

EMBEDDING EQUITY INTO ZONING BYLAWS:

CASE STUDY OF EDMONTON'S ZONING BYLAW RENEWAL INITIATIVE AND OTHER CONSIDERATIONS IN LAND USE REGULATION

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ABSTRACT

To non-planners, zoning by-laws are not the most intuitive pieces of legislation. Although they are essential documents that regulate how land should be used, they are not accessible to all populations and use language that can be difficult to interpret. Historically, they have also contributed to segregation and manifested injustices across cities by limiting land uses and preventing certain developments, like diverse affordable housing. Regulations around single-family zoning have led to a lack of housing diversity and choice - and to spatial segregation. Many of these land use policies represent outdated public policy thinking and antiquated built environment rationale that does not always have the public's best interest. This case-in-point aims to examine how equity can be embedded into zoning by-laws by looking at Edmonton's Zoning Bylaw Renewal Initiative and other considerations.

1.0

INTRODUCTION

Throughout 2020, two major crises have emerged worldwide: the COVID-19 pandemic and the wake of racial injustices and discrimination; both crises have exposed the inequities across cities in North America. The pandemic has impacted marginalized populations disproportionately and has reaped economic and social burdens on low-income neighbourhoods more than other parts of cities, due to business closures, loss of employment and lack of access to safe public spaces (CIHI, 2021). Also during the pandemic, several protests have occurred across the globe, such as the Black Lives Movement and protests against Asian hate crimes. These protests have been a response to long-standing racial inequities and

INEQUITIES are the systematic differences of socioeconomic and health statuses of different individuals or population groups, typically arising from poor governance or cultural exclusion

(Global Health Europe, 2009).

systemic racism within police establishments, governments, and workplaces. These two crises have prompted important conversations and profound reflection across society. They have highlighted several lessons, including the importance of listening and learning from racialized experiences. It has also highlighted that ongoing injustices are still very much prevalent and marginalized populations are most impacted by crises and public health emergencies. These lessons should serve as impetus for a reevaluation of current planning discourses, and an examination of where planning practices fall short from addressing these structural and systemic inequities.

Concurrently, the City of Edmonton has undertaken an extensive renewal of their Zoning Bylaw to evaluate how its current land use regulations impact its residents. Guided by the principle of a "Zoning Bylaw for everyone," the City of Edmonton is drafting regulations that consider the intersection between land use, equity, and human rights. This study compiles the lessons from Edmonton's Renewal and other zoning considerations in North America that focus on taking steps towards a more 'just city'. This case study examines how municipal governments



FIGURE 1 | View of the Rossdale area in Edmonton

and their planning departments can bring equity into land use regulations to create opportunities for more flexible development, a diversity of transportation modes, and to make by-laws accessible to broader populations.

'Just City' is a term coined by Susan Fainstein, that links a relation between social justice and urban planning. It is a city that celebrates diversity, free from marginalization and repression.

(Fanstein, 2009).

2.0

BACKGROUND

Land use planning

Zoning and land use planning began in the early twentieth century. It was a tool developed to address conflicts between the uses of land and separate those that were incompatible. At a time when there was rapid urbanization resulting in overcrowding and housing in poor conditions, zoning became a strategy to prevent infectious diseases and public health risks (American Planning Association, 2016). As every piece of land was designated to one zone, for the first time municipal

3.0 / KEY OUTPUTS

Edmonton Zoning Bylaw Renewal Initiative

The City of Edmonton is currently undertaking a multi-year rewrite of its Zoning Bylaw and focussing on embedding equity and inclusivity, which was a priority highlighted in the 2020 The City Plan. As part of its renewal efforts, the city is creating a Gender-based Analysis Plus (GBA+) and Equity Toolkit, where planners have facilitated community conversations in the summer of 2020 with various groups across the city, including BIPOC, underrepresented and marginalized groups (City of Edmonton, 2021a). These semi-structured conversations highlighted concerns and social inequities present in its Zoning Bylaws and current land development and planning processes. Key concerns revealed were organized under two large categories: 'communication barriers' and 'historical negative externalities.'

Communication barriers refers to the barriers created by the way policies are drafted and presented to the public. These barriers include difficulties in accessing regulations in the zoning by-law, for example online formats may not be accessible to those who are unfamiliar with computers or who do not have internet access. There were also concerns expressed about the difficulties in interpretation and the use of advanced vocabulary and legal terms that were not easy to understand. The permitting process was also cited as a barrier, with participants stated they were not aware of what zoning requirements needed to be met or what application needed to be filled. An increased financial burden might affect those lacking planning skills or who cannot afford a consultant. The other category of concerns, **Historical Negative Externalities**, are the long-term impacts of land use regulations. Some of the key findings under this category were lack of accessibility and universal design, including inadequate access points into buildings and improper maintenance of sidewalks and streets. Second, a lack of affordable housing, with participants stating that low- to mid-density housing may lack in some neighbourhoods due to single-family zoning regulations. Third, several participants shared that a lack of community economic development resulted from over-regulating land uses, rezoning, and permits, making it quite costly for small businesses or home businesses to succeed. These are only a few of the significant findings that were discussed in the community conversations.

governments could control the use of its land (Fischel, 2004). Cities were able to prevent new development from obstructing existing uses and to preserve the 'character' of neighbourhoods. However, today many of these practices are regarded as exclusionary zoning, which is designed to protect home values, school zones and affluent neighborhoods (Goetz, 2019; Reeves, 2017). In fact, studies have drawn a relationship between zoning and its contribution to urban inequities, such as racial segregation, housing costs, low-income neighbourhoods and the provision of public goods (Shertzer et al., 2021)..

Defining equity and equity planning

Equity can be a difficult term for planners to define. As Jordan (2010) explains, contexts shape our individual perspectives around equity, therefore producing multiple interpretations of the term by different populations. Many also use equity interchangeably with equality; however, equality is defined as the provision of equal treatment and opportunity, whereas equity is the provision of personalized resources needed to reach a common goal (Espinoza, 2007).

According to Meerow et al. (2019), planning with an equity lens should include three components: distributional, recognitional and procedural equity. Distributional includes the fair distribution of goods and services to populations in order to reach just outcomes. Recognitional is the acknowledgement and respect of different identities (race, gender, sexuality, class, age) and the social status that are associated with these identities. Lastly, procedural equity focusses on an equitable decision-making process that provides insight on the proper distribution of goods and the conditions for recognition. Adopting these three components in municipal planning processes will help embed equity and lead to a more resilient community (Meerow et al., 2019; Shi et al., 2016).



FIGURE 2 | Graphic from Edmonton's Zoning Bylaw Renewal Initiative

These community discussions and the GBA+ and Equity Toolkit are part of one phase of five for Edmonton’s Renewal Initiative. The Renewal’s goal is to complete four projects: a new zoning by-law, rezoning land to align with the bylaw, providing accessible technology to navigate the by-law while improving the online experience, and ensuring a smooth transition into the new Zoning Bylaw through an Implementation phase (City of Edmonton, 2021c). Communication and public engagement will continue during each phase of these projects to ensure trust, transparency, and accountability to Edmontonians. The following section examines several considerations adopted in other cities that alter zoning by-laws to address the disparities that land-use regulations have reaped onto their cities.

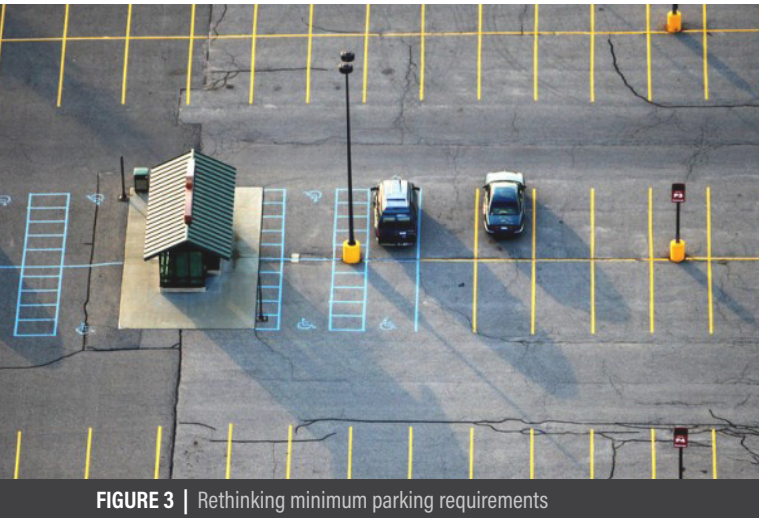


FIGURE 3 | Rethinking minimum parking requirements

Zoning interventions

Edmonton, parking minimums

As of July 2020, the City of Edmonton eliminated their parking minimum requirements in their zoning by-law. The City Council voted in favour of a city-wide Open Option Parking, which will provide developers and businesses the flexibility to decide the amount of parking required. There were several goals announced as part of this by-law amendment, such as supporting diverse transportation options, supporting and participating in climate resilience, removing financial barriers for small businesses, and allowing for more diverse affordable housing options (City of Edmonton, 2021b). Lifting the requirement to develop parking also contributes to a more long-term walkable and compact city to meet the needs of its residents. Furthermore, it provides more flexibility for developers to build affordable housing as costs to build parking spaces is expensive. Similar actions have taken place in Seattle, WA, where parking minimums were gradually reduced in central neighbourhoods; and in London, UK where they exchanged their minimum requirements to maximum parking requirements to provide flexibility for developers to

decide the amount of parking to be developed (Rolheiser, 2021). Although it is difficult to directly link parking with equity, it is important to remember that not all city-dwellers rely on vehicles and with ever-expanding cities it makes it more difficult to move around and results in more segregation as low-income populations are forced to live in certain neighbourhoods.

Minneapolis, eliminating single-family zoning

The Minnesotan city was first of its kind in 2018, when its city council decided to eliminate all single-family zoning (SFZ) and allow for duplexes and triplexes to be built anywhere in the city. The modification was made to tactfully address the ongoing challenges of housing unaffordability, racial inequities, urban sprawl, lengthy commutes and climate change. Historically in the U.S., SFZ came into existence once the Supreme Court ruled that zoning based on race was unconstitutional in 1917 (Mervosh, 2018). Consequently, SFZ became a policy that perpetuated segregation and devised racial minorities and people living with low-incomes from living in certain neighbourhoods, and still acts as an effective barrier in other cities today (Grabar, 2018). The removal of single-family zoning was announced as part of the launch for Minneapolis 2040, the City’s Comprehensive Plan. It demonstrates how the city has acknowledged its participation in generating inequities through its plans and zoning by-laws, but also demonstrates its willingness to create a future that confronts the ongoing disparities.

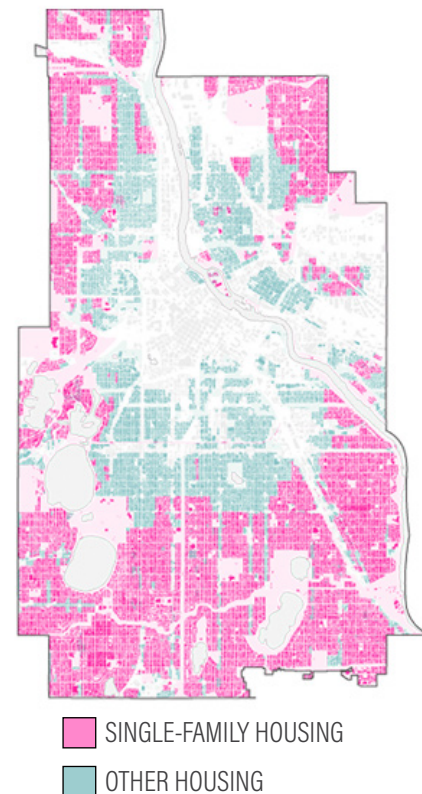


FIGURE 4 | Distribution of single-family housing in Minneapolis (2019)

4.0 / LESSONS LEARNED

Other cities and regions, like Seattle and the State of Oregon, have since followed and attempted similar actions as Minneapolis. Although the removal of single-family zoning is a recent initiative, its effect will have lasting impacts on the future of these cities and the populations that reside within them.

Rethinking heritage preservation

Cities across Canada dedicate entire planning departments and develop numerous policies to preserve and restore 'character' neighbourhoods. These initiatives include bylaws that attempt to preserve the 'culture' of the neighbourhood. However, majority of these neighbourhoods were built when settlers first arrived and displaced Indigenous peoples from their own lands. These 'character' buildings and districts are representative of a time where actions that were taken spurred immense pain and trauma onto communities.

Some literature also argues that the term 'character' has historically been used as a veil for racism, contributing to ongoing segregation, also known as 'structural racism' (Brasuell, 2020). A city councillor of St. Paul, Minnesota explained: "people who use coded language like 'neighborhood character' and 'historical preservation' are participating in structural white supremacy that has historically and presently mostly value white 'character' and white 'history' at the expense of everyone else" (Brown, 2020). Re-considering these buildings' value and the pain and damage they perpetuate should be an important component to a city's re-evaluation of heritage statuses and preservation. Suppose municipal governments are looking towards a more equitable future; in that case, a re-evaluation of the resources allocated towards heritage preservation should be considered. Preservation planning and heritage designation spending could be reallocated in areas that address the ongoing impacts of colonization or displacement of the original owners of the land.

As many social inequities have been exposed throughout 2020, it is clear that structural and systemic racism persists in North American cities. With the application of their land use plans and regulations, planners and municipal governments contribute to the perpetuation of racial and economic segregation. In taking steps towards addressing the negative impacts of zoning bylaws, planners and cities should consider committing to renew and continue to assess the impacts of these regulations. Promising to evaluate how these hinder or constrain the way people use their cities will lead to more inclusive and diverse cities. The City of Edmonton's Zoning Bylaw Renewal Initiative and its GBA+ and Equity Toolkit serves as an example of how to establish a continuing process to update bylaws that embed equity. The City has facilitated several engagements with residents who are part of minority and underrepresented groups, which helped identify the inequities in their land use regulations and the inaccessibility of their zoning bylaws. Planning departments must remain cognizant that those unfamiliar with land use planning may not be accustomed to navigating these sorts of documents.

The GBA+ and Equity Toolkit is also playing an important role in having planners in Edmonton reflect about existing inequities, understanding and learning the biases that are made, and to think about these during their policy writing processes. It provides an important learning opportunity for the planners moving forward and a chance to reflect on how the bylaws have disproportionately impacted certain populations. Acknowledging and investigating past mistakes is a critical step in refining future plans.

The City of Toronto is an example of a Canadian city that has several Heritage Conservation Districts, which are planning tools used to "guide change in neighbourhoods that represent Toronto's rich social, cultural and architectural history."

(City of Toronto, 2020).



FIGURE 5 | Cabbagetown in Toronto, listed as a Heritage Conservation District

Another area of investigation may be to conduct a thorough analysis of municipal planning investments. This could include the amount of time and dollars allocated to establishing neighbourhood and heritage preservation strategies. Planners should remember that zoning bylaws are not just policies and understand that their impacts can last decades.

5.0 / CONCLUSION

To conclude, weaving equity into zoning by-laws must include a true acknowledgement of past mistakes. Municipal governments looking to initiate this sort of project must err on the side of caution to not be tokenistic. The intention of a by-law transformation should not be for the sake of being 'inclusive,' but to truly improve the communities and lives of its residents. Engaging with residents to gather their opinions about current land-use regulations is a viable option for any city seeking similar projects. In order to better the by-laws in the interest of all, the initiative needs to take place in a genuine and meaningful manner. Rather than focus on a 'just' outcome, the emphasis should be on an equitable process that planners and city staff will sustain and continue for long periods of time.

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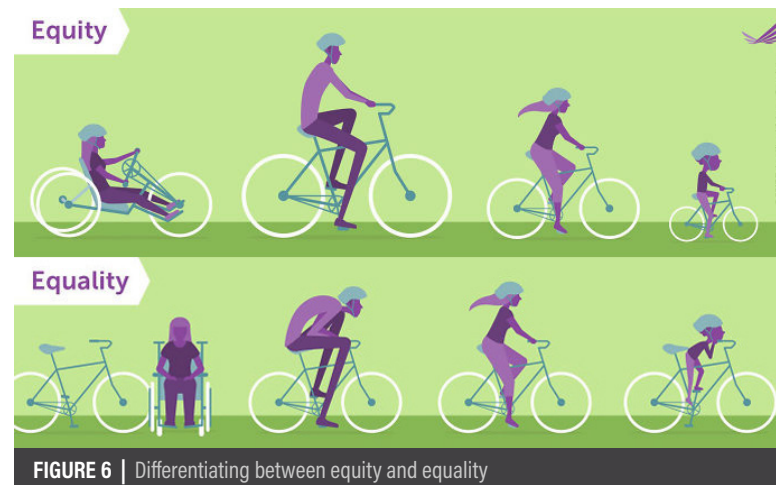


FIGURE 6 | Differentiating between equity and equality

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Image Sources

Cover image: Edmonton land use map and imagery. Retrieved from Google Earth and <https://maps.edmonton.ca/map.aspx?lookingFor=Zoning>.

Figure 1: River Crossing will make West Rosedale into a vibrant community. Retrieved from the YEG City Planning + Department Twitter page.

Figure 2: Zoning Bylaw Renewal Initiative. Retrieved from <https://engaged.edmonton.ca/zoningbylawrenewalinitiative>.

Figure 3: Edmonton should eliminate parking requirements. Retrieved from <https://www.fraserinstitute.org/article/edmonton-should-eliminate-minimum-parking-requirements-other-cities-should-follow-suit>.

Figure 4: Cities start to question an American ideals: A house with a yard on every lot. Retrieved from <https://www.nytimes.com/interactive/2019/06/18/upshot/cities-across-america-question-single-family-zoning.html?mtrref=www.google.ca>

Figure 5: Exploring Toronto: A walk through Cabbagetown. Retrieved from: <http://www.brittanythiessen.com/2016/06/exploring-toronto-canada-a-walk-through-cabbagetown/>

Figure 6: What is health equity and why does it matter? Retrieved from <https://www.tides.org/accelerating-social-change/what-is-health-equity-and-why-does-it-matter/>.