

Governance and Growth: A Case Study of Vancouver's Planning Framework

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Abstract: The effective operation of the Urban Development Framework allows Vancouver to have a strong city profile. There are efficient managing measures and approaches such as administering the judicial framework, citizen engagement and reward exchange mechanisms for formulating and executing the urban planning. It is a strong integration of two separate planning approaches: the British discretionary method and the American regulatory approach. This essay primarily analyses the planning system of Vancouver and discusses how the two planning styles are combined.

Keywords: Urban Planning; Vancouver Charter; Discretionary System; Regulatory Framework; Public Participation

1. Introduction

Present global planning structures may be categorised into regulatory, discretionary and hybrid planning systems (Booth, 1995). It is not easy to compare planning systems between various countries, since each country develops its own planning system according to its legal system, regulatory structure, different land ownership and different growth objectives (Booth, 1999). Planning is a government mechanism for regulating and managing land use in compliance with the legal framework. A comparison of planning processes will experience different countries' various rights and political connotations (Yu, 2011). With global economic integration in the 1980s, the rivalry between countries became more intense, and the growth of different countries and regions became more uncertain. Many nations have started to change their planning processes to respond to the competitive environment. This paper is broken into two sections. The first section discusses the benefits and drawbacks of three planning systems by literature review and the second section offers a scenario in Vancouver to analyse how the two planning frameworks are to be combined.

2. Comparison of planning systems

Planning is a form of state interference in the market, but the degree and intent of intervention are very different because of the history, political culture and ideas of different countries (Newman and Thornley, 2005). Each framework offers differing degrees of flexibility and certainty in planning and development. The discretionary planning system is very popular in Commonwealth nations and the UK, where legal structures are focused on pragmatism (Claydon, 1988). As there is no absolute relationship between planning and decision-making, the discretionary framework will retain good flexibility and help respond to environmental needs. However, (Booth, 1995) indicated that this aspect is also negative, since discretionary planning also creates considerable uncertainty, and decision-makers may find that their decisions have no solid foundation.

Compared to the British discretionary system, most countries are primarily controlling city planning management by using regulatory approaches (Andreas, S. B., and Brian, W., 2020). Typically, the zoning primarily governs the usage purpose, the height and form, the bulk of the newly planned buildings (Kayden, 2004). Regulatory planning is typically designed according to national planning principles and developed top-down and multiple layers of the planning framework. This planning framework model explicitly describes the right of development and its key attribute is normative decision-making that offers developers and property owners certainty. However, the assurance of zoning may also become a disadvantage (Booth, 1995). Due to the lack of flexibility under unpredictable situations, it is impossible for the zoning framework to quickly adapt its counter-measures to the external setting to ensure optimal land use (Munneke, 2005). Some countries are attempting to set up a "buffer zone" or "mixed use" to address this issue. These initiatives will soften the sharp spatial division and encourage development diversity (Booth, 1995; Yokohari et al., 2000). Most planning systems step in the direction of a combined discretionary and regulatory system with time continuing. They are interdependent and maintain the benefits of two planning structures (Ruming, 2012).

3. Vancouver Planning System

3.1 Vancouver planning context

Canada's development control has always adopted the British-style discretionary system (Biggar and Siemiatycki, 2020). However, (Cullingworth, 2017) suggested that Canada's growth process is based on a hybrid paradigm of discretion and regulation, rather than a discretion-based approach. Similarly, planning in Vancouver also combines a discretionary and regulatory growth model (Gordon, 2004). Vancouver, the 3rd largest town in Canada, has been one of the world's most livable cities for several years. This is attributable not only to the outstanding strategic location and natural climate of Vancouver but also to its city development and administration.

A discretionary planning mechanism was developed in Vancouver in the 1950s, particularly the formulation of the Vancouver Charter, which legally protected the implementation of the entire system. The constitution specifies that the City Council of Vancouver has the authority to develop, enforce and amend all planning strategies, schemes and regulations. However, the City Council approved the real plan and management work to be carried out by the Planning Office. In this management framework, city planning is split primarily into three levels: policy statement, official development plan and zoning.

(1) Policy statement focuses on the formulation of the general principles of macro-level control.

(2) Official development plan is primarily focused on policy analysis and then refines control conditions such as housing policy, construction styles, architectural structure and architecture guidance. Its value is to deepen macro-politics to land control degree. The Vancouver Charter also lays out technical requirements and building policy for official growth, such as offering subsidised housing and rental housing.

(3) The zoning is an indication of the official development plan expressed on the land parcel in the form of data, such as regulating the nature of land use, height, floor-area ratio, building line, etc. In addition, the Vancouver Charter still provides some discretion to the Planning Bureau. "When developers can provide public facilities construction or protect the natural environment, they can get some incentives from the Planning Bureau" as defined in section 565(F1) of the (Vancouver Charter 1953). This form of statutory zoning with an incentive nature is called discretionary zoning, which guarantees a discretionary system. This satisfies the developers' pursuit of profits and ensures the government's control over development. Regulation of discretionary zoning brings versatility and productivity to urban planning management (Puter, 2003).

Even mandatory content does not mean that it will never be changed. While urban planning has legal benefits, the core of urban planning is playing a game with various interests. In compliance with the Vancouver Charter provisions, the City Council has the authority to schedule, authorise and administer urban planning. During doing urban planning, The City Council ordered the Planning Bureau to draft specifications, and the City Council shall then be allowed to review. The three-level planning method is complicated and transparent. Planning agencies need to coordinate public consultation in compliance with the legislation, summarise views and incorporate them into the planning process. They are eventually submitted to the City Council, after many rounds of public consultation and development. The city council, consisting of the Mayor and ten councillors, would vote publicly in a public meeting to review the three-level proposal (Vancouver Charter 1953).

3.2 Revision of the planning

The nature of planning is the policy-making process and a game between multiple interests. The ordinance is then just a balanced outcome of a game of diverse interests. The alteration of the legislation study and official development plan is called "Amendment" the modification of the zoning plan is called "Re-zoning". This is a reform of current legislation, and any revision must be subject to stringent procedural processes in compliance with the provisions of the Vancouver Charter.

The "Amendment" phase is identical to the above-mentioned planning regulations making. The Planning Office will assemble the appropriate agencies to analyse and summarise their views. Meanwhile, after gathering and sorting out citizen opinions, a set of opinions are collected and sent to the City Council for approval. The City Council will hold a meeting to determine whether or not to accept the Planning Office's revision proposal.

The applicant for re-zoning is typically the owner of the property. If he feels that the existing zoning legislation is not to his benefit, he can apply to the Planning Bureau's Re-Zoning Centre, and The Planning Office will hold a general vote. According to the Vancouver Charter, the public consultation range usually includes residents within two blocks of the application land and other social organisations. When the Planning Bureau approves the amendment, the City Council will hold a Public Meeting to share its opinions once again. Therefore, the compulsory city planning laws could be changed; however, under the oversight of Parliament, people and other groups, a modifying procedure is extremely strict which guarantees lawfulness and gravity in the planning regulations making.

3.3 The use of discretion

The regulatory content control mechanism represents the usage of discretion by the planning management departments. One of the rea-

sons for Vancouver's success in urban development is the transparent use of discretion (Punter, 2003). Due to the economic consideration, developers usually want to get some incentives from the Planning Office, Such as increasing the FAR and reducing tax. In exchange, the developer's design scheme should follow the government's requirements, such as offering funding public supporting facilities in the project or helping to construct infrastructure (Devine, 2009). Although The Planning Office or the Development Permit Committee has definitive decision-making authority, certain conditions must still be judged by the public. A Public Consulting Organization will be introduced to protect the interests of the public and, in particular, to create a transparent Planning Decision Making Process. The final decision may vary from the viewpoint of some citizens, but it represents the value of urban planning, which is a process of negotiation and game, and a process of political decision-making.

The public consultation will use a broad range of various approaches in this phase, including Focus Group, Open House, telephone interviews, questionnaires, etc. In Canada, this planning process is known as cooperative planning or interactive planning (Jeanne, M.W., and Yan, N. 2005). This complex method ensures that the design and development industries collaborate more effectively with the Planning Management Department and the public, and also increases the transparency and continuity of the use of discretionary power by the planning administration.

3.4 Monitoring mechanism of planning

Since the City Council gives the Planning Office the right to utilise and decide the discretionary system, it does not mean that its judgment is final. In order to prevent the detrimental consequences of their decisions, the Board of Variance was also set up by the City Council. People or developers who believe the Planning Office's decisions have impacted them can appeal to the Board of Variance. The Board of Variances is a body of the City Council that is at the same rank as the Zoning Bureau, and its five members are chosen by the City Council. None of the five members can serve in government and must represent different industries. The creation of this system guarantees the balance of power to a certain degree, the legislature (City Council) confers the management power (guidance part) of the legislation (three-level planning) on the Planning Office, while at the same time gives the supervision of the administrative authority to the Board of Variance. The Vancouver Charter stipulates that the City Council cannot change the Planning Office and the Board of Variance's rulings, and the clause guarantees that the government should not intervene with the exercise of administrative and supervisory forces.

4. Conclusion

The Vancouver Charter grants the City Council the authority to formulate, implement, manage and supervise the city plan. The explanation for this is that people nominate members to the City Council and grant their political entities the authority to make legislation and management. Therefore, the city council can be considered as both a legislative, executive and supervisory body. In the specific management process, the City Council only reserves the right to make and modify the regulations, including the right to planning making and the right to amend mandatory in the three-level planning system. The City Council assigned the administration of the planning to the Planning Officer and the oversight of the planning decisions made by the Planning Officer to the Board of Variance. The establishment of this system ensures that the legislative, administrative and supervisory power does not interfere with each other in the daily management of urban planning. The urban development management system in Vancouver retains both certainties of law and discretion.

Generally speaking, Policy statement, official development plans and zoning are operated coherently and continuously (Sorensen and Hess 2015). One of the methods to ensure the policy's consistency is that the land area controlled by three-levels planning systems is comparatively limited. Any construction in a city region over two blocks should make a new Policy statement, official development plans and zoning. This kind of planning method that uses plots as a unit for three-level planning is relatively easy to manage. Besides, the transparency of the management process is the key to the success of Vancouver planning management. The public and various groups are introduced to evaluate the planning so that everyone can see what the Executive Department is researching and understand clearly what their decisions are. This framework for making the discretionary authority decision-making process clear is the assurance of planning management.

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