



COUNCIL REPORT

Report Date: June 25, 2024
Contact: Templar Tsang-
Trinaistich
Contact No.: 604.871.6851
RTS No.: 16393
VanRIMS No.: 08-2000-20
Meeting Date: July 10, 2024
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Procedure By-law Update in Response to New Provincial Legislation: Bill 18

Recommendation

- A. THAT Council approve, in principle, amendments to the Procedure By-law to better align with Bill 18 – *Vancouver Charter* Amendment Act (No. 2), 2024, as set out in this report and as generally attached in Appendix A.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary amendments to the Procedure By-law, generally as outlined in Appendix A.

Purpose and Executive Summary

On April 25, 2024, the Provincial government enacted Bill 18 – *Vancouver Charter* Amendment Act (No. 2) 2024 (“Bill 18”). This legislation amends the *Vancouver Charter* to better align with the rules and authorities governing other BC municipalities under the *Local Government Act*, along with streamlining process where applicable.

This report describes the changes to the *Vancouver Charter* and Council’s authority relating to the Public Hearing process. Procedure By-law amendments are necessary to bring these changes into alignment with the amended *Vancouver Charter*. This report also provides information on next steps and subsequent work to be undertaken to conform with and implement the new legislation.

Council Authority/Previous Decisions

- *Vancouver Charter*
- Procedure By-law
- Public Notice By-law
- Vancouver Plan (2022)

City Manager’s Comments

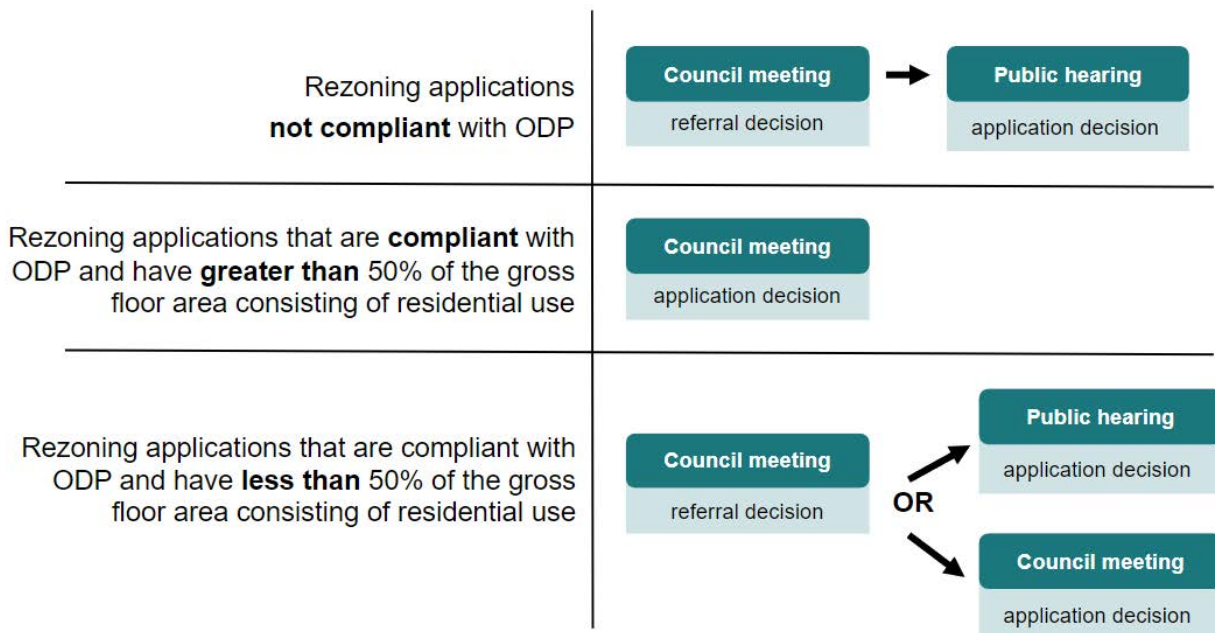
The City Manager concurs with the foregoing recommendations.

Context and Background

Bill 18 is one of a suite of legislative amendments that are intended to improve the planning processes with the goal of supporting the timely delivery of housing for Vancouverites. Bill 18 amends the *Vancouver Charter* and Council’s authority relating to official development plans, the public hearing process, development procedure by-laws and form of development approvals. Council received a [report](#) on June 12, 2024, which included information and next steps regarding the development of the City’s first city-wide Official Development Plan. The focus of this report is on the changes to the public hearing process. A separate report will be brought forward later, regarding development procedure by-laws and form of development approvals.

Effective April 25, 2024, Council is prohibited from holding a public hearing on a proposed zoning by-law amendment if the application is consistent with an Official Development Plan (ODP) and the gross floor area is made up of a minimum of 50% residential uses. Council is also not required to hold a public hearing on a proposed zoning by-law if it is consistent with an ODP for all other uses. If a public hearing is subject to being waived, Council can consider either referring the rezoning application to a public hearing or a Council meeting for decision. All zoning by-law changes will continue to require decision by Council. This change will align with requirements that apply to other BC municipalities. Refer to Figure 1 for a summary of these changes.

Figure 1: Options for Council at Referral



Procedure By-law

The [Procedure By-law](#) defines the rules and procedure for Council meetings and includes rules about how meetings are conducted, how voting and decisions are recorded, and how the public participates. The Procedure By-law is important to facilitate shared understanding of the rules for Council meetings and fosters respectful conduct and open debate at meetings. The Procedure By-law must be updated to incorporate the changes introduced by Bill 18.

Discussion

Impact to Rezoning Applications and City-initiated Zoning Changes

The City currently has 11 area-specific Official Development Plans (ODPs) along with three city-wide and subject-related ODPs (Appendix B). Approximately 6% of Vancouver's land is within existing area-specific ODPs. In most cases, rezoning applications within these areas are typically **not** compliant with the ODP. Therefore, public hearings for rezoning applications within these existing area-specific ODP will likely continue to be required.

The Province's Bill 18 seeks to expedite the delivery of housing, while removing additional phases of public engagement that can often prolong the rezoning process, or create additional uncertainty for applicants. The intent of this legislation recognizes that individual rezoning applications are often too granular and may be too late in the process for impactful public comment, notably when the application is consistent with Council adopted growth policies and direction through an Official Development Plan.

These changes put forward in Bill 18 work together with other recent changes to the *Vancouver Charter*, including Bill 44, where the legislation requires more up-front public engagement and planning processes to "plan ahead" for growth and development. This includes work to zone sufficient lands to meet our housing needs, thus having to rely on rezonings to a lesser degree. To this end, the City is embarking on developing a city-wide ODP, building on the extensive public engagement that went into the creation of Vancouver Plan (2022) – the foundation of the ODP. Subsequent and ongoing Area Planning processes will also allow for wider neighbourhood-level planning and engagement on policy decisions that provide guidance and direction on where and how to grow.

In addition, public notification procedures through online newspaper advertisements as set out in the *Vancouver Charter* and Public Notice By-law will continue to apply for all rezoning applications, whether referred to a public hearing or a Council meeting. Staff will continue the standard practice of including applications on Shape Your City, holding Q&A sessions, and mailing notification postcards. Staff will continue to explore opportunities to encourage opportunities for public input as part of our continual process improvements.

Public notification procedures through online newspaper advertisements as set out in the *Vancouver Charter* and Public Notice By-law will continue to apply for all rezoning applications, whether referred to a public hearing or a Council meeting. Staff will continue the standard practice of including applications on Shape Your City, holding Q&A sessions, and mailing notification postcards.

For applications where a public hearing has been waived or prohibited, a decision on the application is still required at a Council meeting. Consistent with the stated intent of the provincial legislation to accommodate early public input into land use plans but also expedite

project-specific rezoning decisions, staff recommend that Part 7 of the Procedure By-law be amended to preclude public speakers at Council for ODP compliant applications. To confirm, this recommendation would still enable members of the public to submit written comments to Council in accordance with the existing practice.

Procedure By-law Amendments

Administrative changes to the Procedure By-law are necessary to align with the changes to the *Vancouver Charter*. These will account for Council's new ability to refer rezoning reports to public hearing **or** a Council Meeting, if the conditions described above are met. Staff also propose amendments to the Procedure By-law that clarify the scope of Council questions on referral reports. An administrative change to the order of business for public hearings is also included that aligns with the recent streamlined practice for holding electronic meetings. Refer to Appendix A for the draft amending by-law. Planning staff consulted with Legal Services and the City Clerk on the recommended changes to the Procedure By-law.

New Rezoning and Development Applications Procedure By-law

Bill 18 will require Council to adopt an applications procedure by-law(s) for amendments to an official development plan, rezonings, and development permit applications. These changes are not yet in effect; staff anticipate these provisions will come into effect in 2025. A staff report will be brought to Council with recommendations to establish new procedures for ODP amendments and rezoning applications in early 2025 (Development Permit procedures are currently contained in [Section 4](#) of the Zoning and Development By-law No. 3575).

Bill 18 also includes a provision for Council to delegate authority to approve the form of development for CD-1 rezoning applications. This provision will improve the permitting process by allowing form of development to be reviewed by staff should Council delegate the authority. Planning staff will prepare a draft Rezoning and Development Applications Procedure By-law, in consultation with Development Services, Building and Licensing, the City Clerk, and Legal Services, to incorporate these legislative changes. This report will be brought to Council for consideration in early 2025.

Conclusion and Next Steps

The General Manager of Planning, Urban Design and Sustainability recommends the changes outlined in this report, including amendments to the Procedure By-law, to bring City processes into alignment with the amended *Vancouver Charter* resulting from Bill 18.

In the coming months, Planning staff will work closely with Development Services, Building and Licensing, Legal Services, and the City Clerk to implement the required process changes and by-laws. These changes will streamline approval processes to enable the delivery of much needed housing.

Financial Implications

There are no financial implications requiring Council's consideration.

Legal Implications

If the recommendation in this report are adopted, Council will approve amendments to the Procedure By-law to better align with Bill 18.

* * * * *

APPENDIX A**DRAFT By-law to Amend Procedure By-law No. 12577
regarding alignment with the Vancouver Charter**

1. This by-law amends the indicated provisions of Procedure By-law No. 12577.
2. In section 1.2, Council strikes the definition of “applicant” and substitutes the following:
““applicant” means the person applying for a zoning amendment;”.
3. In section 1.2, Council strikes the definition of “referral report” and substitutes the following:
““referral report” means a Council report or Council member’s motion requesting that Council decide whether or not to refer a rezoning matter to public hearing or Council meeting if a public hearing is prohibited or optional;”.
4. Council inserts a new section 5.4 (b) as follows:
“(b) a question about a referral report must be limited to the decision to refer or otherwise concern the process leading to the recommendation for referral;”.
5. Council renumbers the remaining sections 5.4(b), 5.4(c) and 5.4 (d) as 5.4 (c) and 5.4 (d) and 5.4 (e) respectively.
6. Council strikes section 7.1 and 7.2 and substitutes the following:
“Items which may be spoken to
 - 7.1 Subject to the provisions of this Part 7, a person may speak to:
 - (a) a Council member’s motion,
 - (b) a staff report that contains recommendations, regardless of whether it is presented at a Council meeting or a standing committee meeting, and
 - (c) Council at a special Council meeting, in accordance with Council direction.
 - 7.2 Notwithstanding section 7.1, a person may not speak to:
 - (a) a referral report, except if the referral report recommends that a matter not be referred to a public hearing or a Council meeting, in which case the applicant may speak to that recommendation,
 - (b) a zoning amendment that is being considered at a Council meeting and not at a public hearing, except that the applicant may speak to the proposed amendment,
 - (c) a presentation, or
 - (d) a staff report when the only recommendation is to receive for information.

7. Council strikes “7.2” from section 7.3 and replaces it with “7.1”.
8. Council strikes sections 13.2 and 13.3 and inserts “DELETED”.
9. Council strikes section 13.13 and substitutes the following:

“Order of business

13.13 The order of business at a public hearing is:

- (a) roll call;
- (b) opening instructions regarding speakers and public comments; and
- (c) for each agenda item:
 - (i) reading of application and summary of public comments received,
 - (ii) Chair makes first call for speakers,
 - (iii) presentation by staff,
 - (iv) presentation by applicant,
 - (v) questions to staff and/or the applicant,
 - (vi) Chair makes second call for speakers,
 - (vii) Hearing of speakers on speaker list,
 - (viii) Chair makes third and final call for speakers,
 - (ix) 5-minute recess to confirm additional speakers,
 - (x) call by Chair for public comments,
 - (xi) close of speakers list,
 - (xii) closing comments by applicant,
 - (xiii) closing comments by staff,
 - (xiv) Council questions of staff following staff closing comments,
 - (xv) close of public comments pursuant to subsections 13.22 and 13.23,
 - (xvi) debate, and
 - (xvii) motion.”.

10. 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.
11. This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2024

Mayor

City Clerk

DRAFT

APPENDIX B

List of Active Official Development Plans

The ODPs listed below are currently effective but must be repealed before July 30, 2030. Refer to the [Official Development Plan By-laws](#) for the content of these ODPs.

Name	Adopted
Arbutus Corridor	2000
Central Waterfront	1979
Coal Harbour	1990
Downtown	1975
Downtown-Eastside/Oppenheimer	1982
East Fraser Lands	2006
False Creek North	1990
False Creek	1974
Heritage Conservation Area	2015
Southeast False Creek	2005
Southeast Granville Slopes	1984
Rental Housing Stock	2007

Note: The [Green House Gas Emission Reduction ODP](#) is not listed as a “current official development plan” in the proposed section 562.02 of the *Vancouver Charter*, and will need to be repealed and incorporated into the future VODP.

Note: The [Regional Context Statement ODP](#) is a document that all Metro Vancouver Municipalities must prepare to describe how it aligns with [Metro Vancouver's Regional Growth Strategy](#). The Regional Context Statement ODP will be updated and modified in alignment with VODP.