



## REPORT

Report Date: May 9, 2022  
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Meeting Date: June 7, 2022  
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TO: Vancouver City Council

FROM: City Manager

SUBJECT: Development Application and Permitting Modernization Task Force – Report back on Design Guidelines and Protection of Trees By-law Policies

### **RECOMMENDATION**

- A. THAT Council adopt the resolution attached as Appendix “A” for a period of 24 months in order to extend the resolution it initially approved on June 8, 2021, not to enforce certain design guidelines that have been developed for one and two family dwellings seeking a development permit in specific neighbourhoods (RS-3 and RS-3A, RS-5, RT-3, RT-6, RT-7, RT-8, RT-9 and RT-10 Zoning Districts) to continue to enable faster processing of residential development permit applications by reducing the number of conditions and reviews;

FURTHER THAT staff use the 24-month period to consider recommending a possible update to the Zoning and Development By-law.

- B. THAT Council adopt the resolution attached as Appendix “B” to be effective until December 31, 2023 to extend sections A and C of the resolution initially approved on June 8, 2021, not to enforce certain sections of the Protection of Trees By-law to continue to enable faster processing of development permit applications and reduce further backlogs;

FURTHER THAT staff use the time to prepare a comprehensive update to the Protection of Trees By-law.

- C. THAT Council approve, in principle, an amendment to section 2.2. of the Protection of Trees By-law, to define a tree as having a diameter of 20 cm., rather than the one year pilot of 30 cm., as generally set out in Appendix “C”;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the By-law set out in Appendix “C”.

## **REPORT SUMMARY**

This report seeks Council's approval to extend the non-enforcement resolution approved by Council June 8, 2021; requiring detailed design and landscape guideline reviews for one and two family dwellings in the RS-3 and RS-3A, RS-5, RT-3, RT-6, RT-7, RT-8, RT-9 and RT-10 Zoning Districts and the enforcement of specific sections of the Protection of Trees By-law to December 31st 2023. The report is also seeking approval in principle to change back to the requirement for a tree permit to 20 cm or greater, down from the 30 cm diameter currently defined in the one year pilot Protection of Trees by-law.

The foregoing recommendations are intended to preserve efficiencies in the review and approval of permits for low-density residential construction. Such efficiencies have been demonstrated over the past year since the initial implementation of these regulatory relaxations.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

On February 10, 2021, Council approved the motion, "Daylighting Building Permit Wait Times".

On March 31, 2021, Council approved the motion, "Calling for a Plan to Clear Vancouver's Permit and License Backlog and Revamp this Critical City Service", with direction summarized as follows:

- City Manager to strike and head the Task Force to consolidate and integrate all work related to Council motions and internal work regarding modernizing the City's development application and permitting and licensing processes.
- Approve the allocation of up to \$1 million from Council contingency funds to kick start the Task Force's work.
- Staff to identify and pursue funding opportunities to support this work, such as the recently announced Provincial Government program to help local governments improve their development services and approvals processes.
- Endeavour to substantially reduce the existing backlog of permits and licenses for smaller scale projects by end of Q2 2022.
- A moratorium on any new member motions put on notice that would otherwise result in new work for the staff involved in issuing development and building permits and business licenses until the end of 2021.

On June 8, 2021, Council approved the report, "Internal Development Application and Permitting Modernization Task Force – First Bi-Monthly Update," with direction summarized as follows:

- Not enforce certain design guidelines that have been developed for one and two family dwellings seeking a development permit in specific neighbourhoods
- Not enforce specific sections of the Protection of Trees By-law
- Amend the Protection of Trees By-law to define a tree as having a diameter of 30 cm, rather than the existing 20 cm.

These changes were piloted for a period of year.

On September 21, 2021, Council approved Zoning and Development By-law amendments to enable issuance of a Building Permit for excavation and shoring before a Development Permit.

On October 14, 2021, Council approved the report “Piloting Regulatory Changes to Support Commercial Renovations and Small Business”, piloting relaxations to the Vancouver Building By-law and the Zoning and Development By-law to support new and existing businesses through the pandemic recovery period.

On January 26, 2022, Council passed the Making Home motion directing staff to advance policy to allow up to 6 units on lots that are currently zoned RS (Residential One-Family).

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

These recommendations have been developed by the Development Application and Permitting Modernization Task Force (“Task Force”), established pursuant to Council direction on March 31, 2021 to increase the efficiency of the approvals process for low-complexity residential and commercial construction projects. Staff have evaluated policy decisions made by Council in June 2021 as part of a pilot and bring these recommendations to Council based on an assessment over the pilot period.

#### **Strategic Analysis**

- A. Enable faster processing of residential applications subject to design guidelines that have been developed for one and two family dwellings in specific neighbourhoods by reducing the number of conditions and reviews associated with residential permit applications

##### *Strategy – Streamline Design and Landscape Review of Guidelines*

Staff are asking for an extension of the non-enforcement resolution that Council adopted, which eliminates the requirement for a detailed design and landscape guidelines review for one and two family dwellings in the RS-3 and RS-3A, RS-5, RT-3, RT-6, RT-7, RT-8, RT-9 and RT-10 Zoning Districts. While this exemption applies to a small number of permits, this change has had positive impacts on a known bottleneck, reducing processing time, and enabling staff to focus on other priorities.

A 24-month extension to this pilot will allow staff to align any proposed changes to the Zoning and Development By-law in conjunction with other planned work as a result of the Making Home motion passed on January 26, 2022. As per the subsequent Council Memo, Advancing Multiplexes, dated April 5, 2022, staff have identified the need to simplify RS zoning in tandem with advancing a new multiplex option in order to free up capacity and avoid further challenges to the permitting system. Aligning this work will ensure that staff’s time is appropriately managed pending an update to a bylaw that is subject to change.

During this pilot, staff have observed a number of benefits, including a 50% reduction in planning staff review time and a 100% reduction in landscape staff review time. The pilot also eliminated the requirement for applicants to resubmit their application following review, resulting in an elimination of a second review for staff.

The community is still notified about developments in their neighbourhood and since these changes were implemented, staff have not observed a notable increase in community concern.

*Recommendation A seeks an extension of the resolution not to enforce design guidelines that have been developed for specific neighbourhoods to allow staff to process residential applications faster by reducing the number of conditions and review requirements applied to residential permit applications. Proposed resolution of Council included in Appendix A of this document*

B. Allow for a temporary suspension of sections of the Protection of Trees By-law to enable low risk applications to be processed faster. Amend the Protection of Tree By-law increasing the threshold size for tree protection.

On June 8, 2021 Council adopted 3 changes to the Protection of Trees By-law to assist reviews and processing times associated with landscape review of tree permits. In essence, these changes eliminated the requirement for a Tree Permit for trees under 30 cm. in diameter, and the need for arborist reports in some situations. In addition, certain operational changes were also made to help facilitate tree permit review and approval.

The changes are discussed below.

*Strategy - Relaxation to the requirements for an arborist report.*

This change limits when an arborist report is required, limiting the need for an arborist report to trees over a certain size or where there are life-safety issues. This provision is used extensively when there are no trees within the development, or when the development in no way impacts trees on site (e.g. bathroom renovation) and to advance permits where there is no evidence of life safety issues. This change serves to mitigate the volume of arborist reports requiring review by City staff.

Staff view this change as successful and useful, and therefore recommend maintaining it.

*Strategy (A) amended the Protection-of-Trees By-law requiring a tree permit for trees over 30 cm (from 20 cm). (B) Non-enforcement of the requirement for a tree permit for trees as a consequence of any proposed development for trees under 30 cm in diameter.*

These changes represented a trade-off between the City's urban forest canopy preservation and retention priorities and reducing permit processing times. Staff conclude that this change has had a positive impact on time spent on landscape reviews and has helped achieve a reduction in permit review times in the face of a glut of development permit applications. In essence, this change has served as a valve to release pressure on staff that are spread thin. In addition, conversations with the development industry have generally revealed support for this amendment. Conversely, these changes have resulted in tree canopy cover loss. Staff have been monitoring impacts and estimate that approximately 240 trees (20-30 cm) have been removed in the development permit stream without a

conflict with development, and while difficult to quantify, estimate that approximately 400 trees (20 – 30 cm) may have been removed on private property at the owner's discretion. Further, staff view that these changes have had some negative impacts to operations including an increase in the number and severity of complaints.

While these changes have assisted with processing times over the course of the year-long pilot, the impacts to the City's ecological and climate change goals has been challenging and other initiatives have had a greater impact on processing times. Staff are recommending rolling back these changes from 30 cm to 20 cm.

#### *Additional Protection of Trees By-law Considerations*

The Protection of Trees By-law governs the conditions and process for tree removal in the City of Vancouver. This by-law is an important tool to implement City strategies to provide healthy urban forests for all inhabitants. Staff, as well as both the development and arborist industries have identified the need to clarify and improve this by-law. While the by-law has been modified over the years, a major revamp and redesign effort has not occurred since 2010 and incremental changes have resulted in an ever changing rule book. Strategically, both the Climate Emergency (Big Move 6) and the policy direction contained within the draft Vancouver Plan contemplate increases to the Urban Forest Canopy. The Protection of Trees By-law requires an update to align it with the City's environmental, development and climate change goals while providing additional clarity to staff, industry, and applicants on requirements and conditions associated with tree protection in the City.

Rather than advancing further piece-meal changes to the by-law, staff are planning a full review of the by-law including: affirming goals for urban canopy; addressing gaps and circumventions of the current by-law; providing clarity on tree preservation, replacement and enforcement; understanding and building for the impacts on permitting operations and landscape review. The changes initiated by the task force along with fundamental considerations on improving processing times and reducing complexity will be important components of this work. Staff recognize the need to consult with the arborist and development industries, environmental groups, and other interested parties in this work. The process to revamp the by-law is planned to begin in 2022 with planned completion in 2023.

*Recommendation B seeks approval of an extension to parts of a Council resolution that was previously adopted. The proposed Resolution for Council (Appendix B) instructs staff to not enforce specific sections of the Protection of Trees By-law until December 31, 2021 or until Council approves a revised Protection of Trees By-law in 2023; A draft by-law) for approval by Council included in Appendix C of this document will, if enacted, amend the Protection of Trees By-law's requirements for tree removal.*

*If Recommendation B is approved, staff will be undertaking a review and update to the Protection-of-Trees By-law in 2023.*

### ***Implications/Related Issues/Risk***

The risks associated with these proposed policy changes have been assessed and deemed appropriate given the benefits. As noted, decreasing the size of a protected tree will increase permit times, but the risk of not approving these changes is the loss of tree canopy.

### ***Financial***

There are no significant financial implications associated with the recommendations contained in this report.

### ***Human Resources/Labour Relations***

There is no increase of salary or staffing levels proposed in this report.

### ***Environmental***

Reverting the size of a protected tree from 30 cm. back to 20 cm. will increase the protection of tree canopy across the city in line with the City's ecological goals.

### ***Legal***

The proposed by-law amendment is authorized by Part XXIX of the Vancouver Charter. Council is also permitted to resolve to not enforce policies and guidelines in order to evaluate the benefits of non-enforcement.

## **CONCLUSION**

The Task Force' mandate, in part, has been to identify and advance quick start opportunities to improve the permitting process. The first set of recommendations approved by Council on June 8, 2021 have been in place for almost a year, which has allowed staff to assess their effectiveness over a reasonable time horizon. All changes have had positive impact on permitting times however the amendment to the Protection of Tree Bylaw has resulted in greater than anticipated loss in tree canopy. Staff are proposing to mitigate this by reverting the requirement for a tree permit back to 20 cm. Staff will continue to monitor, and the learnings from these changes will be an input into the comprehensive update to the Protection of Tree Bylaw planned for 2023.

The recommendations contained in this report are based on a review of the data, feedback from staff and feedback from the public. They seek to balance the need to expedite the issuance of permits with other Council policies, such as protecting the urban tree canopy.

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## RESOLUTION OF COUNCIL

WHEREAS the City of Vancouver is experiencing a large and growing backlog of development permit applications;

WHEREAS the City of Vancouver is exploring ways to reduce the time needed to issue development permits;

WHEREAS the good governance of the City is enhanced by a reasonable and efficient development permit issuance process;

WHEREAS the ordinary review and approval processes will lead to further unacceptable delays.

THEREFORE Council resolves that:

During a pilot project that expires in a further 24 months, aimed at reducing the time needed to issue development permits, Council instructs the Director of Planning to only consider the following specified guidelines and policies when considering the approval of one –family and one-family dwellings with secondary suite and two-family and two family-dwellings with secondary suites in the RS-3 and RS-3A, RS-5, RT-3, RT-6, RT-7, RT-8, RT-9 and RT-10 Zoning Districts:

For the RS-3, RS-3A and RS-5 Zoning Districts, Council's policy is that the Guidelines for RS-5 are not to be strictly applied, and the staff review should be limited to:

- 2.1 Streetscape Character (Review for general compatibility)
- 2.2 Form (Review only for (i) Primary Forms and (ii) Primary Roof)
- 2.4 Doors and Windows (No review – checklist of acceptable types)
- 2.5 Materials and Detailing (No review – checklist of acceptable materials)
- 2.6 Landscape Design (No review except for Protection of Trees By-Law); and

For the RT-3 Zoning District, Council's policy is that the Strathcona/Kiwassa RT-3 Guidelines are not to be strictly applied, and the staff review should be limited to:

- 2 General Design Considerations
- 2.1/2.2 Neighbourhood Character/Street Character (Review for general compatibility)
- 3.6 One and Two Family Dwellings (Review for site criteria for greater than 0.60 FSR)
- 5 Architectural Components
- 5.1 Roofs (Review)
- 5.2 Windows (No review – checklist of acceptable types)
- 5.5 Exterior Walls and Finishing (No review – checklist of acceptable materials)
- 8 Landscaping (No review except for Protection of Trees By-Law); and

For the RT-6 Zoning District, Council's policy is that the RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5N and RT-6 Design Guidelines are not to be strictly enforced and staff review should be limited to:

- 5 RT-6 (West Mount Pleasant)
- 5.1/5.2 Neighbourhood Character/Street Character (Review for general compatibility)
- 5.3 Architectural Components
- 5.3.1 Roofs (Review)
- 5.3.2 Windows (No review – checklist of acceptable types)
- 5.3.4 Exterior Walls and Finishing (No review - checklist of acceptable materials)
- 12 Landscape (No review except for Protection of Trees By-Law); and

For the RT-7 and RT-8 Zoning Districts, Council's policy is that the Kitsilano RT-7 and RT-8 Guidelines are not to be strictly enforced and staff review should be limited to:

- 1.2 Traditional Design Principles (Review Section listed below)
- 1.2.2 Simple Mass with a Simple Roof (Review)
- 2 General Design Considerations
- 2.1/2.2 Neighbourhood/Streetscape Character (Review for general compatibility)
- 2.1.1 Massing (Review)
- 4 Guidelines Pertaining to Regulations of the Zoning and Development By-Law
- 4.3 Height (Review)
- 4.4 Front Yard (Review)
- 4.7 FSR (Review)
- 4.16 Building Depth (Review)
- 5 Architectural Components
- 5.2 New Development to "Compatible Appearance" (Review for general compatibility)
- 5.2.1 Roofs (Review)
- 5.2.2 Windows (No review - provide a checklist of acceptable window types)
- 5.2.5 Exterior Walls and Finishing (No review – checklist of acceptable materials) 8 Landscaping (No review except for Protection of Trees By-law); and

For the RT-9 Zoning District, Council's policy is that the Kitsilano RT-9 Guidelines are not to be strictly enforced and staff review should be limited to:

- 2 General Design Considerations
- 2.1/2.2 Neighbourhood and Streetscape Character (Review for general compatibility)
- 4 Guidelines Pertaining to Regulations of the Zoning and Development By-law
- 4.4 Front Yard (Review)
- 4.16 Building Depth (Review)
- 5 Architectural Components
- 5.1 Roofs (Review)
- 5.2 Windows (No review – provide checklist of acceptable types)
- 5.5 Exterior Walls and Finishing (No review – checklist of acceptable materials)
- 8 Landscaping (No review except for Protection of Trees By-law); and

For the RT-10 and RT-10N Zoning Districts, Council's policy is that the RT-10 and RT-10N Small House/ Duplex Guideline are not to be strictly enforced and staff review should be limited to:

- 2 General Design Considerations
- 2.1/2.2 Neighbourhood and Streetscape Character (Review for general compatibility)
- 4.0 Guidelines Pertaining to Regulations of the Zoning and Development By-law (
- 4.7 Floor Space Ratio (Review)
- 5 Architectural Components
- 5.1 New Development, Infill, and Addition to 'Non-Character' Buildings (Review for general compatibility)
- 5.1.1 General Design Considerations (a) a simple mass with a simple sheltering roof (Review)
- 5.1.2 Roofs (Review)
- 5.1.4 Windows (No review – provide checklist of acceptable types)
- 5.1.6 Exterior Walls and Finishing (No review - provide checklist of acceptable materials)
- 8 Landscaping (No review except for Protection of Trees By-law); and

## RESOLUTION OF COUNCIL

WHEREAS the City of Vancouver is experiencing a large and growing backlog of development permit applications, including landscape approvals;

WHEREAS the City of Vancouver is exploring ways to reduce the staff time needed to issue these permits;

WHEREAS the good governance of the City is enhanced by a reasonable and efficient permit issuance process;

WHEREAS the ordinary approval processes will lead to further unacceptable delays.

THEREFORE Council resolves that:

During a pilot project that expires on December 31, 2023 aimed at reducing the time needed to issue development and tree permits, Council considers the following to be appropriate administrative and enforcement measures:

A. Notwithstanding section 7.2 and section 7.3 of the Protection of Trees By-law an arborist report should not be required where the proposed development does not include a new building, or a change in the footprint of an existing building, or there is no tree within 2 meters of any proposed construction, unless there is a concern about life safety issues based upon review of the survey submitted under section 7.1 of the Protection of Trees By-law.

~~B. In furtherance of section 613 of the Vancouver Charter, no permit is required under the Protection of Trees By-law for the removal of any tree with a diameter less than 30 cm. measured at 1.4 meters above the existing grade of the ground adjoining its base that must be removed as a consequence of any proposed development where the use and density of that proposed development is permitted under the relevant zoning provisions for the site.~~

B. Nothing in part A and B of this resolution affects the Protection of Trees By-law as it relates to trees removed for any reason other than the lawful construction of a building as result of the development of a site.

FURTHER THAT:

~~City staff are directed to report back to Council with an assessment of this pilot project in 12 months, and consider and recommend possible by-law amendments and policy changes to facilitate a further reduction in delays following this pilot project.~~

**BY-LAW NO.**

**A By-law to amend the Protection of Trees By-law  
regarding the size of trees not requiring a permit for removal**

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

1. This By-law amends the indicated provisions of the Protection of Trees By-law.
2. Council strikes the number "30" from section 2.2 of the By-law and replaces it with the number "20".
3. 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.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2022