



REPORT

Report Date: June 22, 2021
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Meeting Date: July 6, 2021
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Regulation Redesign - Amendments to the Street and Traffic, Building, and Ticket Offences By-laws

RECOMMENDATION

- A. THAT Council approve, in principle, amendments to the Street and Traffic By-law No. 2849 to update section 30 regarding temporary street occupancy permits and their associated fees, as well as various consequential amendments, as described in this report and as generally set out in Appendix A;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary amendments to the Street and Traffic By-law No. 2849, generally as set out in Appendix A.

- B. THAT, subject to Council's approval of Recommendation A, Council approve, in principle, consequential amendments to the Building By-law No. 12511, as described in this report and as generally set out in Appendix B;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary amendments to the Building By-law No. 12511, generally as set out in Appendix B.

- C. THAT, subject to Council's approval of Recommendation A, Council approve, in principle, amendments to the Ticket Offences By-law No. 9360 regarding the requirement for temporary street occupancy permits, as described in this report and as generally set out in Appendix C;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary amendments to the Ticket Offences By-law No. 9360, generally as set out in Appendix C.

- D. THAT Council approve, in principle, amendments to the Street and Traffic By-law No. 2849 to add a condition requiring proof of insurance for permits issued under section 80 to drive over City sidewalks or boulevards, as described in this report and as generally set out in Appendix A;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary amendments to Street and Traffic By-law No. 2849, generally as set out in Appendix A.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Street and Traffic By-law No. 2849
- Building By-law No. 12511
- Ticket Offences By-law No. 9360
- Transportation 2040. Adopted in 2012, the plan sets direction to reflect a hierarchy of modes for moving people and targets the efficient movement of goods and services.
- Climate Emergency Action Plan. Approved in November 2020, the plan promotes active, sustainable and space-efficient transportation modes.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

Regulation Redesign is a priority project (Goal 2B – Build and Protect the Vancouver Economy) in the City's 2020 Corporate Plan and integral to efforts to support and enhance the Vancouver economy by improving the regulatory environment so as to improve permit processing. The key objectives of the project are to:

- simplify and clarify land use regulations to make them easier to understand and implement;
- modernize regulations and language and improve the format of land use documents to make them more user-friendly;
- improve the consistency of land use regulations and policies;
- improve communication about land use tools; and
- establish a robust and enduring land use framework.

This report proposes to update temporary street occupancy regulations by modernizing language, eliminating permits and references no longer in use, and establishing lane use fees for key portions of street that are in demand from the construction industry. Key changes will support the street use hierarchy with pedestrians and cyclists as the most important users. The proposed lane use fees for use of sidewalks and traffic lanes reflect the value of these key city assets. This report also seeks to introduce the requirement for contractors to provide liability insurance when using sidewalks, boulevards, and traffic lanes.

The recommendations are also aligned with the work of the Internal Development Application and Permitting Modernization Task Force which is mandated by Council to reduce permitting and licensing backlogs and processing times for applications. Approval of the recommendations will reduce the number of permits, clarify regulations and associated fees which will contribute to streamlining the development process.

Strategic Analysis

1) Proposed Amendments to Street and Traffic By-law Section 30

Recommendation A seeks to amend section 30 of the Street and Traffic By-law to revise lane use fees, eliminate dated and unused permit types, simplify language and permit options and reflect the value of extended use of public property for temporary street occupancy purposes.

Section 30 of the Street and Traffic By-law allows for the temporary suspension of parking regulations incidental to the construction or renovation of a building or delivery of equipment, furniture or materials. Engineering Services issues approximately 1700 permits annually for this purpose and approximately 4000 construction related temporary street occupancy permits. However, this section is outdated and no longer reflects today's temporary street use needs nor does it fairly allow for use of key portions of the City's roadways.

The current permitting provisions of section 30 allow for three separate yet very similar permits to be issued that often result in confusion for applicants. The proposed changes to this section eliminate the repetition of permit types and fees while significantly simplifying the regulations for use of these permits.

Changes to this section will also introduce a more detailed fee structure for street use addressing sidewalk, bicycle lane and rush hour lane values, consistent with Council's endorsed street hierarchy.

Staff have reviewed street use permitting and application of fees in other peer cities and municipalities within the region and across Canada and in the Northwest United States. Staff looked at typical and extended street use scenarios for building sites in the cities noted below. The scenarios looked at a two week period and applied the proposed City of Vancouver fees and peer municipality fees. The typical street use scenario is defined as most often needed street space for construction which is trailers overhead and curb lane (non-travel lane) use. The extended street use scenario is defined as multiple sidewalk, bicycle and travel lane uses.

City	Typical Street Use		Extended Street Use	
	Existing fees	Proposed fees	Existing fees	Proposed fees
Vancouver	\$733.85	\$784.58	\$733.85	\$1524.58
Surrey	\$743.72		\$1114.52	
Coquitlam*	\$721.00		\$1203.00	
Burnaby	\$160.00 per event		\$160.00 per event	

Portland	\$388.00 USD		\$1039.25 USD	
Toronto**	\$748.46		\$5393.41	

*Coquitlam charges by area and lump sum for duration of project, cost broken down to reflect 2-week period for example purposes.

** Toronto rates vary by location - this represents the average fee.

2) Proposed Amendments to Street and Traffic By-law Section 80

The proposed changes seek to amend section 80(3) of the Street and Traffic By-law to introduce the requirement for builders and contractors to provide liability insurance when seeking permission to drive along, over or across a sidewalk or boulevard to facilitate the movement of building materials and construction equipment.

This will address a gap in insurance coverage from builders and contractors by requiring a certificate of insurance confirmation related to applications for street use permits where vehicles are driven along, over and across sidewalks and boulevards. This mitigates risk to public property due to private development construction.

3) Proposed Amendments to Building By-law and Transfer of Street Occupancy Fees to Street and Traffic By-law

Recommendation B seeks to amend Book 1, Division B of the Building By-law to reduce unpermitted interruptions to bicycle lanes from 15 minutes to 3 minutes maximum without permits, and books 1 and 2, Division C, Schedule of Fees, under Part A-Building to remove Street Occupancy Fees and move them to Street and Traffic By-law section 30.

In addition to the temporary suspension of parking regulations, the Building By-law regulates and sets fees for the occupancy of a street and the airspace above by trailers, scaffolding, fencing and containers associated with the construction of a building. The proposed changes include relocating the Building By-law regulations and associated fees into the Street and Traffic By-law section 30.

This will consolidate the regulations related to the temporary occupancy of street space into a single regulation all incidental to the construction or renovation of a building, delivery of equipment, furniture or materials or the installation or maintenance of infrastructure

Street occupancy fees have been refined to separate development driven infrastructure occupancies from general building construction temporary occupancies to better manage temporary occupancies during construction of infrastructure such as sewer and water system upgrades required of development projects.

4) Proposed Amendments to Ticket Offences By-law

Recommendation C proposes amending Table 5.2 of the Ticket Offences By-law to introduce the use of Municipal Ticketing Information (MTI's or tickets as an enforcement tool related to temporary street occupancies)

Changes are proposed to the Ticket Offences By-law to allow for new enforcement tools for use by Engineering Services inspection staff through use of tickets; as well, the minimums in

the penal clause section of the Street and Traffic By-law are amended to reflect minimums proposed for tickets. An increase to the maximum penalties is also recommended for use in extreme cases.

Public Input

Consultation with the construction industry and builders through a survey and on-line presentation has been completed. Staff prepared a short questionnaire for small builders on the proposed By-law changes with 12 responses as follows:

42% occasionally use Temporary Street Occupancy permits,
17% heard of but never use these permits,
17% never heard of these permits,
25% use these permits regularly,

The only theme emerging from small builders was the ability to provide the insurance to the City. Staff provided further information to small builder contacts and associations such as Homebuilders Association Vancouver (HAVAN) to better inform how to address insurance requirements.

Staff also presented the proposed changes outlined in this report to large builders with over 60 invitees responding as interested and 29 attending and 3 seeking information following the presentation. Large builders supported the by-law changes and sought clarity only on effective dates and impact to issued permits.

Financial

To capture these by-law changes and present them in Street Use and Street Occupancy permits, it is proposed to update the engineering permits in the City's permitting system POSSE. Analysis indicates in-house staff expertise to make the desired changes is not available and assistance from the vendor will be required to achieve the changes.

Engineering staff anticipate being able to accommodate these changes under current budget. An increase in revenue is expected based on a review of average or typical street use permissions and current fees.

Legal

The proposed amendments to the Street and Traffic By-law are contained in Appendix A; (Recommendations A and D).

The proposed amendments to the Building By-law are contained in Appendix B; (Recommendation B).

The proposed amendments to the Ticket Offences By-law are contained in Appendix C; (Recommendation C).

CONCLUSION

This report recommends amendments to the Street and Traffic By-law, the Building By-law and the Ticketing Offences By-law. The proposed changes will consolidate and simplify street use permissions, better reflect the value of City streets, enable enforcement when necessary and incentivize more efficient use of public property for temporary construction purposes.

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DRAFT

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

BY-LAW NO. _____

**A By-law to Amend Street and Traffic By-law No. 2849
Regarding Temporary Street Occupancy and Insurance Requirement**

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

1. This By-law amends the indicated provisions of Street and Traffic By-law No. 2849.
2. Council strikes out section 30 and substitutes the following:

“

TEMPORARY OCCUPANCY OF A STREET

30. (1) A person who wishes to have parking regulations temporarily suspended, or to reserve for temporary occupation any street, portion of a street, or air space above a street for any of the following purposes must apply to the City Engineer for permission to do so:
 - (a) in connection with, or incidental to, the construction, renovation, or maintenance of any building adjacent to the street;
 - (b) in connection with, or incidental to, the delivery of any equipment, fixtures, furniture or other items requiring the stopping of a vehicle at a specific location;
 - (c) in connection with, or incidental to, the drilling or excavation of test holes;
 - (d) in connection with, or incidental to, the construction, installation or maintenance of infrastructure; and
 - (e) for any other purpose which, in the opinion of the City Engineer, is similar to the foregoing.
- (2) A person must not occupy any street, portion of a street, or air space above a street for any of the purposes set out in subsection 30(1) unless permission has been granted by the City Engineer, except that this prohibition does not apply to any occupancies by the City or to any occupancies that result in only momentary interruptions in public use of up to three minutes.

- (3) The City Engineer may grant permission to occupy a street, portion of a street, or air space above a street in accordance with this section, subject to any conditions the City Engineer considers appropriate, including but not limited to conditions regarding:
- (a) the number of days that the street may be occupied;
 - (b) the days of the week that the street may be occupied;
 - (c) the start and end times for each day that occupation of the street is permitted;
 - (d) the placement of signs by the City to reserve the metered parking spaces or area being occupied, including a requirement to pay to the City the replacement cost of any signs lost or damaged during the period of occupancy;
 - (e) the placement of traffic control signs or markers on a street;
 - (f) a traffic management plan or a traffic control plan;
 - (g) reports, plans, specifications, or reviews of any equipment to be used or work being undertaken on the street as part of the proposed occupancy;
 - (h) proof of commercial general liability insurance, wrap-up liability insurance, or both, to the satisfaction of the Director of Risk Management, naming the City as an additional named insured;
 - (i) a release and indemnity of the City, to the satisfaction of the Director of Legal Services;
 - (j) a deposit with the City of a sum of money as security in a form satisfactory to the City in an amount adequate to guarantee the restoration of the street to its original condition or to repair any City property in case of damage and for any clean up needed as a consequence of the occupancy, including the cost of any inspections required to ensure such work is done to the satisfaction of the City Engineer; and
 - (k) imposing such other conditions as are necessary to prevent damage to the street, to ensure the safety of users of the street, or to respect the owners of adjacent property.
- (4) A person who wishes to obtain permission to occupy a street, portion of a street, or air space above a street in accordance with this section must submit the following:
- (a) an application in the form prescribed by the City Engineer;

- (b) any applicable fees as set out in Schedule I; and
 - (c) any additional documentation required by the City Engineer.
 - (5) A permit issued under subsection (3):
 - (a) is not transferable;
 - (b) does not authorize the permit holder to require any person lawfully occupying any such location to discontinue their occupancy; and
 - (c) may be temporarily suspended by the City Engineer where its use may conflict with another use of the street.
 - (6) The holder of a permit issued under this section must comply with all conditions of the permit, including the terms and conditions of a traffic management plan or a traffic control plan if one is required under the permit.
 - (7) The City Engineer may cancel a permit issued under this section immediately, without prior notice, if the holder of the permit fails to comply with any of the conditions of the permit, including the terms and conditions of a traffic management plan or a traffic control plan if one is required under the permit.”.
- 3. In section 71J, Council:
 - (a) strikes out subsection (1);
 - (b) renumbers subsection (2) as subsection (1);
 - (c) in subsection (1), strikes out “With respect to a container referred to in subsection (1), a person referred to in subsection (1) must:” and substitutes “A person who has been granted permission to place a container upon a street, portion of a street, or air space above a street under section 30 of this by-law must, in addition to complying with all conditions of the permit:”;
 - (d) strikes out subsections (1)(a) and (1)(b);
 - (e) renumbers subsections (1)(c) through (1)(h) as subsections (1)(a) through (1)(f), respectively; and
 - (f) in subsection (1)(b), strikes out “subsection (2)(c)” and substitutes “subsection (1)(a)”.
- 4. Council strikes out section 80(3) and substitutes the following;

“(3) The City Engineer may, as a condition to the granting of permission pursuant to section 80(1)(b):

(a) require that a bond or some other satisfactory form of security be deposited with or furnished to the City in an amount adequate to guarantee replacement of sidewalks or boulevards to their original condition or to repair any City property in case of damage and for any clean up needed as a consequence of the crossing; and

(b) require that proof of commercial general liability insurance, to the satisfaction of the Director of Risk Management, naming the City as an additional named insured, be provided.”.

5. In section 103, Council:

(a) in subsection (2), strikes out “, 23.3 and 30(2)” and substitutes “and 23.3”; and

(b) strikes out subsection (8) and substitutes:

“(8) Every person who commits an offence against the provisions of sections 30(2) or 30(6) of this by-law is liable to a fine of not less than \$1,000.00 and not more than \$50,000.”.

6. Council adds a new Schedule I in the correct alphabetical order, in the form attached to this By-law as Schedule A.

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

8. This By-law is to come into force and take effect on January 1, 2022, except that section 4 is to come into force and effect on September 1, 2021.

ENACTED by Council this _____ day of _____, 2021

Mayor

City Clerk

Schedule A

SCHEDULE I

1. Permit Fees for Temporary Occupancy of a Street under Section 30

The following fees must be paid prior to issuance of a permit, exclusive of sales tax, except that no fees are payable for any occupancies that result in only momentary interruptions in public use of up to three minutes:

- (a) for all occupancies of a street, portion of a street, or air space above a street, except for occupancies of less than three days on a minor street with no parking regulations:

\$3.30 for each 10 m²
or portion thereof, per day

- (b) in addition to the fee set out in section 1(a), for occupancy of a curb lane:

- (i) if there are metered spaces:

\$125 for the installation and removal of
signs by City crews to reserve the space

plus

all lost metered space revenue, at the rates
set out in the Parking Meter By-law

- (ii) if there are no metered spaces, but other parking regulations exist:

\$125 for the installation and removal of
signs by City crews to reserve the space

plus

\$125 per week or portion thereof after the
first week

- (iii) if the curb lane is a priority congestion management roadway, in addition to the fees in (i) or (ii):

\$125 for each 12 hour period or
portion thereof

- (iv) if the curb lane is on a minor street where no parking regulations exist and the occupancy is less than three days:

no fee, unless the applicant wants a curb
lane reserved for their exclusive use, in

which case the following fee applies: \$125 for the installation and removal of signs by City crews to reserve the space

- (v) if the curb lane is on a minor street where no parking regulations exist and the occupancy is three or more days:

\$125 for the installation and removal of signs by City crews to reserve the space

plus

\$125 per week or portion thereof after the first week

- (c) in addition to the fee set out in section 1(a), for occupancy of a travel lane:

\$100 for each 12 hour period or portion thereof

- (d) in addition to the fee set out in section 1(a), for occupancy of a lane:

\$100 for each 12 hour period or portion thereof

- (e) in addition to the fee set out in section 1(a), for occupancy of a sidewalk:

\$150 for each 12 hour period or portion thereof

- (f) in addition to the fee set out in section 1(a), for occupancy of a bike lane:

\$125 for each 12 hour period or portion thereof

- (g) despite any of the foregoing fees, the only fee payable for the placement of a portable toilet on a street is:

\$110 per portable toilet

- (h) inspection fee when a deposit is required for restoration of the street, repair of City property, or clean up:

\$155.36

- (i) traffic management plan review fee when a traffic management plan or traffic control plan is required:

\$66.10 where the review is less than 1 hour of staff time

\$661.00 where the review is 1 to 15 hours
of staff time

\$1,860.00 where the review is over 15
hours of staff time

DRAFT

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

BY-LAW NO.

**A By-law to amend Building By-law No. 12511
Regarding Street Use Permit Amendments**

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

1. This By-law amends the indicated provisions of Building By-law No. 12511.
2. In Book I, Division B, Sentence 8.2.4.1.(2), Council strikes out “for more than 15 minutes” and substitutes “for three or more minutes”.
3. In Books I and II, Division C, Schedule of Fees, under Part A – Building, Council:
 - (a) in Section 1, strikes out Clause (c);
 - (b) in Section 1, renumbers Clauses (d) through (g) as Clauses (c) through (f), respectively; and
 - (c) in Section 3, strikes out “pursuant to Clauses (e) and (f) of Section 1” and substitutes “pursuant to Clauses (d) and (e) of Section 1”.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on January 1, 2022.

ENACTED by Council this _____ day of _____, 2021

Mayor

City Clerk

DRAFT

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

BY-LAW NO.

**A By-law to amend the
Ticket Offences By-law regarding
Temporary Street Occupancy Permits**

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

1. This By-law amends the indicated provisions and schedules of Ticket Offences By-law No. 9360.

2. In Table 5.2, Street and Traffic By-law, Council strikes out the row of entries in Columns 2, 3 and 4 for “Place or allow container to be placed on street” and substitutes:

“

Occupy a street without permit	s. 30(2)	\$1,000.00
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”

3. In Table 5.2, Street and Traffic By-law, Council adds a new row of entries in Columns 2, 3 and 4 in the correct numerical order as follows:

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Fail to comply with conditions of permit	s. 30(6)	\$1,000.00
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4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this by-law.

5. This by-law is to come into force and take effect on January 1, 2022.

ENACTED by Council this day of , 2021

Mayor

City Clerk