

TO: MAYOR & COUNCILLORS

FROM: DEPUTY CHIEF ADMINISTRATIVE OFFICER AND CHIEF FINANCIAL OFFICER

SUBJECT: DEVELOPMENT FUNDING PROGRAM (DFP) - DEVELOPMENT COST CHARGES (DCC) BYLAW AND AMENITY COST CHARGES (ACC) BYLAW AND RELATED BYLAWS AND BYLAW AMENDMENTS

PURPOSE: To request Council approval of a new Development Cost Charges Bylaw, Amenity Cost Charges Bylaw, and related consequential bylaws and bylaw amendments.

RECOMMENDATION

THAT the City Solicitor be authorized to bring forward a Development Cost Charges Bylaw (the “**New DCC Bylaw**”) to impose development cost charges substantially in the form in Attachment 1 to the report titled “Development Funding Program (DFP) - Development Cost Charges Bylaw and Amenity Cost Charges Bylaw and Related Bylaws and Bylaw Amendments” dated March 25, 2024;

THAT the City Solicitor be authorized to bring forward an amendment to *Burnaby Development Cost Charges Bylaw 1979* (the “**Existing DCC Bylaw Amendment**”), substantially in the form in Attachment 2 to the report;

THAT the City Solicitor be authorized to bring forward a bylaw to establish development cost charges reserve funds substantially in the form in Attachment 3 to the report;

THAT the City Solicitor be authorized to bring forward an Amenity Cost Charges Bylaw to impose amenity cost charges substantially in the form in Attachment 4 to the report;

THAT the City Solicitor be authorized to bring forward a bylaw substantially in the form in Attachment 5 to the report to establish a statutory amenity cost charges reserve fund; and

THAT after Council has given three readings to the New DCC Bylaw and Existing DCC Bylaw Amendment, staff be directed to submit the New DCC Bylaw and Existing DCC Bylaw Amendment to the Inspector of Municipalities for approval.

EXECUTIVE SUMMARY

At the March 12, 2024, Special Council meeting, Council reviewed and provided final approval of the Development Cost Charge (DCC) and Amenity Cost Charge (ACC) program projects and rates, and directed the City Solicitor to prepare a DCC bylaw, ACC bylaw, and related bylaws and bylaw amendments. This report presents the following proposed bylaws (the “**DFP Bylaws**”) for Council’s review and approval:

1. *Burnaby Development Cost Charges Bylaw 2024* (the “**New DCC Bylaw**”);
2. *Burnaby Development Cost Charges Bylaw 1979, Amendment Bylaw No. 1, 2024* (the “**Existing DCC Bylaw Amendment**”);
3. *Burnaby Development Cost Charges Reserve Fund Bylaw 2024* (the “**New DCC Reserve Fund Bylaw**”);
4. *Burnaby Amenity Cost Charges Bylaw 2024* (the “**ACC Bylaw**”); and
5. *Burnaby Amenity Cost Charges Reserve Fund Bylaw 2024* (the “**ACC Reserve Fund Bylaw**”).

These bylaws appear elsewhere on this Council agenda for first, second and third readings. Once Council has given three readings to the New DCC Bylaw and Existing DCC Bylaw Amendment, staff will submit both bylaws to the Inspector of Municipalities (the “**Inspector**”) for review and approval. The ACC Bylaw does not require Inspector approval. Once the City receives Inspector approval, the New DCC Bylaw, Existing DCC Bylaw Amendment and New DCC Reserve Fund Bylaw will be brought forward for final adoption. The goal is for all the DFP Bylaws to be in place before June 30, 2024.

1.0 POLICY SECTION

Through Bill 46-2023 – *Housing Statutes (Development Financing) Amendment Act, 2023*, the Province expanded the list of facilities for which DCCs can be imposed and also introduced a new tool, ACCs. The purpose of these tools is to help local governments finance new or expanded infrastructure and amenities necessary to service the demands of growth resulting from new development. Establishing the New DCC Bylaw and ACC Bylaw will enable the City to utilize these financing tools as part of its development funding program to facilitate sustainable delivery of growth-associated infrastructure and amenity needs.

2.0 BACKGROUND

In response to the suite of housing-related legislation enacted by the Province in November 2023, City staff convened the Development Funding Program (DFP) project team for the purpose of developing a DCC and ACC program to help fund the capital costs of growth-related infrastructure, amenities, and facilities. On January 25, 2024, Council received a presentation from staff and consultants as an introduction to DCCs and ACCs, including details on how each of the two programs are created, how the rates are calculated, and the purpose of the funding for growth-related capital costs.

At the February 26, 2024, Special Council meeting, Council approved draft DCC and ACC rates, and a communications strategy, with further direction to establish ACC rates for Institutional and Industrial land use categories. At the March 12, 2024, Special Council meeting, Council approved the final DCC and ACC program project lists and rates, and directed the City Solicitor to prepare a new DCC bylaw, ACC bylaw, and related consequential bylaws and bylaw amendments to implement the new DCC and ACC programs.

3.0 GENERAL INFORMATION

This report presents the DFP Bylaws for Council’s review and approval. The DFP Bylaws appear elsewhere on this Council agenda for first, second and third readings.

3.1 New DCC Bylaw

The proposed New DCC Bylaw in Attachment 1 is based on the final DCC rates and development categories (Low Density Residential, Medium Density Residential, High Density Residential, Institutional, Commercial, and Industrial) approved by Council at the March 12, 2024 Special Council meeting.

The New DCC Bylaw imposes DCCs on every person who obtains:

- (a) approval of a subdivision of land that results in two or more lots on which the Zoning Bylaw permits the construction of a Low Density Residential development;
- (b) approval of a building permit authorizing construction of a Low Density Residential development on an existing lot; or
- (c) approval of a building permit authorizing the construction of Medium Density Residential, High Density Residential, Commercial, Industrial or Institutional development on a lot.

The DCCs are payable upon approval of the subdivision or issuance of the building permit, as applicable.

The proposed New DCC Bylaw is also based on the direction provided by Council on March 12, 2024, with respect to statutory exemptions, and imposes DCCs in relation to building permits for a building that will contain fewer than four self-contained dwelling units, all of which will be put to no use other than residential use. The proposed New DCC Bylaw does not include waivers or reductions for eligible developments.

The proposed New DCC Bylaw will come into force on July 1, 2024, or the date of final adoption of the New DCC Bylaw, whichever is later, depending on when the City receives Inspector approval. Any subdivision or building permit applications that qualify under section 511 or 568 of the *Local Government Act* (“LGA”) for in-stream protection from the new DCC rates under the New DCC Bylaw would continue to be required to pay the Parkland Acquisition Levy under the City’s Existing DCC Bylaw, as further described in Section 3.2 of this report.

3.2 Existing DCC Bylaw Amendment

The existing *Burnaby Development Cost Charges Bylaw 1979* (the “**Existing DCC Bylaw**”) is limited in scope, and with the exception of the Parkland Acquisition Levy which applies City-wide, imposes charges that apply only to select areas of the City for a small number of projects as follows:

- Metrotown Public Open Space levy (applies only to commercial development within the Metrotown area);
- Canada Way Pedestrian Overpass levy (applies only to commercial development within the area enclosed by Canada Way, Norland Avenue, and the Trans-Canada Highway);
- Metrotown Grade-Separated Pedestrian Linkage levy (applies only to non-residential development within the Core and Public Assembly and Development sub-areas of Metrotown); and
- Edmonds Town Centre South Grade-Separated Crossing charge (applies only to residential development within the Edmonds Town Centre South Area).

It is proposed that the DCC rates for the area-specific DCCs listed above be reduced to zero, and that the associated accounts be closed once the funds have been spent for their intended purpose. Any subsequent projects in those areas that would have been funded by these DCCs will be funded through the City’s new DCC program under the New DCC Bylaw, ensuring that new development continues to pay their fair share to finance growth.

Since the New DCC Bylaw includes a charge for parkland acquisition and improvements, it is also proposed that Schedule “A” to the Existing DCC Bylaw, which sets out in the Parkland Acquisition Levy charge, be repealed. Notwithstanding the repeal of Schedule “A” to the Existing DCC Bylaw, the Parkland Acquisition Levy set out in Schedule “A” to the Existing Bylaw prior to its repeal will continue to apply to those subdivision and building permit applications that qualify under section 511 or 568 of the LGA for in-stream protection from the New DCC Bylaw . Any application which does not qualify for in-stream protection from the New DCC Bylaw would be subject to pay the parkland acquisition and improvement DCC rate under the New DCC Bylaw.

As the proposed Existing DCC Bylaw Amendment in Attachment 2 requires Inspector approval, staff intend to submit the Existing DCC Bylaw Amendment concurrently with the New DCC Bylaw to the Inspector for approval. It is proposed that the Existing DCC Bylaw Amendment come into force on the later of July 1, 2024, and the date of final adoption of the New DCC Bylaw.

3.3 New DCC Reserve Fund Bylaw

The final DCC program approved by Council on March 12, 2024, included DCCs for sewer, water, drainage, fire protection, transportation, and parkland acquisition and improvement. Section 566(1) of the LGA requires that a local government deposit DCCs in a separate DCC reserve fund established for each purpose for which the local government imposes the DCC. The New DCC Reserve Fund Bylaw in Attachment 3 therefore creates the following statutory reserve funds:

- (1) DCC Sewer Reserve Fund;
- (2) DCC Water Reserve Fund;
- (3) DCC Drainage Reserve Fund;
- (4) DCC Fire Protection Reserve Fund;
- (5) DCC Transportation Reserve Fund; and
- (6) DCC Parkland Acquisition and Improvements Fund.

It is proposed that the monies paid to the City under the Existing DCC Bylaw for parkland acquisition and deposited into the reserve fund created under *Burnaby Development Cost Charges Reserve Fund Bylaw 1979* be placed and continued in the DCC Parkland Acquisition and Improvements Reserve Fund to continue to be used for the purpose for which they were collected.

In accordance with subsections 566(2) and (3) of the LGA, money in the DCC reserve funds by the New DCC Reserve Fund Bylaw, together with interest on it, may be used only for the following purposes, and must be authorized by bylaw:

- (a) to pay the capital costs of projects related to the purpose for which the development cost charge was imposed;
- (b) to pay principal and interest on a debt incurred by the City as a result of an expenditure under paragraph (a); or
- (c) to pay a person subject to a development cost charge for some or all of the capital costs the person incurred in completing a project described in paragraph (a) if:
 - (i) the project was completed under an agreement between the person and the City; and
 - (ii) the project is included in the calculations used to determine the amount of that development cost charge.

Under section 569 of the LGA, before June 30 in each year, the City is required to prepare and consider a report which outlines, for each purpose for which the City imposed a DCC in the previous year: the amount of DCCs received, the expenditures from each DCC reserve fund; the balance in the DCC reserve funds at the start and end of the previous year, and the provision of any waivers and reductions. This report must be made available to the public from the time the City considers the report (i.e., before June 30 in each year) until June 30 in the following year. In addition to the legislative reporting requirements, applicable DCC information will be provided within the City’s Five-Year Financial Plan and Annual Municipal Report.

It is proposed that the New DCC Reserve Fund Bylaw come into force on the later of July 1, 2024, and the date of final adoption of the New DCC Bylaw.

3.4 ACC Bylaw

The proposed ACC Bylaw in Attachment 4 is based on the final ACC rates and development categories (Low Density Residential, Medium Density Residential, High Density Residential, Institutional, Commercial, and Industrial) approved by Council at the March 12, 2024, Special Council meeting. Similar to the New DCC Bylaw, the ACC Bylaw imposes ACCs on every person who obtains:

- (a) approval of a subdivision of land that results in two or more lots on which the Zoning Bylaw permits the construction of a Low Density Residential development;
- (b) approval of a building permit authorizing construction of a Low Density Residential development on an existing lot; or
- (c) approval of a building permit authorizing the construction of Medium Density Residential, High Density Residential, Commercial, Industrial or Institutional development on a lot.

ACCs are payable upon approval of the subdivision or issuance of the building permit, as applicable.

The proposed ACC Bylaw is also based on the direction provided by Council on March 12, 2024, with respect to statutory exemptions and does not include waivers or reductions for eligible developments.

As the New ACC Bylaw does not require Inspector approval, it is proposed that the New ACC Bylaw come into force on July 1, 2024. This would align with the target effective date of the proposed New DCC Bylaw, and related bylaws and bylaw amendments, which will allow for clear communication with all applicable stakeholders.

3.5 ACC Reserve Fund Bylaw

Section 570.8(1) of the LGA requires that a local government deposit ACCs in a separate ACC reserve fund established for each area in which development is subject to an ACC. As the final ACC program approved by Council on March 12, 2024, imposes ACCs on a City-wide basis, the New ACC Reserve Fund Bylaw in Attachment 5 creates a single statutory ACC Reserve Fund.

In accordance with subsections 570.8(2) and (3) of the LGA, money in the ACC reserve fund, together with interest on it, may be used only for the following purposes, and must be authorized by bylaw:

- (a) to pay the capital costs of projects related to the purpose for which the amenity cost charges were imposed;
- (b) to pay principal and interest on a debt incurred by the City as a result of an expenditure under paragraph (a); or
- (c) to pay a person subject to an amenity cost charge for some or all of the capital costs the person incurred in completing a project described in paragraph (a) if:
 - (i) the project was completed under an agreement referred to in section 570.9(1) of the LGA between the person and the City; and
 - (ii) the project is included in the calculations used to determine the amount of that amenity cost charge.

Under section 570.92 of the LGA, before June 30 in each year, the City is required to prepare and consider a report which outlines: the amount of ACCs received, the expenditures from the ACC reserve fund, including the expenditures made to a person or public authority under a partnering agreement; the balance in the ACC reserve fund at the start and end of the previous year, the provision of any waivers and reductions; any amenities provided, constructed, altered or expanded by a person under section 570.9 [provision of amenity instead of all or part of charge]; and any other information prescribed by regulation. This report must be made available to the public from the time the City considers the report (i.e., before June 30 in each year) until June 30 in the following year. In addition to the legislative reporting requirements, applicable ACC information will be provided within the City’s Five-Year Financial Plan and Annual Municipal Report.

It is proposed that the ACC Reserve Fund Bylaw come into force on July 1, 2024, the same day as the ACC Bylaw is proposed to come into force.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Community engagement as approved by Council has been conducted through information sessions, media releases, and updates to the City’s website. Additional information is being provided by staff to the community as required or requested. Council has been provided with feedback from the developer engagement session held on March 6, 2024.

5.0 FINANCIAL CONSIDERATIONS

The approval of DCCs and ACCs will have a significant impact on the funding strategy for infrastructure and amenities required by the City of Burnaby over both the short and long term. Approval of the rates in a timely fashion is essential to ensure that development within the community coincides with the collection of funds necessary to support growth-related requirements.

Respectfully submitted,

Noreen Kassam, Deputy Chief Administrative Officer and Chief Financial Officer

ATTACHMENTS

- Attachment 1 – New DCC Bylaw
- Attachment 2 – Existing DCC Bylaw Amendment
- Attachment 3 – New DCC Reserve Fund Bylaw
- Attachment 4 – ACC Bylaw
- Attachment 5 – ACC Reserve Fund Bylaw

REPORT CONTRIBUTORS

This report was prepared by Jennifer Wong, Assistant City Solicitor, Doug Spindler, Director Treasury Services, Ratan Grewal, Director Budgets and Reporting, and reviewed by Ed Kozak, General Manager Planning and Development, Carmen Gonzales, Deputy General Manager PRC, and Geoffrey Mooney, Finance Functional Lead.

CITY OF BURNABY

BYLAW NO. 14645

A bylaw to impose
development cost charges

The Council of the City of Burnaby enacts as follows:

PART 1 - CITATION

1.1 This **bylaw** may be cited as **BURNABY DEVELOPMENT COST CHARGES BYLAW 2024**.

PART 2 - DEFINITIONS AND INTERPRETATION

2.1 For the purposes of this **bylaw**, the words or phrases that are not defined in this section shall have the meaning ascribed to them in the **Zoning Bylaw**.

2.2 In this **bylaw**, unless the context otherwise requires:

“ building ”	has the meaning set out in the Building Bylaw
“ Building Bylaw ”	means <i>Burnaby Building Bylaw 2016</i> , as amended, or repealed and replaced from time to time
“ building permit ”	has the meaning set out in the Building Bylaw
“ City ”	means the City of Burnaby
“ Commercial ”	means land zoned for commercial uses in the Zoning Bylaw
“ construction ”	has the meaning set out in the Building Bylaw
“ development cost charges ” or “ DCC ”	means the applicable rates prescribed in Schedule “A” to this bylaw
“ dwelling unit ”	has the meaning set out in the Zoning Bylaw
“ gross floor area ” or “ GFA ”	has the meaning set out in the Zoning Bylaw
“ High Density Residential ”	means development of a residential

building which contains multiple **dwelling units** accessible via a common hallway or corridor and shared entrance facilities, including apartment buildings

“Industrial” means land zoned for industrial uses in the **Zoning Bylaw**

“Institutional” means the use of a **building** or portion of a **building** for public or private organizations that provide community services or activities, such as education, healthcare, religious worship, or government functions

“lot” means any lot, parcel, block, or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata lot under the *Strata Property Act*

“Low Density Residential” means residential development consisting of one **building** that contains no more than two **primary dwelling units** and any **secondary suite(s)**, including a single family dwelling and any **secondary suite**, or a duplex dwelling and any **secondary suite(s)**

“Medium Density Residential” means ground-oriented residential development, including laneway homes, townhouse dwellings, rowhouse dwellings, and multiplex dwellings

“primary dwelling unit” has the meaning set out in the **Zoning Bylaw**

“secondary suite” has the meaning set out in the **Zoning Bylaw**

“subdivision” means a subdivision as defined in the *Land Title Act* or *Strata Property Act*

“Zoning Bylaw” means the *Burnaby Zoning Bylaw, 1965*, as amended, or repealed and replaced from time to time

PART 3 - DEVELOPMENT COST CHARGES

3.1 Pursuant to section 559(1) of the *Local Government Act*, the **development cost charges** set out in Schedule “A” to this **bylaw**, are hereby imposed on every person who

obtains:

- (a) approval of a **subdivision** of land under the *Land Title Act* or the *Strata Property Act*, that results in two or more **lots** on which the **Zoning Bylaw** permits the **construction** of a **Low Density Residential** development; or
- (b) approval of a **building permit** authorizing the **construction** of a **Low Density Residential** development on an existing **lot**; or
- (c) approval of a **building permit** authorizing the **construction** of **Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional** development on a **lot**,

and the **development cost charges** shall be paid upon approval of a **subdivision** or issuance of a **building permit**, as applicable.

3.2 In accordance with section 561(6) of the *Local Government Act*, this **bylaw** imposes **development cost charges** in relation to a development authorized by a **building permit** that authorizes the **construction** of a **building** that will, after the **construction**, contain fewer than four **dwelling units** and be put to no other use other than residential use in those **dwelling units**.

PART 4 - EXEMPTIONS

4.1 Despite any other provision of this **bylaw**, a **development cost charge** is not payable if any of the following applies in relation to a development authorized by a **building permit**:

- (a) the **building permit** authorizes the **construction** of a **building** or part of a **building** that is, or will be, after the **construction**, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
- (b) a **development cost charge** has previously been paid for the same development unless, as a result of further development, new capital cost burdens will be imposed on the **City**;
- (c) the development does not impose new capital cost burdens on the **City**;
- (d) the **building permit** authorizes the **construction** of **dwelling units** in a **building**, where the area of each **dwelling unit** is no larger than 29 m², and each **dwelling unit** is to be put to no other use other than residential use in those **dwelling units**;
- (e) the value of the work authorized by the **building permit** does not exceed \$50,000; or
- (f) the *Local Government Act* or any regulations thereunder provide that no **development cost charge** is payable.

PART 5 - CALCULATION OF APPLICABLE CHARGES

5.1 The amount of **development cost charges** payable in relation to a particular development shall be calculated using the applicable charges set out in Schedule “A” to this **bylaw**.

5.2 Where a type of development is not specifically identified in Schedule “A” to this **bylaw** the amount of **development cost charges** to be paid to the **City** shall be equal to the **development cost charges** that are payable for the most comparable type of development.

5.3 The amount of **development cost charges** payable in relation to a mixed-use development shall be calculated for each type of use separately, in accordance with Schedule “A” to this **bylaw**, based on the uses included in the **building permit** application and the total **development cost charges** payable shall be the sum of the **development cost charges** payable for each type of use.

PART 6 - EFFECTIVE DATE

6.1 This **bylaw** comes into force and effect on the later of July 1, 2024, and the date of adoption.

PART 7 - SEVERABILITY

7.1 If any portion of this **bylaw** is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2024
Read a second time this	day of	, 2024
Read a third time this	day of	, 2024
Approved by the Inspector of Municipalities this	day of	, 2024
Reconsidered and adopted this	day of	, 2024

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

Development Cost Charges

	Transportation	Water	Drainage	Sewer	Parkland Acquisition and Improvements	Fire Protection	Total Development Cost Charge
Low Density Residential (Single family dwelling and any secondary suite/Duplex dwelling and any secondary suite(s))	\$16,858.00	\$2,740.00	\$5,734.00	\$3,491.00	\$20,632.00	\$5,415.00	\$54,870.00 per primary dwelling unit / lot
Medium Density Residential (Townhouse/Rowhouse/Multiplex/Laneway home)	\$10,438.00	\$1,918.00	\$4,391.00	\$2,443.00	\$14,442.00	\$3,791.00	\$37,423.00 per dwelling unit
High Density Residential (Apartment)	\$6,994.00	\$1,370.00	\$2,227.00	\$1,745.00	\$10,316.00	\$2,708.00	\$25,360.00 per dwelling unit
Commercial	\$159.71	\$6.17	\$26.73	\$7.85	\$46.42	\$12.18	\$259.06 per m ² gross floor area
Industrial	\$59.50	\$4.11	\$35.00	\$5.24	\$0.00	\$8.12	\$111.97 per m ² gross floor area
Institutional	\$104.38	\$6.17	\$52.82	\$7.85	\$0.00	\$12.18	\$183.40 per m ² gross floor area

CITY OF BURNABY

BYLAW NO. 14647

A bylaw to amend
Burnaby Development Cost Charges Bylaw 1979

The Council of the City of Burnaby enacts as follows:

1. This Bylaw may be cited as **BURNABY DEVELOPMENT COST CHARGES BYLAW 1979, AMENDMENT BYLAW NO. 1, 2024.**
2. *Burnaby Development Cost Charges Bylaw 1979*, as amended, is further amended as follows:
 - (a) by repealing Schedule “A” in its entirety;
 - (b) by repealing Schedule “B” in its entirety and replacing it with Schedule “B” attached to this Bylaw;
 - (c) by repealing Schedule “C” in its entirety and replacing it with Schedule “C” attached to this Bylaw;
 - (d) by repealing Schedule “D” in its entirety and replacing it with Schedule “D” attached to this Bylaw; and
 - (e) by repealing Schedule “E” in its entirety and replacing it with Schedule “E” attached to this Bylaw.
3. Notwithstanding the repeal of Schedule “A” by section 2(a) of this Bylaw, the development cost charges set out in Schedule “A” prior to its repeal shall apply to:
 - (a) an application for subdivision in respect of which a complete application has been submitted to the City, and the applicable fee has been paid, before the date of adoption of *Burnaby Development Cost Charges Bylaw 2024* (the “**Effective Date**”), and in respect of which the subdivision is approved within 12 months of the Effective Date; and
 - (b) a building permit in respect of which a precursor application (as defined in section 568(1) of the *Local Government Act*) to such building permit is in-stream (as defined in section 568(1) of the *Local Government Act*) on the Effective Date and where the related building permit is issued within 12 months of the Effective Date.

4. This Bylaw comes into force and effect on the date of adoption of *Burnaby Development Cost Charges Bylaw 2024*.
5. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2024	
Read a second time this	day of	, 2024	
Read a third time this	day of	, 2024	
Approved by the Inspector of Municipalities this	day of		, 2024
Reconsidered and adopted this	day of	, 2024	

MAYOR

CORPORATE OFFICER

SCHEDULE "B"

1. **ITEM:**

PUBLIC OPEN SPACE LEVY IN METROTOWN

2. **APPLICABILITY:**

This levy applies to all commercial development within the Metrotown area.

3. **CHARGES:**

\$0 per gross square foot of commercial building floor area.

SCHEDULE "C"

1. **ITEM:**

CANADA WAY PEDESTRIAN OVERPASS

2. **APPLICABILITY:**

This levy applies to all commercial development within the benefitting area enclosed by Canada Way, Norland Avenue, and the Trans-Canada Highway.

3. **CHARGES:**

\$0 per gross square foot of commercial building floor area.

SCHEDULE "D"

1. **ITEM:**

METROTOWN GRADE-SEPARATED PEDESTRIAN LINKAGE LEVY

2. **APPLICABILITY:**

This levy applies to all non-residential development within the Core and Public Assembly and Development Sub-areas of Metrotown.

3. **CHARGES:**

\$0 per gross square meter of non-residential building floor area.

SCHEDULE "E"

1. **ITEM:**

Edmonds Town Centre South Grade-Separated Crossing Charge

2. **APPLICABILITY:**

This levy applies to all residential development within the Edmonds Town Center South Area.

3. **CHARGES:**

\$0 per unit

CITY OF BURNABY

BYLAW NO. 14648

A bylaw to establish
development cost charges reserve funds

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY DEVELOPMENT COST CHARGES RESERVE FUNDS BYLAW 2024**.
2. Pursuant to section 188 of the *Community Charter*, Council hereby establishes the following statutory development cost charges reserve funds:
 - (a) DCC Sewer Reserve Fund;
 - (b) DCC Water Reserve Fund;
 - (c) DCC Drainage Reserve Fund;
 - (d) DCC Fire Protection Reserve Fund;
 - (e) DCC Transportation Reserve Fund; and
 - (f) DCC Parkland Acquisition and Improvements Reserve Fund(collectively, the “**DCC Reserve Funds**”).
3. Monies paid to the City under *Burnaby Development Cost Charges Bylaw 1979* for parkland acquisition, including accrued interest, are hereby placed in the DCC Parkland Acquisition and Improvements Reserve Fund to continue to be used for the purpose for which they were collected.
4. All monies paid to the City under any development cost charges imposition bylaw for the purposes of sewer, water, drainage, fire protection, and transportation facilities, and parkland acquisition and improvements, shall be deposited into the applicable DCC Reserve Fund that corresponds to the purpose for which the development cost charge was imposed.
5. In accordance with section 566(2) of the *Local Government Act*, money in the DCC Reserve Funds, including interest earned or accrued, may be used and expended only for the following:
 - (a) to pay the capital costs of projects related to the purpose for which the development cost charge was imposed;
 - (b) to pay principal and interest on a debt incurred by the City as a result of an expenditure under paragraph 5(a); or

- (c) to pay a person subject to a development cost charge for some or all of the capital costs the person incurred in completing a project described in paragraph 5(a) if:
 - (i) the project was completed under an agreement between the person and the City; and
 - (ii) the project is included in the calculations used to determine the amount of that development cost charge.

- 6. This Bylaw comes into force and effect on the date of adoption of *Burnaby Development Cost Charges Bylaw 2024*.
- 7. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2024
Read a second time this	day of	, 2024
Read a third time this	day of	, 2024
Reconsidered and adopted this	day of	, 2024

MAYOR

CORPORATE OFFICER

CITY OF BURNABY

BYLAW NO. 14646

A bylaw to impose
amenity cost charges

The Council of the City of Burnaby enacts as follows:

PART 1 - CITATION

1.1 This **bylaw** may be cited as **BURNABY AMENITY COST CHARGES BYLAW 2024**.

PART 2 - DEFINITIONS AND INTERPRETATION

2.1 For the purposes of this **bylaw**, the words or phrases that are not defined in this section shall have the meaning ascribed to them in the **Zoning Bylaw**.

2.2 In this **bylaw**, unless the context otherwise requires:

“amenity cost charges” or “ACC”	means the applicable rates prescribed in Schedule “A” to this bylaw
“building”	has the meaning set out in the Building Bylaw
“Building Bylaw”	means <i>Burnaby Building Bylaw 2016</i> , as amended, or repealed and replaced from time to time
“building permit”	has the meaning set out in the Building Bylaw
“City”	means the City of Burnaby
“Commercial”	means land zoned for commercial uses in the Zoning Bylaw
“construction”	has the meaning set out in the Building Bylaw
“dwelling unit”	has the meaning set out in the Zoning Bylaw
“gross floor area” or “GFA”	has the meaning set out in the Zoning Bylaw

“High Density Residential”	means development of a residential building which contains multiple dwelling units accessible via a common hallway or corridor and shared entrance facilities, including apartment buildings
“Industrial”	means land zoned for industrial uses in the Zoning Bylaw
“Institutional”	means the use of a building or portion of a building for public or private organizations that provide community services or activities, such as education, healthcare, religious worship, or government functions
“lot”	means any lot, parcel, block, or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata lot under the <i>Strata Property Act</i>
“Low Density Residential”	means residential development consisting of one building that contains no more than two primary dwelling units and any secondary suite(s) , including a single family dwelling and any secondary suite , or a duplex dwelling and any secondary suite(s)
“Medium Density Residential”	means ground-oriented residential development, including laneway homes, townhouse dwellings, rowhouse dwellings, and multiplex dwellings
“primary dwelling unit”	has the meaning set out in the Zoning Bylaw
“secondary suite”	has the meaning set out in the Zoning Bylaw
“subdivision”	means a subdivision as defined in the <i>Land Title Act</i> or <i>Strata Property Act</i>
“Zoning Bylaw”	means the <i>Burnaby Zoning Bylaw, 1965</i> , as amended, or repealed and replaced from time to time

PART 3 - AMENITY COST CHARGES

3.1 Pursuant to section 570.2(1) of the *Local Government Act*, for the purpose of

providing funds to assist the **City** in paying the capital costs of providing, constructing, altering or expanding the amenities set out in Schedule “B” to this **bylaw** to service, directly or indirectly, the development and the increased population of residents or workers that results from the development for which the charge is being imposed, the **amenity cost charges** set out in Schedule “A” to this **bylaw** are hereby imposed on every person who obtains:

- (a) approval of a **subdivision** of land under the *Land Title Act* or the *Strata Property Act*, that results in two or more **lots** on which the **Zoning Bylaw** permits the **construction** of a **Low Density Residential** development; or
- (b) approval of a **building permit** authorizing the **construction** of a **Low Density Residential** development on an existing **lot**; or
- (c) approval of a **building permit** authorizing the **construction** of **Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional** development on a **lot**,

and the **amenity cost charges** shall be paid upon approval of a **subdivision** or issuance of a **building permit**, as applicable.

PART 4 - EXEMPTIONS

4.1 Despite any other provision of this **bylaw**, an **amenity cost charge** is not payable if any of the following applies in relation to a development authorized by a **building permit**:

- (a) the **building permit** authorizes the **construction** of a **building** or part of a **building** that is, or will be, after the **construction**, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
- (b) no increase in the population of residents or workers is expected to result from the development;
- (c) an **amenity cost charge** in respect of a particular amenity is not payable if an **amenity cost charge** in respect of that amenity has previously been paid for the same development, unless as a result of further development, an increase in the population of residents or workers is expected; or
- (d) the development falls within any class of affordable housing prescribed by regulation under the *Local Government Act*.

PART 5 - CALCULATION OF APPLICABLE CHARGES

5.1 The amount of **amenity cost charges** payable in relation to a particular development shall be calculated using the applicable charges set out in Schedule “A” to this **bylaw**.

5.2 Where a type of development is not specifically identified in Schedule “A” to this **bylaw** the amount of **amenity cost charges** to be paid to the **City** shall be equal to the **amenity cost charges** that are payable for the most comparable type of development.

5.3 The amount of **amenity cost charges** payable in relation to a mixed-use development shall be calculated separately for each type of use separately, in accordance with Schedule “A” to this **bylaw**, based on the uses included in the **building permit** application and the total **amenity cost charges** payable shall be the sum of the **amenity cost charges** payable for each type of use.

PART 6 - EFFECTIVE DATE

6.1 This **bylaw** comes into force and effect on July 1, 2024.

PART 7 - SEVERABILITY

7.1 If any portion of this **bylaw** is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2024
Read a second time this	day of	, 2024
Read a third time this	day of	, 2024
Reconsidered and adopted this	day of	, 2024

MAYOR

CORPORATE OFFICER

SCHEDULE “A”

Amenity Cost Charges

	Amenity Cost Charge
Low Density Residential (Single family dwelling and any secondary suite/ Duplex dwelling and any secondary suite(s))	\$26,963.00 per primary dwelling unit / lot
Medium Density Residential (Townhouse/Rowhouse/Multiplex/Laneway home)	\$18,874.00 per dwelling unit
High Density Residential (Apartment)	\$13,481.00 per dwelling unit
Commercial	\$60.67 per m² gross floor area
Industrial	\$40.44 per m² gross floor area
Institutional	\$60.67 per m² gross floor area

SCHEDULE “B”
List of Amenities

1. Metrotown Library (Expansion)
2. Confederation Park Community Centre
3. Bonsor Recreation Complex
Redevelopment
4. Childcare Facilities (Two)

CITY OF BURNABY

BYLAW NO. 14649

A bylaw to establish an
amenity cost charges reserve fund

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY AMENITY COST CHARGES RESERVE FUND BYLAW 2024.**
2. Pursuant to section 188 of the *Community Charter*, Council hereby establishes the statutory Amenity Cost Charges Reserve Fund to receive funds from the imposition of an amenity cost charge.
3. In accordance with section 570.8(2) of the *Local Government Act*, money in the Amenity Cost Charges Reserve Fund, including interest earned or accrued, may be used and expended only for the following:
 - a) to pay the capital costs of projects related to the purpose for which the amenity cost charge was imposed;
 - b) to pay principal and interest on a debt incurred by the City as a result of an expenditure under paragraph 3(a); or
 - c) to pay a person subject to an amenity cost charge for some or all of the capital costs the person incurred in completing a project described in paragraph 3(a) if:
 - (i) the project was completed under an agreement referred to in section 570.9(1) of the *Local Government Act* between the person and the City; and
 - (ii) the project is included in the calculations used to determine the amount of that amenity cost charge.

