

REGULATION REDESIGN

simplifying rules for city building



Phase 1 Engagement Report

November 2018 - February 2019

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EXECUTIVE SUMMARY

Background

The City of Vancouver is conducting a comprehensive review of its land use regulations, policies, guidelines in order to make them easier to use and easier to find. The City's Corporate Plan 2019 identifies Regulation Redesign as a corporate priority to provide excellent service for city-building.

Consultation Process Overview

This report presents a summary of outreach and consultation feedback received during Phase 1 of the Regulation Redesign project. Eighteen stakeholder and public consultation events designed to build awareness of the project and to obtain feedback on issues and opportunities were held between November 7, 2018 to February 18, 2019. Internal City staff were also engaged leading up to and throughout Phase 1, starting in Spring 2018.

Public consultation activities included Regulation Redesign External Group meetings, a stakeholder roundtable, listening sessions, community pop-up events, open houses and an online survey.

Participant Feedback

We asked participants to provide feedback and share their ideas for simplifying and clarifying the City's land use regulations and improving the understanding of the City's regulatory framework. Over 650 ideas and comments were collected, which can be summarized through the following themes:

- I can't find the information I need
- Even when I find the information, I can't understand it
- The rules are being inconsistently interpreted and applied
- Information conflicts within by-laws and across regulations and policies
- Topic areas to work on: counting floor area (e.g. exclusions), measuring height, defining balconies, decks, porches

Next Steps

The initial findings from Phase 1 offer a starting point for further discussions with staff, the public and stakeholders towards ensuring the City's regulatory framework is more user-friendly by reducing repetition, simplifying language, enhancing online access to land use information and using consistent terminology and formatting throughout the Zoning and Development By-law.

Moving forward, Regulation Redesign will continue to work closely with staff and stakeholders on a technical review of the Zoning and Development By-law regulations and other land use documents.

2. SUMMARY OF PARTICIPANT INPUT

WHAT WE'VE HEARD

Regulation Redesign engaged over 350 individuals, generating more than 650 comments and ideas during Phase 1. Feedback collected was used to prioritize and refine the next steps of the project. For example, a new online document library was developed to respond to recurring feedback that the current system for finding information is confusing and disorganized.

This section is a high-level summary of comments, concerns and ideas received through Phase 1 consultation. Consistent themes emerged and are outlined below.

I can't find the information I need

- Improve and simplify digital access to regulations and policy documents
- Information online is often out of date

The rules are being inconsistently interpreted and applied

- Inconsistency between regulations and application of policy
- Challenging to figure out appropriate application of policy when several competing City objectives apply

Information conflicts within by-laws and across regulations and policies

- Some regulations between zoning and building by-laws don't match
- Policies between departments also don't match making it hard for users to understand and interpret

Technology, process / staff

- Use online system to improve processes, e.g. electronic submissions
- Inconsistent responses at each visit to the Development and Building Services Centre

I can't understand the regulation

- Incorporate the use of graphics and illustrations to present zoning regulations in a more straightforward, efficient and intuitive way
- Reformat the Zoning and Development By-law to make it more user friendly

Conditional and outright approval / Director of Planning discretion and relaxation

- Conditional approval requirements mean lack of certainty
- Discretion creates lack of consistency in interpretation

Topics and regulations to fix, update or remove

- Floor area calculations (e.g. exclusions)
- Measuring building height
- Trees and landscaping
- How balconies, decks, porches are defined
- Demolition permits

3. CONSULTATION AND PROCESS OVERVIEW

CONSULTATION PROGRAM

Between November 21, 2018 and February 2, 2019 the Regulation Redesign project team conducted a series of public and stakeholder outreach and engagement activities for Phase 1. The purpose of the engagement was to introduce the project, facilitate conversations to identify issues and challenges with the City's land use regulations, policies, and guidelines, and collect ideas for improving and simplifying the City's land use regulatory framework.

Several engagement methods were used to gather public input including forming a project advisory panel, the Regulation Redesign External Group or RREG, a stakeholder roundtable, pop-up events

Communication and Promotional Approach

Project Web Page

The project web page (vancouver.ca/RegRedesign) serves as a gateway for all project information and engagement activities. The web page features information on the project and consultation events, presentation materials and reports from community events, including Council updates and reports. The web page also hosts links to online surveys and two informational videos, one describing the project and the other called "What is Zoning?". To stay informed, the public can sign up for project email updates.

Public Notices

Printed informational materials such as rack cards, business cards, and posters were distributed at key locations such as the Development and Building Services Centre, in City Hall and at several local businesses. Notices were sent to 16,000 recipients as part of the Business Licence Renewal process. RREG members also assisted by posting notices at their respective networks. Local businesses sent email-promotions to 1000+ people on their distribution lists. Two newspaper advertisements were placed in the Vancouver Matters section of the Vancouver Courier, and in the Georgia Straight two weeks prior to the open house events.

Social Media

The City of Vancouver used its Twitter account @CityofVancouver to promote #regredesign as a means to advertise consultation events. Partnerships with local businesses allowed us to advertise pop-up events on their Facebook pages. Two videos were launched with Phase 1 and to date have had over 1,500 combined views.

Consultation Activities

To ensure broad participation from key stakeholders and members of the public, the following consultation activities were conducted. Over 350 people participated with over 650 ideas and comments generated during Phase 1 of public consultation. City of Vancouver staff from various departments were also engaged throughout.

Regulation Redesign External Group (RREG) Stakeholder Roundtable

Community Pop-Up Events

Public Open Houses

Listening Sessions

Land Use Advisory Committees

Online Consultation

City of Vancouver Staff Engagement

4. INPUT FROM CONSULTATION ACTIVITIES

REGULATION REDESIGN EXTERNAL GROUP (RREG)

An external advisory panel of stakeholders was established in November 2018 to provide advice and guidance on the Regulation Redesign project. The RREG is comprised of 16 members including one chairperson, representing a cross-section of development and construction industry experts. The RREG meets bi-monthly for the duration of this project. Five themes emerged as a result of the meetings on November 21, 2018 and January 10, 2019.

What We Heard

Uncertainty in regulations and policies

- Reducing the number of regulations is a priority
- Need consistency of how rules are applied
- Future-proofing: create flexibility to respond to changing priorities/goals/strategies

City priorities and the pace of new policies

- Clarity, transparency regarding timing, grandfathering, when new regulations come into effect

Technology, staff, application processes

- Online submission system + automation
- Better enquiry process with diagnostic and 3-D plans
- Clarify Development Planner's role

Access to regulatory information, especially:

- Use graphics to communicate regulations
- Develop an online wizard tool

Conditional vs. outright uses

Director of Planning discretion vs. relaxation

Members

**Norm Shearing
(Chair)**
Open Road Living

Alan Davies
Acton Ostry
Architects

**Anne McMullin
alt: Jeff Fisher**
Urban Development
Institute

Barry Thorson
Thorson McAuley
Certified Professionals

Brennan Cook
Musqueam, Squamish,
T'sliel Waututh
Development
Corporation

Dani Pretto
Vanterre Projects

Don Piner
Intarsia Design

Jim Bussey
Formwerks
Architectural

Marianne Amodio
MA+HG Architects

**Mark Sakai
alt: Jake Fry**
Homebuilders
Association Vancouver

Maura Gatensby
Architecture
Institute of BC

Robin Petri
Catalyst Community
Development
Society

Ryan Thé
Urban Development
Institute

Samuel Yau
Licon Construction

Shawn Gill
The Panther Group

Veronica Gillies
HDR Architects

STAKEHOLDER ROUNDTABLE

The roundtable event was held on November 28, 2018 with industry stakeholders who have frequent experience with the City's land use regulations. Sixty-eight stakeholders attended the roundtable, representing a cross section of design and architecture firms, large and small developers, building industry, business, real estate, commercial, public and non-profit operators, heritage, and the arts and culture sectors. (See consultant report in Appendix L, also available on the project webpage).

What We Heard

- I can't find the information I need
- I can't understand the regulation (or it is confusing)
- The rules are being inconsistently interpreted and applied
- Information conflicts within by-laws and across regulations / policies
- There is over-regulation
- There is a need for an organizational culture change to better assist applicants
- Staff needs more authority and discretion
- Roles of advisory committees and the Board of Variance need to be reviewed

COMMUNITY POP-UP EVENTS

From November 26 to December 6, 2018, a series of pop-up public engagement events were held at local building and construction retail stores and at the City's Development and Building Services Centre. Over 170 people shared their experience with the City's land use and development regulations, policies and guidelines.

What We Heard

Access to information

- Finding information is difficult
- Information online is often outdated and the volume of information is too much
- Dead weblinks, need searchable documents (PDF)

Clearer by-laws

- By-laws are cryptic and full of 'legalese', use simpler words, be more direct
- Technical language is hard to understand
- Use more illustrative diagrams to help explain complex information (e.g. how to measure buildings, more illustrative drawings in general, and make them available online)

Rules are inconsistently interpreted and applied

- Needs to be consistent
- Communication needs improvement, especially when introducing new zoning amendments
- Definitions are extremely challenging

Specific regulations identified for further exploration

- Counting floor area, including exclusions
- Measuring height
- Defining porches, decks and balconies

PUBLIC OPEN HOUSES

Two public open houses were held on January 29 and February 2, 2019. The open houses provided an avenue to share best practice research and issues and Ideas we've heard so far, to seek input on a new format for Sections 2, 10 and 11 of the Zoning and Development By-law, and to preview the first cut of the new online document library. The following is a summary of comments collected at the open house and submitted online.

What We Heard

- Generally (88%) respondents agreed (64% strongly agree, 24% somewhat agree) with the four main themes (I can't find the information I need, I can't understand the information, rules are inconsistently applied and interpreted, and information conflicts within by-laws and across regulations/policies)
- Respondents mentioned they had a hard time finding information because information on the website is often outdated (e.g. linking to superceded plans and policies) and updated infrequently to reflect new information.
- Applicants and staff deal with too many by-laws, over-regulation; City priorities create competing goals leading to rules being inconsistently applied.

New Format for the Zoning and Development By-law

- 79% of respondents either strongly agreed or somewhat agreed with the proposed new format for the Zoning and Development By-law.

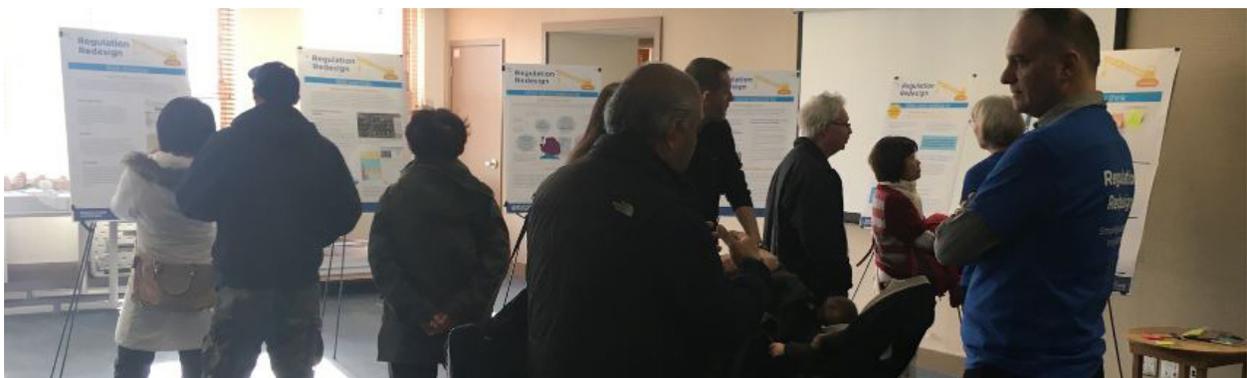
Document Inventory and Website Improvements

- 89% respondents either strongly agreed or somewhat agreed with the proposed directions for a document inventory and website improvements.
- Suggestions for improvement included eliminating irrelevant and outdated by-laws, policies and guidelines to clean up the inventory.

Priority Topics and Regulations to Fix or Remove

(highest to lowest, all with over 30% of votes):

1. Counting floor area
2. Trees and landscaping
3. Measuring height



Other Comments

- Tree regulations were mentioned multiple times. Respondents felt tree regulations should be updated to:
 - Allow for removal and replacement, even if replacement ratio is greater than 1:1
 - Clarify and make the rules feasible for average homeowner (e.g. remove requirement for certified arborist report)
- Too much time is spent on details such as measuring roof angles and height, disagreements over landscaping and daylight requirements; regulations are too excessive and restrictive, which adds to permitting process times
- Reduce the number and scope of regulations. Idea: consolidate exemptions for all uses
- Provide better training for staff, improve communication between departments and with the public

LISTENING SESSIONS

To ensure engagement is inclusive and diverse, the staff team also met with targeted stakeholders and members of the public. A total of five listening sessions were held, engaging over 115 people.

- South Asian Small Home Builders
- Vancouver Business Improvement Associations
- Arts and Culture Policy Council Spaces Subcommittee
- Social Purpose Real Estate
- Vancouver Economic Commission

What We Heard

- By-law definitions are too restrictive for innovation, co-location or temporary spaces; replace specific uses with a set of criteria for activities
- Simplify regulations for outright uses (e.g. “give me the box and let me build what I want.”)
- Apply regulations consistently so there is less misinterpretation
- There is over-regulation
- Other concerns: permit delays, high cost of fees, need more efficient service including online submission capability and greater staff authority

LAND USE ADVISORY COMMITTEES

A total of 56 Land Use Advisory Committee members were consulted in September and October 2018. The following advisory committees were engaged:

- Chinatown Historic Area Planning Committee
- Development Permit Board Advisory Panel
- First Shaughnessy Design Panel
- Gastown Historic Area Planning Committee
- Urban Design Panel
- Vancouver City Planning Commission
- Vancouver Heritage Commission

What We Heard

Discretionary authority is too vague

- This tool needs to be clarified and redefined

Roles / terms of reference for land use advisory committees need to be clarified

- Uncertainty about which projects should go to which committee(s) for review
- Members unclear about the mandate of their committee - need a clearer terms of reference
- Conflicting advice between committees

Need to reconcile competing City objectives

- Perceived conflicts between policies (e.g. Character Home Zone Review vs. Making Room)
- Conflicting regulations - (e.g. the Building By-law vs. heritage preservation)
- Conflict between trees, heritage, zoning by-laws

Review structure of land use advisory committees

ONLINE CONSULTATION

As part of the online consultation, the Regulation Redesign webpage provided a platform for members of the public to provide feedback. The general feedback form was available online from November 2018 to February 2019. Open House display boards were also available online and a link to a questionnaire was available on vancouver.ca/RegRedesign, which included the same set of questions asked at the open houses. The questionnaire was available from January 29 to February 18, 2019.

5. CITY OF VANCOUVER STAFF ENGAGEMENT

A series of presentations and focus groups with City of Vancouver staff was conducted in Phase 1. The following is a summary of key ideas and challenges:

Regulations, policies and guidelines are being inconsistently interpreted and applied

ISSUE / COMMENT	IDEA	WORK IN PROGRESS
Lack of clarity around which regulations / policies apply to a site and how to find out		Inventory of documents + wizard tool
Definitions - too many similar but different definitions; wording is confusing, making it hard to decipher meaning		Reformatting Section 2 Definitions of the Zoning and Development By-law into table format; adding words to existing wordless definitions
	Clarify and consolidate use categories; broader definitions of use can allow for more flexibility which could reduce the number of text amendments needed	Distinguishing between 'Use definitions' vs. 'General terms'; exploring broader use categories e.g. Manufacturing
	Need more nuanced and clearer definitions for Multiple Dwelling (e.g. triplex, four-plex, townhouse, apartment)	Identifying terms that need further clarification
	Clarify Live-work / Artist Studio use definitions - currently read more like Multiple Dwelling	Reviewing definitions and regulations for live-work and artist studios (Regulation Policy)
	Clarify: Heritage vs. Character	
	Clarify: MCDs	
	Update permit definitions	
	Update the index	Index to be update in reformatted by-law
Definitions - some missing	E.g. Habitable Room, Groundwater, Porches, Decks etc., Temporary / Occasional Use, Caretaker Suite	Noted, work underway to define these terms
Some regulations and policies are outdated and / or no longer relevant (e.g. sustainability and evolution over time)		Ongoing work to identify and repeal outdated documents
Information in related documents (e.g. policy vs. admin bulletin) can be different / conflicting		
Calculation methodologies are inconsistent (e.g. height, FSR, building depth / width)		Exploring opportunities for consistent measurements
Unclear how to prioritize competing City objectives		
Lack of clarity around how discretion is applied - currently a wide range of approaches and interpretations within regulatory / policy documents (e.g. What is the role of guidelines)		

Suggestions for policy / regulation development

TOPIC	EXAMPLES OF IDEAS / SUGGESTIONS
Acoustics	Consolidate regs; remove 'N' zones
Archaeological sites	Need new policy guidance
Artist Studios	Provide more incentives in industrial zones to support retention / creation of artist studios
Authority	Clarify who makes which decisions DoP vs. DPB, GM Engineering, License Director
Board of Variance	Review the role of the Board of Variance. It's a total mess now, and needs to be seriously rethought
Clone zones	Get rid of clone zones (e.g. C-2 clones)
CD-1s (rezoning-related)	Create district schedules for CD-1s that are formulaic / similar e.g. R100 on arterials; From a sewers perspective we need a database of all of the CD-1s so that we can have a more comprehensive understanding of the infrastructure needed
Commercial floor area	Amount of commercial floor area required in C-2 zones needs to be explored; requirement is not high enough vs. residential
Cultural	Index to be updated in reformatted bylaw
Discretion	Confusing, unclear: Need to retain flexibility while being more clear about guidelines around processes (and better training for staff!)
Heritage	Historic areas (Gastown / Chinatown are not reflected in regulations and policies
Indigenous	Incorporate indigenous design into urban design regulations; review processes for development on First Nations-owned land
Industrial	Review outright uses
Park Board projects	Need a discreet process (vs. developer-driven projects)
Sustainability	Review process and requirements for solar panels (over-regulating)

Topic specific issues

TOPIC	EXAMPLE ISSUE(S)
Accessory Building - Rear Yard	Include this regulation right in the individual District Schedules
Balconies	4x8 is the max deck size in some instances - you can hardly use decks this size
Building depth	Depth and width calculations confusing; bylaw sub-sections are challenging to interpret
Building grades	Replace the building grade guideline bulletin with trained staff who can review the surveyed grades to waive BGs for RT development
Deep sites	Deep sites are difficult for general and fire fighting access
Demolitions	Sequencing of permitting process not logical - applicants have to get a permit to protect the tree if it's going to be removed at the time of demolition
Density bonus	Density bonus regs are not easy to find in district schedules (referred to as "amenity share")
Dwelling Unit Density	Unclear expectations in terms of max dwelling units in RM-7
Floodplain	Interpreting floodplain elevation in RA-1 is unclear
FSR + related	Covered porches in RA-1 are counted towards FSR - this is not consistent with other zones
Lanes	Lane dedication requirements are not clear in Vanmap - be more transparent
Murals	We should not be issuing development permits for murals, which are not a land use
Industrial	Confusing when both I-2 & HRA are applied
Parking	Develop simple permit review / approval for adding class A bicycle parking to existing developments by use of COV design templates
Porches/decks	Aluminum deck covers - very difficult to enforce approvals, builders/homeowners changing them soon after occupancy. They rarely get legalized
Shadowing	Policies across different areas in the city refer to different times of day for shadowing, and boundaries between policy areas are not always consistent e.g. downtown / downtown south
Side yard	RS-5 side yard regulation is unclear, which leads to applicants "splitting" the building and having two different areas next to the reduced side yard, creating a courtyard type space between the two portions
Site coverage	Site coverage in RA-1 can be difficult to visualize / calculate
Suites	Seeing secondary suites with extra "bedrooms" that are less than 6 feet. Builders are getting away by saying these units are mahjong rooms, prayer rooms, computer rooms, family rooms
Sunken patio	Not clear if sunken patios are counted in FSR or covered porch exclusion
Under spaces	Do away with crawl spaces that are forced upon developments
Vertical angle of daylight	Term "vertical angle of daylight" rarely used in current work
Weather protection	Regulations not clear on whether or not to allow weather protection on a site
Window well	Not clear how to calculate height of window well, the regs don't say how deep to go. Issue: calculations differ depending on the scale of the house

WHAT'S WORKING

Easiest / favourite regulations / policies to work with:

- Recent policies from community plans that have summary sheets for different regulations and areas (e.g. Cambie Plan explanation summary)
- Typically, newer policies and regs: more details / easier to reference
- Policies / documents with good visuals and illustrative / explanatory maps e.g. Cambie Plan, AHC IRP
- Intent statements at the beginning of each district schedule are very helpful.
- Admin bulletins
- Policy statements / area plans are the easiest policies to work with
- Public art policy and procedures easiest to work with
- RS-7!!
- RT-5 + Guidelines
- District schedules
- CD-1s: love the flexibility
- Zoning regulations (other than CD-1s)
- Childcare & Social Facilities technical guidelines (REFM)
- Street Tree Guidelines
- Housing policies
- Tenant Relocation Plan
- Laneway House Guide
- Encroachment By-law

CHALLENGES

Most challenging regulations / policies to work with:

- Building By-law
- Community Visions
- DCL/CAC policy
- DDODP
- FCL and water conservation
- MIRHPP
- Old streams
- Rainwater Management Guidelines
- Rental housing stock ODP
- RS
- RS-1
- RS-6, RS-7
- Sewer and watercourse bylaw
- Z&D bylaws and district schedules
- Policies without maps
- A lot of regs and policies are challenging to work with

Complaints staff hear about:

- Small changes between similar areas
- Changing Engineering "standards" / requirements
- Policy statements that become out of sync with CD-1s
- Costs / late hits
- Time it takes to get a permit - conflicting requirements
- Posse - permit tracking
- Performance tracking (e.g. is regulation having design effect?)
- Needlessly complex process for approving minor renovations to create school age child care spaces in schools