



ADMINISTRATIVE REPORT

Report Date: October 5, 2012
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VanRIMS No.: 08-2000-20
Meeting Date: October 17, 2012

TO: Standing Committee on Planning, Transportation and Environment
FROM: The General Manager of Engineering Services
SUBJECT: Implementation of a Public Bike Share Program - By-law Amendments Phase 2

RECOMMENDATION

- A. THAT Council approve, in principle, the proposed amendments to the City Land Use By-law, the Street Vending By-law, the Vehicle for Hire By-law, the License By-law and the Building By-law to facilitate the introduction of a public bike share system in Vancouver.
- B. THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix A.

REPORT SUMMARY

The implementation of a public bike share system (the "PBS") is an action within the Greenest City Action Plan (GCAP) and will provide people with an easy and convenient transportation option to help support sustainable transportation within the City. Green Transportation goals being developed within the City's Transportation Plan will, in turn, help the Region and the Province achieve their targets. By 2020 over 50% of all trips within the City are to be made on foot, bicycle, or transit.

In accordance with Council direction and the City's Procurement Policy, the City commenced a procurement process for a Vancouver PBS by issuing a Request for Expressions of Interest (an "RFEOI") in April of 2011. Six submissions were received in response to the RFEOI and two top proponents were short-listed for further evaluation. Based on extensive discussions with these two proponents, staff selected Alta Bicycle Share Inc. ("Alta") with which to proceed further in the City's ongoing evaluation. As part of this evaluation, the City and Alta entered into a non-legally binding letter of intent (an "LOI") on August 2, 2012. The LOI sets out a number of conditions that Alta

must satisfy before the City would be willing to award the Vancouver PBS to Alta pursuant to a legal contract. Among these conditions, Alta must secure a minimum level of sponsorship funding and deliver a helmet distribution plan and prototype. Alta is currently in the process of fulfilling these conditions. If one or more of these conditions are not met, the City has a number of options, including continuing discussions with Alta or commencing discussions with another PBS operator.

This report summarizes proposed amendments to certain City by-laws to facilitate the operation and implementation of the PBS.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

There is a history of Council policy that supports the implementation of a PBS, including the City of Vancouver's 1997 Transportation Plan, the 2002 Downtown Transportation Plan and the Greenest City Action Plan, all of which articulate objectives for shifting trips to walking, cycling and transit.

On July 22, 2008, Council instructed staff to report back on the implementation and costs of a PBS in the City of Vancouver.

On March 24, 2009 Council directed staff to commence a procurement process for a Vancouver PBS, and to report back with respect to financial and staffing implications, as well as coordination with, and/or impacts to, existing contracts and business units.

On July 12, 2011 the Greenest City Action Plan "Green Transportation" priority was approved by Council, directing staff to pursue the development and installation of a PBS in Vancouver's downtown and other high-potential cycling areas.

On June 13, 2012, staff presented a report reference updating Council on the PBS procurement process and timeline.

On September 18, 2012, staff brought forward proposed amendments to the Sign By-law, Zoning and Development By-law and CD-1 By-laws for referral to a public hearing on October 16, 2012, which complement this report.

REPORT

Background/Context

City staff have been directed by Council to implement a PBS in 2013. The initial service area will cover the Metro Core, an area including the downtown peninsula, bounded by the Central Broadway area and potentially extending from Alma Street to Victoria Drive with most stations sited every 300-400 m, comprised of about 125 stations and 1,500 bicycles.

A report reference was brought forward on June 13, 2012, to Council on the proposed PBS for Vancouver and the status of the PBS procurement process. As part of the

City's ongoing evaluation under the PBS procurement process, the LOI was entered into between the City and Alta on August 2, 2012.

To facilitate the implementation and operation of a PBS, staff recommend that Council amend the City Land Regulation By-law, the Street Vending By-law, the Building By-law, the Vehicle for Hire By-law and the License By-law in the manner summarized below and in accordance with Appendix A.

In addition to the amendments summarized in this report, proposed amendments to the Sign By-law, to the Zoning and Development By-law and to various CD-1 By-laws requiring a public hearing are scheduled to be presented before Council on October 16, 2012. Outcomes of the public hearing were not available prior to the publication of this report.

In order to produce the recommended amendments in this report, staff reviewed the City's by-laws for impediments or rules that would complicate the introduction of a PBS. Staff understood that because of the relative novelty of PBS, one of the most significant hurdles facing a PBS system was governmental or regulatory approvals. Staff also understood that public bike share stations might be moved from location to location in the early stages of the project, in order to determine which locations were best suited.

The following by-laws were identified as by-laws that would require an amendment in order to approve of, or simplify the process of introducing PBS in Vancouver.

Building By-law

The proposed amendments to the Building By-law would add PBS to the list of things that are exempt from a building permit. The proposed exemption only applies if the public bike share station does not interfere with any public works, facilities or amenities, and does not include any enclosed structures.

License By-law

The proposed amendment to the License By-law would exempt PBS from the requirement that every business location requires a separate business license, in recognition of the fact that a PBS is really one interconnected system, and not a number of separate unrelated facilities. The amendments would also exempt a public bike share station from the definition of vending machine, in order to avoid two levels of licensing. The license fee for PBS would be set at \$2,000.00 annually, for the entire system, based upon an initial system of approximately 1500 bicycles and 125 stations. This single fee is comparable to other licensing fees and would streamline the permitting process.

City Land Regulation By-law

The proposed amendments to the City Land Regulation By-law exempt PBS from a permit or written permission provided that the PBS:

- (a) does not include any enclosed structures;

- (b) is automated;
- (c) does not interfere with any public works, facilities or amenities; and
- (d) is part of a network comprised of no fewer than 50 Public Bike Share Stations.

Street Vending By-law

The proposed amendments to the Street Vending By-law would exempt PBS from a permit under the Street Vending By-law provided that the PBS:

- (a) does not include any enclosed structures;
- (b) is automated and intended to be accessible 24 hours a day;
- (c) does not interfere with any public works, facilities or amenities; and
- (d) is part of a network comprised of no fewer than 50 Public Bike Share Stations.

Vehicle For Hire By-law

The proposed by-law amendment would clarify that the Vehicle for Hire By-law, which typically regulates motor vehicles and taxi cabs, does not regulate or govern a bicycle that is part of a PBS.

External Engagement

In addition to the internal review process to identify by-laws needing amendment, staff also engaged external stakeholders to identify issues that may affect existing by-laws. Stakeholders including bike rental and retail shops, business associations and other related businesses participated in a series of workshops and dialogue to provide feedback on the proposed PBS system. The three themes emerging from these discussions are impact on bike related businesses, safety considerations, and impact on the public realm. Staff will continue to work with key stakeholders and Alta to better understand these issues and address them/quantify where possible.

Strategic Analysis

The City is proposing a PBS private operator business model, consistent with the trend in North America. The City is seeking to facilitate the implementation and operation of a PBS in Vancouver by making PBS specific amendments to the following areas of existing regulations that apply to private and public lands:

- restrictions on land use;
- signage restrictions;
- restrictions on the conduct of commercial transactions; and
- permission to operate.

Rationale relating to the restrictions on land use, signage restrictions and restrictions on the conduct of commercial transactions were brought before Council in a complementary report titled 'Implementation of a Public Bike Share program - By-law amendments', RTS 9737. The proposed amendments to the Building By-law, License By-law, City Land Regulation By-law, Street Vending By-law, and Vehicle For Hire By-

law are required to permit and license the operator to run a Public Bike Share program within the city.

Permission to Operate

A PBS is typically comprised of a network of self-service stations, at which a user could rent and return a bike, and in Vancouver's case, a helmet, for short one-way bicycle trips. This PBS rental involves a commercial transaction. Amendments to the City's by-laws will streamline the city's permitting process.

PBS stations and system components require a detailed site review, and careful consideration of the impact of reallocating space from the pedestrian realm or from on-street parking and other curb-side uses. Stations placed every 300-400 meters in dense pedestrian areas will optimize the PBS. The initial launch area will include approximately 125 stations.

Off-street public and private lands, accessible to the public, may offer the best, or in some cases, the only solution for a PBS station in certain parts of the service area. Amendments to the Building By-law and City Land Regulation By-law will exempt the operator from requiring an individual building permit per station location on private lands, or written permission for a station located on City lands.

For structures on off-street and on-street public lands, street-use permits are required under the Street and Traffic By-law. Permit fees are being reviewed and will fall under the 'terms of conditions' within the contract. Similar street-use permit fee comparators include: individual location permits, or yearly system fees, similar to the patio program.

Given the public benefits of a Public Bike Share program, a reduced fee structure will help to reduce the costs to the operator, particularly as the system expands. These proposed fees are similar to other North American PBS systems.

Financial Implications

Based on the planned initial launch of 125 stations, the by-law amendments brought forward in this report would result in the city foregoing a number of related fees per year. PBS financial implications will be dependent on station placement. Stations will be placed on both on-street and off-street locations with a minimum of 25% located on privately owned property. Using this proportion and that some by-laws apply solely to private or public lands, the City's financial support varies. Amendments to the Building By-law would forego \$5,000 in annual permit fees and depending on where the remaining 75% of stations are placed, additional fees related to the Street Vending By-law would be exempted in the range of \$75,000 to \$250,000 based on comparable values for other licensed private use on public lands. The final project budget including the value of this exemption and PBS Support Package will be reported back to Council by Fall of 2012 prior to the award of contract.

CONCLUSION

The recommendations put forward in this report, if enacted, will result in amendments to the City Land Regulation By-law, the Street Vending By-law, the Building By-law, the Vehicle for Hire By-law and the License By-law laws that will facilitate a private business operator to implement and operate a viable PBS system.

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Public Bike Share

BY-LAW NO. _____

**A By-law to amend
License By-law 4450
regarding public bike share**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council inserts in section 2, the following definitions in the correct alphabetical order:
 “ “Public Bike Share” means a service that provides the general public with an opportunity to rent bicycles through an automated system, on a short-term basis for use within the city as part of a network comprised of no fewer than 50 Public Bike Share Stations located on separate sites.” ; and
 “ “Public Bike Share Station” means a bicycle sharing facility where bicycles are stored and from which the general public may rent and return bicycles and other objects or equipment necessary for or appurtenant to the operation of a Public Bike Share.”
3. Council amends the definition of “Vending Machine” found in section 2 by adding the words “public bike share stations,” after the word “dryers,”.
4. Council inserts as section 3 (5):
 “(5) Notwithstanding any other provision of this by-law, a public bike share shall only require one license under this by-law to operate any number of public bike share stations.”
5. Council inserts in Schedule ‘A’, in the correct alphabetical order:
 “PUBLIC BIKE SHARE \$2,000 per annum”.
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.
7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2012

Mayor

City Clerk

Public Bike Share

BY-LAW NO. _____

**A By-law to amend
City Land Regulation By-law 8735
regarding public bike share**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the City Land Regulation By-law.
2. Council adds, as section 4A:

“4A: Despite anything to the contrary in this By-law, a person operating a public bike share station on City Land does not require a permit or written permission under this By-law, provided the public bike share station

- (a) does not include any enclosed structures;
- (b) is automated ;
- (c) does not interfere with any public works, facilities or amenities; and
- (d) is part of a network comprised of no fewer than 50 public bike share stations.”

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2012

Mayor

City Clerk

Public Bike Share

BY-LAW NO. _____

**A By-law to amend
Street Vending By-law 4781
regarding public bike share**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Street Vending By-law.
2. The by-law is amended by adding as section 6C:

“6C. Despite anything to the contrary in this By-law, a person operating a public bike share station on a City street does not require a permit under this By-law, provided the Public Bike Share Station:

 (a) does not include any enclosed structures;
 (b) is automated and intended to be accessible 24 hours a day;
 (c) does not interfere with any public works, facilities or amenities; and
 (d) is part of a network comprised of no fewer than 50 public bike share stations.”
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2012

Mayor

City Clerk

Public Bike Share

BY-LAW NO. _____

**A By-law to amend
Vehicles for Hire By-law No. 6066
regarding public bike share**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Vehicles for Hire By-law.
2. In section 2, Council inserts the following definitions in the correct alphabetical order:

“ “Public Bike Share” means a service that provides the general public with an opportunity to rent bicycles through an automated system, on a short-term basis for use within the city as part of a network comprised of no fewer than 50 Public Bike Share Stations located on separate sites.” ; and

“ “Public Bike Share Station” means a bicycle sharing facility where bicycles are stored and from which the general public may rent and return bicycles and other objects or equipment necessary for or appurtenant to the operation of a Public Bike Share.”

3. In section 4, Council:
 - (a) deletes the “and” in section 4(c);
 - (b) deletes the “.” in section 4(d) and inserts “; and” in its place;
 - (c) adds as section 4 (e):

“(e) the operation of any bicycle that is part of a public bike share.”

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2012

Mayor

City Clerk

Public Bike Share

BY-LAW NO. _____

**A By-law to amend
Building By-law No. 9419
regarding public bike share**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Building By-law.
2. In section 1.1.1.1.2) of Part 1 Division A, Council:
 - (a) strikes the “and” in section 1.1.1.1.2) h);
 - (b) replaces the “.” at the end of section 1.1.1.1.2) i) with “, and”; and
 - (c) inserts a new section 1.1.1.1.2) j) as follows:

“ j) structures necessary for the operation of a public bike share station provided that the public bike share station does not interfere with any public works, facilities or amenities, and does not include any enclosed structures.”
3. In section 1.4.1.2.1) of Part 1 Division A, Council adds the following definitions in the correct alphabetical position:

“*Public bike share* means a service that provides the general public with an opportunity to rent bicycles through an automated system, on a short-term basis for use within the city as part of a network comprised of no fewer than 50 *public bike share stations* located on separate sites.”; and

“*Public bike share station* means a bicycle sharing facility where bicycles are stored and from which the general public may rent and return bicycles and other objects or equipment necessary for or appurtenant to the operation of a *public bike share*.”.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2012

Mayor

City Clerk