

TO: PLANNING AND DEVELOPMENT COMMITTEE (PDC)
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **ZONING BYLAW AMENDMENTS – SHORT-TERM RENTALS AND EV CHARGING**
PURPOSE: To propose amendments to the Burnaby Zoning Bylaw to permit short-term rentals in buildings that contain secondary suites and to clarify EV parking requirements.

RECOMMENDATION

THAT the proposed amendments to Burnaby Zoning Bylaw, 1965, as described in Section 3.0 of the report titled “Zoning Bylaw Amendments – Short-Term Rentals and EV Charging” dated November 13, 2024, be approved;

THAT the City Solicitor be authorized to bring forward amendments to Burnaby Zoning Bylaw, 1965, substantially as set out in Attachment 1 of the report; and

THAT a Public Hearing not be held for the proposed amendments to Burnaby Zoning Bylaw, 1965 described in the report, as they are consistent with the Burnaby Official Community Plan.

1.0 POLICY SECTION

The proposed amendments to the Zoning Bylaw align with the following City policies:

- Corporate Strategic Plan (2022);
- Burnaby Official Community Plan (1998);
- Burnaby Economic Development Strategy (2007);
- The Burnaby Social Sustainability Strategy (2011);
- Community Energy and Emissions Plan (2016);
- Environmental Sustainability Strategy (2016); and
- Climate Action Framework (2020);

2.0 BACKGROUND

As part of the ongoing review of the Zoning Bylaw, which typically takes place in the context of development enquiries and discussions regarding the intent of the Zoning Bylaw, text amendments are brought forward from time to time. Text amendment reports are submitted in order to clarify the intent of the regulations and to respond to changes in related City policy and legislation as well as changes in forms of development, land uses and social trends.

This report presents Zoning Bylaw amendments regarding:

- expanding opportunities for short-term rentals (STRs); and
- electric vehicle (EV) charging requirements.

2.1 Short-Term Rentals

A “short-term rental” is defined in the Zoning Bylaw as 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. Since August 2022, Burnaby residents have been permitted to offer STR accommodations in residential dwellings as long as the premises and operation of the STR complies with all City bylaw regulations.

The Zoning Bylaw outlines several conditions under which a STR is permitted in a dwelling. One condition is that they are not permitted in a primary dwelling unit containing a secondary suite, including within the secondary suite. This regulation was put in place with the intention of mitigating impacts of STRs on residential neighbourhoods and to ensure that the supply of rental housing, including affordable housing, is maintained for residents of Burnaby.

In October 2023, the *Short-Term Rental Accommodations Act* (the “Act”) came into effect, which introduced new regulations on STRs as part of a broader strategy to address the ongoing housing crisis in British Columbia. The purpose of the Act is to return short-term rental units to the long-term housing market, give local governments stronger tools to enforce short-term rental bylaws, and establish a new Provincial role in the regulation of short-term rentals. The regulations and responsibilities of the Act are expected to come into effect at different times through a phased approach over two years. As several initiatives of the Act were implemented on May 1 of this year, review of associated City of Burnaby regulations is timely.

At the September 9, 2024, Open Council Meeting, Council passed the following resolution:

THAT the Notice of Motion seeking amendment of the Zoning Bylaw to allow short-term rental of a portion of a primary dwelling containing a secondary suite when the secondary suite is rented long-term be **REFERRED** to the Planning and Development Committee to be considered in relation to the Short-Term Rental Bylaw.

Further discussion at the subsequent Planning and Development Committee meeting on September 25, 2024, resulted in Committee recommending that staff explore the feasibility and advisability of the referred matter, and on October 7, 2024 Open Meeting, Council agreed with the recommendation and formally directed staff to carry out the work.

2.2 EV Charging

The Zoning Bylaw establishes requirements for the provision of EV charging infrastructure, however, these requirements are based on parking spaces *required* by the Zoning Bylaw. This becomes problematic in parts of the City where no parking is required for residential developments, such as Transit Oriented Development (TOD) areas, which are areas within 800 metres, or Frequent Transit Network Areas (FTNAs), which are areas within 400 metres of bus stops with frequent service. In these cases, parking is provided at the discretion of the developer, however, there is no parking *required* in the Zoning Bylaw and therefore no requirements for EV charging infrastructure.

To ensure the appropriate provision of EV parking, an amendment to the Zoning Bylaw is proposed which will require EV charging based on the *provided* parking as opposed to what is required by bylaw.

3.0 GENERAL INFORMATION

The proposed Zoning Bylaw Amendments are summarized below and detailed in **Attachment 1**.

3.1 Short-Term Rentals

As of May 1, 2024, the *Short-Term Rental Accommodations Act* limits STRs to the host’s principal residence, plus one secondary suite or accessory dwelling unit on the same property. The Zoning Bylaw similarly restricts STRs to only principal dwellings, however, prohibits STRs in principal dwellings if they have a secondary suite. After review of this regulation, staff recommend that STRs no longer be prohibited in a primary dwelling unit simply because it has a secondary suite. This amendment is proposed to align the City’s STR regulations more closely with Provincial legislation, the regulations of neighbouring municipalities, and to provide homeowners greater flexibility if choosing to rent out their principal residence.

Although permitted under Provincial legislation, in an effort to help protect long-term rental housing stock, it is recommended that the Zoning Bylaw continue to prohibit STRs within a secondary suite. Following a complete review of the City’s STR regulations, this was identified as the primary difference between the City’s Zoning Bylaw and what is allowed under the Provincial legislation, and staff consider it is appropriate to maintain this protection of long-term rental units. No further amendments are proposed at this time.

It should also be noted that both Provincial and City of Burnaby regulations prohibit an STR from operating for more than 90 nights in a calendar year, thereby limiting impacts on surrounding neighbourhoods. Further, the City of Burnaby regulations limit STR of the entire principal dwelling up to 28 nights in a calendar year (a portion may be operated for up to 90 nights in a calendar year). To alleviate parking constraints, the Zoning Bylaw requires that dwellings in the R1 district with STRs require one parking space for each dwelling unit, or a portion of a dwelling unit that is used for STRs, in addition to the required parking space for the principal residential use.

To implement the proposed changes, the following amendments to Section 6.29(1) of the Zoning Bylaw are proposed (see **Attachment 1**):

- removing provision prohibiting STRs in a primary dwelling unit containing a secondary suite; and
- adding provision to continue to prohibit STRs within a secondary suite.

If Provincial legislation for STRs changes in the future, further review will be undertaken regularly to ensure consistency with Provincial regulations and that the needs of the community are being met.

It should be noted that the referral to staff requested that consideration of the proposed change take place in the context of a broader review of the STR policy and related bylaws, as part of a commitment to review the policy on a regular basis. As the policy and related bylaws are still relatively recent, there are no other issues that have arisen in the administration of them at this time, and as such a broader review is not warranted. Therefore, the proposed amendments on their own are brought forward at this time for Council’s consideration.

3.2 EV Charging

To address the issue described above in Section 2.2, the following amendment to Section 800.8 of the Zoning Bylaw is proposed (see **Attachment 1**):

- amending subsection (1) to specify that EV charging infrastructure is to be provided on the basis of residential parking spaces *provided* on the property as opposed to residential parking spaces *required* under the Zoning Bylaw.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

At the December 11, 2023 Open meeting, Council directed staff to include a recommendation to not hold a Public Hearing for rezoning applications or Zoning Bylaw text amendments that are consistent with the Burnaby Official Community Plan (as authorized by section 464 of the *Local Government Act*). The proposed text amendments to the Zoning Bylaw are consistent with the Official Community Plan policies on residential (Section 4.0), transportation (Section 8.0), and climate action goals (Section 10.0). As the text amendments are consistent with the Official Community Plan and other City policies, it is recommended that a Public Hearing not be held for these proposed amendments to the Zoning Bylaw.

First and Second Readings of the text amendment bylaw will be held at a future Council meeting. In advance of that, a notice in respect to the text amendment bylaw will also be published on the City’s website and as part of the City’s online newsletter, in accordance with the Burnaby Public Notice Bylaw. Should these Zoning Bylaws be approved by Council, the City’s website pages and guidance documents for Short Term Rental and EV charging infrastructure will be updated accordingly.

5.0 FINANCIAL CONSIDERATIONS

There are no direct financial implications associated with the proposed bylaw amendments.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Proposed Bylaw Amendments

REPORT CONTRIBUTORS

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