

Choosing *What* to Regulate and *Why*: Creating a Robust Process for Drafting Regulations

Introduction and Integration

Achieving the equitable and aspirational city envisioned in The City Plan and ConnectEdmonton, and delivering excellent service requires balancing development regulations with a streamlined regulatory environment. Difficult decisions will need to be made through the Zoning Bylaw Renewal Initiative. Understanding this, Administration is developing a robust process for determining what the Zoning Bylaw should and should not regulate, and to what degree it should regulate. Referred to as the Decision Making Framework, it will also take equity considerations into account.

While municipalities commonly analyze land-use impacts and regulatory burden in their approaches to regulations, understanding how regulations can impact equity is a relatively new area of research. To ensure equity considerations are included in every aspect of the project, the Zoning Bylaw Renewal Initiative has partnered with the University of Alberta to create a GBA+ and Equity Toolkit. Though work on the toolkit is occurring separate from the Decision Making Framework, the two will be used together while drafting the new Zoning Bylaw's regulations to ensure equity considerations are part of the regulation writing process.

Decision Making Framework

Benefits, risks and tradeoffs will be considered with each decision to ensure the new Zoning Bylaw balances the goal of supporting policy outcomes with the goal of reducing the regulatory burden. Assumptions about what should be regulated will be critically re-examined and decisions will be informed by a decision making framework. The two primary questions that will be addressed through the decision making framework include:

1. Should the Zoning Bylaw regulate this?
2. If yes, then to what degree should it be regulated?

If the decision making framework process helps to determine that something should be regulated, Administration will consider a variety of factors on how and to what degree it should be regulated. This includes:

- Guidance from the Municipal Government Act and other City policies, bylaws and strategic plans
- A review of best practices and approaches taken by other jurisdictions to address specific zoning issues
- Evaluating regulations' effect on health and safety, land use impact, regional competitiveness, and cost to the applicant and the City

- Consulting feedback and learnings received throughout the Zoning Bylaw Renewal Initiative, including those related to the recent changes made to Zoning Bylaw 12800 through the Zoning Bylaw Omnibus in December 2020 and January 2021, the amendments made to eliminate parking minimums in June 2020, and the changes made to enable 'Missing Middle' housing in August 2019.

In addition to the factors mentioned above, Administration will also evaluate whether regulations proposed for the new Zoning Bylaw will result in more consistent decision making and predictability of service. The Decision Making Framework will prioritize regulations based on the risks, opportunities and tradeoffs associated with more or less regulation of certain aspects of development and land use. The framework will assist Administration in creating a new Zoning Bylaw that will support flexibility, innovation, and better service delivery, allowing people, places and businesses to thrive and prosper. In doing this, Administration will also consider the downstream impacts to affordability and livability in Edmonton. This requires us to understand the economics of development and how added costs are downloaded to the resident and business operator.

For more information about the decision making framework and the types of questions that will be answered while crafting regulations for the new Zoning Bylaw, please refer to Attachment 1 - Philosophy of the New Zoning Bylaw.

GBA+ and Equity Toolkit

With the Zoning Bylaw Renewal Initiative, Administration is taking direction from The City Plan and asking how the built form can help support an inclusive, compassionate and equitable Edmonton. This equity lens is a shift from previous ways of thinking about land use regulations.

To help embed equity considerations in all aspects of the Zoning Bylaw Renewal Initiative, the City is developing a Gender Based Analysis Plus (GBA+) and Equity Toolkit to explore and understand the unintended social impacts of our regulations, and to take thoughtful and decisive action to support the creation of inclusive and welcoming urban spaces. The GBA+ and Equity Toolkit will be developed in alignment with the City's GBA+ Framework, The Art of Inclusion, and other connected programs/initiatives.

The GBA+ and Equity Toolkit will provide planners with guidance on how best to consider concepts of equity and diversity when drafting zoning rules, including:

- Acknowledging assumptions and biases at the regulation writing stage
- Identifying social inequities and identity factors
- Listening to community perspectives

- Exploring equity measures that have been or can be taken to prevent or remove inequities

The toolkit will work in conjunction with the Decision Making Framework, thereby providing Administration with a robust approach to zoning regulations that considers the unintended social impacts of land-use regulations.

Academic Partnerships

To support the creation of the GBA+ and Equity Toolkit, Administration has partnered with the University of Alberta's School of Urban and Regional Planning on a SSHRC (Social Sciences and Humanities Research Council) funded research study to help address the following related questions:

- How can we apply and promote equity and substantive equality considerations in a zoning bylaw?
- How can we identify the inequities created by land use regulations generally, and specifically in the case of Edmonton?
- What human rights and equity issues should be considered when drafting land use regulations?
- What compromises may be necessary when addressing equity using such tools?

This study will include a thorough review of academic literature, best practices, and relevant case law to explore the intersections of equity, human rights, and land use regulation. Key actors — both local stakeholders identified by the City of Edmonton and experts from across Canada — will be interviewed in order to gain insight into how equity can be embedded into municipal regulations. The study will focus on Edmonton's Zoning Bylaw, exploring key amendments and controversial parts identified by stakeholders, to ascertain how zoning tools have caused or helped address inequity within the city in the past.

GBA+ and Equity Toolkit Design Process

Below is a general outline of the phases and work in progress for the GBA+ and Equity Toolkit.

Phase 1 - Research and Reflection (August 2020 - December 2020)

- Review City plans/policies for their diversity and equity commitments
- Connect with City committees/groups working on equity issues to identify potential alignments
- Perform a jurisdictional scan to determine best zoning and equity practices
- Outreach with underrepresented and marginalized communities to understand experiences with Edmonton's Zoning Bylaw
- Draft a paper that articulates the role of planners in addressing equity in the Zoning Bylaw

- Draft a paper that articulates community perspectives on Zoning Bylaw barriers/challenges/issues

Phase 2 - Development (August 2020 - July 2021)

- Workshops with City teams and developing a GBA+ and Equity Toolkit prototype for drafting regulations
- Partner with the University of Alberta’s School of Urban and Regional Planning on a joint research study
- Refine and finalize the GBA+ and Equity Toolkit

Phase 3 - Application (January 2021 - June 2022)

- Draft Zoning Bylaw regulations using the GBA+ and Equity Toolkit
- Partner with the University of Alberta’s School of Urban and Regional Planning to develop a process on how to monitor/evaluate the GBA+ and Equity Toolkit’s effectiveness

Phase 4 - Evaluation/Monitoring and Storytelling (January 2021 - December 2022)

- Develop a process for how the GBA+ and Equity Toolkit will be monitored and used over time
- Continue to refine Zoning Bylaw regulations using the Toolkit
- Promote the GBA+ and Equity Toolkit to internal/external stakeholders
- Prepare a Lessons Learned Report to share with other City departments/teams

