

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: PROPOSED ZONING BYLAW AMENDMENTS – FURTHER
EXTENSION OF PANDEMIC REOPENING MEASURES TO SUPPORT
BURNABY BUSINESSES**

RECOMMENDATIONS:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw 1965, to extend the expiry of temporary measures to support business and establishment following the COVID-19 pandemic from 2022 June 01 to 2023 March 31, as outlined in Section 3.0 of this report.
2. THAT Council direct that a public hearing not be held for such Zoning Bylaw amendments.

REPORT

The Planning and Development Committee, at its meeting held on 2022 May 11, received and adopted the attached report proposing amendments to the Burnaby Zoning Bylaw to extend COVID-19 pandemic reopening measures to 2023 March 31.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: Chief Administrative Officer Acting CFO GM Corporate Services GM Engineering GM Community Safety GM Planning and Development City Solicitor Chief Building Inspector
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TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2022 April 27

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT

FILE: 42000 20
Reference: Bylaw Amendments

SUBJECT: **PROPOSED ZONING BYLAW AMENDMENTS – FURTHER EXTENSION OF PANDEMIC REOPENING MEASURES TO SUPPORT BURNABY BUSINESSES**

PURPOSE: To propose amendments to the Burnaby Zoning Bylaw to extend COVID-19 pandemic reopening measures to 2023 March 31.

RECOMMENDATIONS:

1. **THAT** the Committee recommends Council authorize the preparation of a bylaw amending the *Burnaby Zoning Bylaw, 1965*, to extend the expiry of temporary measures to support businesses and establishment following the COVID-19 pandemic from 2022 June 01 to 2023 March 31, as outlined in *Section 3.0* of this report.
2. **THAT** the Committee recommends Council direct that a public hearing not be held for such Zoning Bylaw amendments.

REPORT**1.0 BACKGROUND INFORMATION**

The Provincial Health Officer set out restrictions and guidelines regarding physical distancing to help stop the spread of COVID-19 during the pandemic. To maintain physical distancing while continuing operations and providing services, many businesses and establishments have temporarily reconfigured their service areas. The City has made amendments to the *Zoning Bylaw*, *Planning and Building Fees Bylaw*, and the Preliminary Plan Approval (PPA) process to facilitate the temporary reconfiguration of service areas to help businesses and establishments.

Sections 6.26 and 800.4.2 of the *Zoning Bylaw* set out the temporary COVID-19 reopening measures to facilitate the temporary reconfiguration of service areas. These measures are in effect until 2022 June 01, or another date determined by the General Manager Planning and Development (referred to as the Director Planning and Building in the *Zoning Bylaw*) in response to the COVID-19 pandemic.

Although the physical distancing and other restrictions are no longer in effect, many businesses are requesting to maintain the reconfiguration of service areas. To continue to support businesses and establishments in Burnaby, this report brings forward further amendments to the *Zoning Bylaw* to extend COVID-19 pandemic reopening measures until 2023 March 31.

2.0 POLICY CONTEXT

The proposed amendments to the *Zoning Bylaw* in support of Burnaby businesses align with the following Council-adopted policies: *Corporate Strategic Plan (2017)*, *Official Community Plan (1998)*, *Economic Development Strategy (2007)*, and *Social Sustainability Strategy (2011)*.

3.0 ZONING BYLAW TEXT AMENDMENTS

3.1 Proposed Extension of Pandemic Reopening Measures

On 2020 May 22, the Liquor and Cannabis Regulation Branch (LCRB) approved a new Policy Directive to issue Temporary Expanded Service Area authorizations (TESA) to food primary, liquor primary, and manufacturing licences. This authorization has permitted licensees to temporarily expand their service areas to serve liquor, provided that the approved patron capacity of the establishment remains unchanged. At the time it was determined that the TESA provision in the Liquor Control and Licencing Regulations (LCLR) would be repealed on 2021 October 31.

On 2021 June 15, the LCRB approved a new Policy Directive to defer the repeal of TESA provision in the Regulation until 2022 June 01. The purpose of this extension was to:

- support the delivery of the Minister of Public Safety and Solicitor General’s mandate commitment to make TESA authorization permanent; and,
- provide additional time for licensees to apply to LCRB and the local governments for a permanent expansion to service areas, and reduce the risk of disruption in the use of the expanded service areas during the application process.

On 2022 April 07, the LCRB approved a new Policy Directive to further extend the existing TESA authorization from 2022 June 01 to 2023 March 31.

To support the implementation of the LCRB policy, Council adopted a number of amendments to the *Zoning Bylaw* to permit the temporary expansion of outdoor seating areas for food and beverage establishments into on-site parking spaces and yards, together with other relaxations. These *Zoning Bylaw* amendments also permit the temporary expansion of outdoor display and retail sale accessory to commercial and industrial establishments, and temporary construction/erection of buildings, structures and service trailers accessory to institutional, educational, recreational and assembly establishments. The temporary COVID-19 pandemic reopening provisions of the *Zoning Bylaw* were initially in effect until 2021 October 31, in line with the initial TESA provision in the LCLR.

To: *Planning and Development Committee*
From: *General Manager Planning and Development*
Re: *Proposed Zoning Bylaw Amendments – Further Extension of Pandemic
Reopening Measures to Support Burnaby Businesses*
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On 2021 April 26, Council adopted amendments to the Zoning Bylaw to extend the temporary COVID-19 pandemic reopening provisions of the *Zoning Bylaw* (Sections 6.26 and 800.4.2) until 2022 June 01, or as determined by the Director Planning and Building in response to the pandemic. This was to continue to support businesses and establishments in Burnaby and facilitate the implementation of the LCRB’s approved policy.

Given the recent LCRB’s policy to defer the repeal date of TESA provisions in the LCLR until 2023 March 31, it is recommended that the temporary COVID-19 pandemic reopening provisions of the *Zoning Bylaw* (Sections 6.26 and 800.4.2) be amended to allow the extension of this program until 2023 March 31. The purpose of this extension is to allow businesses and establishments to apply for the permanent accessory service areas without any disruption in their services.

If Council adopts this recommendation, the existing temporary service areas which have been approved through the PPA process may continue to be used until 2023 March 31, or as determined by the General Manager Planning and Development in response to the pandemic. The proposed extension would also apply to any new PPA application proposing to temporarily reconfigure the service areas accessory to food and beverage establishments, temporary outdoor retail and display areas accessory to commercial and industrial establishments, and temporary buildings, structures, and service trailers accessory to institutional, educational, recreational and assembly establishments.

To further support businesses and establishments, the PPA review process for the temporary expansion of service areas has been expedited and the application fee for such applications has been waived. If Council adopts the proposed bylaw to extend the application of temporary COVID-19 pandemic reopening measures, no application fee will be applied to such PPA applications until 2023 March 31, or as determined by the General Manager Planning and Development in response to COVID-19 pandemic.

Any service area that will continue to be used after 2023 March 31 will be required to meet the applicable requirements of the *Zoning Bylaw*, such as setbacks, lot coverage, and off-street parking spaces. Compliance with these requirements may require the removal of the authorized service areas or changes to their location, size, and configuration. Staff will conduct a review of the Zoning Bylaw and the legislative tools to explore options to allow service areas intended to remain permanently, after 2023 March 31.

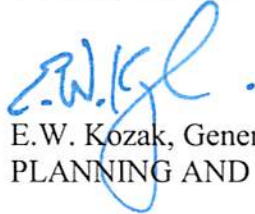
The *Local Government Act* does not require a public hearing for Zoning Bylaw amendments that are consistent with the City's Official Community Plan, provided that notices of not holding the public hearing are published for two consecutive weeks in a local newspaper, with the last publication being not less than three days and not more than 10 days before the first reading. Given that this is an extension of an existing Zoning Bylaw provision, staff recommend not to hold a public hearing for the amendments proposed in *Section 3.0* of this report. Staff intend to publish the notices of not holding a public hearing in two consecutive editions of the Burnaby Now prior to first reading, bring forward the amendment bylaw concurrently with the report to Council, and propose that Council give first and second readings at that same Council meeting. Subsequently, the amendments will be brought forward for third reading and final adoption at the next Council meeting.

To: Planning and Development Committee
From: General Manager Planning and Development
Re: Proposed Zoning Bylaw Amendments – Further Extension of Pandemic
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The recommended Zoning Bylaw amendment related to the extension of pandemic reopening measures that is discussed in this section, is in **Appendix A attached**.

4.0 CONCLUSION

The *Zoning Bylaw* amendments proposed in this report further the City’s support for businesses and establishments during the COVID-19 pandemic. It is recommended that Council approve the above proposed amendments outlined in *Section 3.0* of this report, and direct that a public hearing not to be held for such amendments.



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

PS:sa/tn

Attachment

cc: Chief Administrative Officer
Deputy Chief Administrative Officer and Chief Financial Officer
General Manager Engineering
General Manager Corporate Services
General Manager Community Safety

City Solicitor
City Clerk
Chief Building Inspector

Appendix A

Recommended Bylaw Amendments

1. **THAT** Section 6.26(1) of the *Burnaby Zoning Bylaw* be amended by replacing the words “2022 June 01” with the words “2023 March 31”.
2. **THAT** Section 800.4.2 of the *Burnaby Zoning Bylaw* be amended by replacing the words “2022 June 01” with the words “2023 March 31”.