



# Staff Report to Council

Planning and Development

FILE: 01-0125-01/24

**REPORT DATE:** May 03, 2024                      **MEETING DATE:** May 14, 2024

**TO:** Mayor and Council

**FROM:** Christine Carter, Manager of Strategic Initiatives

**SUBJECT:** Transit-Oriented Area Designation Bylaw to Implement Provincial Transit-Oriented Areas Requirements

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**

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**RECOMMENDATION(S):**

THAT Council:

- A. Has, pursuant to Section 585.52(3) of the *Local Government Act*, considered the Provincial Policy Manual: Transit-Oriented Areas, as outlined in the “Transit-Oriented Area Designation Bylaw to Implement Provincial Transit-Oriented Areas Requirements” report presented at the May 14, 2024 Council meeting, and, in that regard, considers that no further consideration of the Provincial Policy Manual is required at this time; AND
  - B. Grant first, second, and third readings to Transit-Oriented Area Designation Bylaw No. 2989, 2024, to implement the Provincial transit-oriented areas legislation; OR
  - C. Other.
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**PURPOSE**

To introduce the proposed Transit-Oriented Area Designation Bylaw to implement the Province of BC’s transit-oriented areas (TOAs) legislation.

Information Report                       Decision Report                       Direction Report

## **DISCUSSION**

### **Background:**

On November 30, 2023 the Provincial Government gave Royal Assent to *Bill 47-2023 Housing Statutes (Transit-Oriented Areas) Amendment Act*. This Act requires municipalities to designate TOAs near transit hubs to “promote the creation of complete, liveable, and sustainable communities by building more homes near transit and services.”

On December 7, 2023, Transit-Oriented Area (TOA) regulations were released, and prescribed 104 TOAs in 31 municipalities throughout BC. The legislation defines Transit-Oriented Areas as areas within 800 metres of a rapid transit station (i.e., SkyTrain station) and within 400 metres of a bus exchange, which includes West Coast Express stations. For that reason, the City must designate TOAs within 400 metres of the Pitt Meadows West Coast Express Station, as well as those lands situated in Pitt Meadows that are within 400 metres of the Maple Meadows West Coast Express Station, in Maple Ridge. Municipalities have until June 30, 2024 to designate these TOAs by bylaw.

The Province has developed a Minimum Allowable Density Framework for TOAs that prescribes the densities and heights that cannot be prohibited or restricted by zoning authority for land that is zoned to permit a residential use (unless the land is subject to an exemption as set out in regulation – see examples below). According to the regulations, lands adjacent to a West Coast Express station are prescribed as Tier 4 and Tier 5 land, and Table 1 below identifies the prescribed density and height of buildings within those areas. However, the Federal Pitt Meadows Airport Zoning Regulation supersedes the TOA legislation, and is anticipated to limit heights within the 200 metre area to approximately 10 storeys.

**Table 1 – Transit-Oriented Development Areas – Policy Framework**

<b>Municipality</b>	<b>Tier 4 (0 – 200 m)</b>	<b>Tier 5 (200 – 400 m)</b>
Metro Vancouver municipalities	4.0 FAR 12 Storeys	3.0 FAR 8 Storeys
CRD municipalities and other mid-sized	3.5 FAR 10 Storeys	2.5 FAR 6 Storeys
Smaller municipalities	2.5 FAR 6 Storeys	1.5 FAR 4 Storeys

Source – Ministry of Housing, Transit-Oriented Areas Bill 47, Local Government Webinar Series, January 18, 2024

Note: FAR is Floor Area Ratio, or Floor Space Ratio (FSR), which is the ratio of a building’s total gross floor area to the total parcel size upon which it is built

The TOA legislation and regulations also prohibit local governments’ ability within a TOA to require off-street parking for the residential use of land, other than parking for disabled persons. However, commercial parking requirements will remain. The TOA regulations require that local governments update their parking/zoning bylaws to remove requirements for

residential off-street parking in TOAs by June 30, 2024. The required parking amendments are contained in Zoning Amendment Bylaw No. 2986, 2024, attached to the “Zoning Amendment Bylaw to Implement Provincial Small-Scale, Multi-Unit Housing and Transit-Oriented Areas Parking Requirements” report in the May 14, 2024 Council Meeting Agenda.

Although local governments are required to designate TOAs, local governments are not required to pre-zone properties within a TOA, and in most cases, rezoning applications will be required. While height, density, or a lack of residential parking are no longer grounds for denial of a rezoning application in a TOA for land that is zoned to permit a residential use, submission requirements, rezoning processes, and applicable municipal policies and regulations remain.

**Relevant Policy, Bylaw or Legislation:**

*Bill 47 Housing Statutes (Transit Oriented Areas) Amendment Act* (an amendment to the Provincial *Local Government Act*) requires local governments to designate areas within specified distances from transit stations where higher density forms of housing may be permitted, and restrict vehicle parking requirements in these areas.

**Analysis:**

As required by the Provincial legislation, Transit-Oriented Area Designation Bylaw No. 2989, 2024 (Attachment A) designates land within 400 metres of the Pitt Meadows West Coast Express Station and those lands situated in Pitt Meadows that are within 400 metres of the Maple Meadows West Coast Express Station as a TOA. Upon adoption of the Bylaw, the restrictions on zoning authority and parking regulation, as outlined in the *Local Government Act*, and described above, will come into effect.

Provincial Policy Considerations

In December 2023, the Province released the Provincial Policy Guidance Manual: Transit-Oriented Areas as a resource to assist local governments with the implementation of the TOA requirements. The *Local Government Act* requires that Council must consider the Provincial Policy Manual: Transit-Oriented Areas<sup>1</sup> when:

- Designating TOA bylaws;
- Adopting and amending zoning bylaws;
- Developing/amending an official community plan;
- Adopting/amending an off street parking requirements bylaw.

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<sup>1</sup> [https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/toa\\_provincial\\_policy\\_manual.pdf](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/toa_provincial_policy_manual.pdf)

The Policy Manual provides further guidance on exemptions and limitations and clarifies that the minimum density framework applies to any parcel within a TOA on which the applicable zoning permits residential use. Exemptions and limitations from TOA minimum allowable density and height include:

- Land zoned to permit an industrial use;
- Land zoned to permit an agricultural use;
- Lands in Agricultural Land Reserve;
- Airport Zoning Regulations and *Aeronautics Act*;
- Federal Crown Land;
- Floodplains, hazard areas, riparian areas and other environmentally sensitive areas<sup>2</sup>; and
- Heritage objects and sites that are subject to heritage designation, heritage revitalization agreements, etc.

Based on the above, it is noted that not every property shown as being within a transit-oriented area is subject to the minimum allowable density and height prescribed in the legislation. It is also worth noting that the prescribed density and height are not requirements, and a property owner may choose to develop below the density and height prescribed in the legislation. Conversely, an applicant may apply to develop at a higher density.

The Policy Manual provides step-by-step guidance for local governments to consider when designating TOAs. Table 2 below provides a summary of considerations and demonstrates the City’s compliance with the Policy Manual and legislation:

**Table 2, Transit-Oriented Areas Policy Manual Considerations**

TOA Policy Manual Step	Pitt Meadows Consideration	Compliance with Policy Manual
Confirm Transit Station Category	Category 2, Bus Exchange or West Coast Express in Metro Vancouver.	yes
Confirm the locations and types of TOA and map TOA	Locations and types of TOAs have been confirmed. See Schedules A & B in Bylaw 2989, 2024 attached.	yes
Confirm Density Required	<u>Tier 4 200m or less:</u> up to 4.0 FAR/FSR 12 storeys min height	yes

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<sup>2</sup> There is no exemption in Bill 47 for parcels of land that are subject to flood hazards. It is expected that development will occur with mitigation, noting that any siting or other requirements must not “unreasonably prohibit or restrict” the allowable density.

	<u>Tier 5 200-400m:</u> up to 3.0 FAR/FSR 8 storeys min height	
Map all TOAs, including boundaries and tiers	Pitt Meadows WCE and Maple Meadows WCE stations have been mapped using the coordinates provided by the Province. See Schedules A & B in Bylaw 2989, 2024 attached.	yes
Designate TOAs by bylaw	See Transit-Oriented Area Designation Bylaw No. 2989, 2024 attached.	yes
Prepare TOA Plans (optional but encouraged)	To be considered as a component of the mandated OCP review due Dec 2025.	yes
Implement Density Requirements	It is understood that minimum allowable densities and heights cannot be prohibited or restricted by zoning authority for land in a TOA that is zoned to permit a residential use (unless the land is subject to an exemption as set out in regulation).	yes

Properties within a designated TOA are exempt from the requirements to zone for 3 to 6 units under the Small-Scale Multi-Unit Housing (SSMUH) legislation, although SSMUH densities can be extended into a TOA. At the April 16, 2024, Engagement and Priorities Committee Meeting, this matter was considered, and SSMUH densities will generally be extended into the TOAs with the adoption of Zoning Amendment Bylaw No. 2986, 2024, as further described the “Zoning Amendment Bylaw to Implement Provincial Small-Scale, Multi-Unit Housing and Transit-Oriented Areas Parking Requirements” report in the May 14, 2024 Council Meeting Agenda.

Next Steps

Following the adoption of the Transit-Oriented Area Designation Bylaw, written notice, and a copy of the adopted bylaw must be provided to the Minister of Transportation and Infrastructure as soon as practicable.

A copy of Zoning Bylaw Amendment Bylaw No. 2986, 2024, to implement the SSMUH legislation will also be forwarded to the Minister of Transportation and Infrastructure as confirmation that the mandated parking prohibitions in TOAs have been included in the City’s Zoning Bylaw.

**COUNCIL STRATEGIC PLAN ALIGNMENT**

- Principled Governance     Balanced Economic Prosperity     Infrastructure
- Community Spirit & Wellbeing     Corporate Pride     Public Safety
- Not Applicable

**Housing Diversity.** Encourage diversity in housing types to foster an inclusive, affordable and multigenerational community.

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**WORKPLAN IMPLICATIONS**

- Already accounted for in department workplan / no adjustments required
- Emergent issue / will require deferral of other priority(ies)
- Other

This work is accounted for in the 2024 Work program. Staff will continue to place a priority on the implementation of the provincial housing legislation, which may result in some 2024 key initiatives being deferred to future years.

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**FINANCIAL IMPLICATIONS**

- None
- Budget Previously Approved
- Referral to Business Planning
- Other

Recent legislation requires a number of local government bylaw and policy changes, to be done in a very tight timeframe. The City has received \$241,303 funding from the Province of BC to assist with the implementation of the housing legislation. The funding is intended to be spent on updating zoning, Official Community Plans, housing needs reports, and can include hiring staff or consultants to support the work. Staff will continue to monitor resource implication related to the implementation of the housing legislation and will report back to Council, as required.

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**PUBLIC PARTICIPATION**

- Inform
- Consult
- Involve
- Collaborate
- Empower

There is no requirement to hold a public hearing and no notice is required.

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**KATZIE FIRST NATION CONSIDERATIONS**

- Referral
- Yes
- No
- Other

A referral to the Katzie First Nation is not required or recommended, at this time. It is noted that the Provincial housing legislation specifically indicates that the regulations do not apply to First Nations reserve lands.

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**SIGN-OFFS**

**Written by:**

Christine Carter,  
Manager of Strategic Initiatives

**Reviewed by:**

Patrick Ward,  
Director of Planning and Development

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**ATTACHMENT(S):**

- A. Transit-Oriented Area Designation Bylaw No. 2989, 2024

**CITY OF PITT MEADOWS**  
**TRANSIT-ORIENTED AREA DESIGNATION**  
**Bylaw No. 2989, 2024**

Attachment A

A bylaw to designate transit-oriented areas in Pitt Meadows

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**WHEREAS** Council is required under the *Local Government Act* to designate prescribed transit-oriented areas in respect of the City of Pitt Meadows;

**NOW THEREFORE** the Council of the City of Pitt Meadows enacts as follows:

**1. Citation/Title**

1.1 This Bylaw may be cited as the 'Transit-Oriented Area Designation Bylaw'.

**2. Designation of transit-oriented areas under the *Local Government Act***

2.1 The parcels shown as being within or partially within the 200 Metre Tier and 400 Metre Tier in Schedule "A" and Schedule "B", which form part of this Bylaw, are designated as transit-oriented areas in accordance with the *Local Government Act*.

**3. Severability**

3.1 If a section, subsection or clause in this Bylaw is held to be invalid by a court of competent jurisdiction, then that invalid portion will be severed and the remainder of this Bylaw will be deemed to have been adopted without the invalid and severed section, subsection or clause.

**READ** a FIRST, SECOND and THIRD time on [DATE].

**ADOPTED** on [DATE].

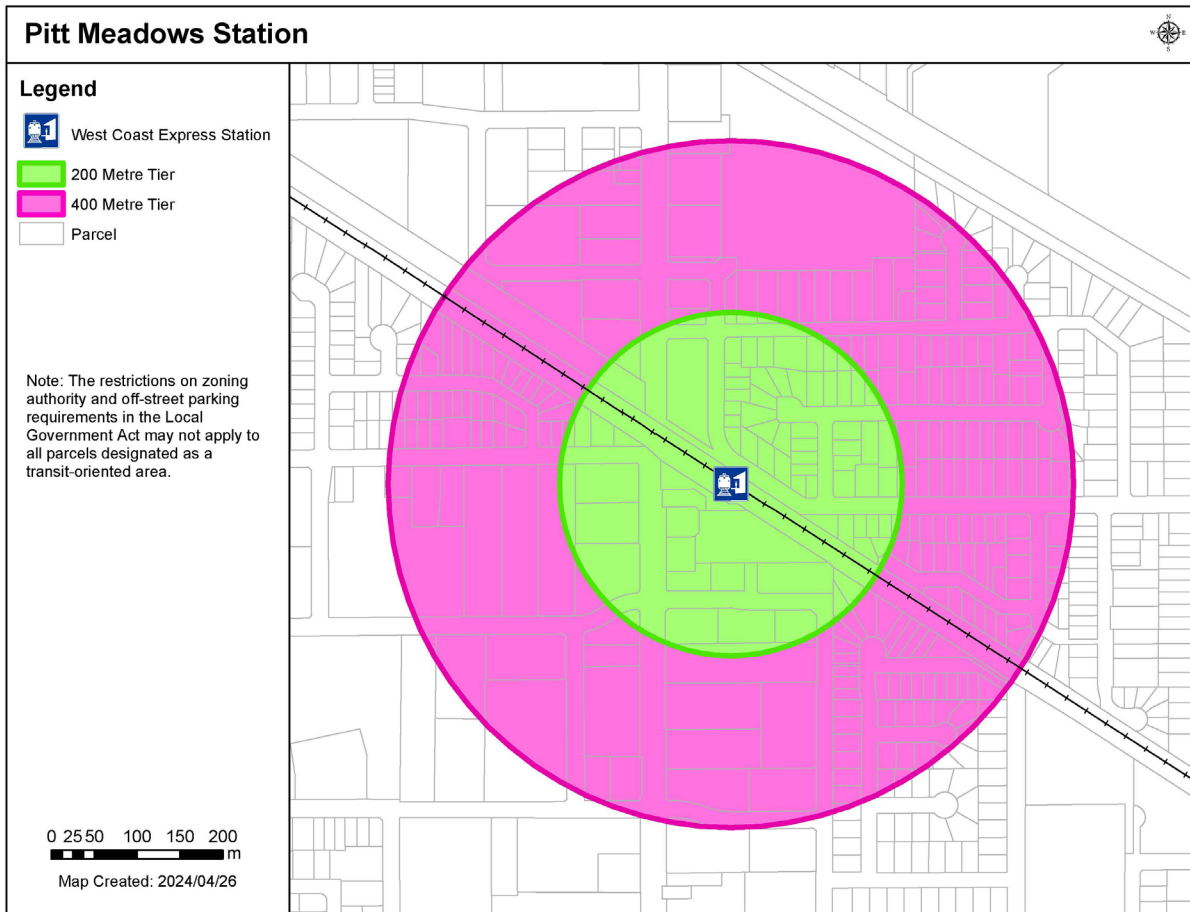
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Nicole MacDonald  
Mayor

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Kate Barchard  
Corporate Officer

Schedule "A"



Schedule "B"

