

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: PAYMENT-IN-LIEU OF PARKING –
ZONING BYLAW AMENDMENTS AND RESERVE FUNDS**

RECOMMENDATIONS:

1. THAT Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, 1965, to establish new payment-in-lieu of parking requirements for off-street parking and make changes to some off-street parking provisions, as outlined in the report, for advancement to a future Public Hearing.
2. THAT Council be requested to authorize the preparation of a bylaw amending the Burnaby Planning and Building Fees Bylaw to add a new schedule to include the fee for "Payment In-Lieu of Parking", as outlined in the report.
3. THAT Council be requested to authorize the City Solicitor to bring forward a bylaw to establish the following statutory reserve funds:
 - a) Off-Street Parking Reserve Fund; and,
 - b) Active Transportation Infrastructure Reserve Fund;as outlined in the report, to receive payment-in-lieu of the required off-street parking spaces.
4. THAT Council be requested to authorize the City Solicitor to bring forward a Reserve Fund Transfer Bylaw to transfer all funds, including accrued interest, in the Hastings Off-Street Parking Reserve Fund and Metrotown Centre Off-Street Parking Reserve Fund (currently totalling \$2,462,333) to the new City-wide Off-Street Parking Reserve Fund.
5. THAT Council be requested to authorize the City Solicitor to bring forward a bylaw to repeal the Burnaby Off-Street Parking Reserve Funds Bylaw once the above reserve fund transfers are completed.
6. THAT a copy of the report be provided to the Financial Management Committee for information.

To: His Worship, the Mayor and Councillors
From: Planning and Development Committee
Re: Payment-In-Lieu of Parking –
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REPORT

The Planning and Development Committee, at its meeting held on 2021 March 30, received and adopted the attached report proposing text amendments to the Burnaby Zoning Bylaw regarding payment-in-lieu of parking and other off-street parking provisions and bylaws to establish an Off-Street Parking Reserve Fund and Active Transportation Infrastructure Reserve Fund, transfer existing off-street parking reserve funds to a City-wide Off-Street Parking Reserve Fund, and to repeal the Burnaby Off-Street Parking Reserve Funds Bylaw.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: Acting City Manager Director Planning & Building Director Corporate Services Director Engineering Director Finance Director Public Safety & Community Services Chief Building Inspector City Solicitor
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Item
Meeting.....2021 March 30

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2021 March 24

FROM: DIRECTOR PLANNING AND BUILDING
DIRECTOR FINANCE

FILE: 42000 20
Reference: Bylaw Amendments

**SUBJECT: PAYMENT-IN-LIEU OF PARKING -
ZONING BYLAW AMENDMENTS AND RESERVE FUNDS**

PURPOSE: To propose text amendments to the Burnaby Zoning Bylaw regarding payment-in-lieu of parking and other off-street parking provisions and bylaws to establish an Off-Street Parking Reserve Fund and Active Transportation Infrastructure Reserve Fund, transfer existing off-street parking reserve funds to a City-wide Off-Street Parking Reserve Fund, and to repeal the Burnaby Off-Street Parking Reserve Funds Bylaw.

RECOMMENDATIONS:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw, 1965, to establish new payment-in-lieu of parking requirements for off-street parking and make changes to some off-street parking provisions, as outlined in this report, for advancement to a future Public Hearing.
2. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Planning and Building Fees Bylaw to add a new schedule to include the fee for “Payment-In-Lieu of Parking”, as outlined in this report.
3. **THAT** Council be requested to authorize the City Solicitor to bring forward a bylaw to establish the following statutory reserve funds:
 - (a) Off-Street Parking Reserve Fund; and,
 - (b) Active Transportation Infrastructure Reserve Fund;as outlined in this report, to receive payment-in-lieu of the required off-street parking spaces.
4. **THAT** Council be requested to authorize the City Solicitor to bring forward a Reserve Fund Transfer Bylaw to transfer all funds, including accrued interest, in the Hastings Off-Street Parking Reserve Fund and Metrotown Centre Off-Street Parking Reserve Fund (currently totalling \$2,462,333) to the new City-wide Off-Street Parking Reserve Fund.

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5. **THAT** Council be requested to authorize the City Solicitor to bring forward a bylaw to repeal the Burnaby Off-Street Parking Reserve Funds Bylaw once the above reserve fund transfers are completed.
6. **THAT** a copy of this report be provided to the Financial Management Committee for information.

REPORT

1.0 BACKGROUND INFORMATION

Schedule VIII – Off-Street Parking of the Zoning Bylaw regulates the required off-street parking spaces for different uses. The Zoning Bylaw also provides different options, such as shared use of off-street parking spaces, or the use of excess off-street parking spaces on adjacent properties, where the minimum off-street parking spaces cannot be provided on the same site as the principal buildings or uses to be served. In addition, the Zoning Bylaw permits payment-in-lieu of parking in specific areas of the City, at the option of the owner or occupier of a land or building, in accordance with Section 525(1)(d) of the *Local Government Act (LGA)*.

The payment-in-lieu of parking is generally used when the construction of all, or part, of the required off-street parking spaces are not feasible on a property due to hardship, such as siting restrictions, lot dimensions, or ground water issues. This program facilitates development of sites that cannot physically accommodate the required off-street parking spaces, helps to reduce the costs of development, funds the provision of shared public parking facilities, improves urban design, and reduces parking demands.

The payment-in-lieu of parking program in Burnaby was first established by Council in 1982. The purpose of this program was to support developments where parking provisions were restricted, and to assist the City in acquiring and developing public parking facilities within the Metrotown area. The established program allowed a maximum of 20% off-street parking reduction for major office developments under the CD Comprehensive Development District, for a payment of \$2,000 for each off-street parking space that was not provided. Funds from this program have been used to support City-owned public parking facilities within the Town Centre.

In 1993, this program was expanded to include non-residential uses in the C8 and C8a Urban Village Commercial Districts on Hastings Street. The purpose of this program was to offset the impact of provincially mandated high occupancy vehicle (HOV) lanes on Hastings Street by providing additional parking opportunities, and to improve viability of commercial developments along Hastings Street through the City's acquisition of properties for public parking facilities within the Burnaby Heights neighbourhood. The established program allowed for 100% of the required off-street parking spaces for commercial uses to be provided through a cash-in-lieu payment of \$8,000 per off-street parking space.

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In May 2018, Council adopted an amendment to the Zoning Bylaw to expand payment-in-lieu of parking to include all commercial uses within Metrotown, as well as the Edmonds, Lougheed, and Brentwood Town Centres. Subsequently, separate statutory reserve funds were established for payment-in-lieu of parking in Metrotown, Edmonds, Lougheed, and Brentwood Town Centres, and Hastings Street.

This report reviews the requirements of the Zoning Bylaw related to payment-in-lieu of parking, and recommends a number of amendments to the Zoning Bylaw in order to expand this program to all off-street parking spaces, except those that are provided for dwelling units. This program also includes off-street parking spaces that are provided for senior citizen housing projects, and supportive housing facilities, throughout the City. A number of other housekeeping amendments pertaining to off-street parking are also included in this report, in order to simplify the application of the Zoning Bylaw and improve consistency with other provisions in the Bylaw.

This report also requests an amendment to the Burnaby Planning and Building Fees Bylaw to add a new “Schedule C-1” to include the fee for “Payment-In-Lieu of Parking” in the amount of \$25,000 per off-street parking space that is not provided, under the amended payment-in-lieu of parking program.

As well, this report requests the establishment of a City-wide Off-Street Parking Reserve Fund and Active Transportation Infrastructure Reserve Fund. The City-wide Off-Street Parking Reserve Fund would replace the current geographically-based Off-Street Parking Reserve Funds.

2.0 CITY POLICY FRAMEWORK

The proposed amendments to the Zoning Bylaw related to payment-in-lieu of parking and other parking requirements of the Zoning Bylaw align with Council-adopted policies, including:

Corporate Strategic Plan:

- work collaboratively with businesses, educational institutions, other communities and governments to foster an environment that attracts new and supports existing jobs, businesses and industries..
- enhance our environmental health, resilience and sustainability.
- manage change by balancing economic development with environmental protection and maintaining a sense of belonging.
- build and maintain infrastructure that meets the needs of our growing community.

Official Community Plan:

- contribute toward the achievement of a more complete community.
- strive to facilitate the efficient movement of people and goods in a cost effective manner which enhances the environment and livability of the entire community.

Regional Growth Strategy:

- encourage safe and efficient transit, cycling and walking.

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- Implement transit priority measure, where appropriate.
- Support district energy systems and renewable energy generation, where appropriate.

Environmental Sustainability Strategy:

- develop a parking policy to encourage fewer automobile trips.

Economic Development Strategy:

- make the efficient use of land.

Climate Action Framework:

- expand climate awareness, engagement, and dialogue.
- plan for resilient Urban Villages.
- accelerate pedestrian infrastructure improvements.
- expand transit priority measures, including bus priority lanes.

3.0 ZONING BYLAW TEXT AMENDMENTS

3.1 Payment-In-Lieu of Parking for Off-Street Parking

Section 525 of the *LGA* allows the City to establish off-street parking requirements for land, buildings and structures; and, uses of land, buildings and structures. As well, the City is authorized by Section 525 to give an owner or occupier the option, as an alternative to complying with off-street parking requirements, to make a payment to the City in the amount of money specified in the bylaw in-lieu of providing off-street parking spaces. Any payments received by the City are required to be deposited in reserve funds established for:

- (a) new and existing off-street parking spaces, and/or,
- (b) transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

The payment-in-lieu of parking program under the *LGA* provides opportunities to reduce parking demand rather than increasing parking supply, and facilitates the provision of transportation infrastructure that supports walking, cycling and public transit (“active transportation infrastructure”). In addition, it would help with the future implementation of the Burnaby Transportation Plan which supports the reduction in automobile use and ownership, and management of parking supply and usage. As such, the implementation of a City-wide payment-in-lieu of parking program in Burnaby is timely.

Currently, the payment-in-lieu of parking requirements outlined in the Burnaby Zoning Bylaw are limited to commercial uses in the Metrotown, Edmonds, Lougheed, and Brentwood Town Centres, as well as the Hastings Street Area Plan. In order to regulate payment-in-lieu of parking throughout the City, it is recommended that a new Section 800.5.1 be added to the Zoning Bylaw based on the following criteria:

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Land uses that are eligible for payment-in-lieu of parking

Parking is a valuable asset for any development. A lack of on-site, owner-controlled, off-street parking can reduce a development’s attractiveness to users or occupants of the building or land. In commercial areas, a central public parking facility instead of individual parking areas devoted to each commercial building encourages walking, improves pedestrian experience, and creates a positive pedestrian mobility system. However, in residential areas, the provision of off-site parking facilities and the reduced on-site parking supply may result in inconvenience, and consequently, a competitive disadvantage for these developments.

To ensure all residential developments will continue to have adequate on-site, off-street, parking spaces, it is recommended that payment-in-lieu of parking be applied to all off-street parking spaces, except those that are provided for dwelling units. Considering that uses generating payment-in-lieu of parking, particularly due to hardship, would benefit all commercial developments, and not only those located in Town Centres and along Hastings Street, it is further recommended that payment-in-lieu of parking be applied to off-street parking spaces generated throughout the City for all uses other than dwelling units.

The general exclusion of parking spaces provided for dwelling units from the payment-in-lieu of parking program would not apply to senior citizen housing projects and supportive housing facilities that contain dwelling units. In these developments, based on the age and physical and cognitive conditions of residents, parking needs may be less than the required off-street parking spaces specified in the Zoning Bylaw. As such, to provide flexibility and reduce development costs, particularly in facilities with lower parking needs, it is recommended that unlike other dwelling units, payment-in-lieu of parking be provided as an option in senior citizen housing and supportive housing facilities.

To ensure that users and occupiers of buildings and uses with mobility issues will continue to have access to on-site accessible and van accessible parking spaces close to building entrances, it is further recommended that payment-in-lieu of parking should not apply to the required accessible and van accessible parking spaces.

How the reserve fund should be utilized

According to Section 525 of the LGA, if the City establishes a payment-in-lieu of parking program, it must deposit payments received in a reserve fund for:

- new and existing off-street parking spaces; and/or,
- transportation infrastructure that supports walking, cycling, public transit, or other alternative forms of transportation.

If the City wishes to utilize payments received for both purposes, then separate reserve funds must be established for each purpose. Money deposited into these reserve funds, including accrued interest, can only be used for the established purpose. Further, by June 30 of each year, the City

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is to prepare and consider a report outlining the amounts received in the reserve fund(s) for the applicable year, the expenditures from the reserve fund(s) for the year, the balance in the reserve fund(s), and projected timelines for future projects to be funded from the reserve fund(s). As in the past, the City will report this information for the reserve funds in the City's 5-Year Financial Plan.

The proposed City-wide payment-in-lieu of parking program is recommended for required off-street parking spaces throughout the City other than those that are provided for dwelling units, with some exceptions. Considering that the need for the construction, expansion, or capital maintenance of municipal off-street parking facilities, or the development of active transportation infrastructures varies in different parts of the City, it is recommended that the reserve fund be utilized for both purposes. As such, if Council adopts this recommendation, two separate City-wide reserve funds would be established, one for the development/capital maintenance of new and existing municipal off-street parking facilities, and the other for the development of active transportation infrastructure.

It is proposed that 50% of future payment-in-lieu of parking amounts received by the City be deposited into the reserve fund for the development/capital maintenance of new and existing off-street parking spaces and 50% be deposited into the active transportation infrastructure reserve fund. This allocation would be set out in the proposed section 800.5.1 to be added to the Zoning Bylaw.

To clarify that the payment-in-lieu of parking may be utilized for both purposes, it is recommended that a new definition for "payment-in-lieu of parking" be added to section 3.0 of the Zoning Bylaw as follows:

"Payment-in-lieu of parking" means a payment to the City, as an alternative to providing off-street parking spaces as required in this bylaw, for the purposes of funding the provision, expansion and/or capital maintenance of the municipal parking facilities, and/or transportation infrastructure that support walking, cycling, public transit, or other active forms of transportation.

The maximum parking reduction in-lieu of payment

The payment-in-lieu of parking program facilitates development of a property where providing the minimum off-street parking spaces, as specified in the Zoning Bylaw, is not feasible due to hardship. However, to maintain viability of businesses, a balance between the available off-street parking spaces in proximity of businesses and the parking needs is necessary. Otherwise, lack of off-street parking spaces may become a disadvantage for such businesses, or put additional burden on adjacent street parking.

In addition, if most required off-street parking spaces are to be provided off-site through this program, the City will be fully responsible to provide adequate parking spaces in response to the needs of adjacent buildings, uses and businesses. This will increase the number of capital projects to construct and/or maintain municipal parking facilities, which would require additional staff and

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resources. As such, to ensure payment-in-lieu of parking is utilized in response only to hardship, and not as a means for developers and businesses to avoid the provision of the required off-street parking spaces for financial purposes, it is recommended that parking reduction in-lieu of payment be limited to 30% of the total required off-street parking spaces for a specific use.

According to Section 800.4(34) of the Zoning Bylaw, the payment-in-lieu of parking is currently applicable to 100% of the required off-street parking spaces for commercial uses on Hastings Street between Boundary Road and Delta Avenue. In addition to offsetting the impact of parking restrictions on Hastings Street as a result of the installation of HOV lanes, this program was originally established to facilitate development of commercial uses on properties where lot dimensions (smaller lot width and lot depth) had restricted the provision of on-site off-street parking spaces. The payment-in-lieu of parking has been effective in this area for many years, and resulted in the provision of several municipal off-street parking facilities in response to the parking needs of the existing and future businesses.

The lot dimensions of properties on Hastings Street will continue to create a hardship for the provision of on-site, off-street, parking spaces, if lot consolidation is not pursued as part of a proposed development. As such, due to availability of municipal off-street parking facilities in this area, it is recommended that 100% of the required off-street parking spaces for all uses other than dwelling units continue to be eligible for payment-in-lieu of parking for uses located on Hastings Street, between Boundary Road and Delta Avenue. It should be noted that similar to other areas of the City, this program would not apply to accessible and van accessible parking spaces.

When to pay payment-in-lieu of parking

According to Section 525 of the *LGA*, the payment-in-lieu of parking is payable at the time the Building Permit is issued for the applicable building or structures, or if no Building Permit is required, at the time the use that requires off-street parking spaces specified in the Bylaw begins

As such, in a development involving the construction, extension, or alteration of a building or structure that requires the provision or addition of off-street parking spaces, the payment-in-lieu amount is payable to the City at the time of issuance of the Building Permit. An example of this is a commercial or industrial building that is permitted to be constructed or extended through a Rezoning or a Preliminary Plan Approval (PPA) process. In a development involving a change of use, which requires additional off-street parking spaces, where no building permit is required, the payment-in-lieu amount should be paid to the City at the earlier of the issuance of a Business Licence or PPA. An example of this is a change of use from a land use with a lower parking requirement e.g. warehousing, to a use that requires more off-street parking spaces, e.g. office. This program may also be used when the provided off-street parking spaces are utilized for other uses, such as the use of off-street parking spaces for an outdoor play area in a child care facility located on a small property. In this case, the payment-in-lieu amount is payable at the time of issuance the PPA for the child care facility, if no building permit is required.

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In a development that does not require the construction or alteration of a building/structure, or issuance of a Business Licence, but requires a PPA due to a change of use, or change to the density of occupancy of a use, the payment-in-lieu amount is payable to the City at the time of issuance of the PPA. Example of this is the use of a portion of an existing storage building for accessory office without any extension or alteration to the building. The addition of office space requires additional off-street parking spaces without requiring a change to the Business Licence.

Payment-in-lieu of parking in Town Centres and Hastings Street Area

Section 800.4(34) of the Zoning Bylaw stipulates that in the case of commercial uses on Hastings Street, between Boundary Road and Delta Avenue, where it is located within 1.0 km of a municipal off-street parking facility, the owner may elect to pay \$8,000 for each required off-street parking space that is not provided. Section 800.4(37) of the Zoning Bylaw, also allows the deposit of \$10,000 payment-in-lieu of parking for commercial uses in the Metrotown, Edmonds, Lougheed, and Brentwood Town Centres.

If Council adopts the recommendation of this report to allow off-street parking reduction in-lieu of payment for all off-street parking spaces other than those that are provided for dwelling units, throughout the City, it is recommended that Section 800.4(34) be amended to remove the payment-in-lieu requirements, and Section 800.4(37) be repealed in its entirety. It is further recommended that a new Section 800.5.1 be added to the Burnaby Zoning Bylaw to set out the payment-in-lieu program and conditions.

3.2 Applicable Fee for Payment-In-Lieu of Parking

In 1982, when payment-in-lieu of parking was originally established in Burnaby, the deposit of \$2,000 was determined as the applicable payment for each off-street parking space that was not provided. This original payment-in-lieu amount has been raised over the years. It was last raised in 1994 from \$8,000 to the current \$10,000 per off-street parking space in Town Centres. For the Hastings Street area, the amount remains at \$8,000.

Generally, the payment-in-lieu amount should reflect the construction cost of parking spaces at the time of deposit of the payment, with some account for potential cost recovery. This amount is normally calculated based on the construction costs on a case by case basis, or a fix rate based on the average construction cost of off-street parking spaces in both surface and underground parking.

Considering that underground parking, which reflects the most efficient use of land for parking purposes is supported by the City, it is recommended that the average construction cost of a parking space in an underground parking be used to determine the payment-in-lieu amount. This amount should not be so high that discourages development on lots with hardship, or so low that encourages the payment-in-lieu of parking without a real hardship. Accordingly, the payment-in-lieu amount is recommended to be \$25,000, approximately equal to 50% of the average construction cost of an off-street parking space in an underground parking. The 50% of the

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construction cost is with the consideration that future revenues will be collected when end users will pay the market rate for the use of the provided City-owned parking facilities.

To ensure the payment-in-lieu amount reflects any future change in construction cost, it is recommended that this amount be reviewed by staff every one to two years. As such, to facilitate the review and update of “payment-in-lieu of parking” amount, it is recommended that “Payment-In-Lieu of Parking” in the amount of \$25,000 per off-street parking space that is not provided as required by the Zoning Bylaw be added as a new “Schedule C-1” to the Burnaby Planning and Building Fees Bylaw as follows:

SCHEDULE OF PAYMENT-IN-LIEU OF PARKING FEE	
Payment-In-Lieu of Parking	\$25,000 per off-street parking space not provided as required in Schedule VIII (Section 800.4) of the Burnaby Zoning Bylaw, 1965

3.3 Other Off-Street Parking-Related Amendments

- Location of the accessory off-street parking spaces:

Sections 800.5(2) and 800.5(4) of the Zoning Bylaw provide alternative tools to allow off-site off-street parking spaces accessory to a principal building or use when the provision of on-site off-street parking spaces is not feasible. This includes:

- shared use of off-street parking spaces by two or more uses located within a maximum distance of 122 m (400.26 ft.), when the hours of operation for such uses do not overlap significantly; and,
- use of excess off-street parking spaces on a separate lot located not more than 122 m (400.26 ft.) from any building or use to be served.

According to Section 800.5(1) of the Zoning Bylaw, all required off-street parking spaces shall be used for the accommodation of vehicles of the users of a principal building or use, for which the parking area is provided. As such, subject to sections 800.5(2) and 800.5(4) of the Zoning Bylaw, accessory off-street parking spaces may be located:

- i) on the same lot as the principal building or use for which the parking spaces are provided; and/or,
- ii) on a separate lot within 122 m (400.26 ft.) of the principal building or use to be served.

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If Council adopts the recommendation of this report to expand payment-in-lieu of parking to all off-street parking spaces other than those provided for dwelling units, this would allow an alternative option for the provision of accessory off-street parking spaces.

To add further clarity regarding the provision of off-street parking spaces accessory to a principal building or use, it is recommended that a new Section 800.4.3 be added to the Zoning Bylaw. This section will clarify that accessory off-street parking spaces may be located on the same lot as the principal building or use to be served, or on a separate lot subject to a number of conditions, or alternatively through payment-in-lieu of parking.

- The location of accessible and van accessible parking spaces:

In accordance with Sections 800.5(2) and 800.5(4) of the Zoning bylaw, off-street parking spaces, except those that are provided for dwelling units in residential districts, may be provided on a separate lot subject to a number of conditions. Section 800.3.1(5)(a) requires that accessible and van accessible parking spaces be located close to elevator, vestibule, and building or lobby entrance. However, it is not clear which building or lobby entrance should be considered if accessible and van accessible parking spaces are provided on a separate lot.

It is important that users and occupiers of any building with mobility challenges have access to on-site accessible and van accessible parking spaces close to the principal building or use to be served. As such, it is recommended that section 800.3.1(5)(a) be amended to clarify that accessible and van accessible parking spaces should be located close to elevator, vestibule, and building or lobby entrance of the principal building or use for which the off-street parking space is provided. If Council adopts this recommendation, accessible and van accessible parking spaces should be permitted on a separate lot if they are close to building or lobby entrance of the principal building or use to be served, with a direct and unobstructed access thereto.

3.4 Recommended Zoning Bylaw Amendment

1. **THAT** a new definition for “payment-in-lieu of parking” be added to section 3.0 of the Zoning Bylaw with wording the same or similar to the following:

“PAYMENT-IN-LIEU OF PARKING” means a payment to the City, as an alternative to providing off-street parking spaces as required in this bylaw, for the purposes of funding the provision, expansion and/or capital maintenance of the municipal parking facilities, and/or transportation infrastructure that support walking, cycling, public transit, or other active forms of transportation.

2. **THAT** section 800.3.1(5)(a) of the Zoning Bylaw be replaced with wording the same or similar to the following:

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(a) be located close to the elevator, vestibule, and building or lobby entrance of the principal building or use for which the off-street parking space is provided, including parking spaces provided pursuant to subsections 800.5(2) and (4), with a direct and unobstructed access thereto;

3. **THAT** section 800.4(34) of the Zoning Bylaw be replaced with wording the same or similar to the following:

(34) Commercial uses on Hastings Street between Boundary Road and Delta Avenue.	Where a walkway is provided under section 308.3(5) of this bylaw, the required off-street parking spaces may be reduced by one.
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4. **THAT** section 800.4(37) of the Zoning Bylaw be repealed in its entirety.

5. **THAT** section 800.4.3 be added to the Zoning Bylaw with wording the same or similar to the following:

800.4.3 Provision of Accessory Off-Street Parking Spaces:

Off-street parking spaces required in accordance with section 800.4 for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or tenants of a principal building or use, may be provided:

- (1) On the same lot as the principal building or use for which the off-street parking space is provided; and/or
- (2) On a lot other than which the principal building or use to be served is located, subject to sections 800.5(2) and 800.5(4); and/or
- (3) By means of payment-in-lieu of parking, subject to section 800.5.1.

6. **THAT** section 800.5.1 be added to the Zoning Bylaw with wording the same or similar to the following:

800.5.1 Payment-in-Lieu of Parking:

- (1) An owner or occupier who applies for a building permit to construct, extend, or alter a building or structure on a lot, or who changes a use, or increases the density of occupancy of a use on a lot, that requires off-street parking spaces, has the option to pay to the City an amount, as set out in the Burnaby Planning and Building Fees Bylaw, in lieu of providing off-street parking spaces required by section 800.4, subject to the following:

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- (a) the option does not apply to the required off-street parking spaces for dwelling units, except those dwelling units that are located in senior citizen housing projects, and supportive housing facilities;
 - (b) the option does not apply to the accessible parking spaces and van accessible parking spaces required in accordance with section 800.3.1;
 - (c) for developments on Hastings Street between Boundary Road and Delta Avenue that are located within 1.0 km of an off-street parking facility owned and operated by the City, the option may be applied to all or a portion of the required off-street parking spaces, other than those set out in subsections 800.5.1(1)(a) and (b); and,
 - (d) for developments other than those within the area specified in section 800.5.1(1)(c), the option may be applied to up to thirty percent (30%) of the total off-street parking spaces required for such development under section 800.4, other than those set out in subsections 800.5.1(1)(a) and (b).
- (2) The amount of the payment-in-lieu of parking payable pursuant to subsection 800.5.1(1) shall be paid:
- (a) at the time of building permit issuance for the construction, extension or alteration of a building or structure; or
 - (b) if no building permit is required, at the earlier of the issuance of a business licence or preliminary plan approval for a change of use or increase in the density of occupancy of a use.
- (3) The payment-in-lieu of parking amount received by the City pursuant to section 800.5.1(2) shall be deposited fifty percent (50%) into the City's Off-Street Parking Reserve Fund and fifty percent (50%) into the City's Active Transportation Infrastructure Reserve Fund.

4.0 NEW RESERVE FUNDS FOR PAYMENT-IN-LIEU OF PARKING AND REPEAL OF EXISTING OFF-STREET PARKING RESERVE FUNDS

If Council authorizes the changes outlined in section 3.0 above in respect to allowing payment-in-lieu of parking, Section 525 of the *LGA* requires the City to deposit the amounts received from payment-in-lieu of parking in statutory reserve funds established for the following purposes:

- new and existing off-street parking spaces, and/or
- transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation.

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Per section 3.1 of this report, it is proposed that any new funds received for payment-in-lieu of parking be deposited into new City-wide reserve funds established for the above purposes, on a 50/50 basis. As such, a bylaw is required to establish these new reserve funds. In addition, it is proposed that all funds in the current geographically-based Off-Street Reserve Funds be transferred to the new City-wide Off-Street Reserve Fund.

Creation of a City-wide Off-Street Parking Reserve Fund:

The purpose of this statutory reserve fund is to finance city-wide development and capital maintenance of new and existing off-street parking spaces. There is no requirement within the LGA for reserve funds to be separated geographically, therefore as outlined in section 3.0, it is recommended to replace the existing quadrant based payment-in-lieu of parking reserve funds with a single reserve fund that reflects a City-wide approach. As discussed in section 3.0 of this report, it is proposed that 50% of all future payments-in-lieu of off-street parking received by the City be deposited into this reserve fund. Also as discussed, it is proposed that the current balances in the Hastings Off-Street Parking Reserve Fund and in the Metrotown Centre Off-Street Parking Reserve Fund be transferred to this new reserve fund.

As per Section 189 of the Community Charter: “money in a reserve fund, and interest earned on it, must be used only for the purposes for which the fund was established.” As a result, the new City-wide Off-Street Parking Reserve Fund will be an interest bearing reserve fund.

Funds, including accrued interest, in the new City-wide Off-Street Parking Reserve Fund will be used for new and existing off-street parking space projects such as future resurfacing of existing off-street parking structures and/or expansion/creation of new off-street parking; any off-street parking projects will be aligned with the transportation plan. All future expenditures from the City-wide Off-Street Parking Reserve Fund will be budgeted in the City’s 5-Year Financial Plan and funding will be requested through a bylaw for the utilization of money in the reserve fund.

Creation of an Active Transportation Infrastructure Reserve Fund:

The purpose of this statutory reserve fund is to support active transportation infrastructure, notably transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation. As per Section 525 of the LGA, this reserve fund must be kept separate from the reserve fund for off-street parking. Similar to the City-wide Off-Street Parking Reserve Fund, this reserve fund will also be an interest bearing reserve fund. As discussed in section 3.0 of this report, it is proposed that 50% of all future payments-in-lieu of off-street parking received by the City be deposited into this reserve fund.

Funds, including accrued interest, in the new Active Transportation Infrastructure Reserve Fund will be used for projects such as future sidewalk expansion programs, public transit bus shelter programs, and investment into the cycling network. All future expenditures from the Active Transportation Infrastructure Reserve Fund will be budgeted in the City’s 5-Year Financial Plan and funding will be requested through a bylaw for the utilization of money in the reserve fund.

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Reserve Fund Transfer:

Once the City-wide Off-Street Parking Reserve Fund is in place, there will no longer be a need for separate, geographically-based off-street parking reserve funds that otherwise serve the same purpose. As per Section 189 of the Community Charter, if the amount to the credit of a capital reserve fund is greater than required for the purpose of which the fund was established, Council may, by bylaw, transfer all or part of the amount to another capital reserve fund.

Since geographically-based off-street reserve funds will no longer be needed, it is proposed that all money, including accrued interest, in those reserve funds be transferred to the City-wide Off-Street Reserve Fund. As of 2020 December 31, the balance in the Hastings Off-Street Parking Reserve Fund was \$1,022,712 and in the Metrotown Centre Off-Street Parking Reserve Fund was \$1,439,621, for a combined total of \$2,462,333. The Reserve Fund Transfer Bylaw would authorize the transfer all funds, up to the date of transfer, to the new City-Wide Off-Street Parking Reserve Fund. There are currently no funds in the Edmonds, Brentwood and Lougheed Town Centre Off-Street Parking Reserve Funds. None of the existing funds would be transferred into the Active Transportation Infrastructure Reserve Fund, as the existing reserve funds was established for the purpose of off-street parking.

Repeal and Closure of Existing Off-Street Parking Reserve Funds:

If Council accepts the recommendation to establish a City-Wide Off-Street Parking Reserve Fund and to transfer funds from the existing geographically-based Off-Site Parking Reserve Funds to the new City-wide reserve fund, it is recommended that the current Burnaby Off-Street Parking Reserve Funds Bylaw be repealed following full transfer of the existing funds.

Once the Burnaby Off-Street Parking Reserve Fund is repealed, the following reserve funds will no longer be required and will be closed:

- Hastings Street Parking Reserve Fund
- Metrotown Parking Facilities Reserve Fund
- Edmonds Town Centre Parking Reserve Fund
- Brentwood Town Centre Parking Reserve Fund
- Lougheed Town Centre Parking Reserve Fund

5.0 CONCLUSION AND RECOMMENDATIONS

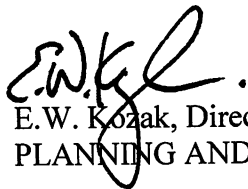
The above Bylaw amendments are proposed in order to review and update the off-street parking space requirements in the Zoning Bylaw, particularly the provisions related to payment-in-lieu of providing off-street parking spaces. It is recommended that Council approve bringing forward the proposed Zoning Bylaw text amendments, as outlined in Section 3.1, 3.3 and 3.4 of this report, and direct that the amendments be advanced to a future Public Hearing.

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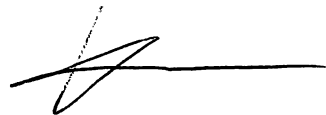
In order to implement the amount for the payment-in-lieu of off-street parking, it is recommended that Council authorize the City Solicitor to bring forward a bylaw to amend the Burnaby Planning and Building Fees Bylaw to add a fee for "Payment-In-Lieu of Parking" in the amount of \$25,000 for each off-street parking space that an owner or occupier opts to not provide in accordance with the proposed new Section 800.5.1 of the Zoning Bylaw.

In addition, it is recommended that Council authorize the City Solicitor to bring forward a bylaw to establish a City-wide Off-Street Parking Reserve Fund for payment-in-lieu of parking for the provision of off-street parking spaces, and a City-wide Active Transportation Infrastructure Reserve Fund for payment-in-lieu of parking for the provision of transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

It is also recommended that Council authorize the City Solicitor to bring forward a Reserve Fund Transfer Bylaw to transfer all money, including accrued interest, in the Hastings Off-Street Parking Reserve Fund and Metrotown Centre Reserve Fund Bylaw to the new City-wide Off-Street Parking Reserve Fund. Further, it is recommended that Council authorize the City Solicitor to repeal the existing Burnaby Off-Street Parking Reserve Funds Bylaw once the funds have been transferred. The following statutory reserve funds can then be closed: (a) Hastings Street Parking Reserve Fund; (b) Metrotown Parking Facilities Reserve Fund; (c) Edmonds Town Centre Parking Reserve Fund; (d) Brentwood Town Centre Parking Reserve Fund; and (e) Lougheed Town Centre Parking Reserve Fund.



E.W. Kozak, Director
PLANNING AND BUILDING



Noreen Kassam, Director
FINANCE

PS/RG:tn

cc: Acting City Manager
Director of Engineering
Director Public Safety and Community Services
City Solicitor

Director Corporate Services
Chief Building Inspector
City Clerk