

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER ENGINEERING
SUBJECT: **PROPOSED BYLAW AMENDMENTS TO ADDRESS CAR SHARE VEHICLE USAGE, ACTIVE PATIO PROGRAM, AND AUTHORITY FOR TEMPORARY STREET CLOSURES AND ACTIVITIES**
PURPOSE: To propose amendments to the Burnaby Street and Traffic Bylaw, Parking Meter and Electrical Vehicle Charging Meter Bylaw, and Consolidated Fees and Charges Bylaw to address car share vehicle usage, active patio program, and authority for temporary closures and activities on City streets, effective January 1, 2024.

RECOMMENDATION

THAT the City Solicitor be authorized to bring forward amendments to the following bylaws:

- (a) Burnaby Street and Traffic Bylaw 1961;
- (b) Burnaby Parking Meter and Electric Vehicle Charging Meter Bylaw 2019;
- (c) Burnaby Consolidated Fees and Charges Bylaw, Amendment Bylaw No. 2, 2023,

all effective January 1, 2024, as described in the report titled “Proposed Bylaw Amendments to Address Car Share Vehicle Usage, Active Patio Program and Authority for Temporary Street Closures and Activities” dated November 6, 2023.

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS

I concur with the recommendation of the General Manager Engineering.

1.0 POLICY SECTION

The proposed amendments in this report support the City of Burnaby’s Corporate Strategic plan and goals for a connected and dynamic community and is aligned with our Council-adopted policies, plans, and strategies within the Burnaby Transportation Plan, Connecting Burnaby.

2.0 BACKGROUND

This report presents several amendments to the Burnaby Street and Traffic Bylaw, Burnaby Parking Meter and Electric Vehicle Charging Bylaw, and Burnaby Consolidated Fees and Charges Bylaw to address the following on City streets:

- Car Share Vehicle Usage;
- Active Patio Program; and,
- Temporary Street Closures and Activities.

3.0 PROPOSED BYLAW AMENDMENTS

The proposed bylaw amendments are detailed in **Attachment 1** and a summary of the changes is provided below.

3.1. Car Share Vehicle Usage

Car sharing is part of a growing trend in sustainable transportation. Many municipalities have already adopted policies to encourage the use of car sharing to advance future transportation modes and climate action goals. Car sharing is based on an automobile rental service that is economical and eco-friendly, allowing people to rent a vehicle for short periods of time, often by the hour. The benefits of a car share program would include reduced car ownership and off-street parking demands. With the service being in a robust multi-modal network, car sharing supports walking, cycling, and transit by offering members access to a motor vehicle when necessary.

Currently, there are prohibitions in the Burnaby Street and Traffic Bylaw and Burnaby Parking Meter and Electric Vehicle Charging Bylaw that restricts the opportunity to expand the car share program in the City. Further, the introduction of a fee for decals to identify car share vehicles requires an amendment to the Burnaby Consolidated Fees and Charges Bylaw. The following amendments are proposed, effective January 1, 2024:

Burnaby Street and Traffic Bylaw

- The proposed amendments introduce three new definitions to clarify the components required for a car share business to operate within City streets. The definitions include “Shared Vehicle”, “Shared Vehicle Organization”, and “Shared Vehicle Decal”.
- The proposed amendments will update the section for parking and stopping vehicles to include exemptions to allow car share vehicles with a shared vehicle decal to park on a street longer than 24 consecutive hours and three hours abutting any premises used for residential or commercial purposes between the hours of 8:00AM and 6:00PM.

Burnaby Parking Meter and Electric Vehicle Charging Meter Bylaw

- The proposed amendment is to define “Shared Vehicle”, “Shared Vehicle Organization”, and “Shared Vehicle Decal”. The three definitions clarify how a car share business will operate within City streets in a parking meter zone.
- It is proposed that a car share vehicle with a shared vehicle decal be permitted to park at a parking meter space without payment or time limit (as long as other stopping or parking regulations are not violated), provided the shared vehicle organization that owns the vehicle has an agreement with the City to pay the following rates for the use of the metered parking space:
 - 70% of the metered parking charges for parking time that is less than the parking meter limit; and,
 - 100% of the metered parking charges for parking time that exceeds the parking meter time limit.

The proposed amendments will facilitate the shared vehicle organizations’ management of their fleet in the City and provide flexibility for car share vehicle users. The payment of parking meter rates will be via an arrangement directly between the City and the shared vehicle organization.

Burnaby Consolidated Fees and Charges Bylaw

- The proposed amendment introduces a new annual fee for shared vehicle decals at a cost of \$50.00 per decal. These decals will allow the car share vehicle to be easily differentiated from other vehicles parked on City streets.
- As the 2024 fee schedule for the Burnaby Consolidated Fees and Charges Bylaw has been adopted, the bylaw that will bring into force the 2024 fees will need to be amended.

The wording of the proposed bylaw amendments is set out in **Attachment 1**.

3.2. Active Patio Program

During the COVID-19 pandemic, the City introduced the temporary Active Sidewalks, Open Businesses program to reduce impacts faced by businesses as they adapted to COVID-19 guidelines. The program allowed businesses to apply to temporarily add outdoor seating or expand into outdoor spaces for restaurant seating, merchant displays or pick-up/drop-off kiosks or customer queuing. The Active Sidewalks, Open Businesses initiative was launched in 2020 and ended on October 31, 2022.

Building on the temporary program, the Active Patio Program provides support to local businesses and consumer demand by allowing businesses to apply to encroach on City sidewalks and streets for the purposes of seating areas to complement their food or beverage service. It is anticipated that the Active Patio Program will build urban vibrancy within the public realm, as experienced in other municipalities that have similar programs.

In order to authorize the establishment of the program, it is proposed that the Burnaby Street and Traffic Bylaw be amended at section 24(2) to allow the General Manager Engineering to establish procedures, standards and requirements, issue permits or licences, and impose fees and bonding, if necessary, in accordance with the Consolidated Fees and Charges Bylaw for allowing the placement of outdoor seating, furniture and other patio features on portions of sidewalks or road allowances adjacent to businesses. The fees that will be included in the 2024 fee schedule for the Consolidated Fees and Charges Bylaw include an application fee of \$265.00 and permit fees of \$50 to \$80 for seasonal patios (May 1 to October 31) and \$70 to \$120 for year-round patios.

The wording of the bylaw amendments is set out in **Attachment 1**.

3.3. Temporary Street Closures and Activities

Currently, the Burnaby Street and Traffic Bylaw includes provisions requiring Council approval for holding parades on City streets (section 23) and holding 'Tag Days' and other solicitations of donations upon City streets (section 24(6)). Since these matters can be efficiently addressed administratively by the Engineering Department, it is proposed that the outdated procedures be repealed. Following the repeal of sections 23 and 24(6) of the Burnaby Street and Traffic Bylaw, requests for parades and other temporary street closures will be handled by City staff under the direction of the General Manager Engineering and requests will no longer need to go to Council for approval.

The proposed repeals of section 23 and 24(6) of the Burnaby Street and Traffic Bylaw are as set out in **Attachment 1**.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

To promote car share in the community and ensure the program is successful, the shared vehicle organization will advertise through their marketing channels.

City staff will develop public communication on the procedures for applying for approvals under the Active Patio Program and requests for holding parades and other temporary activities on City streets.

5.0 FINANCIAL CONSIDERATIONS

The car share program will generate revenue from the shared vehicle decals and usage from the metered parking spaces. The Active Patio program will generate revenue from applications and permit fees. The additional revenue sources will contribute to the administrative and operational cost of the two programs.

Respectfully submitted,

Jozsef Dioszeghy, P.Eng., General Manager Engineering

ATTACHMENTS

Attachment 1 – Proposed Bylaw Amendments

REPORT CONTRIBUTORS

This report was prepared by Kathy Ho, P.Eng., PTOE, Senior Manager, Transportation, and reviewed by Amy Choh, P.Eng., PMP, Director Engineering Transportation and May Leung, City Solicitor.

PROPOSED BYLAW AMENDMENTS

It is proposed that the following bylaw amendments be brought forward with an effective date of January 1, 2024:

Burnaby Street and Traffic Bylaw

1. **THAT** definitions with wording the same or similar to the following be added in alphabetical order to section 2(2):

“Shared Vehicle” means a four-wheeled automobile, van, or pick-up truck owned and operated by a Shared Vehicle Organization.

“Shared Vehicle Decal” means a decal issued by the City, following payment of the shared decal fee set out in the Burnaby Consolidated Fees and Charges Bylaw, identifying a vehicle as a Shared Vehicle.

“Shared Vehicle Organization” means a legal entity:

- (a) whose principal business objective is to provide its members, for a fee, with a car-sharing service by which such members have access to a fleet of Shared Vehicles which they may reserve for use on an hourly basis; and
- (b) which has a valid agreement with the City to authorize the Shared Vehicle Organization to allow its members to park its Shared Vehicles on a City street.

2. **THAT** section 13(3)(d) be repealed and replaced with wording the same or similar to the following:

(3) No person shall park a vehicle:

...

- (d) at any one place on any street for a longer period than 24 consecutive hours, except a Shared Vehicle displaying a valid Shared Vehicle Decal.”

3. **THAT** section 13(6) be repealed and replaced with wording the same or similar to the following:

“(6) Except a Shared Vehicle displaying a valid Shared Vehicle Decal, no person shall, between the hours of 8:00 o'clock in the morning and 6:00 o'clock in the afternoon, park any vehicle on any street abutting any premises used for residential or commercial purposes for more than three hours unless such premises are the property or residence of such person or the property of his employer.”

4. **THAT** section 23 be repealed in its entirety.

5. **THAT** wording the same or similar to the following be added as section 24(2)(f):

- (f) placement of outdoor seating, furniture and other patio features on portions of sidewalks or streets adjacent to a business.

6. **THAT** section 24(6) be repealed in its entirety.

Burnaby Parking Meter and Electric Vehicle Charging Meter Bylaw

7. **THAT** definitions with wording the same or similar to the following be added in alphabetical order to section 2:

“shared vehicle”	means a four-wheeled automobile, van, or pick-up truck owned and operated by a shared vehicle organization
“shared vehicle decal”	means a decal issued by the City , following payment of the shared vehicle decal fee set out in the Burnaby Consolidated Fees and Charges Bylaw, identifying a vehicle as a shared vehicle
“shared vehicle organization”	<p>means a legal entity:</p> <ul style="list-style-type: none">(a) whose principal business objective is to provide its members, for a fee, with a car-sharing service by which such members have access to a fleet of shared vehicles which they may reserve for use on an hourly basis; and(b) which has a valid agreement with the City to authorize the shared vehicle organization to allow its members to park its shared vehicles on a City street

8. **THAT** section 4 be repealed and replaced with wording the same or similar to the following:

4. Except as set out in section 4A, no person shall **park a vehicle** in a **parking metered space** without immediately:

- (a) depositing cash in or paying by credit card to the **parking meter** installed for such space the fee for **parking** in such space; or
- (b) paying through a **pay-by-phone system** the fee for **parking** in such space,

at the rate set out on the **parking meter**, subject to the maximum rate specified in the Burnaby Consolidated Fees and Charges Bylaw;

9. **THAT** section 4A be added with wording the same or similar to the following:

4A. **Shared vehicles** displaying a valid **shared vehicle decal** may **park** in a **parking metered space** without complying with the requirements in section 4, provided the **shared vehicle organization** that owns the **shared vehicle** has an agreement with the City to pay:

- (a) 70% of the fee for **parking** in a **parking metered space** for each hour or portion thereof that is less than the maximum consecutive period established by the **City's** Director Engineering pursuant to section 3(d)(ii) of this **Bylaw**;
- (b) 100% of the fee for **parking** in a **parking metered space** for each hour or portion thereof that exceeds the maximum consecutive period established by the **City's** Director Engineering pursuant to section 3(d)(ii) of this **Bylaw**.

Notwithstanding section 9(b) of this **Bylaw**, the maximum consecutive period established by the **City's** Director Engineering for a **parking metered space** pursuant to section 3(d)(ii) of this **Bylaw** does not apply to a **shared vehicle** displaying a valid **shared vehicle decal**, as long as it is not in contravention of any other stopping or parking regulations.

Burnaby Consolidated Fees and Charges Bylaw, Amendment Bylaw No. 2, 2023 (Bylaw No. 14593)

10. **THAT** wording the same or similar to the following be added at the end of the table in Schedule C12 – Transportation Related Fees:

<ul style="list-style-type: none">▪ Shared Vehicle Decal<ul style="list-style-type: none">○ Annual Fee (per decal)	\$50.00
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