



REFERRAL REPORT

Report Date: September 24, 2024
Contact: Josh White
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RTS No.: 16594
VanRIMS No.: 08-2000-20
Meeting Date: October 22, 2024

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Council Delegation of Authority to Approve the Form of Development

RECOMMENDATION TO REFER

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the Form of Development Approval By-law as described below, and that the application be referred to Public Hearing together with the recommendations set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATIONS FOR PUBLIC HEARING

- A. THAT Council approve the amendment to Section 3 of the Zoning and Development By-law generally in accordance with Appendix A.
- B. THAT the Director of Legal Services be instructed to bring forward for enactment the amendment to the Zoning and Development By-law, generally in accordance with Appendix A, to come into effect January 1, 2025.

REPORT 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 permitting approvals processes where applicable.

This report describes the provision enabled through Bill 18 for Council to delegate authority to approve the form of development for Council-approved CD-1 by-laws, prior to the issuance of

Development Permits. This provision is intended to streamline the permitting process by allowing form of development to be reviewed and approved by the Director of Planning, should Council delegate the authority, removing administrative steps and extra time associated with Council approval, thereby facilitating a quicker permitting issuance process.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- *Vancouver Charter*

CITY MANAGER'S COMMENTS

The City Manager concurs with the foregoing recommendations.

REPORT

Background/Context

[Bill 18](#) is one of a suite of legislative amendments that are intended to improve planning processes with the goal of supporting the timely delivery of housing in Vancouver. 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](#) about next steps regarding the development of the City's first city-wide Official Development Plan and a report [July 10](#) on changes to the public hearing process. This report focuses on the new authority granted through Bill 18 for Council to delegate form of development approvals.

Form of Development

"Form of development" is used as a regulatory term referring to the physical design of any proposed development. This includes regulations such as height, density, setbacks, tower floor plates and other massing controls, as well as performance objectives such as neighbourhood fit, site and building design, or on-site community amenities.

For conditional Development Permit application approvals under the Zoning and Development By-law, Council has also approved accompanying design guidelines to ensure administration of the By-law is clear and consistent with Council's intended performance objectives. Rezoning to CD-1 by-laws are informed by similar design guidelines plus more detailed "conditions of approval" found in Part 1 of Appendix B in the Rezoning Report to Council. These conditions are specific to each application and further reinforce Council performance objectives, often seeking to address the project's finer details such as improved livability or public realm design.

After a CD-1 by-law is approved at public hearing, the applicant will submit their Development Permit application and begin working towards meeting outstanding obligations and other Council-approved conditions of approval. If an application does not meet the CD-1 by-law regulations and other obligations of Council's approval, including form of development, the Development Permit will not be issued. If all obligations and conditions are met, staff will then prepare a summary of the proposal for Council, along with a draft Administrative Motion for Approval of Form of Development for Council's consideration. Legal enactment of the CD-1 by-law by Council also often accompanies this process; the Development Permit currently cannot be issued until Council considers and approves both.

Approval Process

The Vancouver Charter requires Council to approve the form of development whenever a new district or zone is designated. As CD-1 rezonings are site-specific and almost always designate “new” districts, all CD-1 rezoning applications are currently required to return to Council to have the form of development approved.

Form of development approvals are added as Administrative Motions on Council agendas (see [June 11, 2024](#) Council Agenda for examples). They consist of a single page describing the form of development approval, including a link to the Shape Your City project webpage as background, followed by the project’s site plan and elevation drawings. In rare circumstances, when the form of development has significantly changed but the CD-1 by-law does not require amending, a full form of development report may be prepared for Council to reconsider. An example of this was a report brought to Council on [April 9, 2024](#), which included background on the new proposal and staff’s analysis and recommendation to approve. Overwhelmingly, the form of development approval process serves an administrative function only; it is regular practice for Council to approve them on consent.

Delegating Approval

City Council is currently the authority to approve the form of development for all CD-1 by-laws. Bill 18 amended the Vancouver Charter to include a provision for Council to delegate the authority to approve the form of development for CD-1 by-laws. This authority is granted through by-law and must be given to an officer or employee of the City. In addition, the by-law must include “guidelines” that the delegate must consider in deciding whether to grant approval. Council may also include any additional terms and conditions within this by-law.

Strategic Analysis

Staff propose that Council delegate the form of development approval authority to the Director of Planning. The Director of Planning will approve the form of development provided that all obligations and conditions are met as specified within the rezoning and development permit’s conditions of approval, which will serve as the guidelines per the Vancouver Charter. The draft by-law amending Section 3 of the Zoning and Development By-law delegating this authority is included in Appendix A.

As described earlier, prior to the issuance of a Development Permit, staff track and confirm the completion of the conditions of approval. Compliance with the expectations for form of development is embedded in this process and it is therefore possible to review and accept both at the same time. Under this new delegated authority, staff propose that CD-1 applications be brought to an internal staff meeting before permit issuance where the Director of Planning will review and approve the form of development.

If Council wishes to review and comment on the form of development on a specific CD-1 rezoning application, the opportunity to do so remains at the public hearing stage and will be carried forward into future approvals. Further commentary and conditioning after public hearings would introduce greater uncertainty and review time to the permitting approvals process.

Financial Implications

There are no financial implications associated with this report’s recommendations.

Legal Implications

The proposed by-law is authorized through Bill 18 and the associated amendments to the Vancouver Charter. If enacted, it will delegate to the Director of Planning the authority to approve the form of development in certain circumstances.

CONCLUSION

The proposed change to the form of development approvals process outlined in this report will improve permitting certainty and processing times by eliminating the need for preparing administrative motions and Council briefing notes. The proposed process aims to minimize steps that are time consuming and largely administrative, in order to facilitate more timely permit issuance and provide greater certainty for applicants.

This report is one of a series that enacts and implements Vancouver Charter changes enabled through Bill 18. Staff will be bringing the final component of changes to Council in 2025, which will include a new procedure by-law for rezoning and development applications. The by-law will document new processing procedures enabled through Bill 18 and clarify existing procedures and standard practices.

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