns arising from the loss of on-site rental housing due to redevelopment, the applications were held at varying stages of the rezoning process, with Rezoning Reference #17-34 having advanced to Second Reading, Rezoning Reference #17-39 being advanced to initial report, and Rezoning References # 18-21 and #18-23 pending introduction to Council.

To: Planning and Development Committee
From: Director Planning and Building
Re: REZONING REFERENCES ##17-34, 17-39, 18-21, 18-23
Proposed Density Transfer and Phased Development Agreement
2020 November 18 Page 2

In Fall 2018, the Planning Department initiated efforts to develop policies on rental tenure zoning and tenant assistance. The Finalized Rental Use Zoning Policy and updated Tenant Assistance Policy were adopted by Council on 2020 March 09. As such, these applications are now in a position to advance, with the required replacement rental to be provided up front, and development of the four sites determined through a Phased Development Agreement, subject to Council approval.

2.0 POLICY FRAMEWORK

The proposed developments align with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Social Connection – Enhance social connections throughout Burnaby.

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.

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.

3.0 NEIGHBOURHOOD CONTEXT AND PROPERTY INFORMATION

The subject development sites are located within the Maywood neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketch #1). The adopted Plan identifies the Maywood neighbourhood as the heart of Metrotown, with opportunities for people to live, gather, socialize and celebrate. Specifically, high density multiple-family mixed-use residential developments along Beresford Street are intended to terrace downward toward Imperial Street. The introduction of smaller neighbourhood commercial opportunities, with a focus on Maywood Park, are to be considered within Maywood to create a local serving hub and gathering places for residents and visitors. With respect to building form, such developments are intended for high-rise apartment buildings with low-rise apartments, townhousing or row-housing podiums fronting bounding streets. The neighbourhood is supported by Maywood Park, Maywood Community School, and an emerging network of pedestrian and cycling linkages.

To: Planning and Development Committee
 From: Director Planning and Building
 Re: REZONING REFERENCES ##17-34, 17-39, 18-21, 18-23
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 2020 November 18 Page 3

The four sites are all currently zoned RM3 Multiple Family Residential District, improved with low-rise apartment buildings constructed between 1966 and 1969, and designated for high-density multiple family residential development under the CD Comprehensive Development District, utilizing the RM4s and RM4r Multiple Family Residential Districts as guidelines. The four sites currently support a total of 220 rental units, distributed as follows:

Site	Address	Unit Count
1	6366 Cassie Avenue	59
	6433 McKay Avenue	36
2	6444 Silver Avenue	45
3	4355 Maywood Street	39
4	6630 Telford Avenue	41
TOTAL:		220

4.0 DEVELOPMENT PROPOSAL

As previously noted, the applicant wishes to advance the four sites, incorporating the rental use zoning and tenant assistance policy measures adopted by Council. However, recognizing the challenges of concurrently advancing four mixed-tenure sites, and a significant number of strata units in a challenging market, the applicant has requested that in order to advance the rental provision earlier in the development process, the development density and policy-required replacement (affordable) rental units be transferred amongst the four properties as described below, and that development proceed in a phased manner. Site 1 (Cassie/McKay) and Site 4 (Telford) are proposed to be developed immediately and concurrently as part of Phase 1. Site 2 (Silver) and Site 3 (Maywood) are to be developed at a later date, either concurrently or separately, based on market conditions.

Site 4 (Telford) is proposed to be a rental-only site and support the RM4r density generated from all four sites and all the policy-required replacement and inclusionary (non-market) units generated from all four sites. The resultant density would be 8.18 FAR. This density is proposed to be distributed in two towers. One tower is expected to accommodate 220 replacement rental units¹. As these replacement units will not fully consume all available RM4r density, remaining RM4r density is proposed to be used for approximately 200 additional rental units² in a second tower.

Site 1 (Cassie/McKay) and Site 2 (Silver) are proposed to be strata-only sites, with each supporting the RM4s density and density offset associated with each site itself. Supplemental base and bonus density would not be fully consumed on either site. The total density proposed for each site is 3.6 FAR. Each site would support a single tower with street fronting townhomes.

¹ The Rental Use Zoning Policy requires new RM3-RM5 developments provide the greater of a 1:1 replacement of existing rental units, or the equivalent of 20% of proposed market units be provided as non-market rental units. The total number of existing rental units on the four sites (220) exceeds 20% of the total anticipated number of strata units generated by the RM4s District (162).

² Rental rates for these units under RMr zoning are to be balanced at a 1:1 ratio of market rents and CMHC median market rents.

To: *Planning and Development Committee*
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Site 3 (Maywood) is proposed to be a strata-only site and support the RM4s density and density offset associated with the site itself, as well as the RM4s density and density offset generated from Site 4 (Telford). Supplemental base and bonus density associated with both sites would not be fully consumed. The resultant density on Site 3 would be 7.82 FAR, expressed as a tower with low rise podium.

In order to establish the zoning, density allocation, and housing tenure conditions that will enable development as described above, the four applications require concurrent advancement of rezoning bylaws to Public Hearing and Final Adoption.

5.0 PHASED DEVELOPMENT AGREEMENT

The proposed transfer of density and rental obligation is considered supportable, as the replacement rental is provided within the same neighbourhood, it is advanced much earlier and with less disruption to tenants than if the four sites developed independently, and it allows for the early provision of an additional +/- 200 inclusionary market rental units. To facilitate this approach, it is recommended that the City enter into a Phased Development Agreement (PDA) with Belford Properties to establish the conditions under which development on the subject sites can occur as described in Section 4.0. The effect of the PDA provisions, as outlined in Sections 516 to 520 of the *Local Government Act*, are to entrench phased development conditions against changes to specified zoning provisions and/or specified subdivision servicing provisions while the PDA is in effect, in exchange for amenities and other considerations deemed beneficial to the municipality. For the purposes of the proposed PDA, the specified zoning provisions would be all the provisions of the CD Comprehensive Development District added to the Burnaby Zoning Bylaw, in respect of the properties by the applicable Zoning Amendment Bylaw. If any of the specified zoning provisions are amended or repealed during the term of the PDA, those changes would not apply unless agreed to in writing by the City and the applicant.

The proposed PDA requires Council approval through a Phased Development Agreement Bylaw, which would be established as a condition of approval of each of the four subject rezoning applications. Key terms of the PDA are proposed to include the following:

- The term of the PDA would be ten years. Belford Properties will seek to achieve Preliminary Plan Approval (PPA) and Building Permit (BP) issuance in respect of all four properties within this timeframe. If any of the properties do not achieve PPA and BP issuance within this timeframe, the property(ies) will be subject to the then current zoning and subdivision servicing provisions in effect at the time of the PPA or BP applications are made, as applicable, and as such, the property(ies) may require a new rezoning application meeting community plan, Zoning Bylaw, and policy requirements in effect at that time.
- Site 4 (Telford) must be developed with rental housing only, including all the policy-required replacement (affordable) rental units generated by all four properties subject to the PDA.

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 2020 November 18 Page 5

- Site 4 (Telford) must be granted building occupancy prior to, or concurrently with, the issuance of occupancy permits for any of the other sites.
- For Site 2 (Silver) and Site 3 (Maywood), submission of certain technical designs, plans, studies, bonding, and registration of certain legal documents will be established as conditions of PPA (rather than rezoning) approval in order to more closely align with actual construction dates, once known.

Draft detailed development requirements of the PDA are presented in **Appendix A**.

The proposed PDA supports immediate advancement of two of the applications, and transfer of the RM4r rental density (+/- 110,000 sq.ft. of rental gross floor area) associated with Site 1 (Cassie/McKay), Site 2 (Silver), and Site 3 (Maywood) to Site 4 (Telford). Upwards of 420 rental units, including 220 affordable units, would be constructed on Site 4 (Telford) as part of Phase 1. Early delivery of these units would mean that fewer tenants are displaced; existing tenants at Site 2 (Silver) and Site 3 (Maywood) would be offered the right of first refusal for a new replacement rental unit in Site 4 (Telford) without displacement. Furthermore, a single rental site, in a concrete form, and with mixed rental rates enhances the viability of long term building maintenance and operation.

6.0 CONCLUSION AND NEXT STEPS

The applicant's request to transfer density and rental obligation amongst its four sites in Metrotown through a phased development approach has merit and enables the concurrent advancement of all four rezoning bylaws to Public Hearing and Final Adoption. Staff recommend that the City enter into a Phased Development Agreement (PDA) with Belford Properties to establish the conditions under which the phased development can occur. With Committee and Council approval of this approach, as generally outlined in this report, staff would proceed to advance Rezoning Reports for each of the subject rezoning applications, recommending the authority to continue to work with the applicant toward suitable plans of development for presentation to future public hearings. The proposed prerequisite conditions of each rezoning, including the introduction of a Phased Development Agreement Bylaw, will be included in future reports to Council. It is further recommended that a copy of this report be sent to Belford Properties for their information.



E.W. Kozak, Director
 PLANNING AND BUILDING

KH:tn

Attachments

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

P:\49500 Rezoning\20 Applications\2017\17-34 6433 McKay Avenue And 6366 Cassie Avenue\01 Council Reports\PDC Report PDA For REZ 17-34, 17-39, 18-21, 18-23 2020.11.24.Docx

Appendix A: Development Requirements

Rezoning Requirement	REZ #18-23 – Telford (Site 4)	REZ #17-34 - Cassie/McKay (Site 1)	REZ #17-39 – Silver (Site 2)	REZ #18-21 – Maywood (Site 3)
Zoning district	CD(RM4s, RM4r)	CD(RM4s, RM4r)	CD(RM4s, RM4r)	CD(RM4s, RM4r)
General building form	Two high rise buildings with ground-oriented residential component and underground parking.	Single high rise building with ground-oriented residential component and underground parking.	Single high rise building with ground-oriented residential component and underground parking.	Single high rise building atop six-storey low rise residential component and underground parking.
CD drawings – general	Fully detailed drawings prior to rezoning Final Adoption.	Fully detailed drawings prior to rezoning Final Adoption.	General guideline drawings prior to rezoning Final Adoption, with fully detailed drawings provided as part of PPA.	General guideline drawings prior to rezoning Final Adoption, with fully detailed drawings provided as part of PPA.
CD drawings – technical plans	Fully detailed statistics sheet, Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption.	Fully detailed statistics sheet, Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption.	Statistics sheet must specify density/GFA, unit count, building height prior to rezoning Final Adoption. Preliminary Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption, with fully detailed drawings prior to PPA issuance.	Statistics sheet must specify density/GFA, unit count, building height prior to rezoning Final Adoption. Preliminary Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption, with fully detailed drawings prior to PPA issuance.
Subdivision: road dedication and creation of net development site(s)	Registration prior to rezoning Final Adoption	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption. CD drawings to acknowledge interim non-conforming building siting.	Registration prior to rezoning Final Adoption. CD drawings to acknowledge interim non-conforming building siting.
Building demolition	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.
Off-site servicing	Civil design, servicing agreements, and letter of credit prior to rezoning Final Adoption.	Civil design, servicing agreements, and letter of credit prior to rezoning Final Adoption.	Civil design, servicing agreements, and letter of credit prior to PPA issuance.	Civil design, servicing agreements, and letter of credit prior to PPA issuance.

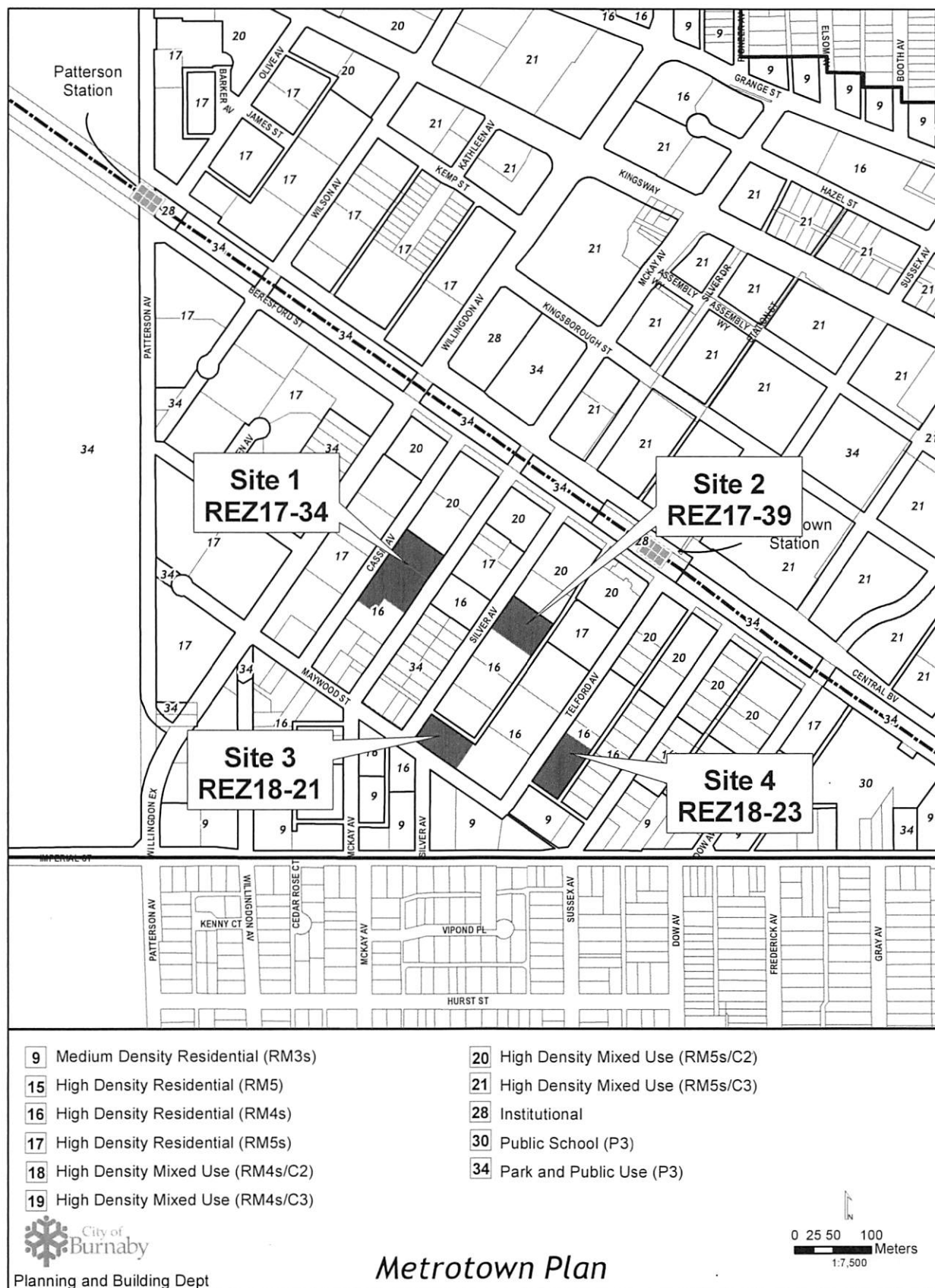
Rezoning Requirement	REZ #18-23 – Telford (Site 4)	REZ #17-34 - Cassie/McKay (Site 1)	REZ #17-39 – Silver (Site 2)	REZ #18-21 – Maywood (Site 3)
Neighbourhood linkage	To be fully accommodated on development site to the north.	n/a	n/a	n/a
Hydro, Telus, and other third party utilities	Design, bonding, and registration of SROs prior to rezoning Final Adoption. Registration of additional/replacement SROs as required.	Design, bonding, and registration of SROs prior to rezoning Final Adoption. Registration of additional/replacement SROs as required.	Design, bonding, and registration of SROs prior to PPA issuance. Registration of additional/replacement SROs as required.	Design, bonding, and registration of SROs prior to PPA issuance. Registration of additional/replacement SROs as required.
Stormwater Management Plan and Groundwater Management Plan	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.
Sediment Control Plan	Plan submission prior to rezoning Final Adoption.	Plan submission prior to rezoning Final Adoption.	Plan submission prior to PPA issuance.	Plan submission prior to PPA issuance.
Amenity density bonus payment	n/a	Negotiation and payment prior to rezoning Final Adoption.	Negotiation and payment prior to PPA issuance.	Negotiation and payment prior to PPA issuance.
Section 219 Covenants – standard (no gates on driveways, no balcony enclosure, SWMP, groundwater, public art, green building)	Registration prior to Final Adoption.	Registration prior to Final Adoption.	Registration prior to PPA issuance.	Registration prior to PPA issuance.
Section 219 Covenant – no build/no PPA	n/a	n/a	Registration prior to rezoning Final Adoption; development permitted upon completion of all prior-to PPA conditions and occupancy of Telford.	Registration prior to rezoning Final Adoption; development permitted upon completion of all prior-to PPA conditions and occupancy of Telford.
Section 219 Covenant – no occupancy	n/a	Registration prior to rezoning Final Adoption; occupancy permitted concurrent with or following occupancy of Telford.	n/a	n/a
Section 219 Covenant – density allocation	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.

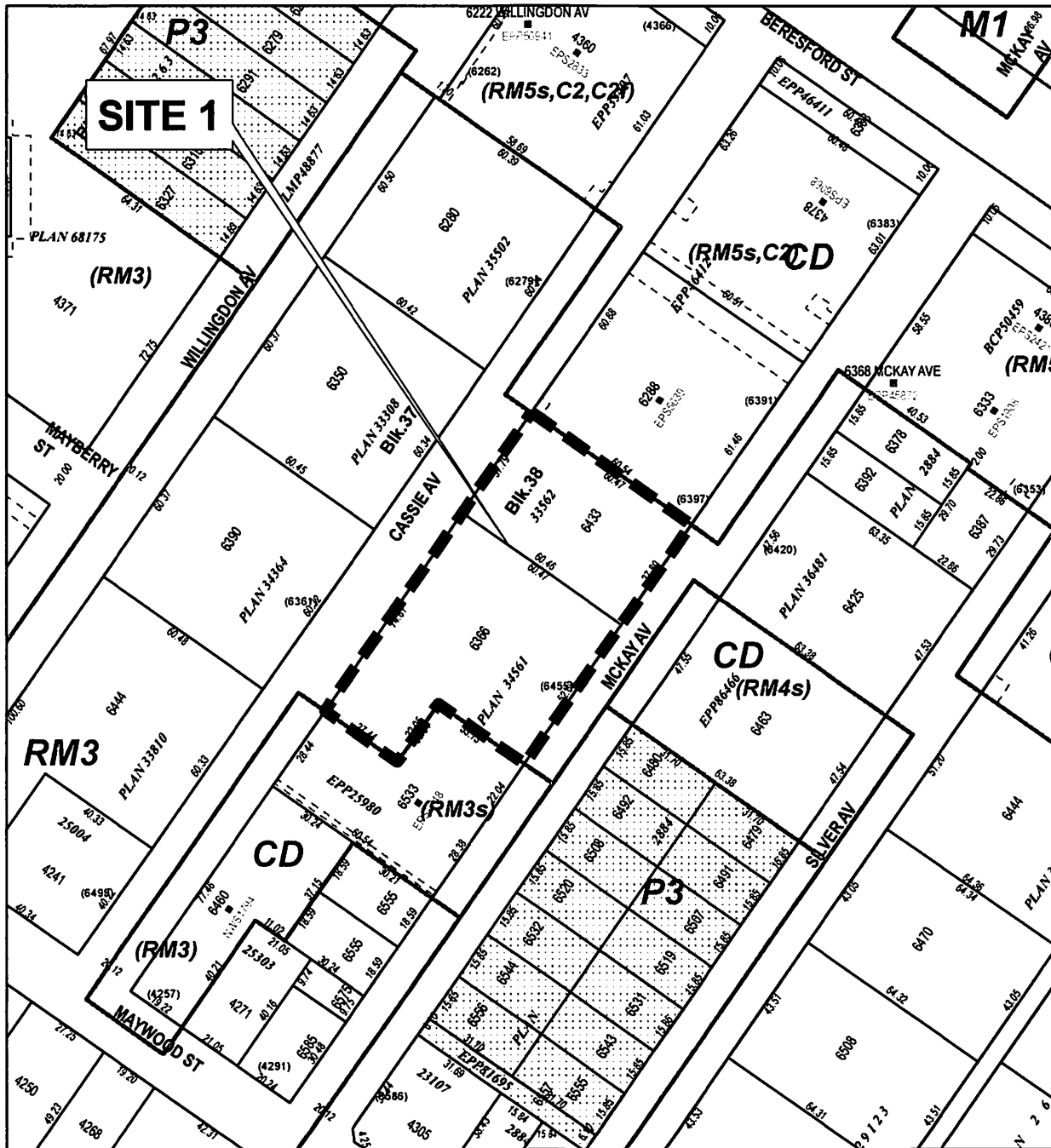
Section 219 Housing Covenant – no stratification, and Housing Agreement Bylaw	Covenant registration prior to rezoning Final Adoption. Housing Agreement Bylaw adoption prior to building occupancy.	n/a	n/a	n/a
Section 219 Covenant – Separate sale of lands and assignment of phased development agreement	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.
Communications Strategy	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to PPA issuance.	Submission prior to PPA issuance.
Green Building Strategy	Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to rezoning Final Adoption.	Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to rezoning Final Adoption.	Submission of green building report; commitment to undertake air tightness testing; energy benchmarking; energy modelling report; and energy checklist prior to rezoning Final Adoption. Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to PPA issuance.	Submission of green building report; commitment to undertake air tightness testing; energy benchmarking; energy modelling report; and energy checklist prior to rezoning Final Adoption. Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to PPA issuance.
Tenant Assistance Plan	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.
Public art – location, report, bonding	100% rental project – public art not required.	Public art plan, artist selection, bonding, and covenant all required as condition of rezoning Final Adoption.	Location identified in CD drawings, and draft public art plan required as condition of Final Adoption. Final public art plan, artist selection, bonding, and covenant required as condition of PPA issuance.	Location identified in CD drawings, and draft public art plan required as condition of Final Adoption. Final public art plan, artist selection, bonding, and covenant required as condition of PPA issuance.

Alternative Transportation Requirements	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to rezoning Final Adoption.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to rezoning Final Adoption.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to PPA issuance.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to PPA issuance.
Development Cost Charges	Payment at the time of rezoning/subdivision approval.	Payment at the time of rezoning/subdivision approval, or if no subdivision required, payment at the time of building permit issuance.	Payment at the time of building permit issuance.	Payment at the time of building permit issuance.

KH:

2020 October 19





PLANNING & BUILDING DEPARTMENT




Date:
OCT 05 2020

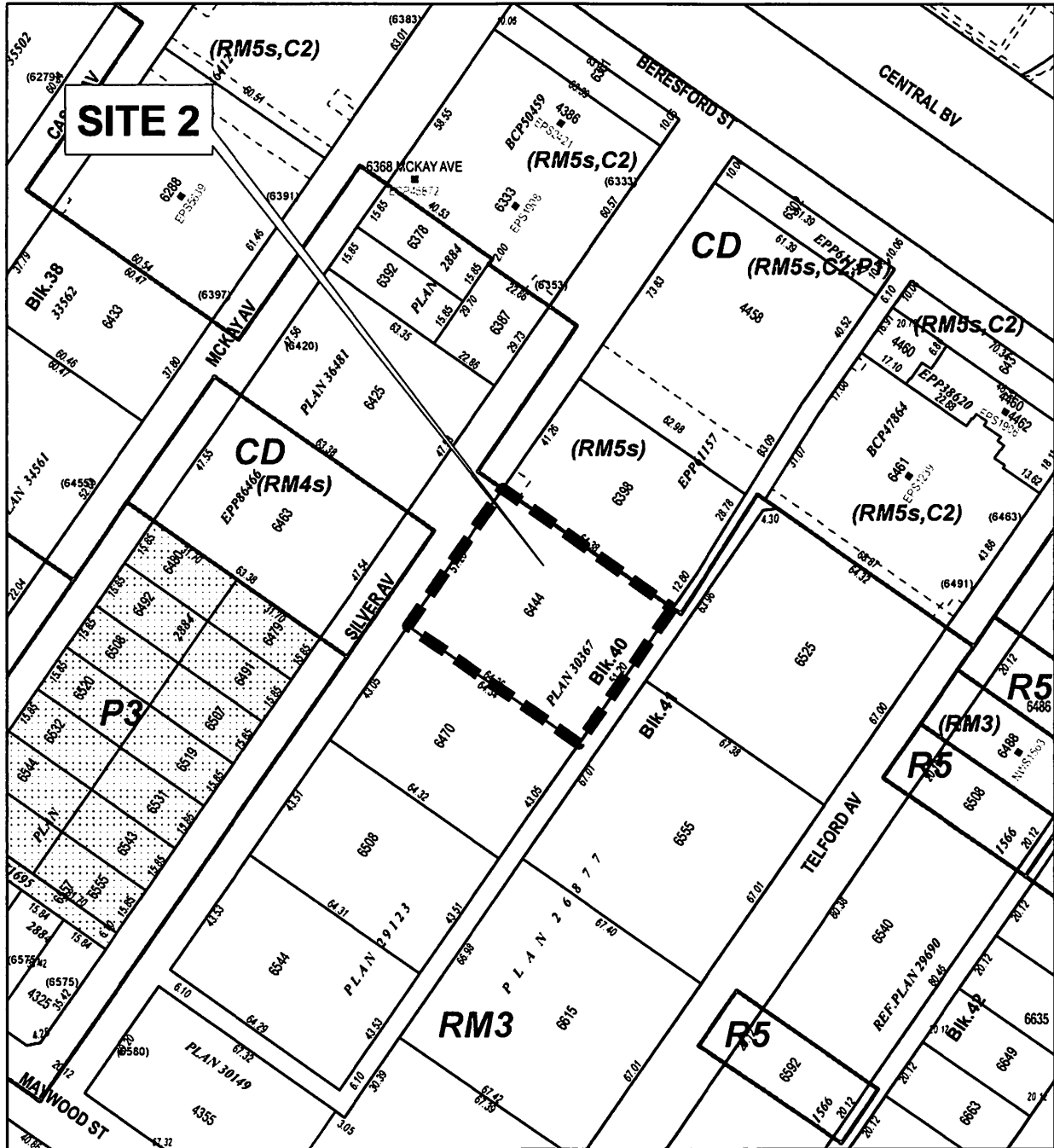
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REZONING REFERENCE #17-34
6366 CASSIE AVENUE AND 6433 MCKAY AVENUE

 Subject Site

Sketch #2



PLANNING & BUILDING DEPARTMENT



Date:
OCT 05 2020

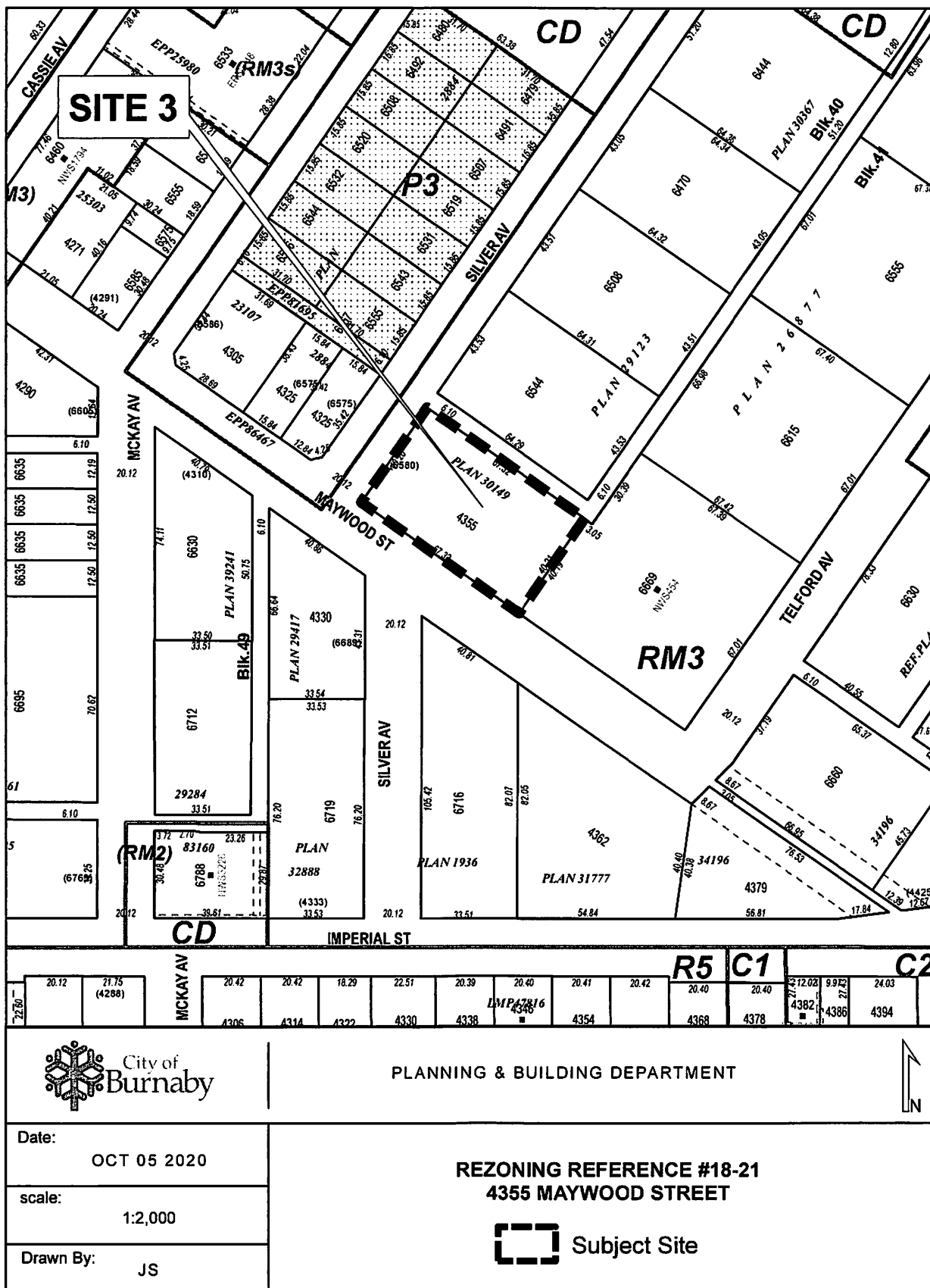
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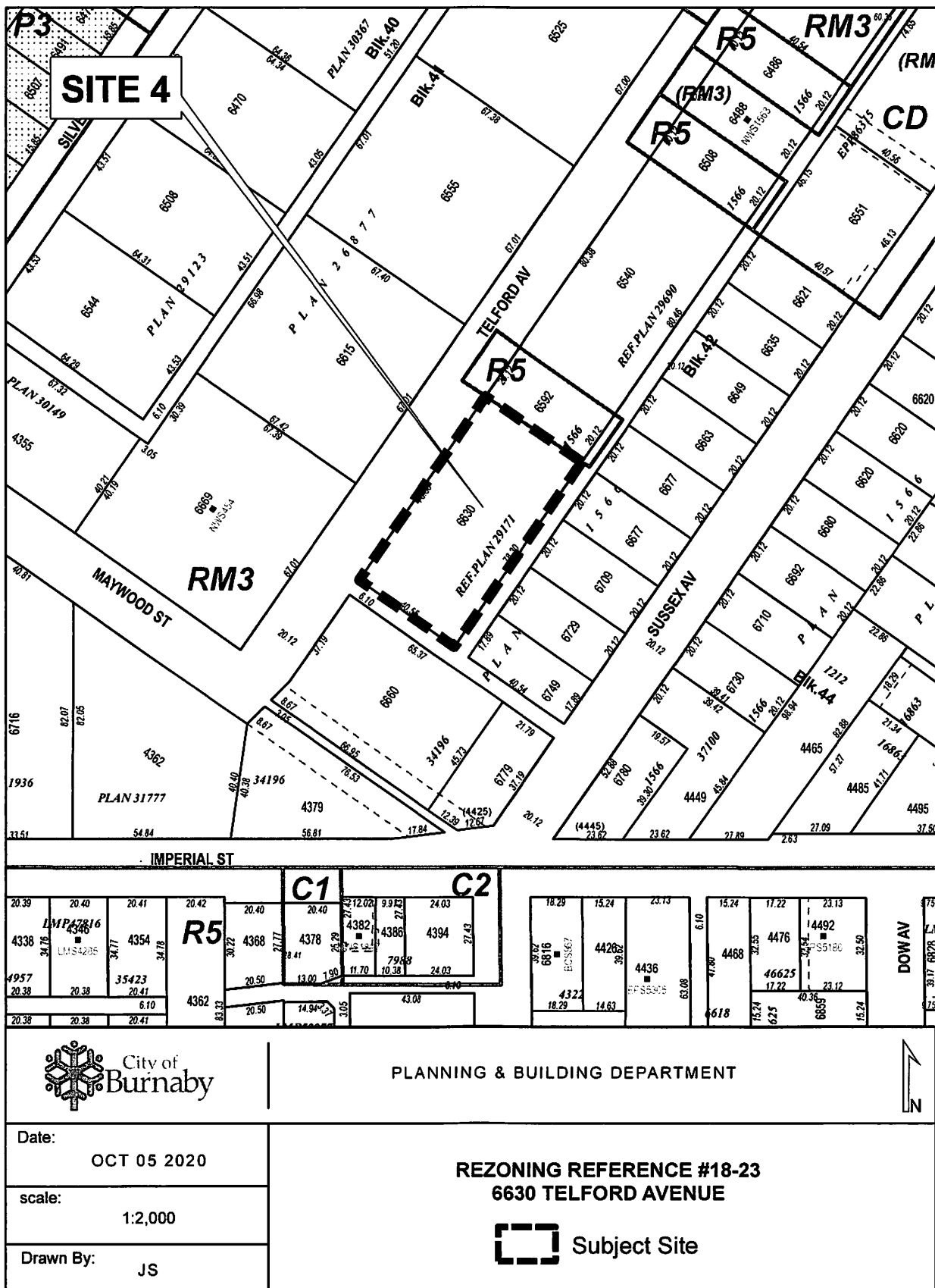
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JS

REZONING REFERENCE #17-39
6444 SILVER AVENUE

 Subject Site

Sketch #3







Item
Meeting.....2020 November 24

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 Nov 18

FROM: DIRECTOR PLANNING AND BUILDING
DIRECTOR PUBLIC SAFETY AND COMMUNITY SERVICES

FILE: 42000 20
Reference: Bylaw Amendments

SUBJECT: SHORT-TERM RENTALS - PROPOSED BYLAW AMENDMENTS

PURPOSE: To propose amendments to the Burnaby Zoning Bylaw, Business Licence Bylaw, Business Licence Fee Bylaw, and Bylaw Notice Enforcement Bylaw regarding short-term rentals.

RECOMMENDATIONS:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the *Burnaby Zoning Bylaw, 1965*, to implement the regulatory framework for short-term rentals, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.
2. **THAT** Council be requested to authorize the City Solicitor to bring forward bylaws to amend the following bylaws to implement the licensing, fee and enforcement framework for short-term rentals:
 - (a) *Burnaby Business Licence Bylaw 2017*;
 - (b) *Burnaby Business Licence Fee Bylaw 2017*; and
 - (c) *Burnaby Bylaw Notice Enforcement Bylaw 2009*,
 as outlined in Section 4.0 of this report.

REPORT

1.0 BACKGROUND INFORMATION

On 2020 July 06, Council adopted a report proposing a regulatory and enforcement framework for short term rentals in Burnaby. Council also authorized staff to prepare bylaws amending the Burnaby Zoning Bylaw, as well as the Business Licence Bylaw, the Business Licence Fees Bylaw, and Bylaw Notice Enforcement Bylaw in line with the framework. The proposed framework recommends the regulation of short-term rentals in Burnaby with a focus on the following objectives:

To: Planning and Development Committee
 From: Director Planning and Building
 Director Public Safety and Community Services
 Re: Short-Term Rentals - Proposed Bylaw Amendments
 2020 November 18 Page 2

- 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 a regulatory program that is clear and inspires high levels of compliance.

In general, the proposed regulatory and enforcement framework for short-term rentals in Burnaby includes the following:

- A limit on the operation of short-term rentals to the principal residence of the registered owners: This will ensure that housing supply, including rental housing, will be maintained for residents of Burnaby, while providing an income generating opportunity for homeowners to offset the costs of homeownership.
- Prohibition of the use of rental units, secondary suites and flex units for short-term rental: This will ensure that the supply of rental housing, including affordable rental housing, is maintained for the use of the residents of Burnaby.
- A limit on the number of guests permitted in a short-term rental to four unrelated persons, or six persons related by blood, marriage, adoption, or foster care, at any one time: This will reduce the impacts of short-term rentals, including traffic, parking, and noise, on the surrounding neighbourhood, while providing alternative accommodations, other than hotels, for families.
- A limit on the number of nights for the operation of short-term rentals to 90 nights per calendar year, including 28 nights during which the registered owner may be absent from their principal residence: This will reduce the impacts of short-term rentals on the surrounding neighbourhood, allow short-term rentals of the entire principal residence without impacting the housing supply, provide options for tourist accommodation by allowing access to the entire principal residence, and provide an income generating opportunity for homeowners to temporarily rent their entire principal residence when they are absent.
- Requirement for a short-term rental business licence to operate a short-term rental: This will further regulate the operation of short-term rentals in Burnaby, ensure compliance with the City's bylaws, allow the City to track the number of short-term rentals in Burnaby, and provide enforcement options for those who violate City bylaws.

To implement the adopted regulatory and enforcement framework for short-term rentals in Burnaby, amendments to a number of City's Bylaws are required. This report, brings forward amendments to the *Burnaby Zoning Bylaw, 1965* (as detailed in Section 3.0 of this report), as well as to the *Burnaby Business Licence Bylaw 2017* (as detailed in Section 4.1 of this report), *Burnaby Business Licence Fees Bylaw 2017* (as detailed in Section 4.2 of this report), and *Burnaby Bylaw Notice Enforcement Bylaw 2009* (as detailed in Section 4.3 of this report) for Council's consideration.

To: *Planning and Development Committee*
 From: *Director Planning and Building*
Director Public Safety and Community Services
 Re: *Short-Term Rentals - Proposed Bylaw Amendments*
 2020 November 18 Page 3

2.0 CITY POLICY FRAMEWORK

The proposed amendments to the Zoning Bylaw, the Business Licence Bylaw, Business Licence Fees Bylaw, and Bylaw Notice Enforcement Bylaw related to short-term rentals support the following City-wide policies:

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.

Social Sustainability Strategy

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

Economic Development Strategy

- G1: Building a Strong, Livable, Healthy Community.
- 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 amendments also align 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***
 - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.
 - Economic Opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.
- ***A Thriving Organization***
 - Communication – Practice open and transparent communication among staff, Council and the community.

To: Planning and Development Committee
 From: Director Planning and Building
 Director Public Safety and Community Services
 Re: Short-Term Rentals - Proposed Bylaw Amendments
 2020 November 18 Page 4

3.0 ZONING BYLAW TEXT AMENDMENTS

To implement the proposed regulatory framework for short-term rentals, the Zoning Bylaw text amendments set out in this Section 3.0 are recommended. Per section 5.0 of this report, these amendments will be effective on 2021 June 1. See *Attachment #1* for proposed wording for the recommended amendments.

3.1 Short-term Rentals Regulations

Definitions

Short-term rentals are generally used for the temporary accommodation of visitors and tourists during their visit. According to the adopted framework, short-term rentals may be permitted in a portion of a dwelling unit (one or more bedrooms with or without access to the rest of the dwelling unit), or an entire dwelling unit subject to a number of conditions.

The Zoning Bylaw defines a “dwelling unit” as a self-contained unit consisting of one or more habitable rooms that is the permanent home or residence of one family only. The Zoning Bylaw does not define “permanent home or residence.” In the absence of a definition for “permanent home or residence”, this term has been used to describe a person’s principal residence providing permanent accommodation for a period of more than 30 consecutive days. This suggests that short-term rentals providing temporary accommodation for visitors are generally used for a period of less than 30 consecutive days at any one time. However, staff review indicates that short-term rentals may also be used by visitors for a period of more than 30 consecutive days.

According to the adopted framework, short-term rental operations will be limited to a maximum of 90 nights per calendar year in any dwelling unit used for this purpose. As such, to provide options for the operators of short-term rentals, and to respond to visitors’ need when longer accommodation is requested, especially during the COVID-19 Pandemic, it is recommended that the duration of each booking not be limited to a maximum of 30 consecutive days. Should this recommendation be adopted, short-term rental operations in any dwelling unit will be limited to a maximum of 90 nights per calendar year without limiting the duration of each booking.

To further clarify the difference between the use of a dwelling unit for the permanent accommodation of residents of a dwelling unit, and the temporary accommodation of guests, it is recommended that the definition of “dwelling unit” be amended. Accordingly, a “dwelling unit” is recommended to be defined as a self-contained unit occupied as the principal residence of one family only. Under the proposed definition, the term “permanent home or residence” is replaced with the term “principal residence”. The recommended definitions for “dwelling unit” and “principal residence” are as follows:

“DWELLING UNIT” means one or more habitable rooms constituting one self-contained unit with a separate entrance, which is occupied or intended to be occupied as a principal residence for one family only. A dwelling unit shall not contain more than one cooking facility.

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“PRINCIPAL RESIDENCE” means a dwelling unit in which one or more occupants of the dwelling unit make their home, and from which such occupant or occupants conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

To differentiate short-term rental from other uses which involve providing accommodation for boarders and lodgers, it is recommended that a new definition for “short-term rental” be added to the Zoning Bylaw in line with the adopted framework. Under the proposed definition for “short-term rental”, one or more rooms within a dwelling unit, or an entire dwelling unit (with the latter only permitted for a maximum of 28 nights per calendar year as per the proposed Business Licence Bylaw amendments) may be used for the temporary accommodation of visitors. The number of guests at any one time shall not exceed four unrelated persons, or six family members related by blood, marriage, adoption or foster care. The maximum number of nights that short-term rental is permitted in any dwelling unit will be regulated in the Business Licence Bylaw. The recommended definition of “short-term rental” under the Zoning Bylaw is as follows:

“SHORT-TERM RENTAL” means a dwelling unit or a portion of a dwelling unit used for the temporary accommodation of the transient public, not exceeding four unrelated persons, or six persons related by blood, marriage, adoption or foster care, at any one time. Short-term rental does not include a boarding use, or a boarding, lodging or rooming house.

Section 6.28 Short-term Rentals

Currently, the Zoning Bylaw does not contain any regulation related to short-term rentals. To regulate short-term rentals in line with the adopted framework, it is recommended that Section 6.28 be added to the Zoning Bylaw based on the following principles:

- **Where short-term rentals will be permitted:** short-term rentals are the commercial use of residential units for tourist accommodation. Short-term rental as a principal use imposes impacts on the surrounding residential neighbourhood, and results in the loss of housing supply through the conversion of dwelling units to tourist accommodation.

As such, it is recommended that short-term rentals be permitted as an accessory use to residential uses, including single and two family dwellings, townhouse and row housing dwellings, and multiple family dwellings. These residential uses are generally permitted in the R Residential, RM Multiple Family Residential, C8 Urban Village Commercial (Hastings), C9 Urban Village Commercial, P11 SFU Neighbourhood, and A Agricultural Districts. To ensure operators of short-term rentals are restricted to the registered owners of dwelling units, it is further recommended that short-term rentals only be permitted in the principal residence of a registered owner of the dwelling unit.

- **Where short-term rentals will not be permitted:** protection of the rental housing supply is one of the objectives of the adopted framework for short-term rentals. In Burnaby, different forms of rental housing are permitted under various land use categories, as follows:

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- market and non-market rental units located in purpose-built rental housing, permitted in the RM, P11/P11e, and a number of C Commercial Districts;
- secondary suites as an accessory use to single family dwellings in a number of R Districts, and the RM6, and A Districts;
- flex-units as an accessory use to multi-family flex-unit permitted in the P11e SFU Neighbourhood District for the accommodation of students;
- dormitory units consisting of rental sleeping units for the accommodation of students or staff affiliated with the institutional uses permitted in the P5 Community Institutional and a number of RM Districts;
- senior citizen housings consisting of rental dwelling units for seniors, permitted in the P5 District;
- residential accommodations consisting of rental sleeping units or dwelling units for the accommodation of students or staff affiliated with the institutional uses permitted in the P6 Regional Institutional, P11, and P11e District;
- supportive housing facilities consisting of rental sleeping units or dwelling units with supportive services such as meal and emergency medical responses, permitted in a number of R or RM Districts, and in the C8, C9, and P5 Districts;
- dwelling units primarily used for a caretaker, watchman, or other persons employed for similar purposes, permitted in the C4, M1, M5 through M8, P1 through P6, and P9 Districts;
- boarding, lodging or rooming houses consisting of rental sleeping units, permitted in a number of R and RM Districts;
- keeping of two boarders or lodgers as an accessory use to dwelling units permitted in the R, RM, M4 Special Industrial, P5, P11, P11e, A, and a number of C Districts; and,
- secondary rental housing units which are the dwelling units provided by homeowners for rental purposes.

To maintain the supply of rental housing, it is recommended that short-term rentals be prohibited in:

- rental units, secondary suites, and flex-units;
- the P5 and P6 Districts to prevent the use of senior citizen housing and residential accommodation affiliated with institutional uses for short-term rentals;
- care taker residences;
- supportive housing facilities; and,
- secondary rental housing units, by requiring that short-term rentals should only be permitted in the principal residence of a registered owner.

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It should be noted that dormitory units will not be subject to short-term rentals requirements of the Zoning Bylaw given that they are not considered a dwelling unit and as such, do not meet the definition of “short-term rentals.”

Short term rentals would not be permitted in supportive housing facilities. Considering that supportive housing facilities are not generally classified as “multiple family dwellings”, they will not be subject to the short-term rentals requirements of the Zoning Bylaw applicable to multiple family dwellings. However, for clarity, it is recommended that “supportive housing

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facilities” be excluded from the definition of “multiple family dwelling”. This will ensure that short-term rentals will not be permitted in supportive housing facilities.

In addition, to mitigate the impacts of short-term rentals on surrounding residential neighbourhoods, including pedestrian and vehicular traffic, noise, and parking, it is recommended that short-term rentals be prohibited in a dwelling unit that contains other residential, institutional, or commercial uses. This would include dwelling units containing in-law suites, boarding uses, child care facilities, group homes, private hospitals, supportive housing facilities, or home occupations that include on-site client services. The operation of short-term rentals in a single family dwelling containing a secondary suite, or a multi-family flex-unit will also be prohibited due to increased impacts on the surrounding neighbourhoods. Considering that short-term rentals provide overnight accommodations, it is further recommended that these operations be prohibited in any accessory building or structure. This would prevent the illegal conversion of accessory buildings to dwelling units.

Exemption of Short-term Rentals from Preliminary Plan Approval

Section 7.3(1) of the Zoning Bylaw requires that any person wishing to undertake a development shall apply for and receive a Preliminary Plan Approval (PPA) prior to issuance of a Building Permit or a Business Licence. A PPA is not required for the operation of home occupations, such as home-based child care facilities, or the keeping of two boarders or lodgers, as accessory uses incidental to the use of dwelling units.

Considering that short-term rentals will be permitted as an accessory use to dwelling units, and due to their similarity to other home occupations, it is recommended that short-term rentals be exempted from the PPA requirements.

Off-street Parking for Short-term Rentals

Parking is one of the main concerns raised by residents with respect to short-term rentals, particularly in single and two family residential neighbourhoods. These concerns primarily relate to difficulties in finding parking in the neighbourhood due to the use of street parking by short-term rental guests, or blocking neighbouring property driveways or entrances. As such, to mitigate the impact of short-term rentals on surrounding neighbours with regards to parking, it is recommended that an additional parking space be required for any single family, two family, and row housing dwelling containing short-term rentals. This requirement is in line with off-street parking requirements of the Zoning Bylaw for secondary suites accessory to single family dwellings.

According to Section 800.6(4) of the Zoning Bylaw, the provided off-street parking for residential uses shall be located on the same lot as the residential building. This requires that short-term rental operators designate an off-street parking space on their property for the specific use of their short-term rental guests.

To facilitate the provision of an additional off-street parking for short-term rentals on the property, it is recommended that the additional parking space may be provided in a tandem arrangement with the parking spaces required for the principal residential use. This would permit the location of parking spaces for short-term rentals on driveways accessing a garage or carport, or in the required front, side or rear yards depending on the configuration of the property. As part of the Business Licence application, a site plan showing the location of the provided parking space will be required to ensure

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the additional parking space is located within the property, and that such arrangement will not interfere with pedestrian and vehicular movement, fire truck and fire hydrant, or any other access.

Subject to Section 800.6(1) of the Zoning Bylaw, off-street parking may not be located within the required front yard, with a number of exceptions. Sections 800.6(2)(a) and 800.6(2)(b) of the Zoning Bylaw also prohibit the location of parking areas in a side yard subject to conditions. If Council adopts the recommendation to require an additional parking space for short-term rentals, further amendments to the Zoning Bylaw would be required to permit the location of such parking space in front yards or side yards, when it is required. This would facilitate the provision of a parking area for a short-term rental on a property without impacting the adjacent street parking.

While the provision of an additional parking space within the property in single family, two family, and row housing dwellings containing short-term rentals is generally feasible, meeting this requirement in townhouse and multiple family dwellings is challenging. These strata-titled developments generally do not contain surplus parking spaces that can be rented or leased for short-term rentals. In addition, the use of visitor parking spaces for short-term rentals may not be permitted by the strata corporation, or an unused privately owned parking space within the development may not be available for rent or lease for the specific use of short-term rentals. These limitations make the operation of short-term rentals impractical, if an additional parking space will be required for any townhouse and multiple family dwellings containing short-term rentals.

Generally the strata corporation is responsible for the management of visitor parking spaces, and the lease or rent of surplus parking spaces that are held in common ownership by the strata corporations. As such, staff recommend that the management and enforcement of parking for short-term rentals be the responsibility of the strata corporation, instead of regulation through the Zoning Bylaw. In dealing with parking issues associated with short-term rentals, strata corporations may choose to prohibit any short-term rental, permit or restrict the use of visitor parking spaces by short-term rentals, or require payment for the use of visitor parking for these purposes.

If Council adopts this recommendation, the Zoning Bylaw will not require an additional parking space for townhouse and multiple family dwellings containing short-term rentals. Applicants of short-term rental business licences located in a townhouse or multiple-family dwelling will be required, under the proposed amendments to the Business Licence Bylaw, to provide a letter of authorization from the strata corporation confirming that the proposed short-term rental is permitted in the strata complex and that the strata corporation has considered the impact of the proposed short-term rental on parking. In addition, staff will continue to monitor street parking in neighbourhoods adjacent to townhouse and multiple family dwellings containing short-term rentals to ensure that the proposed approach will not result in increased complaints regarding street parking, and increased enforcement of the Street and Traffic Bylaw.

3.2 Boarding Uses vs. Short-term Rentals

According to the Zoning Bylaw, the keeping of a maximum of two boarders or lodgers in each dwelling unit may be permitted as a home occupation in the R, RM, M4, P5, P11, P11e, A, and in a number of C Districts. In the absence of a definition for the “keeping of boarder or lodgers”, this has been historically used to allow short-term or long-term accommodation of a person, other than a family member, in a sleeping unit located within a dwelling, with or without meal services, in return for payment.

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If Council adopts the proposed bylaw related to short-term rentals in Burnaby, for clarity and enforcement purposes, it will be necessary to differentiate between short-term rentals and the keeping of boarders or lodgers. As such, it is recommended that “the keeping of boarders or lodgers” be replaced with “boarding use” throughout the Zoning Bylaw, where it is applicable. It is further recommended that “boarding use” be defined as follows:

“BOARDING USE” means the use of one or more sleeping units within a dwelling unit for the accommodation of a maximum of two boarders or lodgers, for a duration of not less than 30 days at any one time. The boarding use may include the provision of meal services, but does not include a short-term rental.

Under the proposed definition for “boarding use”, long-term accommodation (not less than 30 days) of a maximum of two boarders or lodgers within a dwelling unit should be considered as “boarding use.” A dwelling unit containing a boarding use should be occupied as the principal residence of the boarders or lodgers. Unlike short-term rentals, where boarding use is permitted, a dwelling unit may be used for this purpose without any restriction on the number of nights per calendar year. In addition, “boarding use” should not be utilized for the temporary accommodation of the transient public. The following table summarizes and compares the requirements of short-term rentals and boarding uses:

	Short-term Rentals	Boarding Uses
Max. occupancy at any one time	4 unrelated persons, or 6 persons related by blood, marriage, adoption, or foster care	2 persons
Total number of nights per calendar year to operate	90 nights, inclusive of 28 nights to rent out the entire dwelling units	Unlimited
Duration of each stay	The min. duration of a stay is not defined. However, the duration of a stay shall not exceed a max. of 90 nights	A min. of 30 Days
Types of space available for rent	Dwelling unit (up to a max. of 28 nights), or sleeping unit (up to a max. of 90 nights)	Sleeping unit
Types of accommodation	Temporary accommodation of transient public	Principal residence of non-transient public

It is further recommended that an additional 1 parking space for each 2 sleeping units be required for boarding uses where they are located in single family, two family, or row housing dwellings. This parking requirement is in line with the required parking spaces for boarding, lodging or rooming houses. As previously discussed in this report, the additional parking requirement will not apply to townhouse or multiple family dwellings containing boarding uses. To facilitate the provision of an additional parking space on a property containing a boarding use, it is proposed that tandem parking be permitted, provided that the City Engineer is satisfied that such arrangement will not interfere with pedestrian and vehicular movements, fire truck and fire hydrant, or any other access.

3.3 Boarding, Lodging or Rooming Houses vs. Short-term Rentals

According to the Zoning Bylaw, “boarding, lodging or rooming house” is a dwelling containing a minimum of two sleeping units to be rented to more than 2 and not exceeding 15 persons, other than members of the family of the lessee, tenant, or owner. Although not specifically stated in the definition,

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boarding, lodging or rooming houses are generally used for the long-term accommodation of boarders or lodgers as their principal residence.

In order to differentiate between “boarding, lodging or rooming houses” and “short-term rentals”, it is recommended that the definition of “boarding, lodging or rooming house” be amended by excluding “short-term rentals” from “boarding, lodging or rooming houses”.

According to the Zoning Bylaw, “club or lodge” is a building or establishment used by an association or organization for the use of club members and their guests for social or recreational purposes, and may include limited private sleeping units. Considering that sleeping units in a club or lodge are exclusively used for the temporary accommodation of club members for recreational purposes, it is further recommended that “club or lodge” be exempted from the definition of “boarding, lodging or rooming house.”

4.0 BUSINESS LICENCE REGULATIONS AND ENFORCEMENT

In order to adequately regulate and enforce the policy framework for short-term rentals, amendments to the *Burnaby Business Licence Bylaw 2017*, the *Burnaby Business Licence Fees Bylaw 2017*, and the *Burnaby Bylaw Notice Enforcement Bylaw 2009* will be required. Per section 5.0 of this report, these amendments will be effective on 2021 June 1.

4.1 Business Licence Bylaw Regulations

The business regulations for short-term rental operations are proposed to be included in a new Schedule “G” to be attached to the *Burnaby Business Licence Bylaw 2017*. See **Attachment #2** for proposed wording for the regulations. Below is a summary of the key requirements and restrictions.

The proposed regulations require all short-term rental operators obtain a Burnaby Business Licence, and to renew the licence on an annual basis. Advertising a short-term rental would not be permitted without a valid short-term rental business licence.

Only a registered owner of the property, who occupies the dwelling as their principal residence, would be eligible to apply for a short-term rental business licence. Tenants, family members who are not registered on title, or other occupiers of the property would not be eligible to obtain a short-term rental business licence. Corporations also would not be eligible for a short-term rental business licence. To prevent multiple registered owners from obtaining individual licences for a single property, the proposed bylaw regulations would only permit one short-term rental business licence to be issued for a single dwelling unit.

The proposed regulations will require a short-term rental operator or a designated responsible person to attend at the short-term rental within two hours of being requested to do so and be available at all times to respond to any complaints received in respect of the short-term rental.

The proposed regulations will require all short-term rental operators of a short-term rental that is not located in a strata lot (such as single family dwellings, two family dwellings and row housing dwellings) to provide neighbouring properties located within a 30 meter (100 feet) radius an annual notification

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with the name and contact information of the short-term rental operator and an additional “responsible person” (as defined in the proposed bylaw).

The neighbourhood notification requirement will not apply to short-term rentals in a strata lot. Instead, all short-term rental business licence applicants who apply to operate a short-term rental in a strata lot will be required to provide written authorization from the strata corporation as part of their short-term rental business licence application. This requirement will ensure the strata corporation is aware, and permits, the operation of short-term rental within the strata lot.

The proposed bylaw regulations will also require that all short-term rental business licence holders maintain a written record detailing:

- the dates they operated a short-term rental;
- whether the short-term rental operator was present at or absent from the principal residence unit on each of those dates;
- the number of guests for each short-term rental booking;
- copies of receipts or invoices for each short-term rental booking, including the booking date(s); and,
- if applicable, a copy of the notification provided to their neighbours and a record of every address to which the short-term rental operator delivered the notification, and the date the notification was delivered to each address.

All short-term rental business licence holders would be required to provide inspection staff with the above-listed information upon request.

Short-term rental operators would also be required to provide guests with information on relevant City bylaws, including those regarding quiet hours, parking restrictions, and garbage and recycling, and to post a fire safety plan by all entrances and exits to the short-term rental.

4.2 Business Licence Fee

The proposed fee for a short-term rental business licence is \$250 per year (plus an additional \$50 application processing fee that would only be charged in the first year). This licence fee has been established on a cost recovery or partial cost recovery basis and includes the cost of enforcement and administration staff, engaging the services of a third party data management provider, and supplying applicants with information materials.

The following addition to the *Burnaby Business Licence Fees Bylaw 2017* is required in order to implement the proposed licence fee of \$250 for short-term rentals:

Business Category	Initial Licence Fee	Prorated Initial Licence Fee (effective July 1)	Renewal Licence Fee	Shared Location Fee
Short-Term Rental	\$250	N/E	\$250	N/E

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4.3 Bylaw Enforcement and Violations

The *Burnaby Bylaw Notice Enforcement Bylaw 2009* sets out the bylaws and bylaw contraventions that may be dealt with by way of bylaw violation notices. It is recommended that any violation of the proposed short-term rental regulations contained in the Business Licence Bylaw also be enforced through bylaw violation notices. This would require an amendment to the *Burnaby Bylaw Notice Enforcement Bylaw 2009*.

Rather than a complaints-based enforcement approach, an active enforcement approach is proposed. Enforcement staff will work with a third party data monitoring firm to identify properties advertising short-term rentals in Burnaby to ensure these properties are licensed under the Business Licence Bylaw and comply with City bylaws.

The recommended penalty amounts for bylaw violations are as follows:

Burnaby Business Licence Bylaw 2017 - Schedule "G"				
Section	Short Term Rental Regulations	Penalty Amount \$	Discounted Penalty \$ (within 15 days)	Compliance agreement available (50% reduction)
2.1	Failure to obtain a valid business licence	500	400	NO
2.2	Market short-term rental without a business licence	500	400	NO
3.1	Operate short-term rental on property that is not principal residence	500	400	NO
3.4	Failure to list business licence number in marketing material	300	240	YES
3.5	Market more than one short term rental	300	240	YES
3.6	Operate short-term rental for more than 90 nights or be absent for more than 28 nights	500	400	NO
4.2 (a)(i)	Failure to maintain copies of notification	300	240	NO
4.2 (a)(ii)	Failure to maintain record of delivery	300	240	NO
4.2(b)	Failure to provide documents on request	400	320	NO

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Burnaby Business Licence Bylaw 2017 - Schedule "G"				
4.3	Failure to post business licence	200	160	YES
4.4	Failure to provide information to guests	300	240	YES
4.5	Failure to attend	500	400	NO
4.6(a)	Failure to maintain record	300	240	NO
4.6(b)	Failure to maintain copies	300	240	NO
4.6 (c)	Failure to provide documents on request	400	320	NO
4.7	Failure to post fire safety plan	400	320	YES

5.0 PROGRAM COMMENCEMENT DATE, PUBLIC HEARING AND PUBLIC NOTICES, AND COMMUNICATIONS PLAN

5.1 Program Commencement Date

Should the short-term rental regulations and bylaw amendments outlined in this report be adopted by Council in 2021 February, staff propose that the bylaws come into force on 2021 June 1. The delayed commencement date will allow time for the completion of the development of the detailed business licence and enforcement program, including the request for proposal process to hire a third party data management firm, coordinating the reporting content and timing with the third party, training staff on new active enforcement program and development of materials for the business licencing process. To monitor the implementation of the program, staff will bring forward a report regarding a one year review of the Short Term Rental program a year after the commencement date.

5.2 Public Hearing and Public Notices

The Zoning Bylaw text amendments are proposed to be brought forward to the 2021 January 28 Public Hearing. In addition to the Public Hearing for the Zoning Bylaw text amendments, the proposed regulations of the Business Licence Bylaw and Business Licence Fee Bylaw also entail publishing of notices and an opportunity for submissions to be made by those who consider they may be affected by the proposed bylaw amendments. Advertisements in the Burnaby Now newspaper will be posted for both the Public Hearing and the Public Notification as is required by the *Local Government Act* and *Community Charter*.

5.3 Communications Plan

A Communications Plan for the short term rentals program is underway. Initial content for the City's website was developed in Phase 1 of the plan. Phase 2 will focus on communicating opportunities for public input on the proposed regulations that would permit short term rentals. Phase 2 actions include the following:

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- A media release after Council approves the Zoning Bylaw text amendments to go to Public Hearing;
- Social media posts to inform the public about the proposed regulations and opportunities for public input;
- Ads in the Burnaby Now advertising the public input opportunities; and,
- Development of guides for Hosts and Guests, as well as the application process for a short term rental business licence.

Phase 3 of the plan will place emphasis on the information concerning the adopted regulations and business licencing requirements of the program. Actions in this phase will include:

- News release for the adopted program;
- Updated website content, including information on how to obtain a business licence; and,
- Social media posts directing people to the business licence process information and informing the public regarding the program's commencement date.

6.0 CONCLUSION

The above bylaw amendments are proposed in order to implement Council adopted regulatory and enforcement framework for short-term rentals in Burnaby. It is recommended that Council approve the proposed Zoning Bylaw text amendments, as outlined in Section 3.0 of this report, and direct that the amendments be advanced to a future Public Hearing. It is further recommended that Council approve the proposed amendments to the *Burnaby Business Licence Bylaw 2017*, *Burnaby Business Licence Fees Bylaw 2017* and *Burnaby Bylaw Notice Enforcement Bylaw 2009*, as outlined in Section 4.0 of this report. The effective date of these bylaw amendments are proposed to be 2021 June 1.


 for: E.W. Kozak, Director
 PLANNING AND BUILDING


 Dave Critchley, Director
 PUBLIC SAFETY AND COMMUNITY
 SERVICES

PS/DL/CS:tn
Attachments

cc: City Manager
 Director of Engineering
 Director Public Safety and Community Services
 City Solicitor

Director Finance
 Director Corporate Services
 Chief Building Inspector
 City Clerk

ATTACHMENT #1

PROPOSED ZONING BYLAW AMENDMENTS

1. **THAT** Section 3.0 of the Zoning Bylaw be amended by adding new definitions for “boarding use”, “flex-unit”, “principal residence”, and “short-term rental” with wording the same or similar to the following:

“BOARDING USE” means the use of one or more sleeping units within a dwelling unit for the accommodation of a maximum of two boarders or lodgers, for a duration of not less than 30 days at any one time. Boarding use may include the provision of meal services, but does not include a short-term rental.

“FLEX-UNIT” means an accessory dwelling unit within a multi-family flex-unit.

“PRINCIPAL RESIDENCE” means a dwelling unit in which one or more occupants of the dwelling unit make their home, and from which occupant or occupants conduct their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

“SHORT-TERM RENTAL” means a dwelling unit or a portion of a dwelling unit used for the temporary accommodation of transient public, not exceeding four unrelated persons, or six persons related by blood, marriage, adoption or foster care, at any one time. Short-term rental does not include a boarding use, or a boarding, lodging or rooming house.

2. **THAT** the definitions of “boarding, lodging or rooming house”, “dwelling unit” and “multiple family dwelling” in section 3.0 of the Zoning Bylaw be amended with wording the same or similar to the following:

“BOARDING, LODGING OR ROOMING HOUSE” means a dwelling in which more than 2 sleeping units are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the family of the lessee, tenant or owner, and excludes the preparation of meals within the rented units. Boarding, lodging and rooming house does not include a short-term rental, or a club or lodge.

“DWELLING UNIT” means one or more habitable rooms constituting one self-contained unit with a separate entrance, which is occupied or intended to be occupied as a principal residence of one family only. A dwelling unit shall not contain more than one cooking facility.

“DWELLING, MULTIPLE FAMILY” means any building consisting of three or more dwelling units, but does not include a supportive housing facility.

3. **THAT** the definition of “home occupation” in section 3.0 of the Zoning Bylaw be amended by repealing paragraph (b) and replacing it with wording the same or similar to the following:

(b) boarding use,

ATTACHMENT #1

4. **THAT** section 6.7.1(1)(h) of the Zoning Bylaw be amended by replacing the words “keeping of boarders or lodgers” with the words “a boarding use”.
5. **THAT** paragraph (a) in section 6.8A(4) of the Zoning Bylaw be repealed and replaced with the words “a boarding use”.
6. **THAT** Section 6.28 be added to the Zoning Bylaw with wording the same or similar to the following:

6.28 Short-term Rentals:

- (1) short-term rental may be permitted as an accessory use to a single family dwelling, two-family dwelling, row housing dwelling, town house dwelling, and multiple family dwelling in R, RM, C8, C9, P11, and A Districts, all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, subject to the following conditions:
 - (a) short-term rental shall only be permitted in the principal residence of a registered owner of the dwelling unit;
 - (b) short-term rental shall not be permitted in:
 - (i) a rental unit;
 - (ii) a single family dwelling containing a secondary suite, including within the secondary suite;
 - (iii) a multi-family flex unit, including within the flex-unit;
 - (vi) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes;
 - (v) a dwelling unit that contains an in-law suite, a boarding use, a boarding, lodging or rooming house, a child care facility, a home-based child care facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services; and
 - (iv) an accessory building or structure;
7. **THAT** Section 7.3(1)(h) be added to the Zoning Bylaw with wording the same or similar to the following:
 - (h) Short-term rental.
8. **THAT** section 800.4(4.1) be added to the Zoning Bylaw with wording the same or similar to the following:

<ol style="list-style-type: none"> (4.1) Boarding use within single family dwellings, two family dwellings, and row housing dwellings. 	<ol style="list-style-type: none"> 1 for each 2 sleeping units. Parking spaces may be provided in tandem with parking space provided for the principal residential use, provided that the City Engineer is satisfied that such arrangement will not interfere with pedestrian and vehicular movement, fire truck and fire hydrant, or any other access.
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ATTACHMENT #1

9. **THAT** section 800.4(42) be added to the Zoning Bylaw with wording the same or similar to the following:

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|------|--|--|
| (42) | Short-term rental within single family dwellings, two family dwellings, and row housing dwellings. | 1 for each dwelling unit, or a portion of a dwelling unit that is used for short-term rentals, in addition to the required parking space for the principal residential use. Parking space for short-term rental may be provided in tandem with parking space provided for the principal residential use, provided that the City Engineer is satisfied that such arrangement will not interfere with pedestrian and vehicular movement, fire truck and fire hydrant, or any other access. |
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10. **THAT** section 800.6(7) be added to the Zoning Bylaw with wording the same or similar to the following:

- (7) Notwithstanding anything in this section contained, the required off-street parking space for a short-term rental may be located within a required front yard or a side yard.

PROPOSED SCHEDULE TO BUSINESS LICENCE BYLAW

SCHEDULE "G"
SHORT-TERM RENTAL REGULATIONS

1.0 Definitions**1.1 In this Schedule,**

"dwelling unit"	has the same meaning as in the <i>Zoning Bylaw</i> ;
"market"	means to offer for sale, promote, canvass, solicit, advertise, or facilitate short-term rental , and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online;
"multiple family dwelling"	has the same meaning as in the <i>Zoning Bylaw</i> ;
"neighbour"	means an owner or occupier of a property located within a 30 meter (100 feet) radius of the short-term rental operator's principal residence unit , where such distance is measured from the perimeter property lines of such principal residence unit , provided that where a property located within such 30 meter (100 feet) radius of the short-term rental operator's principal residence unit is a multiple family dwelling that is managed and controlled by a strata corporation , "neighbour" means the strata corporation of such multiple family dwelling;
"notification"	means the information that a short-term rental operator delivers to their neighbours in accordance with section 4.1 of this Schedule;
"principal residence unit"	means the dwelling unit which a registered owner of the dwelling unit makes their home and from which such registered owner conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills;
"responsible person"	means a person designated by the short-term rental operator who, at all times that the short-term rental is operated, has access to the short-term rental and authority to make decisions in relation to the short-term rental and the rental agreement;
"row housing dwelling"	has the same meaning as in the <i>Zoning Bylaw</i> ;
"short-term rental"	has the same meaning as in the <i>Zoning Bylaw</i> ;
"short-term rental operator"	means a person who carries on the business of providing short-term rental ;
"single family dwelling"	has the same meaning as in the <i>Zoning Bylaw</i> ;
"strata corporation"	has the same meaning as in the <i>Strata Property Act</i> ;
"strata lot"	has the same meaning as in the <i>Strata Property Act</i> ;
"Strata Property Act"	means the <i>Strata Property Act</i> , as amended or replaced from time to time,
"two family dwelling"	has the same meaning as in the <i>Zoning Bylaw</i> ; and
"Zoning Bylaw"	means the <i>Burnaby Zoning Bylaw, 1965</i> , as amended or replaced from time to time.

ATTACHMENT #2

2.0 Licence Required

- 2.1 No person shall carry on business as a **short-term rental operator** without having first obtained a **business licence** to do so from the **Chief Licence Inspector**.
- 2.2 No person shall **market** any **short-term rental** unless they hold a **business licence** as a **short-term rental operator** for that **short-term rental**.
- 2.3 The **Chief Licence Inspector** may not issue more than one **business licence** for a **short-term rental operator** for a **dwelling unit**.
- 2.4 Without limiting the generality of section 4.1(d) of this **Bylaw**, a person applying for the issuance or renewal of a **business licence** to carry on business as a **short-term rental operator** shall:
 - (a) provide, in the form satisfactory to the **Chief Licence Inspector**, evidence that the **dwelling unit** in which the **short-term rental** will be operated is the applicant's **principal residence unit**; and
 - (b) if the short-term rental is located within a **strata lot**, provide authorization from the **strata corporation** in the form satisfactory to the **Chief Licence Inspector**.

3.0 Regulations

- 3.1 No person shall carry on business as a **short-term rental operator** unless the **short-term rental** being provided is in the **principal residence unit** of that person.
- 3.2 No person may hold more than one **business licence** as a **short-term rental operator**.
- 3.3 No corporation may carry on the business of a **short-term rental operator**.
- 3.4 A **short-term rental operator** shall not **market** the **short-term rental** they are licensed to provide without including their City of Burnaby **business licence** number in a conspicuous place in any medium or material used to **market** the **short-term rental**.
- 3.5 A **short-term rental operator** shall not **market** more than one **short-term rental** under their **business licence**.
- 3.6 A **short-term rental operator** shall not operate a **short-term rental** for more than 90 nights in a calendar year, provided further that of those 90 nights, a **short-term rental operator** may not be absent from their **principal residence unit** for more than 28 nights. For clarity, the aforementioned 90 nights and 28 nights do not need to be consecutive nights.

4.0 Short-Term Rental Operator Obligations

- 4.1 A **short-term rental operator** whose **principal residence unit** is a **single family dwelling**, **two family dwelling**, or **row housing dwelling**, shall deliver the following information to their **neighbours** on an annual basis at least 10 days prior to the first day in a calendar year that a **short-term rental operator** operates a **short-term rental**:
 - (a) the name and telephone contact information of the **short-term rental operator** and a **responsible person**; and
 - (b) such other information as may be required by the **Chief Licence Inspector**, all in form and content satisfactory to the **Chief Licence Inspector**.
- 4.2 A **short-term rental operator** shall:
 - (a) maintain for each calendar year in which they operate a **short-term rental**:
 - (i) a copy of the **notification** provided to their **neighbours**; and
 - (ii) a record of every address to which the **short-term rental operator** delivered the **notification**, and the date the **notification** was delivered to each address; and
 - (b) upon request, provide to an **Inspector** the documents referred to in sections ☐ and ☐ of this Schedule.

ATTACHMENT #2

- 4.3 A **short-term rental operator** shall at all times post a copy of their **short-term operator business licence** in a conspicuous place within the **short-term rental**.
- 4.4 A **short-term rental operator** shall provide the following information to guests in a **short-term rental**:
- (a) the name and telephone number of the **short-term rental operator** and a **responsible person** for emergency contact purposes;
 - (b) information on relevant City bylaws, including those regarding quiet hours, parking restrictions, and garbage and recycling; and
 - (c) such other information as required by the **Chief Licence Inspector**.
- 4.5 A **short-term rental operator** or **responsible person** shall attend at the **short-term rental** within two hours of being requested to do so and be available at all times to respond to complaints received in respect of the **short-term rental**.
- 4.6 A **short-term rental operator** shall:
- (a) maintain a written record, in English, of:
 - (i) the dates they operated a **short-term rental**;
 - (ii) whether the **short-term rental operator** was present at or absent from the **principal residence unit** on each of those dates; and
 - (iii) the number of guests for each **short-term rental** booking;
 - (b) maintain copies of receipts or invoices for each **short-term rental** booking; and
 - (c) upon request, provide to an **Inspector** the documents referred to in sections 4.6(a) and (b) of this Schedule.
- 4.7 A **short-term rental operator** shall post a fire safety plan by all entrances and exits to the **short-term rental**.