

PLANNING AND DEVELOPMENT COMMITTEE

TO: MAYOR AND COUNCILLORS

SUBJECT: PROPOSED DEVELOPMENT PROCEDURES BYLAW AMENDMENTS

RECOMMENDATIONS:

1. **THAT** the proposed amendments to *Burnaby Development Procedures Bylaw 2022*, as described in Section 3.0 of the report titled “Proposed Development Procedures Bylaw Amendments” dated June 25, 2024, be approved; and

THAT the City Solicitor be authorized to bring forward amendments to *Burnaby Development Procedures Bylaw 2022*, effective July 22, 2024, substantially as set out in **Attachment 1** of the report.

2. **THAT** staff be directed to report back to Council on the applications submitted and approved in regard to delegated authority of the *Burnaby Development Procedures Bylaw* within one year of the proposed amendments coming into force.

REPORT

The Planning and Development Committee, at its meeting held on June 25, 2024, received and adopted the attached report proposing amendments to the *Burnaby Development Procedures Bylaw*. The Committee adopted the recommendations in the report and brought forward an additional recommendation for staff to report back to Council on the applications submitted and approved regarding delegated authority of the *Burnaby Development Procedures Bylaw* within one year of the proposed amendments coming into force.

On behalf of the Planning and
Development Committee,

Mayor Mike Hurley
Chair

Councillor Pietro Calendino
Vice Chair

TO: PLANNING AND DEVELOPMENT COMMITTEE (PDC)

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: PROPOSED DEVELOPMENT PROCEDURES BYLAW AMENDMENTS

PURPOSE: To propose amendments to the *Burnaby Development Procedures Bylaw*.

RECOMMENDATION

THAT the proposed amendments to *Burnaby Development Procedures Bylaw 2022*, as described in Section 3.0 of the report titled “Proposed Development Procedures Bylaw Amendments” dated June 25, 2024, be approved; and

THAT the City Solicitor be authorized to bring forward amendments to *Burnaby Development Procedures Bylaw 2022*, effective July 22, 2024, substantially as set out in **Attachment 1** of the report.

EXECUTIVE SUMMARY

This report provides a summary of proposed changes to the *Burnaby Development Procedures Bylaw 2022* (“Development Procedures Bylaw”) in support of the City’s housing objectives and the implementation of recent provincial legislation and anticipated small-scale multi-unit housing zoning provisions. The proposed amendments expand the criteria for minor variances in alignment with granted legislative authority and revise the public notification process for Development Variance Permits (DVPs) and Temporary Use Permits (TUPs).

1.0 POLICY SECTION

The proposed amendments to the *Burnaby Development Procedures Bylaw, 2022* (“Development Procedures Bylaw”) generally align with the following provincial legislation and City bylaws and policies, including:

- *Local Government Act* (2015)
- Corporate Strategic Plan (2022)
- Public Notice Bylaw (2023)
- HOME: Burnaby’s Housing and Homelessness Strategy (2021)
- Mayor’s Task Force on Community Housing Final Report (2019)

2.0 BACKGROUND

Development Procedures Bylaw and Minor Variances

The Development Procedures Bylaw defines the procedure for the review and issuance of Temporary Use Permits (TUPs) and Development Variance Permits (DVPs), which can vary the provisions of certain City bylaws, including the Burnaby Zoning Bylaw, 1965 (“Zoning Bylaw”). Specifically, the Development Procedures Bylaw outlines procedures related to permit application, public notice requirements, and permit approval. The Bylaw also outlines the criteria and processing procedures for DVPs for minor variances. The issuance of DVP for minor variances is delegated to the General Manager Planning and Development, with a property owner entitled to have Council reconsider a decision of the General Manager by submitting a request for reconsideration to the City’s Corporate Officer.

Since the adoption of the Development Procedures Bylaw in 2022, staff have had time to evaluate the processes and procedures contained within the bylaw and identify efficiencies and opportunities for refinement. This includes opportunities for better aligning requirements of the Development Procedures Bylaw with related City bylaws and provincial legislation, and by eliminating requirements that are overly onerous on applicants, and/or staff and Council resources.

Alignment with Other City Initiatives

On April 15, 2024, Council received a report regarding amendments to the Zoning Bylaw, proposed in response to recent changes to the LGA as part of *Bill 44-2023 Housing Statutes (Residential Development) Amendment Act, 2023* (“Bill 44”). The amendments included provisions to permit small-scale multi-unit housing (SSMUH) in single- and two- family zoning districts, introducing new building forms and flexible configurations that will come into effect on July 1, 2024. As staff anticipate a need for greater flexibility in implementing zoning provisions and addressing unique site constraints in a timely fashion, amending the scope of DVPs for minor variance to align with that granted by the LGA will aid in the implementation of new SSMUH provisions. In particular, an amended minor variance DVP process will streamline development approvals regarding such situations as irregularly shaped lots, steep sites, and sites with opportunities for heritage retention. Minor variance DVPs are a tool for dealing with unique site contexts in an expeditious manner while still meeting the intent of the City’s established development regulations and policies. Therefore, it is critical that the City’s DVP framework is efficient and effective at dealing with them should they arise.

The proposed changes are also supported by Action 1.2 of HOME: Burnaby’s Housing and Homelessness Strategy, which identifies the need to review regulatory requirements and consider ways to streamline the approval process for housing applications.

Objective of Proposed Amendments

Considering the preceding, the proposed bylaw amendments aim at achieving the following:

- Better alignment between the requirements of the Development Procedures Bylaw with those of the LGA and Zoning Bylaw.
- Greater flexibility in implementing new zoning provisions associated with the proposed SSMUH Zoning Bylaw amendments, including greater agility in addressing unique site constraints.
- Expedited processing times for minor variance DVP applications.
- Reduced administrative burden on both staff and Council.

Section 3.0 of this report provides a summary of the proposed changes to the Development Procedures Bylaw, which are supported by both Planning and Development and Legislative Services. **Attachment 2** provides a general list of the provisions of the City’s bylaws which may be varied through the DVP application process and the proposed approach to support these variances, as an update to the table provided to Council as Appendix 1 in the Council report titled “Framework for Establishing Development Variance Permits and Processes”, dated July 25, 2022.

3.0 GENERAL INFORMATION

The proposed text amendments are summarized below and detailed in **Attachment 1**. The majority of the amendments relate to issuance of DVPs for minor variances, which has been delegated to the General Manager Planning and Development under the Development Procedures Bylaw. Other amendments relate to public notification and signage for TUPs and DVPs. If supported by Council, the effective date of the bylaw amendments is proposed to be July 22, 2024.

Criteria for Minor Variances (Bylaw Part 4A.1 & 4A.2)

- In alignment with the LGA, amend the scope of minor variances to:
 - remove the exclusions from minor variance DVPs for the siting, size, and dimensions of fences, retaining walls, clearance at intersections, lot coverage, and floor areas of dwelling units within the Zoning Bylaw;
 - include variances to off-street parking space requirements within the Zoning Bylaw;
 - include variances to screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment within the Zoning Bylaw; and
 - include variances to requirements under the *Burnaby Sign Bylaw 1972* (“*Sign Bylaw*”).
- Allow minor variances to vary up to 50 percent of the applicable requirements (up from the current 25 percent), except in the case of building or structure heights, which would remain at a maximum of 25 percent. For variances to the number of off-street parking spaces, where payment-in-lieu of parking is being provided to the maximum 30 percent of parking spaces as currently allowed in the Zoning

Bylaw, the General Manager may further reduce the amount of required parking up to 50 percent of the required off-street parking spaces.

- Allow minor variances for the same scope of variances (see first bullet) to CD Districts, provided the variance is up to 50 percent (or 25% in the case of building or structure heights) of the requirement under the current Zoning Bylaw for the underlying Zoning District(s). This provision would allow for sites that have received CD zoning approval to benefit from the latest progressive Zoning Bylaw regulations and reduce the need for further rezoning applications for existing CD Districts.

Guidelines for Minor Variances (Bylaw Part 4A.3)

- Reduce the current number of guidelines by combining guidelines (c) regarding neighbourhood compatibility with guideline (d) regarding significant impacts on adjacent uses, and also by eliminating guideline (e) regarding meeting the intent of the *Zoning Bylaw* as it is redundant.

Public Notification (Bylaw Part 5.1 & 5.2)

- Remove the public notice requirement for DVP applications for minor variances, except where Council is reconsidering a decision of the General Manager Planning and Development. The LGA does not require public notice for minor variance DVPs.
- Reduce the delivery area for all other notices under the bylaw (i.e. for TUPs and Council consideration and reconsideration of DVPs) from 50 m to 30 m of the subject site to align with notification requirements for rezoning applications under the Zoning Bylaw.

Signage (Bylaw Part 5.3)

- Remove the requirement for applicants to post a sign on the subject site in respect to minor variance DVP applications.
- For TUPs and Council consideration and reconsideration of DVPs, reduce the length of time a sign must be posted from 30 days to 10 days prior to the date of the Council meeting.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Information on updated requirements and process will be provided on the City’s web site.

5.0 FINANCIAL CONSIDERATIONS

The proposed amendments will reduce processing resources for City staff and applicants.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – Proposed Bylaw Amendments
- Attachment 2 – Approach to Vary the Requirements of City Bylaws

REPORT CONTRIBUTORS

This report was prepared by Cody Bator, Planning Analyst and reviewed by Andrew Macaulay, Planner 2, Mark Norton, Senior Planner, Carl Isaak, Director Neighbourhood Planning and Urban Design, May Leung, City Solicitor, Eugenia Adamovitch, Staff Solicitor, and Lee-Ann Garnett, Deputy General Manager, Planning and Development.