

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **TRANSIT-ORIENTED AREA DESIGNATIONS**
PURPOSE: To recommend a bylaw to designate Transit-Oriented Areas (TOAs) as required by Provincial Legislation and Regulations.

RECOMMENDATION

THAT the Transit-Oriented Areas, as described in Section 3.0 of the report entitled “Transit-Oriented Area Designations”, dated May 27, 2024, be approved; and

THAT the City Solicitor be authorized to bring forward a bylaw to designate Transit-Oriented Areas, as set out in Section 3.0 and Attachment 1 of the report entitled “Transit-Oriented Area Designations”, dated May 27, 2024.

1.0 POLICY SECTION

The proposed TOA Designation Bylaw aligns with the following Council-adopted policies and Provincial Legislation:

- Corporate Strategic Plan (2022),
- Official Community Plan (1998),
- *Local Government Act (2015) (Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023)*
- Local Government Transit-Oriented Areas Regulation, BC Reg. 263/2023 (OIC No. 674)
- Designation of Transit-Oriented Areas Regulation, BC Reg. 266/2023 (OIC No. 677 and 678)
- Burnaby Transportation Plan (2021),
- Burnaby Zoning Bylaw (965)

2.0 BACKGROUND

In November 2023, the Provincial Government enacted amendments to the *Local Government Act* by way of “Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023” (Bill 47) to allow the Province to require local governments to designate transit-oriented areas (TOAs) surrounding specified Skytrain stations and bus exchanges on the basis of regulations prescribed by the Province. In addition, Bill 47 prohibits local governments from requiring off-street parking, except for parking for persons with disabilities, for residential buildings with TOAs. On December 7, 2024, the Province issued the following TOA regulations:

- Local Government Transit-Oriented Areas Regulation, BC Reg. 263/2023 (OIC No. 674 and 678)
- Designation of Transit-Oriented Areas Regulation, BC Reg. 266/2023 (OIC No. 677)

(collectively, TOA Regulations)

The TOA Regulations together designate transit stations (including Skytrain stations and bus exchanges) for TOAs, the distances from these transit stations that must be designated as TOAs, the density and height requirements within TOAs, and exemptions related to TOAs.

Guidance was released by way of the Provincial Policy Manual: Transit Oriented Areas in December 2023, and updated in March 2024. As required by Bill 47 and the TOA Regulations, local governments are required to designate TOAs within 800m of a rapid transit station (SkyTrain) or 400m of designated bus exchanges, in line with mandated height and density minimums for areas within specified distances (i.e. 200m, 400m and 800m) from designated transit stations. The initial designation by regulation of Transit-Oriented Areas, Order in Council (OIC) No. 677, resulted in the immediate designation of eight (8) of sixteen (16) TOAs in Burnaby, effective December 7, 2024. The second regulation, OIC 678, amended the Local Government Transit Oriented Areas Regulation to require local governments to designate, by bylaw, all TOAs in respect to the transit stations listed, inclusive of the initial eight (8) TOAs under OIC No. 677 plus an additional eight (8) TOAs within or that affect Burnaby, prior to June 30, 2024.

The following report provides a brief outline of the legislated requirements for establishing the TOA designations, the considerations that must be given in the preparation of the TOA Designation Bylaw, and an outline of exempted and limited properties contained within the proposed TOA Designation Bylaw.

3.0 TRANSIT ORIENTED AREA DESIGNATIONS

3.1 TOA Designation Bylaw Requirements and Considerations

The Provincial Policy Manual: Transit Oriented Areas - March 2024, outlines the specific requirements and considerations that must be taken in preparation of a TOA Designation Bylaw. Requirements and considerations for the designation of TOAs are as follows:

- Confirm the Transit Station Category
- Confirm the Locations and Types of TOA
- Confirm the Density Required
- Map all TOAs
- Designate TOAs by Bylaw
- Prepare TOA Plans (optional but encouraged)
- Implement Density Requirements

In preparing the TOA designations the preceding considerations and requirements have been taken into account, as outlined in Sections 3.2 to 3.5 of this report. With respect to preparing TOA Plans, it is noted that under Bill 47 and TOA Regulations, an amendment to the Official Community Plan (OCP) to reflect the TOA designations is not required prior to adopting a TOA Designation Bylaw. However, in developing, amending or adopting an OCP, Zoning Bylaw or other bylaws to support implementation of Bill 47 and TOA Regulations, local governments must adhere to all relevant legislation and regulations, and must consider the guidelines in the Provincial Policy Manual: Transit Oriented Areas.

Heights and densities designated in Council adopted OCP or Community Plans may be greater than those required by Bill 47 and TOA Regulations, as reflected in the proposed TOA Designation Bylaw. Where the Community Plans or OCP provide for greater heights or densities, those Plans would apply in place of the Provincial minimum height and density requirements when staff are receiving and reviewing site specific rezoning applications for Council’s consideration. It is noted that while Council may not reject applications within TOAs that meet the minimum heights and densities in the TOA Regulations, Council is not required to approve a rezoning proposed in excess of the minimum heights and densities, and continues to have the authority to include other requirements or prerequisite conditions as part of approval of the rezoning application.

3.2 Prescribed Transit Stations and Minimum Densities and Heights

As established by the TOA Regulations, sixteen (16) transit stations have been identified that are within or affect land within Burnaby, as outlined in Table 1 below.

TOA Transit Station	Co-ordinates (Long)	Coordinates (Lat)	Type	Radius
Joyce-Collingwood Station	-123.031791	49.238399	Rail Station	800m
Patterson Station	-123.012429	49.229670	Rail Station	800m
Metrotown Station	-123.003792	49.225763	Rail Station	800m
Royal Oak Station	-122.988413	49.220057	Rail Station	800m
Edmonds Station	-122.959177	49.212058	Rail Station	800m
22 nd Street Station	-122.948932	49.200050	Rail Station	800m
Burquitlam Station	-122.889853	49.261420	Rail Station	800m
Lougheed Town Centre Station	-122.896870	49.248542	Rail Station	800m
Production Way - University Station	-122.918190	49.253408	Rail Station	800m
Lake City Station	-122.939024	49.254612	Rail Station	800m
Sperling – Burnaby Lake Station	-122.963843	49.259157	Rail Station	800m
Brentwood Town Centre Station	-123.001649	49.266378	Rail Station	800m
Holdom Station	-122.982122	49.264723	Rail Station	800m
Gilmore Station	-123.013492	49.264950	Rail Station	800m
Rupert Station	-123.032850	49.260754	Rail Station	800m
Kootenay Loop	-123.026260	49.281284	Bus Exchange	400m

Table 1 – Burnaby TOA Areas

The TOAs for eight (8) of the sixteen (16) transit stations as indicated in **bold** in Table 1 have already been designated by the Province as part of the TOA Regulations (OIC No. 677) on December 7, 2023. The remaining eight (8) transit stations are designated effective June 30, 2024 and local governments must adopt bylaws prior to this effective date to establish the TOAs for all sixteen (16) transit stations. With respect to the required TOA Designation Bylaw, the prescribed minimum heights and densities for specified distances from transit stations within or that affect Burnaby are outlined in Table 2 – Burnaby TOA Height and Density Framework below.

TOA Transit Station	Transit Station Type	Prescribed Distance	Minimum Allowable Density (FAR)	Minimum Allowable Height (Storeys)
Joyce-Collingwood Patterson Metrotown Royal Oak Edmonds 22 nd Street Burquitlam Lougheed Town Centre Production Way - University Lake City Sperling – Burnaby Lake Brentwood Town Centre Holdom Gilmore Rupert	1) SkyTrain Metro Vancouver	< 200m	Up to 5.0	20
		201m – 400m	Up to 4.0	12
		401m – 800m	Up to 3.0	8
Kootenay Loop	2) Bus Exchange Metro Vancouver	< 200m	Up to 4.0	12
		201m – 400m	Up to 3.0	8

Table 2 – Burnaby TOA Height and Density Framework

Transit station types that affect Burnaby are Category 1 SkyTrain in Metro Vancouver, and Category 2 Bus Exchange or West Coast Express in Metro Vancouver.

3.3 Exemptions and Limitations

Guidance provided by the Province under the Provincial Policy Manual: Transit-Oriented Areas - March 2024 outlines few circumstances for which TOA designations may be exempted or limited. As set out in Bill 47 and the TOA Regulations, the minimum heights and densities required for TOA designations apply to properties within TOA tier boundaries and are zoned to permit residential use, except where the residential use is ancillary or secondary to an industrial or agricultural use under the zoning bylaw. The minimum heights and densities also do not apply to land that is not zoned for residential uses, i.e. commercial, industrial or institutional uses only.

Further, there are circumstances for which local government bylaw requirements, or Federal or Provincial statutes are applicable, the provisions of which supersede or have a limiting effect on the minimum heights and densities under the TOA Regulations, including:

- Agricultural Land Reserve (e.g. *Agricultural Land Commission Act*)
- Airport Zoning Regulations (e.g. *Aeronautics Act*)
- Federal Crown Land
- Flood Plains, Hazard Areas, Riparian Areas and other Environmentally Sensitive Areas (e.g. *Riparian Areas Regulation, Environmental Protection and Management Regulation*)
- Heritage objects and sites that are subject to heritage designation bylaw and/or heritage revitalization agreement

A review of the above noted exemptions and limitations with respect to properties within the identified Burnaby TOAs has been completed and three groupings of properties have been identified:

1. Properties to which the TOA designation does not apply as they are not zoned for any residential use or the residential use is ancillary or secondary to industrial or agricultural use
2. Properties to which the TOA designation does apply as they are zoned for residential use and the ancillary or secondary residential use exemption does not apply
3. Properties that are limited as a result of City bylaws, or Federal and Provincial statutes

With respect to properties that are noted with TOA Limitation in Attachment 1, they include those affected by Streamside Protection and Enhancement Area (SPEA) requirements under the Burnaby Zoning Bylaw and Riparian Area Protection Regulation, affected by Employment or Industrial designations under the Metro Vancouver Regional Growth Strategy (RGS), or those that are located within the Fraser River Flood Plain. As such, those properties that are noted with TOA Limitation in Attachment 1 may not be developed in accordance with the minimum heights and densities prescribed and may be proposed for an alternate form of development, or may require alternate approval processes e.g. RGS amendment. In extreme circumstances where a site is undevelopable due to site constraints, such as those limited by required SPEA setbacks, future recommendations to add select properties to the City’s park and open space inventory may be made.

3.4 TOA Parking Requirements

Changes to the *Local Government Act* through Bill 47 restricts local government from requiring residential off-street parking in TOAs, with the exception of parking for persons with disabilities. Commercial parking requirements are unaffected within TOAs. Applicants will be able to propose projects that include residential off-street parking voluntarily. In response to these restrictions, the Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 1, 2024 (Bylaw No.14636) was brought forward and received Final Adoption at the March 11, 2024 Council meeting. This amendment bylaw includes the following change to Section 800.4 (1): Residential Uses located within a transit-oriented development area – No parking required.

3.5 TOA Designation Bylaw and Next Steps

Sketches identifying the TOAs in accordance with the distances and minimum height and density requirements under Bill 47 and the TOA Regulations (as outlined in Table 2 of this report) are included in this report under Attachment 1 - TOA Designation Boundaries. The sketches are compliant with Bill 47, the TOA Regulations and the guidance outlined in the Provincial Policy Manual: Transit-Oriented Areas - March 2024. TOAs for all sixteen (16) designated transit stations within or that affect Burnaby (as outlined in Table 1 of this report) have been identified in these sketches. The attached sketches, along with Tables 1 and 2 in this report, will be included in the proposed TOA Designation Bylaw. It is proposed that the TOA Designation Bylaw be effective on June 30, 2024, in order to satisfy the Provincial deadline for adopting a bylaw to implement TOAs.

With the approval of the recommendations contained within this report, the City Solicitor will bring forward the proposed TOA Designation Bylaw for First, Second and Third Readings at the June 10, 2024 Open Council meeting and consideration of Final Adoption at the June 24, 2024 meeting.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

While community feedback has been received by the City in relation to the Provincial requirement to designate TOAs within Burnaby, public consultation on the proposed TOA Designation Bylaw is not a requirement under Bill 47. Further, since the TOA distances and minimum heights and densities are mandated by Provincial legislation and regulations, Council is not able to take into consideration community feedback in adopting the proposed TOA Designation Bylaw.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations directly related to the proposed TOA Designation Bylaw.

Respectfully submitted,

Lee-Ann Garnett, Acting General Manager Planning and Development

ATTACHMENTS

Attachment 1 – TOA Designation Boundaries

REPORT CONTRIBUTORS

This report was prepared by Johannes Schumann, Director Community Planning, and reviewed by May Leung, City Solicitor.