



**AGENDA  
PLANNING AND LAND USE COMMITTEE  
MEETING OF SEPTEMBER 10, 2015, AT 9:00 A.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE**

Page

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**CONSENT AGENDA**

**ADOPTION OF MINUTES**

- |    |                                                   |        |
|----|---------------------------------------------------|--------|
| 1. | Minutes from the meeting held on August 27, 2015. | 3 - 13 |
|----|---------------------------------------------------|--------|

**DEVELOPMENT APPLICATION REPORTS**

- |    |                                                                                                                                                         |         |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 2. | Heritage Designation Application No. 000153 for 727-729 Johnson Street<br><i>--J. Tinney, Director - Sustainable Planning and Community Development</i> | 15 - 43 |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

*An application to designate the exterior of the property as a Municipal Heritage Site.*

*Staff Recommendation:* *That Council consider declining the application.*

**POLICY REPORTS**

- |    |                                                                                                                    |         |
|----|--------------------------------------------------------------------------------------------------------------------|---------|
| 3. | Mandatory Seismic Upgrading Bylaw<br><i>--J. Tinney, Director - Sustainable Planning and Community Development</i> | 45 - 57 |
|----|--------------------------------------------------------------------------------------------------------------------|---------|

*A report proposing amendments to the Provincial Building Act that would allow the City of Victoria to require seismic upgrading to vulnerable buildings.*

*Staff Recommendation:* *That Council consider advocating to the Province for a location-specific regulation within the British Columbia Building Act that would allow the City of Victoria to require mandatory seismic upgrading.*

4.

Delegated Authority and Exemptions for Development Permits  
--J. Tinney, Director - Sustainable Planning and Community Development

59 - 182

*A report proposing amendments to the Official Community Plan (OCP) to exempt minor forms of development from requiring development permits within specific areas and to allow delegation of authority to staff to review and approve certain development permits and heritage alteration permits.*

Staff Recommendation: That Council consider the Staff recommendations.

**ADJOURNMENT**



**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, AUGUST 27, 2015, 9:00 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.**

**Committee Members Present:** Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

**Staff Present:** J. Johnson – City Manager; J. Tinney – Director, Sustainable Planning & Community Development; S. Thompson – Director, Finance; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; R. Morhart – Supervisor-Building Inspections, L. Baryluk – Senior Process Planner; B. Sikstrom – Senior Planner; J. Handy – Senior Planner; R. Bateman – Planner; J. Reilly – Senior Planner; C. Wain – Senior Planner; R. Woodland – Director, Legislative & Regulatory Services; C. Mycroft – Executive Assistant to the City Manager; A. Ferguson - Recording Secretary.

**2. APPROVAL OF AGENDA**

**Action:** It was moved by Councillor Loveday, seconded by Councillor Alto, that the Agenda of the August 27, 2015, Planning and Land Use Committee meeting be approved.

The Chair canvassed Committee, who approved bringing forward the following items for approval:

- Item # 1 Minutes from the Meeting held July 23, 2015
- Item # 8 Development Permit Application No. 000435 for 254 Belleville Street
- Item # 9 Development Variance Permit No. 00153 for 239 Menzies Street

**Amendment:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the agenda of the August 27, 2015 meeting be approved as amended.

On the amendment:  
CARRIED UNANIMOUSLY 15/PLUC/183

On the main motion as amended:  
CARRIED UNANIMOUSLY 15/PLUC/184

### 3. CONSENT AGENDA

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following items be approved without further debate:

#### 3.1 Minutes from the Meeting held on July 23, 2015.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the Minutes from the Planning & Land Use Committee meeting held July 23, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC/185

#### 3.2 Development Permit Application No. 000435 for 254 Belleville Street

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development regarding an application for 254 Belleville Street requesting authorization to locate a refrigeration unit at the Victoria Clipper Ferry Terminal.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends that Council consider the following motion:  
"That Council authorize the issuance of Development Permit Application No. 000435 for 254 Belleville Street, in accordance with:

1. Plans date stamped July 13, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC/186

#### 3.3 Development Variance Permit No. 00153 for 239 Menzies Street

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development for an application to increase the number of seats in a restaurant located at 239 Menzies Street.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00153 for 239 Menzies Street, in accordance with:

1. Plans date stamped June 19, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - Schedule C Section 16.C.12 – Parking requirement for an additional 20 seats in the existing restaurant relaxed from 6 parking stalls to 2 parking stalls.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC/187

**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that item #10, Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, be moved up on the agenda to be considered after item #2.

CARRIED UNANIMOUSLY 15/PLUC/188

#### 4. DEVELOPMENT APPLICATION REPORTS

##### 4.1 Development Permit with Variances Application No. 000382 for 2560 Quadra Street

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development for a development permit for 2560 Quadra Street. The proposal is to construct a four-storey, 15-unit residential building with ground-floor commercial.

Committee discussed:

- Visitor parking requirements for the site, including the provision of one visitor stall.
- Concerns also raised by the adjacent property owner in regards to the lack of visitor parking spaces and if there is a way to mitigate this.
  - One of the residential stalls could be allocated for visitor parking and would not affect the design of the building.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000382 with Variances for 2560 Quadra Street, in accordance with:

1. Plans date stamped June 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements except for the following variances:
  - a. Schedule C, total number of parking stalls reduced from 21 to 9, with the provision for one visitor parking space.
  - b. Setback from Quadra Street reduced from 6.0m to 3.2m for the third floor (C1-QV Zone, Section 4.52).
  - c. Setback from the south side yard reduced from 3.55m to nil (C1-QV Zone, Section 4.52).
3. Review by Advisory Design Panel.
4. The applicant entering into a Car Share agreement with MODO to secure car share membership for each unit of the project.
5. Final plans to the satisfaction of the Director of Engineering and Public Works for any works within the Statutory Right-of-Way.
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Development Services.
7. The Development Permit lapsing two years from the date of this resolution."

Committee discussed the motion:

- If the public feels there is a need for more dedicated residential parking stalls this can be addressed at the public hearing.
- Public comment indicates that this is a significantly better proposal than the previous one.
- Greater density may have been appropriate for this site but there is appreciation for working within the zone.

- Appreciation for the efforts made to work with the residents who raised concerns.
- Redevelopment in Quadra Village is long overdue.
- Concerns that single loaded corridors are not calculated as part of the floor space ratio and how this makes for bulkier buildings.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Loveday, that the motion be amended as follows:

That Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000382 for 2560 Quadra Street, in accordance with:

1. Plans date stamped June 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements except for the following variances:
  - a. Schedule C, total number of parking stalls reduced from 21 to 9, with the provision for one visitor parking space.
  - b. Setback from Quadra Street reduced from 6.0m to 3.2m for the third floor (C1-QV Zone, Section 4.52).
  - c. Setback from the south side yard reduced from 3.55m to nil (C1-QV Zone, Section 4.52).
3. Review by Advisory Design Panel **with particular attention to the single loaded corridors as a design approach.**
4. The applicant entering into a Car Share agreement with MODO to secure car share membership for each unit of the project.
5. Final plans to the satisfaction of the Director of Engineering and Public Works for any works within the Statutory Right-of-Way.
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Development Services.
7. The Development Permit lapsing two years from the date of this resolution.”

Committee discussed the amendment:

- Significant issue that could be dealt with by the Planning Department in the future rather than addressing it with specific proposals.
- Changing the name of the building to the originally proposed “Seto” instead of the “Urbanite”.
- Long record of contribution from the Seto family which is significant to the Chinese culture.
- Concerns of removing a residential parking stall.
- The new design fits better with the neighbourhood.
- Privacy screening for the balconies looking into the works yard.

On the amendment:  
CARRIED 15/PLUC/189

On the main motion as amended:  
CARRIED 15/PLUC/190

For: Mayor Helps; Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe  
Against: Councillors Lucas and Young

## 5. LIQUOR LICENCE APPLICATION REPORT

### 5.1 Application for a Permanent Change to the Hours of Licensee Retail Store – Cascadia Fine Wines, Ales & Spirits – 2631 Quadra Street

Committee received a report from Legislative & Regulatory Services regarding an application for a permanent change to the hours of a retail liquor store at 2631 Quadra Street.

*Councillor Lucas withdrew from the meeting at 9:24 a.m. due to a potential pecuniary conflict as she oversees all operations of a liquor retail store located at the Hotel Rialto.*

**Action:** It was moved by Councillor Loveday, seconded by Councillor Isitt, that Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to amend liquor sales hours for the Licensee Retail Store business of Cascadia Fine Wines Ales and Spirits, Liquor License No. 195499, located at 2631 Quadra Street, approves:

1. The application of Cascadia Fine Wines Ales and Spirits to operate their Licensee Retail Store business during the hours of 9:00am to 11:00pm daily.
2. Instructs the Corporate Administrator to notify the General Manager of the Liquor Control and Licensing Branch (LCLB) of this decision so that the LCLB can amend the provincial Retail Store Liquor Licence accordingly.

Committee discussed:

- The Fairway Market adjacent to the liquor store is also open nightly until 11:00 p.m., so the application is consistent with the main business in the plaza.
- Activity in the plaza at the proposed hours will alleviate safety concerns.
- A response from the applicant would be appreciated in regards to the letter received from a concerned member of the public.

CARRIED UNANIMOUSLY 15/PLUC/191

*Councillor Lucas returned to the meeting at 9:28 a.m.*

## 6. DEVELOPMENT APPLICATION REPORTS

### 6.1 Development Variance Permit Application No. 00154 for 1610 Hillside Avenue

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development for 1610 Hillside Avenue outlining an application to allow the placement of a sign facing Hillside Avenue for the Canadian Tire store.

Committee discussed:

- Giving community associations adequate time to respond.
- The Oaklands Community Association had no concerns regarding the size of the sign as this is a reduction in size compared to the previous Target sign.
- Concerns of ignoring the intent of the *Sign Bylaw* at it was put in place to allow signs of less than 9m<sup>2</sup>.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, in accordance with:

1. Plans date stamped July 29, 2015.
2. The following variances to the *Sign Bylaw*:
  - Vary the size allowance for two of the Canadian Tire signs from 9m<sup>2</sup> each to 12.9m<sup>2</sup> and 14.2m<sup>2</sup> each."

Committee discussed the motion:

- A 9m<sup>2</sup> sign may not be clearly visible from Hillside Avenue.
- Larger signage will make it easier for people to locate the store, which reduces driving and improves convenience.

CARRIED 15/PLUC/192

**For:** Mayor Helps; Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe and Young

**Against:** Councillor Isitt

## 6.2 Rezoning Application No. 00444 for 1745 Rockland Avenue

Committee received a report dated August 14, 2015 from Sustainable Planning & Community Development outlining a proposal to rezone the property at 1745 Rockland Avenue to allow four new houses behind a Heritage-Designated home in the Rockland neighbourhood.

Committee discussed:

- The complexity of the site with consideration of the requirements of the R1-B and R1-A Zones and the panhandle lot regulations in reviewing the application.
- Possibilities for development without rezoning.

**Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00444 for 1745 Rockland Avenue, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

CARRIED 15/PLUC/193

**For:** Mayor Helps; Councillors Alto, Coleman, Lucas, and Thornton-Joe

Against: Councillors Isitt, Loveday, Madoff and Young

**6.3 Development Permit Application No. 000357 for 1745 Rockland Avenue**

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development outlining a request to authorize the design of four new single family houses behind an existing Heritage-Designated house.

**Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Committee forward this report to Council and that Council consider the following motion, after the Public Hearing for Rezoning Application No. 00444, if it is approved:  
"That Council authorize the issuance of Development Permit Application No. 000357 for 1745 Rockland, in accordance with:

1. Plans date stamped June 25, 2015.
2. Development meeting all *Zoning Regulation bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.
4. That Council authorize the Mayor and Corporate Administrator to execute the documents, in the form satisfactory to the City Solicitor, necessary to remove the Right-of-Way from the title of the property located at 1745 Rockland Avenue, prior to the issuance of a Building Permit."

Committee discussed:

- The lack of community support for the proposal.
- The monetary loss for the applicant if the application is denied at the Public Hearing.
- The need for redevelopment at this site and whether there can be further design refinements to better fit its context.
- Applicants' multiple revisions to the proposal based on Council's recommendations and input from the neighbours.
- Residents' concerns that existing zoning be respected within the Rockland neighbourhood.
- The rationale for a site specific zone.
- Moving the application to a public hearing as it has already been through several iterations.
- The applicant's awareness of the risks associated with proceeding to Public Hearing at this stage.
- The possibility of further refinement prior to Public Hearing based on the discussion today.

CARRIED 15/PLUC/193

For: Mayor Helps; Councillors Alto, Coleman, Lucas, and Thornton-Joe

Against: Councillors Isitt, Loveday, Madoff and Young

*Councillor Isitt withdrew from the meeting at 10:19 a.m.*

#### 6.4 Rezoning Application No. 00483 for 2550 Rock Bay Avenue

Committee received a report dated August 14, 2015 from Sustainable Planning & Community Development outlining a proposal to rezone the property at 2550 Rock Bay Avenue to authorize the design of a second floor office and ground floor showroom.

Committee discussed:

- Whether increasing the range of permitted uses would have a negative impact on industrial uses in the area.

Jonathan Tinney, Director – Sustainable Planning & Community Development advised that the office is to be an ancillary use to the industrial (mill work shop). The office is proposed on the second floor and there is a strong preference for industrial to be on the ground floor.

Committee discussed:

- Requiring the proposed office space and any future office space to be ancillary to an industrial space in order to mitigate Council members concerns.

**Action:** It was moved by Councillor Lucas seconded by Councillor Alto, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00483 for 2550 Rock Bay Avenue, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 15/PLUC/194

#### 6.5 Development Variance Permit Application No. 00155 for 2550 Rock Bay Avenue

Committee received a report dated August 14, 2015 from Sustainable Planning & Community Development outlining a request to authorize the design of a second floor office and ground floor showroom.

**Action:** It was moved by Councillor Lucas, seconded by Councillor Alto, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:  
 “That Council authorize the issuance of Development Variance Permit Application No. 00155 for 2550 Rock Bay Avenue, in accordance with:

1. Plans date stamped July 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - Schedule C Section 16 – Required parking spaces relaxed from 8 parking spaces (3 for manufacturing, 2 for offices and 3 for cabinet display and sales) to 5 parking spaces
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC/195

*Councillor Coleman withdrew from the meeting at 10:28 a.m.*



## 6.6 Development Permit with Variances Application No. 000426 for 951 Johnson Street

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development regarding a development application for 951 Johnson Street to authorize a design of a mixed-use building comprising two towers and a total of 209 residential units.

**Action:** It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Committee recommends that Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

- The appropriateness of the height of the street walls, with particular emphasis on the transition to the adjacent building to the west of Johnson Street.
- The height of the podium corner at the intersection of Johnson Street and Vancouver Street, with opportunities to increase the building mass in this location.
- Potential CPTED concerns associated with the primary residential entrance on Johnson Street.
- The appropriateness of the building separation distances between the proposed building and the adjacent four-storey residential building to the west.

Following this referral and after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000426 with Variances for 951 Johnson Street, in accordance with:

1. Plans date stamped August 4, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 3.67.5(2) - increase the building height from 30m to 50m;
  - b. Section 3.67.5(2) - increase the number of storeys from 10 storeys to 17 storeys;
3. The submission of revised plans that address comments from the Advisory Design Panel to the satisfaction of City staff.
4. Council authorizing anchor-pinning into the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City staff.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
6. The Development Permit lapsing two years from the date of this resolution.”

Committee discussed the motion:

- Concentration of similar buildings being developed downtown.
- Having stronger variations in height between buildings downtown.
- The Downtown Residents Association expressed that the proposal would be a positive attribute and addition to the downtown and had few concerns.

CARRIED UNANIMOUSLY 15/PLUC/196

## 7. VICTORIA HOUSING FUND GRANT APPLICATION REPORT

### 7.1 Victoria Housing Fund Application for 3211 – 3223 Quadra Street (Cottage Grove)

Committee received a report dated August 11, 2015 from Sustainable Planning & Community Development regarding a Victoria Housing Fund Application for 3211 – 3223 Quadra Street. The application by the Victoria Cool Aid Society is for a grant from the Victoria Housing Fund in the amount of \$112,000 to assist in the development of 45 units of supportive rental housing.

John Reilly, Senior Planner-Social Issues, advised there had been a change to the staff recommendation that was listed in the report. Point number five should be amended to read: “The Victoria Cool Aid Society enter into an unregistered agreement to use the full grant amount to fund the construction of the Cottage Grove project as per its grant application and to return the grant funds to the City of Victoria should the project not be completed and operating within 36 months of approval of this grant request.” This amendment is needed as the City cannot secure a Housing Agreement on a property outside of the Victoria boundary.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Committee recommends that Council approve a grant from the Victoria Housing Fund in the amount of \$112,000 to the Victoria Cool Aid Society to assist in the development of 45 units of affordable rental housing within the project to be constructed at 3211 – 3223 Quadra Street, on the following conditions:

1. The grant will be eligible for payment to the Victoria Cool Aid Society upon approval of the grant by Council.
2. The grant is to be repaid by the Victoria Cool Aid Society if the project does not proceed.
3. The Victoria Cool Aid Society will ensure that the City of Victoria receives public recognition for its role as a financial contributor to this housing project by identifying the City of Victoria as a contributor on publications and documents related to the project and at public events related to the development, completion and operation of this project.
4. Upon project completion, the applicant submits a final report to the Sustainable Planning & Community Development department.
5. The Victoria Cool Aid Society enter into an unregistered agreement to use the full grant amount to fund the construction of the Cottage Grove project as per its grant application and to return the grant funds to the City of Victoria should the project not be completed and operating within 36 months of approval of this grant request.

Committee discussed:

- Considering funding outside of the City’s boundaries as we are moving towards the strategic goal of ending homelessness.
- Housing is a regional issue that needs more support from other municipalities.
- That a vast majority of supportive and low-cost housing has been built in Victoria with a large amount throughout the Burnside Gorge neighbourhood.

- Celebrating the addition of 45 more low-cost housing units.
- The focus on seniors with this particular proposal.
- Collaboration with Saanich and the CRD for the funding.
- Hopes that in assisting Saanich with funding for this proposal they will in future reciprocate.
- Concern over using funds from the residents of Victoria for projects outside the City boundaries.
- Limits for spending money outside the municipal boundaries.
- A press release celebrating the historical step in working together with Saanich, Cool Aid and the CRD on this funding.

*Mayor Helps withdrew from the meeting at 11:00 a.m. and Councillor Young assumed the Chair.*

- Supportive and low-cost housing is a long-term solution.
- The concentration of supportive housing in Victoria as a consequence of funding incentives.
- Alternatives to the concentration of social housing in one area.

CARRIED 15/PLUC/197

For: Councillors Alto, Loveday, Lucas, Madoff and Thornton-Joe  
Against: Councillor Young

## 8. ADJOURNMENT

**Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee adjourn the Planning & Land Use Committee meeting of August 27, 2015, 11:03 a.m.

CARRIED UNANIMOUSLY 15/PLUC/198

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Mayor Helps, Chair





## Planning and Land Use Committee Report For the Meeting of September 10, 2015

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**To:** Planning and Land Use Committee **Date:** August 27, 2015  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Heritage Designation Application No. 000153 for 727-729 Johnson Street

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### RECOMMENDATION

That Council decline Heritage Designation Application No. 000153 for the property located at 727-729 Johnson Street as a Municipal Heritage Site.

### EXECUTIVE SUMMARY

The purpose of this report is to present the Planning and Land Use Committee with information, analysis and recommendations regarding an owner request to designate the exterior of the property located at 727-729 Johnson Street.

The following points were considered in assessing this application:

- General consistency with the *Official Community Plan* (OCP)
- Statement of Significance
- Victoria's Heritage Thematic Framework
- Eligibility for Heritage Designation.

Staff are recommending that Council decline this application for designation because the extent of previous alterations to the building considerably affects its heritage value. Staff are available to work with the applicant to determine the scope and nature of interventions that would be required to achieve a restoration that meets the Standards and Guidelines (information that could be part of a future Heritage Alteration Permit Application) and review the execution of a detailed restoration plan that might lead to a future application for designation.

### BACKGROUND

#### Description of Proposal

An application to designate the exterior of the 1910 property located at 727-729 Johnson Street as a Municipal Heritage Site was received from Michael Alston, Alston Properties Ltd., on July 30, 2015.

The application was reviewed by the Heritage Advisory Panel meeting at its August 11, 2015

meeting and it recommended that Council consider Heritage Designation Application No. 000153 for the property located at 727 Johnson Street and consider the following comments:

- That Council urge the applicant to restore the property consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* and the original design, and
- That said restoration would strengthen the existing historical architecture of the south side of this block on Johnson Street, carrying on the rhythm of the three existing character buildings.

### **Zoning/Land Use**

The proposed designation is consistent with the CA-4: Central Area Commercial Office District and surrounding land uses.

### **Condition/Economic Viability**

The subject building has been extensively altered. The exterior fabric, while in fair condition, is largely non-heritage fabric and the condition of any historic fabric that is concealed or altered by previous changes is unknown. The impact of removing previous alterations and non-heritage finishes may also result in changes to the condition of the historic fabric, the extent of which at present is unknown.

The viability of the property is understood to be subject to a future rezoning and the construction of additional storeys on top of the existing structure to offset the cost of seismically strengthening the building and rehabilitating the façade.

### **ANALYSIS**

The following sections provide a summary of the application's consistency with the relevant City policies and guidelines.

#### **Official Community Plan**

This application in its current form requests Council's consideration of a non-heritage property that has heritage value because it reflects the surge of development that characterized Victoria's expanding gateway economy and for its continued commercial use over time; is one of the earliest local examples of the use of reinforced concrete as a façade material; and is associated with persons important in the history of Victoria. The heritage value of the façade has been considerably diminished due to previous alterations.

The OCP encourages the consideration of tools available under legislation to protect heritage property. The application is consistent with the OCP where it considers the heritage value of individual properties using the Victoria Heritage Thematic Framework; however, the Statement of Significance notes that the building has been considerably altered.

#### **Statement of Significance**

The applicant prepared a Statement of Significance for the purpose of this application, describing the historic place, outlining its heritage value and identifying its character-defining elements, which is attached to this report.

#### **Victoria Heritage Thematic Framework**

A key policy of the OCP includes the determination of heritage value using a values-based approach. In this regard, a City-wide thematic framework was developed and incorporated into the OCP to identify the key civic historic themes. This framework functions as a means to organize and define historical events, to identify representative historic places, and to place sites, persons and events in an overall context. The Victoria Heritage Thematic Framework is comprised of a broad set of heritage values and 21 different subthemes, which may be used to support an application for designation. As set out in the Statement of Significance, the subject property has heritage value under Theme 2: Gateway Economy and Theme 5: Cultural Exchange (including Architectural Expression), where architectural interest and streetscape values are prominent.

### **Eligibility for Designation**

Historically, the primary consideration of heritage value has focussed on a property's architectural interest and historical association, including consideration of the impact of previous alterations. Even if a property has heritage value under the Victoria Heritage Thematic Framework, its physical integrity needs to be considered in order to determine whether it is eligible for designation.

The impact of previous alterations may be informed by considering how changes to the building affect its style, design, construction or character.

- In relation to its style, the Edwardian-era features were considerably altered in 1967-68 by changing the window design and pattern in conjunction with façade alterations.
- In relation to design, the massing and overall proportion are recognizable in relation to the building's early appearance; however, the materials, detail and fenestration (door and window arrangement) were extensively altered in 1967-68.
- In relation to construction, the character and appearance of the reinforced concrete structure and brick infill façade has been altered by the application of tile. In addition, the common red brick sidewalls have been painted.
- In relation to character, the extent of alteration to windows, pattern, storefront, materials and details has considerably altered the building's character.

Staff consider that the extent of alteration to the building considerably affects its style, design, construction and character.

### **Resource Impacts**

The applicant has indicated their intention to seek financial assistance through the Tax Incentive Program to rehabilitate the exterior.

### **CONCLUSIONS**

This application for the designation of the property at 727-729 Johnson Street as a Municipal Heritage Site involves a building that has heritage value because it reflects the surge of development that characterized Victoria's expanding gateway economy and for its continued commercial use over time; is one of the earliest local examples of the use of reinforced concrete structure with brick infill as a façade material; and is associated with persons important in the history of Victoria. However, it is also necessary to consider whether the extent of alterations to the building make it difficult to tell what it looked like during the period of its significance.



The heritage values of the place have been considerably impacted by the extent and nature of previous alterations. Staff have previously advised the applicant that if the building were restored to its pre 1910 appearance in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, that an application for heritage designation could be considered after the rehabilitation work is completed. Assessing a property's eligibility for heritage designation is based on existing conditions of heritage value at the time of application for designation rather than on the basis of a future desired state.

A portion of the exterior wall that was apparently opened up to examine how the previous alterations were carried out, will be relevant to any restoration objectives. It is acknowledged that there may be practical difficulties in removing the previous alterations without damaging the historic fabric. Staff are available to work with the applicant to determine the scope and nature of interventions that would be required to achieve a restoration that meets the Standards and Guidelines (information that could be part of a future Heritage Alteration Permit Application) and review the execution of a detailed restoration plan that might lead to a future application for designation.

Staff therefore recommend that Council decline Heritage Designation Application No. 000153 due to the impact that previous alterations have had on the building.

#### ALTERNATE MOTION

That Council consider Heritage Designation Application No. 000153 for the property located at 727-729 Johnson Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

Respectfully submitted,



Murray G. Miller  
Senior Heritage Planner  
Community Planning



Jonathan Tinney  
Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager:



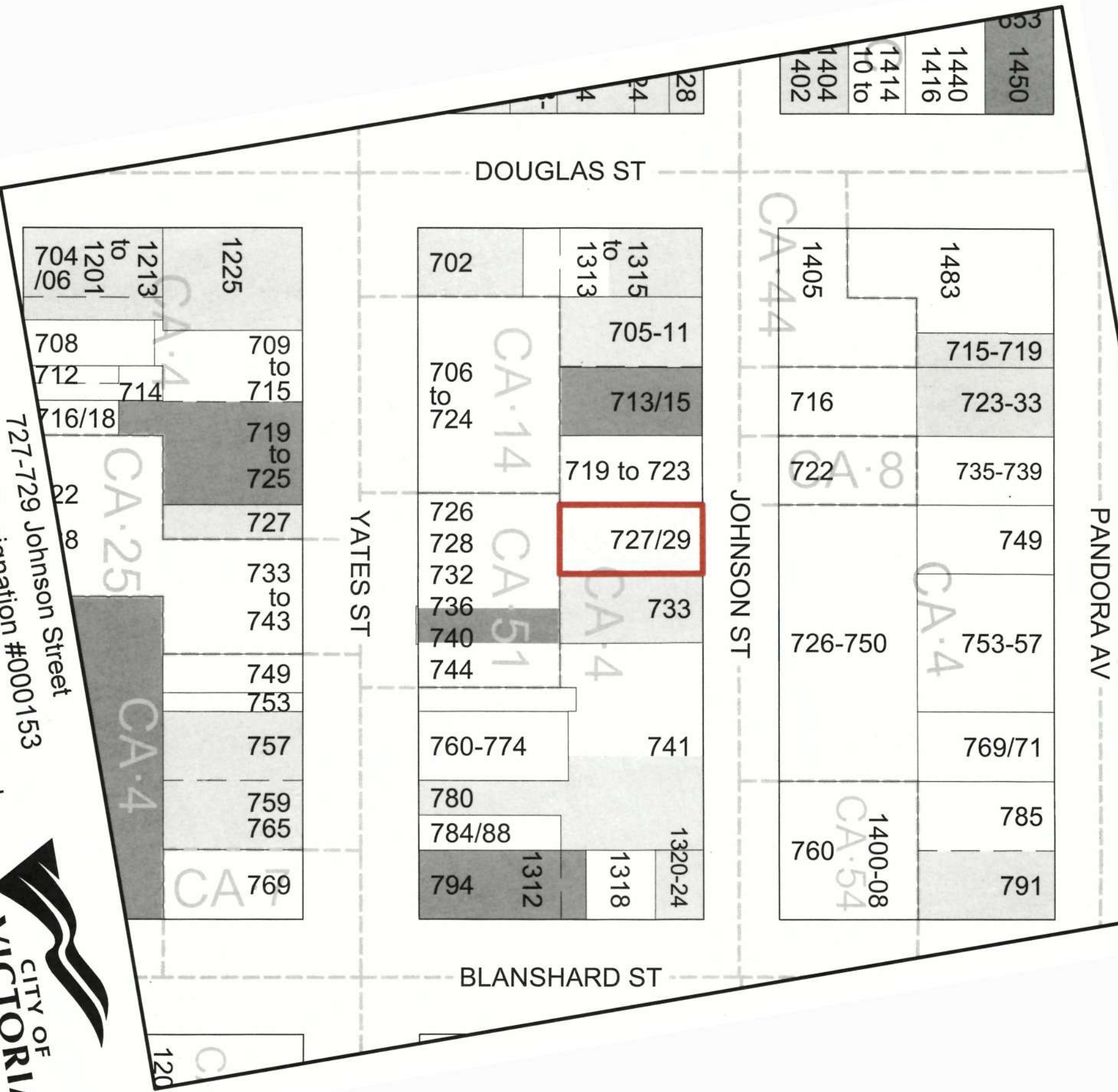
Jason Johnson

Date: Sept. 4, 2015

#### List of Attachments

- Subject map
- Aerial map
- Photographs
- Applicant's letter, dated July 30, 2015
- Statement of Significance, August 2015.

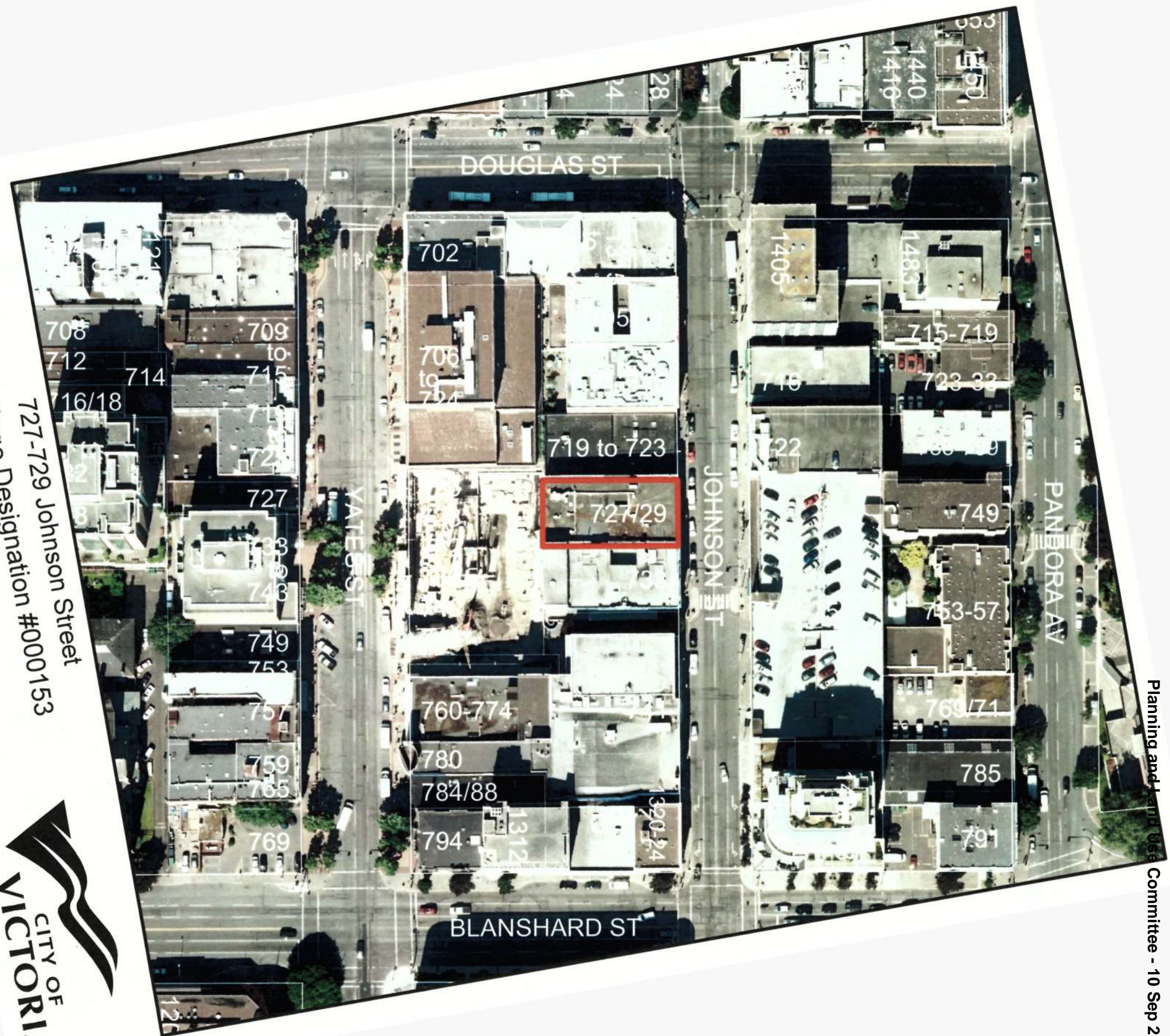




Heritage Designation #000153  
727-729 Johnson Street  
Designated  
Registered

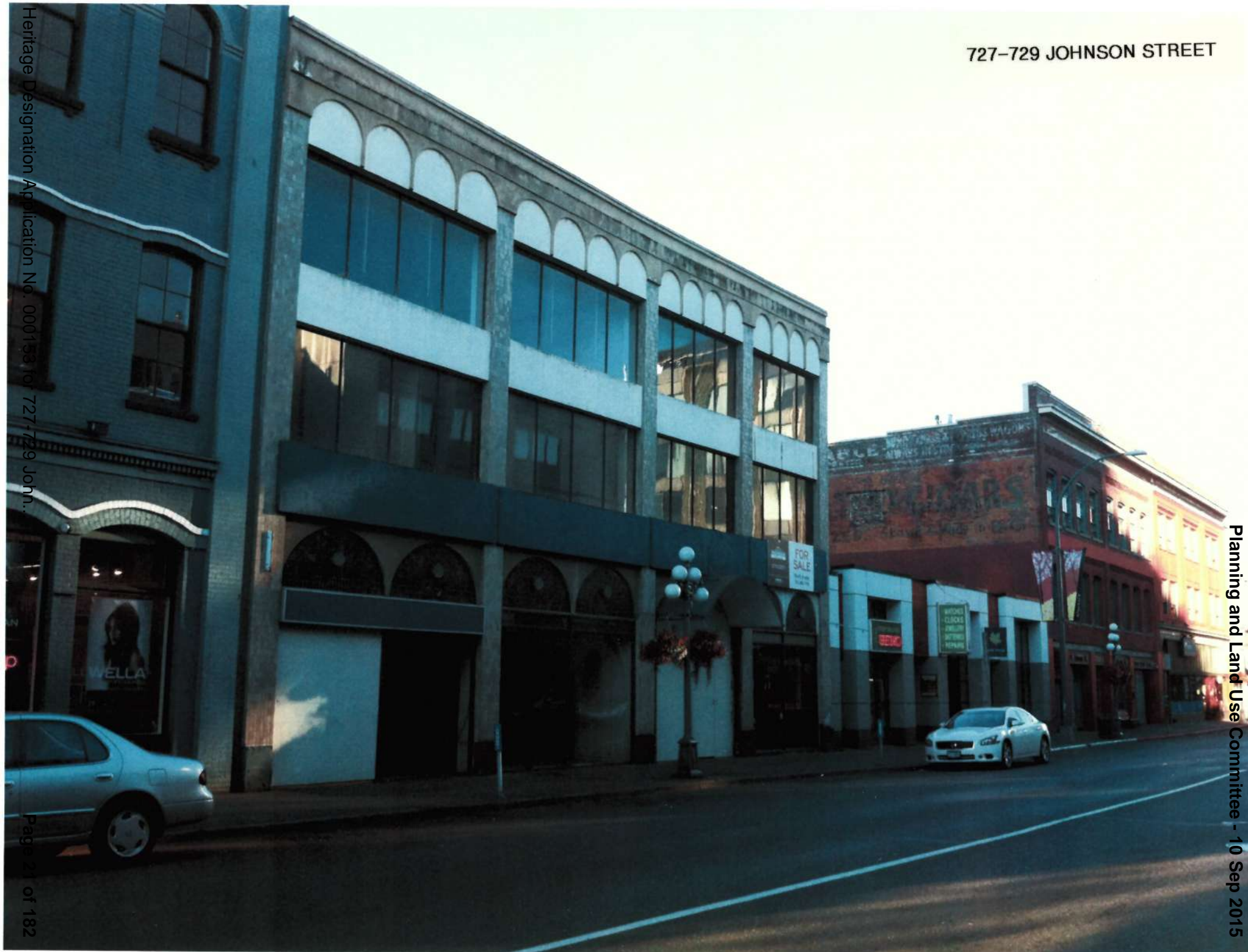








727-729 JOHNSON STREET





727-729 JOHNSON STREET





727-729 JOHNSON STREET







727-729 JOHNSON STREET



727-729 JOHNSON STREET

Planning and Land Use Committee - 10 Sep 2015

**Alston Properties Ltd**  
**#5, 602 Barbon Street,**  
**Victoria, B.C**



**July 30, 2015.**

**City of Victoria,**  
**Sustainable Planning and Community Development**  
**1 Centennial Square,**  
**Victoria, B.C. V8W 1P6**

**Attention: Mayor and Council**

**RE: Heritage Designation Application for 727 Johnson Street, Victoria**

*In determining the highest and best use for this under performing building we researched the Victoria archives and discovered that this building once had an admirable facade.*

*The storefront level had high glazing offering great street-front exposure for retail on the ground floor level. The upper floors offered large window in each bay creating plenty of natural light to the interior of the building.*

*The existing structure allows sufficient special areas in each bay for the possibility to create living accommodation within the space.*

*Our proposal is to replicate the original facade within the restrictions of current code requirements to create upper floor residential apartment units and ground floor retail.*

*The building has significant heritage value based on our submitted Heritage Statement of Significance as prepared by Donald Luxton.*

*By restoring the building's facade to its original heritage style this will further enhance the streetscape of this block that currently has three other neighbouring heritage building on the same side of the street.*

*By repurposing the existing structure to its highest and best use we recycle a building that no longer had value or demand as 'C' class office space in our downtown core.*

*Sincerely,*

A handwritten signature in blue ink, appearing to read 'M. Alston', written over a horizontal line.

Michael Alston

For

Alston Properties Ltd.





# DR. GARESCHÉ STABLES & OFFICES 727 JOHNSON STREET VICTORIA, B.C.

STATEMENT OF SIGNIFICANCE  
AUGUST 2015

**DONALD LUXTON**  
AND ASSOCIATES INC 

**DONALD LUXTON AND ASSOCIATES INC**

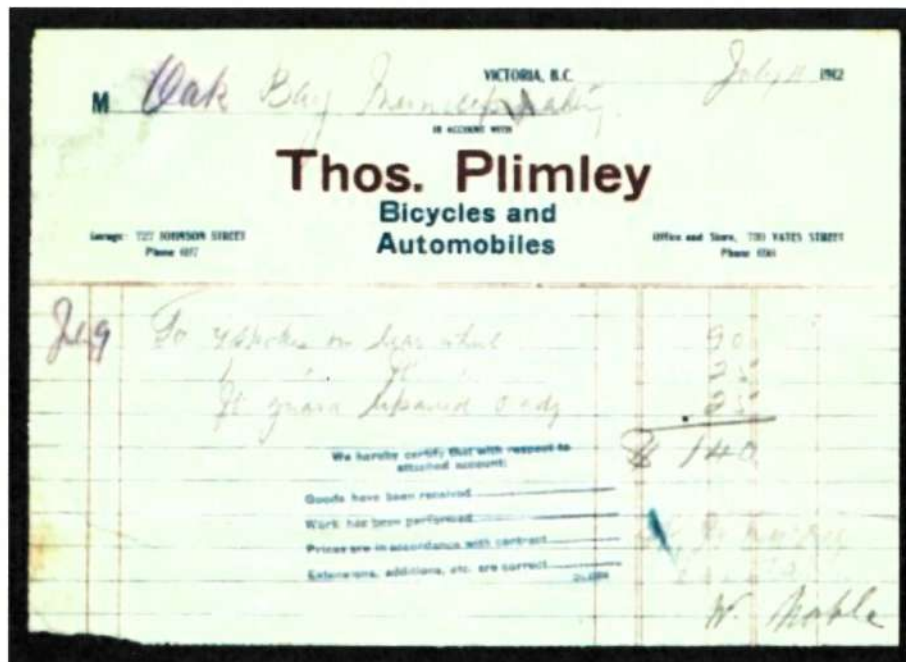
1030 - 470 GRANVILLE STREET VANCOUVER BC V6C 1V5

Heritage Designation Application No. 000153 for 727-729 John. [www.donaldluxton.com](http://www.donaldluxton.com) 604 688 1216 [www.donaldluxton.com](http://www.donaldluxton.com) Page 27 of 182

GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE

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2.2 Architect And Contractor: George C. Mesher	5
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Research Sources	10





**GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE**

## **1. INTRODUCTION**



**Name:** Garesché Stables & Offices  
**Address:** 727 Johnson Street  
**First Owner:** Dr. Arthur John Garesché  
**Architect:** George C. Mesher Co.  
**Contractor:** George C. Mesher Co.  
**Date of Construction:** 1910

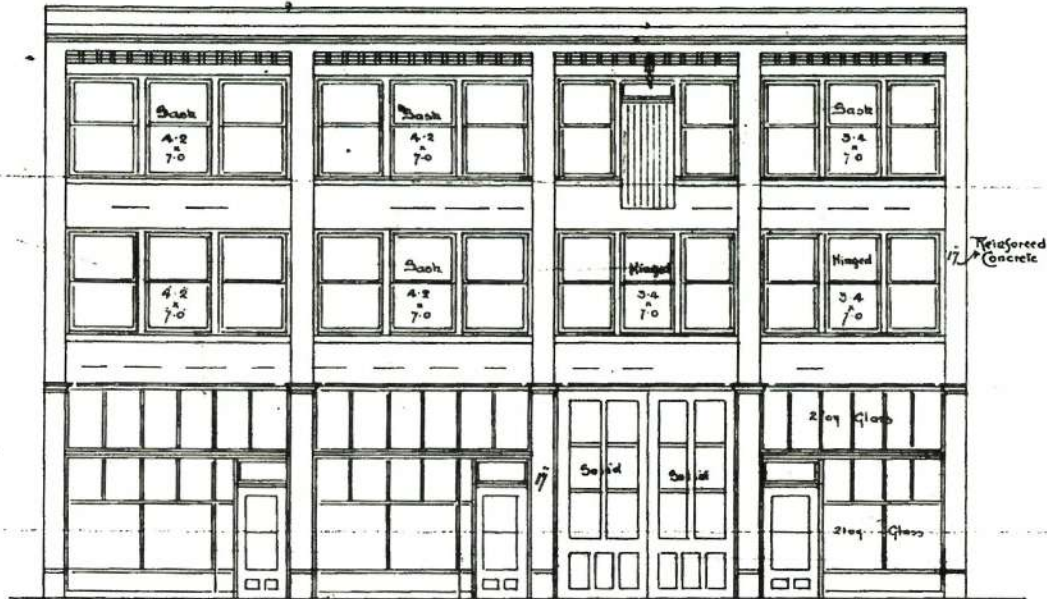
Located mid-block on the south side of the 700 block of Johnson Street, the western half of this three-storey structure was built as a stable for City Livery, with rooms for carriages on the ground floor, horse stables on the second floor and a hay loft on the top floor. The eastern half of the building was rented as stores, and soon after construction was occupied by the Plimley garage.

Alterations were made to the storefronts in 1962 when the ground floor became the temporary premises of the Bank of Nova Scotia. An extensive alteration, designed by architect L.O. Lund in December 1967, inserted a retail arcade at the ground level; at that time the front elevation windows and storefronts were completely altered.

GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE

DR GARESCHE - STABLES & JOHNSON ST

Scale 8 Feet to One Inch

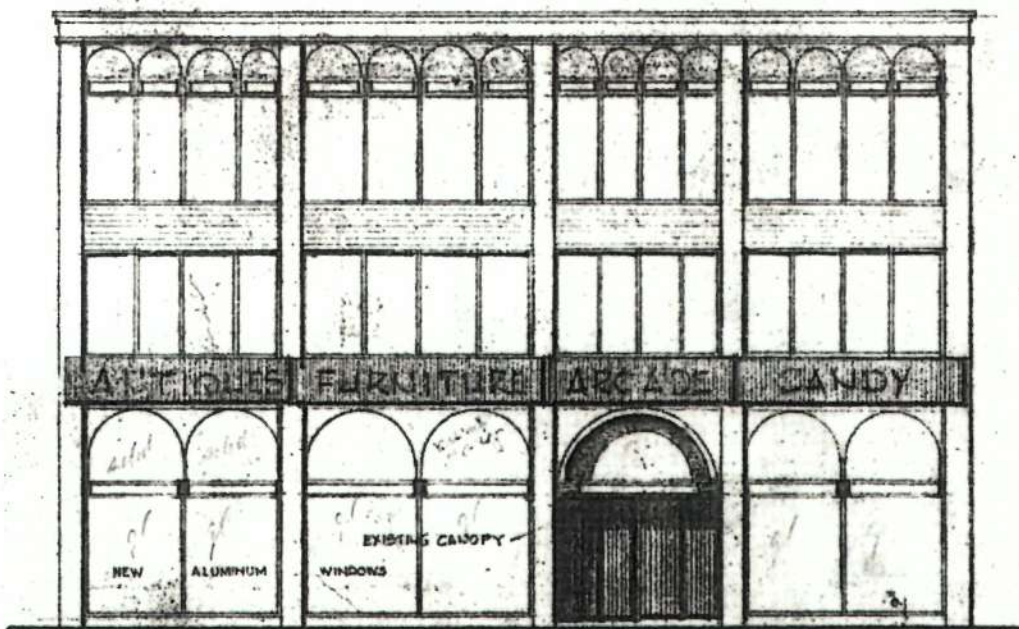


FRONT ELEVATION

G. C. Henshaw  
Architect  
Victoria, B.C.

These are the drawings referred to  
in Agreement dated Feb 10-1910.

Above: Original Appearance, 1910 [City of Victoria Plans]. Below: 1967-68 alterations [City of Victoria Plans].





GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE



Above: City of Victoria Archives M00707. Below: City of Victoria Archives M01247.



## GARESCHÉ STABLES &amp; OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE

## 2. HISTORICAL CONTEXT

### 2.1 FIRST OWNER: DR. ARTHUR JOHN GARESCHÉ

Arthur John Garesché (1860-1952) was born in Volcanoville, California on October 24, 1860 and came to Victoria in 1866 with his family. His father was Francis Garesché of the banking firm Garesché, Green and Company. He began his apprenticeship in dentistry in Portland, Oregon, in 1881 and later attended the University of Pennsylvania Dental College, graduating in 1887. He returned to Victoria in 1895 and opened a dental practice. On August 18, 1902 he married Millicent Mary Trimen, who was born at Wroxall, Isle of Wight, England on August 30, 1873. She was the daughter of architect Leonard Buttress Trimen and Susanna Mary Chaillé, and lived in Exeter, Devonshire before immigrating to Canada in September 1892. On October 3, 1892 she arrived in Victoria, where her father had already set up his architectural practice. Dr. Garesché died in Victoria, on September 14, 1952, three months after closing his practice. At the time of his death, he was reputedly the longest-serving dentist in North America.



### 2.2 ARCHITECT AND CONTRACTOR: GEORGE C. MESHER CO.

*Left: George Mesher [courtesy John R.H. Ley family]*

George Charles Mesher (1860-1938) developed an excellent reputation as a contractor in Victoria. Although not formally trained in architecture, later in his career he designed a number of very prominent buildings. Born in Weybourne, Surrey, England, in 1860, he was the oldest of eight children. His father, George Mesher, was born in Brompton, Co. Kent, England in 1831 and had earned his living in England as a builder and contractor, and his son had worked with him learning the trade. The widowed Mesher Sr. came to Victoria B.C. with his family in 1886 at the age of fifty-five. He created a new business operation called George Mesher & Co. with his son, and they offered services both as architects and builders on commercial and residential commissions.

The Meshers were fortunate to arrive in Victoria when a building boom was underway. One factor in their success was the abundant energy of G.C. Mesher. His grandson recalled that he only "needed four hours sleep" and "he liked to get up early." Now established,

the Mesher family built a large home at 60 Second Street in 1888. The following year they bought three adjacent lots and built two more houses. Their growing reputation soon led to some of the largest contracts of their career, and they were busy constructing mansions in the prestigious Rockland district as well as a number of downtown commercial blocks. Their biggest contract in the 1890s was a four-storey office building, the Five Sisters Block, designed by Sorby & Wilson. This was followed by the contract to construct Maclure's Temple Building on lower Fort Street.

Despite a busy work life, G.C. Mesher found time in 1892 to go to England and bring back a bride, Janet Elizabeth McDonald. The couple soon had two daughters, Theresa and Violet. A few years later George bought lots on South Turner Street in James Bay and built a large residence, a fine example of Queen Anne style, along with a similar house he built in the Cowichan Valley; for these houses Mesher was probably adapting pattern book plans. Mesher Sr. retired in the mid-1890s, although he kept his hand in



**GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE**

the business almost until his death in 1912. Though construction was slow after 1892, Mesher kept busy by developing property in the Rockland, Fairfield, and James Bay neighbourhoods. Around 1900 he entered into an investment partnership with Dr. I.W. Powell, an important figure in B.C.'s early political history. Among their acquisitions was a two-acre parcel fronting on Dallas Road, where Mesher put up several residences. The finest and largest house built on the Dallas parcel was the one he designed for his own family, completed in 1904.

During Victoria's great building boom, 1907-12, Mesher worked increasingly as an architect. Undoubtedly his diverse experience gave him confidence, and he designed almost all the major buildings he constructed during this period. To Victoria's burgeoning downtown, Mesher contributed three reinforced concrete structures, each six storeys high, with ground floor retail and upper floor offices. Sparsely ornamented and functional, they reveal the influence of the popular Chicago School. The largest belonged to Pemberton & Sons, the city's most successful real estate development firm. The exterior of the Pemberton Block, 1911, was a grid of large window bays separated by clean horizontal and vertical lines and crowned by a wide bracketed cornice. It was one of Mesher's most accomplished buildings and, for a while, the largest office block in the city. This building also demonstrated that Mesher was one of the pioneers of the use of reinforced concrete construction on the west coast. He made innovative use of flat plate construction in the Pemberton Building by extending floor slabs to form outer wall beams that are boldly expressed on the facade of this substantial office building. The Sayward Block, 1911, on the corner of Douglas and View Streets, resembled the Pemberton Block, and was named after its principal investor, prominent businessman J.A. Sayward. The last of this triumvirate was the Metropolis Building on Yates Street, 1913, similar to the others but with the upper floors used as a hotel.

During the boom period, attractive apartment blocks with all the facilities for independent and respectable living sprang up in Victoria, and Mesher built three of the finest: October Mansion, 1910; The Savoy Mansion, 1911; and Hampton Court, 1913. There was little construction work available after the outbreak of the First World War. Although Mesher was a prolific builder and generated considerable income, he was not a good business manager. According to his grandson he ran into financial difficulties in 1916 and for a time relied upon liquor revenue from a Yates Street hotel in which he had interests, but that was lost when prohibition started in 1919. Mesher retired about 1924 and in 1928 moved to the Alberni Valley where he built a large house with his own hands. He died in Vancouver in 1938.

**2.3: THOMAS PLIMLEY**

This building is also associated with pioneer auto dealer Thomas John Plimley (1871-1929) who trained as a machinist in his hometown of Birmingham, England. He immigrated to Victoria in 1893, worked with Albion Iron Works, and then opened a bicycle shop called Plimley & Ritchie Limited. In 1905, he established one of the first automobile businesses in Western Canada. He was dedicated to bringing the newest transportation technologies to the people of Victoria, and in 1901 he sold the first car in the city, a tiller-steered Oldsmobile. The firm sold a number of the famous early autos: Daimler, Hupmobile, and Overland. His wife Rhoda (née Hanis, 1872-1927), born in Staffordshire, England, was the area's first female driver. In 1907, Thomas's brother, Allan, moved from England to join him. Plimley's Garage opened at this Johnson Street location in 1910. The business continued to expand, and in 1922 the company was incorporated as Thomas Plimley Limited. In 1927, Thomas Plimley built a new used car showroom at 1010 Yates Street. Their son, Thomas Horace Plimley, took over the family business in 1929, and opened a British car dealership in Vancouver in 1936. From 1957 to 1986, Horace's son Basil was one of the few third generation executives of a B.C. business.



GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE



Plimley Automobile Co. Ltd. Showroom, 606 Government Street, circa 1905 [British Columbia Archives A-03052].

**If You Get It at PLIMLEY'S It's All Right!**

**A SHOP-SOILED HENDERSON**

A four cylinder Henderson Motor Cycle, slightly shop soiled, but otherwise in perfect order. Regular price \$110, now \$250.

**727-735 THOMAS PLIMLEY PHONES 697-8**  
**JOHNSON ST.**

Plimley Advertisement, *Victoria Daily Colonist*, 1915.



**GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE****3. STATEMENT OF SIGNIFICANCE****Description of the Historic Place**

The Garesché Stables & Offices is a three-storey, masonry commercial building, located midblock on the south side of Johnson Street between Douglas and Blanshard Streets, in downtown Victoria. It forms part of a grouping of older structures of similar scale that remain on part of this block. The front façade is divided into four bays by concrete columns, with tall ground-floor storefront openings and banked upper floor windows.

**Heritage Value of the Historic Place**

The heritage value of the Garesché Stables & Offices is summarized below in accordance with Victoria's Heritage Thematic Framework.

**Theme 2: Gateway Economy****Subtheme 2.2: Resource Base**

The Garesché Stables & Offices has been constantly adapted for new uses, and is valued for its continuous commercial use over time. Constructed during the height of the pre-World War One real estate boom, the Garesché Stables & Offices is valued as a reflection of the surge of development that characterized Victoria's expanding gateway economy. With its substantial size, masonry construction and simple detailing, it remains a prominent presence on the street. Built in 1910 as a purpose-built stable, it has been used continuously for commercial purposes, and is a significant contribution to the historic character of this block of Johnson Street. The scale of the building reflects the optimism and rapid growth of the Edwardian era, prior to the collapse of the local economy in 1913 and the outbreak of World War One in 1914. This building also demonstrated the transition in transportation that was occurring rapidly at the time, housing both a livery stable and the soon to be dominant automobile.

**Theme 5: Cultural Exchange****Subtheme 5.1: Architectural Expression / Edwardian Era Architecture**

Built to be overtly functional, the Garesché Stables & Offices is significant as one of the earliest local examples of use of reinforced concrete as a façade material. The architect and contractor, English-born George Charles Mesher (1860-1938), developed an outstanding reputation as a contractor. In 1886, Mesher and his widowed father, George Mesher Sr., relocated to Victoria. Mesher Sr. had earned his living in England as a builder and contractor, and his son had worked with him learning the trade. The Meshers were fortunate to arrive in Victoria when the resource-based economic boom was underway. When they set up shop in Victoria in 1887 they continued as partners in their contracting work. Although not formally trained in architecture, Mesher designed a number of prominent buildings in Victoria. He was also one of the pioneers of the use of reinforced concrete construction on the west coast. This evolving technology enabled broad spans of glazing at the ground floor and upper floor levels. With its tripartite articulation, interwoven horizontal and vertical bands of reinforced concrete and banked windows, the building also demonstrates the influence of the Chicago School on Victoria's Edwardian-era commercial buildings.

## **GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE**

### **Theme 1: Coastal Settlement**

#### **Subtheme 1.2: Multi-Cultural Origins**

The structure is additionally significant for its association with pioneer Victoria resident Dr. Arthur John Garesché (1860-1952), born in California, who came to Victoria in 1866 with his family. After obtaining his education in the United States, he returned to Victoria in 1895 and opened a dental practice. At the time of his death, he was reputedly the longest-serving dentist in North America. The Garesché Stables & Offices is also valued for its association with pioneer auto dealer Thomas Plimley (1871-1929) and the Plimley family. English born, Thomas Plimley began his career in Victoria by selling bicycles. He was dedicated to bringing the newest transportation technologies to the people of Victoria, and in 1901 he sold the first car in the city.

### **Character-Defining Elements**

Key elements that define the heritage character of the Garesché Stables & Offices include its:

- location on the south side of Johnson Street, in Victoria's downtown core, part of a grouping of historic buildings of similar scale;
- continuous commercial use;
- commercial form, scale and massing as expressed through its rectangular, three-storey height, rectangular plan with a flat roof, and tall storefront openings;
- construction materials, such as its reinforced concrete façade and common red-brick side walls; and
- Edwardian-era design features such as its tripartite articulation and banked upper floor windows.

**GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE**

## **RESEARCH SOURCES**

**Name:** Garesché Stables & Offices

**Address:** 727 Johnson Street

**First Owner:** Dr. Arthur John Garesché

**Architect:** George C. Mesher Co.

**Contractor:** George C. Mesher Co.

**Date of Construction:** 1910

### **CITY OF VICTORIA BUILDING PERMIT**

- #1510; February 12, 1910; Dr. Garesche, Johnson Street; Lot 33, Block 3; Stable, 3-storey brick; \$15,000.

### **BUILDING PLANS [CITY OF VICTORIA]**

- Dr. Garesché Stables &, Johnson Street, G.C. Mesher Co., Architects, 1910.

### **PLUMBING PLANS [CITY OF VICTORIA]**

- #3920: Building Belonging to Dr. Garesché, Filed June 14, 1910.

### **PUBLISHED SOURCES**

- *Contract Record*, vol. 24, no. 4. January 26, 1910: A three storey brick building for stores and offices on land 60 by 120 feet is contemplated on Johnson Street, adjoining the warehouse of the Brady-Houston Pickling Company. Estimated cost, \$12,000. Owner, Dr. A.J. Garesche.

### **PUBLICATIONS**

- Luxton, Donald. *Building the West: The Early Architects of British Columbia*. Vancouver: Talonbooks, 2<sup>nd</sup> ed., 2007.

### **BC VITAL EVENTS**

- Groom Name: Garesche, A J; Bride Name: Trimen, Mellissent [sic] Mary; August 18, 1902; Event Place: Victoria; Registration Number: 1902-09-010996; Event Type: Marriage.
- Garesche, Arthur John Francis; Gender: Male; Age: 91; Date: September 14, 1952; Event Place: Victoria; Registration Number: 1952-09-008994; Event Type: Death.
- Garesche, Millicent Mary; Gender: Female; Age: 103; Date: February 26, 1977; Event Place: Victoria; Registration Number: 1977-09-003620; Event Type: Death.
- Plimley, Thomas John; Gender: Male; Age: 58; Date: December 18, 1929; Event Place: Victoria; Registration Number: 1929-09-414972; Event Type: Death.
- Plimley, Thomas Horace Gender: Male; Age: 89; Date: March 21, 1985; Event Place: Victoria; Registration Number: 1985-09-005506; Event Type: Death.



## GARESCHÉ STABLES & OFFICES, 727 JOHNSON STREET, STATEMENT OF SIGNIFICANCE

### MESHER, George Charles: Sources

B.C. Vital Events; company records and voters lists (held at BCA); and interviews with his grandson, John R.H. Ley (1990), grandniece, Kathleen Johnston (1993) and Pheona Hislop (2001). Published sources include directories; *Colonist* references and tender calls; obituaries and local news items. Also *This Old House*; *Victoria Architecturally*, 1911; Segger & Franklin, *Exploring Victoria's Architecture*; and Mills, *Architectural Trends in Victoria*.

### CITY DIRECTORIES

#### ***Henderson's Greater Victoria Directory, 1910-11, page 125***

- Johnson 725 City Livery Stables
- Johnson 727-31-33 B C Hardware Co

#### ***Henderson's Greater Victoria Directory, 1910-11, page 215***

- City Livery Stables Dr C R Richards prop 725 Johnson

#### ***Henderson's Greater Victoria Directory, 1912, page 157***

- Johnson 725 City Livery Stables
- Johnson 727 Plimley's Garage
- Johnson 731-33 Vacant

#### ***Henderson's Greater Victoria Directory, 1912, page 542***

- Plimley Horace collr Thos Plimley lvs 109 Douglas
- Plimley Thos automobiles and bicycles 730 Yates and 727 Johnson h 109 Douglas

#### ***Henderson's Greater Victoria Directory, 1913, page 305***

- Johnson 725 City Livery Stables
- Johnson 725 Richards C R vet surg
- Johnson 727 Plimley Thos Garage
- Johnson 727 Johnson Alf J printer
- Johnson 727 Vallence Geo G adv agt
- Johnson 727 Belsize Motor Express
- Johnson 731 Victoria Labour Temple Ltd
- Johnson 733-735 Plimley's Garage



## Planning and Land Use Committee Report For the Meeting of September 10, 2015

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**To:** Planning and Land Use Committee **Date:** August 27, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Heritage Designation Application No. 000153 for 727-729 Johnson Street

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### RECOMMENDATION

That Council support Heritage Designation Application No. 000153 for the property located at 727-729 Johnson Street subject to the applicant undertaking the following steps:

1. Working with staff to develop a conservation plan that details the restoration/rehabilitation work to be carried out in accordance with the Standards and Guidelines, to the satisfaction of the Director, Sustainable Planning and Community Development;
2. Making/obtaining application for the appropriate permits to undertake the restoration/rehabilitation of the Johnson Street façade;
3. Undertaking the restoration/rehabilitation of the Johnson Street façade in accordance with the Standards and Guidelines, to the satisfaction of the Director, Sustainable Planning and Community Development; and
4. Revising Heritage Designation Application No. 000153 to reflect the restoration/rehabilitation work undertaken that would reinstate its architectural integrity for Council's consideration of the revised application for designation.

Planning & Land Use Standing Committee
SEP 10 2015
Late Item# <u>2</u>
Page#







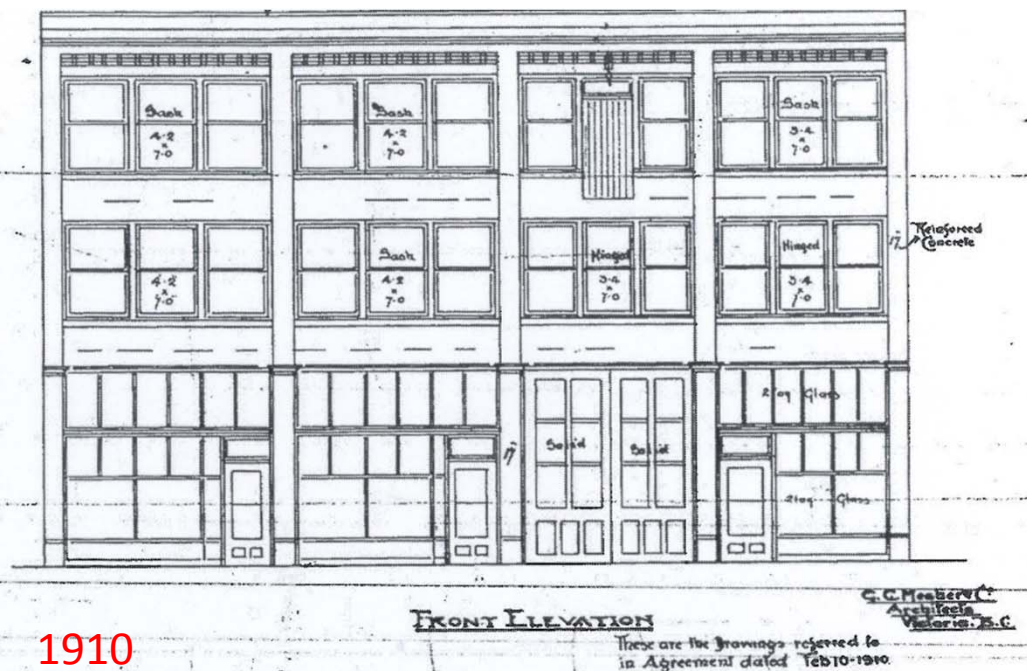
**727-729 JOHNSON STREET**





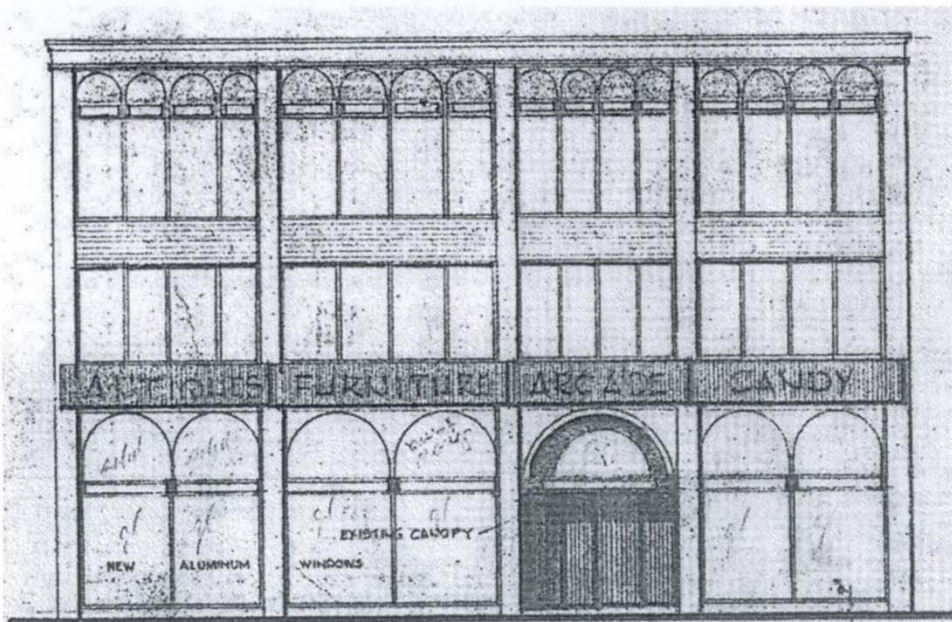
727-729 JOHNSON STREET





1910

Above: Original Appearance, 1910 [City of Victoria Plans]. Below: 1967-68 alterations [City of Victoria Plans].



1967



2015

727-729 JOHNSON STREET







## Planning and Land Use Committee Report

### For the Meeting of September 10, 2015

---

**To:** Planning and Land Use Committee **Date:** July 9, 2015  
**From:** Adrian Brett, Heritage Planner, Community Planning  
**Subject:** Mandatory Seismic Upgrading Bylaw

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### RECOMMENDATION

That Council consider engaging with the Union of British Columbia Municipalities (UBCM) to advocate to the Provincial Government for the following:

1. Provincial policy changes that would support mandatory seismic upgrading of existing buildings within earthquake-prone regions.
2. Examination of policy impacts to ensure mandatory upgrade regulations do not create an excessive financial disincentive for property-owners to upgrade heritage and unreinforced structures.

### EXECUTIVE SUMMARY

Municipal mandatory seismic upgrading bylaws have been in place for buildings vulnerable to earthquake damage for several decades in American cities along the Pacific coast. Currently, such regulations do not exist in any municipality within British Columbia or Canada. This report highlights the use of mandatory seismic upgrading bylaws in a few major American coastal cities. It also examines the legal authority and capacity of municipalities in British Columbia, such as the City of Victoria, to enact similar regulations.

At this time, the exact quantity of buildings within Victoria vulnerable to seismic damage is unknown. The city does contain a substantial stock of heritage and unreinforced masonry type buildings, which do pose a significant risk to life safety in the event of an earthquake. Advocating for mandatory seismic upgrading powers from the Government of British Columbia is the only course of action that would guarantee lasting municipal authority to maintain the City's building stock to a certain level of seismic resistance. However, it should be noted that mandatory seismic upgrading bylaws may also create a major disincentive for property owners to redevelop heritage and other unreinforced structures.

Under the current provisions of the *Community Charter*, the City of Victoria does have the authority to enact a mandatory seismic upgrade bylaw. However, this power will be shortly nullified by the newly created *British Columbia Building Act*, which will come into effect in 2017. This short timeline is too restrictive and it would be impractical to expect property-owners to seismically upgrade in less than two years.



In the meantime, the City can continue with providing incentives for the seismic upgrading of heritage buildings through the City's Tax Incentive Program and the Victoria Civic Heritage Trust's Parapet Improvement Program. Further, the Downtown Heritage Buildings Seismic Upgrade Fund that was created as part of the Downtown Core Area bonus density system can be used in future to supplement other financial incentives for seismic upgrading of remaining heritage buildings once sufficient funds have accrued.

## PURPOSE

This report investigates the City's authority to require property owners to seismically upgrade their built structures. This is in response to the City's Strategic Plan, 2015-2018, within which Council identified a specific 2015 action under Objective 12: Plan for Emergencies Including Climate Change, Short and Long Term, as follows:

*Explore potential for City to require upgrades to heritage buildings for seismic protection even where use is not changed, combined with subsidy program.*

With respect to timing, the City of Victoria Operational Plan identified that the above action would be reported to Council in July 2015.

## BACKGROUND

Mandatory seismic upgrading bylaws are without precedent in British Columbia or the rest of Canada. However, they have been enacted or proposed by several municipalities in the United States, including Los Angeles, San Francisco, and Seattle. This report will highlight some relevant examples of mandatory seismic upgrading bylaws from cities along the Pacific coast of the United States. It will also provide a recommendation on a path of action Council may wish to explore for enacting similar bylaws within the limitations of municipal legislative authority in the Province of British Columbia.

It was not until the mid-1980's that modern science was able to clearly articulate the magnitude of risk for a significant seismic event within the Cascadia Subduction Zone (CSZ). The CSZ is home to many major cities along the Pacific Northwest coast of North America, including Victoria, Vancouver, Seattle and Portland. Current seismology studies estimate the risk of a major earthquake, approximately 9.0 magnitude or higher, at a 10-15% chance of occurrence within the next 50 years.

The British Columbia Building Code (BCBC) has contained seismic strengthening requirements since the 1950's. Since then, knowledge of our region's heightened seismic risk has grown and consequently the BCBC has evolved to include even more seismic enhancements over time. Unfortunately, much of the City of Victoria's building stock, especially construction prior to 1980, is not well prepared for a major earthquake. At present, the quantity of seismically vulnerable buildings within the city is unknown. However, previous earthquake preparedness studies have identified several significantly vulnerable areas of the city. In particular, areas containing large quantities of unreinforced masonry (URM) type buildings and timber frame construction are at a high risk of significant earthquake damage.

Currently, the BCBC requires property owners only to seismically upgrade upon the occurrence of a change of use or occupancy for their building(s). However, there is no existing legal requirement today that obligates owners of seismically vulnerable buildings to shore up their properties. Hence, many unreinforced buildings continue to exist in our city and pose a potential threat to life safety in the event of a major earthquake.



The City of Victoria also provides a property tax exemption incentive program to encourage property owners to seismically upgrade. It should be noted that this tax exemption program does not result in any revenue loss to the City. For every heritage building granted a tax exemption for seismic upgrading, all other properties across the city, within the same tax category, are marginally increased to compensate for the lost revenue to the City. The tax exemption program has proven to be a very successful vehicle for attracting private investment in heritage properties within Victoria. According to the Victoria Civic Heritage Trust Annual report for 2014, the program has attracted a total of \$222.27 million in private investment in heritage buildings since its launch in 1998.

Mandatory seismic upgrading bylaws for the City of Victoria would impact all property owners and obligate owners of vulnerable properties to upgrade within a strict timeline or face penalties. This report will highlight examples of seismic upgrading bylaws enacted by major cities along the Pacific coast of the United States. It will also examine the legislative framework of British Columbia and the associated legal limitations of the City's authority to enact a similar mandatory seismic upgrading bylaw.

### **Examples of Similar Bylaws in the United States**

#### Los Angeles

The City of Los Angeles enacted Division 88, a series of mandatory seismic upgrading bylaws for all unreinforced masonry (URM) buildings within its jurisdiction in 1981. The bylaw stratified buildings into high and low risk categories. High risk buildings required full compliance with the seismic requirements within 3 years; low risk buildings required full compliance within 7 years. While ultimately quite effective, the bylaw was fiercely contested and was debated by consecutive City Councils for over eight years (1973-1981).

With regards to the compliance rate of the program, the California Seismic Safety Commission (CSSC) provided the following figures in 2006.

<b>Total Unreinforced Masonry Bldgs.</b>	<b>Heritage Unreinforced Masonry Bldgs.</b>	<b>% Strengthened</b>	<b>% Demolished</b>	<b>% Non-Compliant</b>
9211	255	67%	21%	12%

#### San Francisco

The City of San Francisco passed bylaw 225-92 in 1992 which mandated seismic upgrades for approximately 2000 buildings. Similar to Los Angeles, timelines for compliance were shorter for high risk buildings than low risk buildings.

With regards to the compliance rate of the program, the California Seismic Safety Commission (CSSC) provided the following figures in 2006.

<b>Total Unreinforced Masonry Bldgs.</b>	<b>Heritage Unreinforced Masonry Bldgs.</b>	<b>% Strengthened</b>	<b>% Demolished</b>	<b>% Non-Compliant</b>
1976	516	78%	8%	14%



Also, as of 2013, the City of San Francisco enacted an additional mandatory upgrading bylaw called The Mandatory Soft Story Retrofit Program (MSSP). The bylaw applies to wood-frame buildings of three or more storeys over a basement, containing five or more residential dwelling units and where the permit to construct was applied for prior to January 1, 1978.

Property owners can face stiff financial penalties for non-compliance. In addition, if property owners do not comply, the City may post on the building, and record against the property, a notice that states: "Earthquake Warning: This building is in violation of the requirements of the San Francisco Building Code regarding Earthquake Safety."

### Seattle

Recognizing the risks associated with unreinforced buildings, the City of Seattle passed bylaws requiring seismic upgrading of all unreinforced masonry buildings in 1973; however, the bylaws were repealed a couple of years later due to public opposition and administrative difficulties.

More recently, however, Seattle City Council has decided to move forward again on re-enacting mandatory seismic upgrading bylaws. A recent seismic risk survey completed by the City of Seattle in 2012 identified over 1200 buildings that were at a high risk of damage. The proposed bylaw, once passed, would require high risk buildings to comply with modern code standards within 10 years and medium-low risk buildings to comply within 13 years. Penalties for non-compliance are similar to those in San Francisco; they include public posting of non-compliance on the property, a freeze on any new permits, and quarterly fines of up to \$45,000.

### **Analysis of Municipal Legislative Authority in British Columbia**

In regards to obligating property owners within the City of Victoria to upgrade their older buildings to meet the current seismic requirements of the Building Code of British Columbia, the Building Code itself does not apply retrospectively to older buildings unless a change in use or occupancy or a repair or renovation triggers a requirement for compliance. Under Part 1 of the *Community Charter*, the power to regulate, prohibit and impose requirements in relation to buildings and other structures is worded in broad terms; however, any bylaw created by the City of Victoria that would establish standards that are additional to those set out in the BC Building Code would likely require ministerial approval.

The provincial interest in uniformity of building standards has been reinforced by the creation of the new *Building Act*, which is not yet in force. Under the *Building Act*, a "local building requirement" will have no effect to the extent that it relates to a matter subject to a requirement of the BC Building Code for a municipality or specified area. The *Building Act* defines a "local building requirement" very broadly as meaning a requirement in respect of building activities that is enacted by a local authority. This provision of the *Building Act* is stated to apply "despite" the *Community Charter*. In other words, and in contrast to the situation under the *Community Charter*, there would be no opportunity to circumvent the provincial restrictions or a provincial approval requirement even if the bylaw could be supported by another regulatory power, which section 9 of the *Charter* does allow at present.

The *Building Act* includes a transitional provision that states this section of the *Building Act* concerning local building requirements does not apply until 2 years after it comes into force, which is presumably to allow municipalities a period of time to either amend their bylaws or to make requests to the Province for more powers. During this transitional period, the City could make a request to the Minister to include provisions within the *Building Act* to allow for additional



powers regarding seismic compliance within the local authority of the City of Victoria. This opens up the potential for location (municipality) specific regulations, something the City may wish to explore, but it is of course difficult to predict how the Province would respond.

It should be noted that this report is limited to examining the legislative authority of the City to enact a mandatory seismic upgrading bylaw. The full financial and economic implication of such a regulation, both on the City and on affected property owners is unknown at this time. However, it can be assumed that a location (municipality) specific regulation for mandatory upgrades within the *Building Act* would put Victoria at a comparative disadvantage and potentially push developers to other BC municipalities without such regulations. In order to ensure such a regulation does not create a major disincentive for the redevelopment of heritage and other unreinforced buildings within Victoria, the City should work with the Union of British Columbia Municipalities (UBCM) to lobby for a mandatory seismic upgrading regulation that applies province wide; this will level the playing field across all municipalities within the earthquake prone region of BC. Also, in order to ensure these regulations do not create such a financial burden as to cause a major private-investment shift away from the redevelopment of heritage buildings, the Province should explore creating funding incentives and/or awards in tandem with the mandatory upgrade regulations.

## OPTIONS AND IMPACTS

### Option 1 – Work with the UBCM to Petition the Provincial Government for additional powers to enact mandatory seismic upgrade regulations (Recommended)

Council may choose to engage with the UBCM to lobby the province for additional powers for mandatory seismic upgrading for all British Columbian local governments. Such regulations should also be accompanied by a Provincial funding or cost-sharing program to ensure no major financial disincentive is created for the upgrading of heritage and other unreinforced buildings.

The impact of this course of action would be uncertain. Should such powers be granted by the Province, British Columbia would be setting a national precedent as the first Canadian jurisdiction to require mandatory seismic upgrades.

### Option 2 - Enact Mandatory Seismic Upgrading Bylaw without Ministerial Approval

Council may choose to enact a new mandatory seismic upgrading bylaw before the *Building Act* comes into effect. This bylaw may be contested and may not receive later ministerial approval; however, there is sufficient regulatory power granted to BC municipalities by the *Community Charter* to allow for the creation of such a bylaw before the *Building Act* comes into force.

In effect, this bylaw would likely have little to no practical impact on improving the number of seismically reinforced buildings within the City of Victoria. Within two years, the bylaw could be nullified by the *Building Act* and two years is a very restrictive time period within which to require affected property owners to seismically strengthen their buildings.

### Option 3 - Continue with Status Quo

At present, seismic upgrading is only triggered by a change in use or occupancy or a major repair or renovation. The City of Victoria currently utilizes a property tax exemption program as incentive for heritage buildings, which are usually of an unreinforced masonry type construction, to seismically upgrade. The City also currently operates a Downtown Heritage Buildings



Seismic Upgrade Fund, which is financed by a percentage of bonus density contributions from within the Downtown Core Area. Currently, this fund has accrued approximate \$19,000; no monies have yet been awarded to candidate properties from this fund since its commencement.

The major impact of this course of action would be that many unreinforced buildings would continue to exist within the city and continue to pose a threat to life safety in the event of a major earthquake. At this time, the quantity of seismically vulnerable buildings within the city is unknown, so the risk of not taking any action on mandating upgrades is also unknown.

## CONCLUSIONS

Engaging the UBCM to petition the Provincial Government for additional powers to enact mandatory seismic upgrading bylaws is the only course of action that would enable the City of Victoria to mandate a significant increase in seismic upgrades within the near future. Although it is unknown at this time if the Province would grant such powers to local governments, this is the only option that would guarantee lasting municipal authority to maintain the City's building stock to a certain level of seismic resistance. Also, in order to ensure such regulations do not create an undue financial burden on the development industry and cause a major shift away from the redevelopment of heritage buildings in general, the Province should consider creating funding incentives and/or awards in tandem with the upgrade regulations.

In the meantime, the City can continue with providing incentives for the seismic upgrading of heritage buildings through the City's Tax Incentive Program and Parapet Improvement Program, and supplement these with further grants from the Downtown Heritage Buildings Seismic Upgrade Fund once sufficient funds have accrued.

Respectfully submitted,



Adrian Brett  
Heritage Planner, Community Planning



Andrea Hudson  
Assistant Director, Community Planning

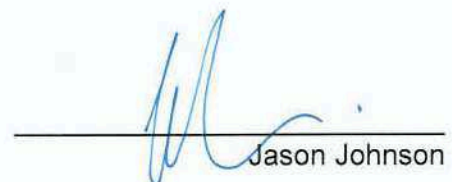


Jonathan Tinney  
Director, Sustainable Planning and Community Development

AB/ljm

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**Report accepted and recommended by the City Manager:**



Jason Johnson

**Date:** July 17, 2015



# Mandatory Seismic Upgrading Bylaws

Planning and Land Use Committee – July 23, 2015



# 2015-2018 City Strategic Plan Objective

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- Council identified a specific 2015 action under Objective 12: Plan for Emergencies Including Climate Change, Short and Long Term, as follows:
- *“Explore potential for City to require upgrades to heritage buildings for seismic protection even where use is not changed, combined with subsidy program.”*

# Examples from the United States

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- **City of Los Angeles**
  - In force since 1981, coupled with funding from the State of California
- **City of San Francisco**
  - In force since 1992
  - Additional mandatory upgrade bylaw enacted in 2013, coupled with interest-free loans program paid by the City
- **City of Seattle**
  - Repealed in 1973



# Municipal Authority in British Columbia

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- *Community Charter*
  - Grants municipal governments authority to regulate building “local building requirements”
- *Building Act – Bill 3*
  - Will eliminate the “concurrent authority” powers under the *Community Charter*
  - Includes a 2-year transitional period

# Impacts of Mandatory Upgrades

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- Ensure heritage and unreinforced structures are up to code and perform better in case of earthquake
- Potential to create major disincentive for ownership of heritage/unreinforced buildings
- Municipal approach could isolate Victoria and may drive investment elsewhere

# Potential Path of Action

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- Explore policy changes at the Provincial level that would support mandatory seismic upgrading.
- Financial assistance strategies, (e.g. tax exemptions, interest-free loans) would be required to significantly ameliorate the costs placed on affected property owners.



# Recommendation

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## **Engage with the Union of British Columbia Municipalities (UBCM) and the Provincial Government to examine the following:**

1. Provincial policy changes that would support seismic upgrading of existing buildings within earthquake-prone regions.
2. Examination of policy tools to ensure regulations do not create an excessive financial disincentive for property-owners to upgrade heritage and unreinforced structures.





## Planning and Land Use Committee Report

For the Meeting of September 10, 2015

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**To:** Planning and Land Use Committee      **Date:** August 27, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Delegated Authority and Exemptions for Development Permits

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### RECOMMENDATIONS

That Committee forward this report to Council for consideration and that Council direct staff to:

1. Prepare an Official Community Plan (OCP) amendment bylaw:
  - a. to exempt buildings and structures with a floor area no greater than 9.2m<sup>2</sup> (100ft<sup>2</sup>) from requiring development permits in the following designated areas:
    - i. DPA 4: Town Centres
    - ii. DPA 5: Large Urban Villages
    - iii. DPA 6A: Small Urban Villages
    - iv. DPA 7A: Corridors
    - v. DPA 10A: Rock Bay
    - vi. DPA 13: Core Songhees
    - vii. DPA 14: Cathedral Hill Precinct
    - viii. DPA 15A: Intensive Residential Small Lot
    - ix. DPA 15B: Intensive Residential Panhandle Lot
    - x. DPA 15D: Intensive Residential Duplex
    - xi. DPA 16: General Form and Character
  - b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
    - i. DPA 5: Large Urban Villages
    - ii. DPA 6A: Small Urban Villages
    - iii. DPA 7A: Corridors
    - iv. DPA 10A: Rock Bay
    - v. DPA 11: James Bay and Outer Harbour
    - vi. DPA 13: Core Songhees
    - vii. DPA 14: Cathedral Hill Precinct
    - viii. DPA 15A: Intensive Residential Small Lot
    - ix. DPA 15B: Intensive Residential Panhandle Lot
    - x. DPA 15D: Intensive Residential Duplex
    - xi. DPA 16: General Form and Character
  - c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.



2. Undertake public consultation to receive feedback on the proposed Official Community Plan amendment bylaw and report back to Council with a summary of comments received prior to a Public Hearing.
3. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications when consistent with relevant policy:
  - a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
  - b. new buildings, building additions, structures and equipment that do not exceed 100m<sup>2</sup> floor area in:
    - i. DPA 2 (HC): Core Business
    - ii. DPA 3 (HC): Core Mixed-Use Residential
    - iii. DPA 4: Town Centres
    - iv. DPA 5: Large Urban Villages
    - v. DPA 6A: Small Urban Villages
    - vi. DPA 6B (HC): Small Urban Villages Heritage
    - vii. DPA 7A: Corridors
    - viii. DPA 7B (HC): Corridors Heritage
    - ix. DPA 10A: Rock Bay
    - x. DPA 10B (HC): Rock Bay Heritage
    - xi. DPA 11: James Bay and Outer Harbour
    - xii. DPA 12 (HC): Legislative Precinct
    - xiii. DPA 13: Core Songhees
    - xiv. DPA 14: Cathedral Hill Precinct;
  - c. accessory buildings in:
    - i. DPA 15A: Intensive Residential Small Lot
    - ii. DPA 15B: Intensive Residential Panhandle Lot
    - iii. DPA 15D: Intensive Residential Duplex;
  - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
  - e. floating buildings, floating building additions and floating structures that do not exceed 100m<sup>2</sup> in floor area in all DPAs;
  - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
  - g. renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes;
  - h. replacement of exterior materials on existing buildings;
  - i. temporary buildings and structures that do not exceed 100m<sup>2</sup> in floor area and where removal is secured by a legal agreement limiting permanence to five years;
  - j. temporary construction trailers on private property;
  - k. temporary residential unit sales trailers on private property;
  - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
4. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority initiative and report to Council with an annual summary of findings and recommendations.

## EXECUTIVE SUMMARY

The purpose of this report is to seek direction from Council to advance two key initiatives that are in direct support of the *City of Victoria Strategic Plan 2015-2018*, annual Development



Summit feedback, and the *Official Community Plan* (OCP) monitoring and evaluation program. The first initiative is to prepare an Official Community Plan amendment bylaw to exempt certain forms of 'minor' development (small scale buildings/structures and changes to existing landscaping) from requiring development permits within specific Development Permit Areas and associated with these proposed amendments, to provide improved language in the OCP so it is clear when a permit is and is not required. The minor forms of development that are proposed to be exempted from development permits typically have minimal impacts on the form and character of the surrounding area including the public realm and could be adequately reviewed through the *Zoning Regulation Bylaw* in combination with the proposed conditions described in Attachment 1.

The second initiative is to prepare an amendment to the *Land Use Procedures Bylaw* to provide staff with delegated authority to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with approved City policy. Both of these initiatives were identified through the Development Summits as a means to reduce the overall volume of development applications and a way to streamline the development application process.

The delegation approach would also help to streamline the review process for a number of relatively straight-forward development proposals, shortening timelines for applicants and reducing the number of applications that need to be processed through to a Council decision point. It is anticipated that processing times for delegated applications would be typically reduced from approximately three to four months down to two to four weeks. A number of informal review processes would also be regularized with the implementation of this approach, enhancing staff's ability to review and respond to development and business requirements related to needing temporary structures as well as building maintenance and upgrades. Staff also propose to monitor and evaluate the overall effectiveness and benefits of the delegated authority initiative and provide Council with an annual summary of outcomes and recommendations.

If Council endorses the proposed development permit exemptions, staff will report back to Council with an Official Community Plan amendment bylaw that will be subject to a Public Hearing process in accordance with the requirements of the *Local Government Act*. Similarly, if Council endorses the proposed delegation authority initiative, staff will report back to Council with a Land Use Procedures Bylaw amendment and a detailed outline of the administrative review process for the proposed delegated development permit and heritage alteration permit applications for Council's consideration.

## PURPOSE

The purpose of this report is to provide Council with information, analysis and recommendations to support Council's consideration of exempting specific forms of minor development from requiring development permits and to establish a system of delegated authority to enable staff to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with established City policy. These initiatives have been identified as key outcomes from the annual Development Summits and also provide a means to streamline development applications in support of the *City of Victoria Strategic Plan 2015-2018* and the OCP monitoring and evaluation program.



## BACKGROUND

### Previous Council Consideration of Delegated Authority

Over the past three years, a series of reports and Council workshops have been advanced for Council's consideration which explored the possibility of delegating authority to staff to approve a range of DPs and HAPs. Copies of these Council reports and minutes are included in Attachments 4, 5 and 6 for reference. Council initially directed staff to explore the possibility of developing a delegated authority option that included delegating some types of variance applications to staff, which was reflected in Council's selection of Option #5 from the range of delegation options (below) that were presented to Council in 2012:

- Option # 1 - No Delegation
- Option # 2 - Maintain Status Quo
- Option # 3 - Delegation (No variances and Exemptions)
- Option # 4 - Delegation (No Variances)
- Option # 5 - Delegation (With Variances and Exemptions)
- Option # 6 - Full Delegation.

Upon receiving information on this approach on December 12, 2013, Council requested a more limited form of delegation and posed a number of questions related to how to ensure adequate community input and whether there was a way to forward applications to Council for a decision, particularly in instances when consultation was part of the existing process. A follow-up workshop was held on September 18, 2014, where staff brought forward a report focused on a more limited version of delegation, but still with variances and some exemptions; however, a final conclusion was not reached and a number of concerns continued to be expressed by Council related to a number of topics.

The approach being advanced for Council's consideration via this report strives to address these concerns by limiting the range of delegation to applications without variances. At the same time, this initiative along with the proposed DP exemptions described in this report, provide an opportunity to advance a number of key goals targeted at streamlining development application processing that are noted in the Strategic Plan and articulated at the 2014 and 2015 Development Summits, at which participants discussed the need to simplify and speed up the review process for routine applications while freeing up staff time to focus on more complex applications.

While this report presents a key opportunity to advance the current Development Summit outcomes it should be noted that staff will be consulting with the development industry and communities (CALUCs) for feedback on the proposed Development Summit Action Plan that is anticipated to be presented to Council in October 2015. Regardless, the proposed initiatives described in this report continue to be reinforced through the outcomes of the last Development Summit.

## ISSUES AND ANALYSIS

### 1. Development Permit Exemptions

#### Volume of Development Permit Minor Applications

Staff have identified that over a 24 month period (July 31, 2013 - July 31, 2015) the City received a total of 125 development permit minor applications (DPM) of which six were for small scale buildings and structures and five were for changes to landscaping. While these types of



developments do not represent a significant portion of the applications received, they are appropriate candidates to exempt from requiring a DP to assist with reducing application volumes to improve City responsiveness to business, and allowing staff to redirect their energies to more complex applications.

### Proposed Approach

The proposed development permit exemptions described in Attachment 1 are restricted to specific Development Permit Areas for certain types of development considered to be 'minor' in nature due to their limited size, scale, and impact. This includes the development of small scale buildings and structures that are less than 9.2m<sup>2</sup> (100ft<sup>2</sup>) as well as changes or replacement of existing landscaping when the landscaping is not associated with a previously-approved development permit. Currently, these types of minor developments are typically processed through a DPM which requires application fees and additional time from staff to review and process. However, based on past experience, staff have identified that these scenarios are primarily administrative processes that generally do not add value to the final result.

### Affected Areas

Attachment 1 identifies the proposed development permit exemptions including the specific Development Permit Areas where they would apply. The proposed exemptions would not apply in Heritage Conservation Areas (HCA) or to properties identified on the *City of Victoria Heritage Register*.

### Statutory Consultation

The *Local Government Act* requires a local government to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an OCP amendment. This consultation requirement is in addition to the Public Hearing requirement. The impact of the proposed OCP amendment is deemed to be limited as the proposed DP exemptions are minor in scale and are not deemed to alter the function or general design of the principal development. As a result, it is recommended that the appropriate consultation measures would include a newspaper notice of the proposed OCP amendment bylaw and a notice posted on the City's website inviting feedback and questions from the public and the opportunity to provide written or verbal comments to Council for their consideration. In addition, if Council directs staff to prepare an OCP amendment bylaw, staff will ensure that the proposed bylaw is communicated directly with the Community Association Land Use Committees as well as with the development industry. Staff will then report back to Council with a summary of the feedback in conjunction with the proposed OCP amendment bylaw.

## **2. Delegation Authority**

### Development Data

Council's direction to explore the development of a system of delegated authority was initiated with the adoption of the new OCP, when it was anticipated that the establishment of a new City-wide Development Permit Area (DPA 16,) would trigger additional applications which would be subject to the DP application process. The table below illustrates the increase in the number of applications that have been received over the past five years.



## Application Volumes Related to Delegation Authority

Application Type	Old OCP, 1995		New OCP, 2012			Average Increase since July 29, 2012
	July 30, 2010 to July 29, 2011	July 30, 2011 to July 29, 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	July 30, 2014 to July 29, 2015	
DP	25	20	42	52	48	110%
HAP	16	13	20	16	14	15%
REZ	31	23	26	36	30	14%
<b>Total</b>	<b>72</b>	<b>56</b>	<b>88</b>	<b>104</b>	<b>92</b>	<b>46%</b>

Although it would appear that the increase in applications is related to the OCP, the increase cannot be wholly attributed to the introduction of DPA 16. After analyzing 24 months of recent development permit applications, only four applications are purely a result of the introduction of the new DPA 16. All the other development permit applications would have been triggered because of a variance requirement or because the property was located in a Development Permit Area that existed prior to the introduction of the new OCP.

Nonetheless, as illustrated in the table, there has been a sharp increase (110%) in the number of DP applications as well as a more modest increase in other application types which happens to coincide with the introduction of the new OCP. This may in part be due to renewed interest in developing in the City because of the new policies that were introduced with the OCP or because of the positive development cycle that the City has been experiencing over the past few years.

Despite only four applications being triggered because of DPA 16, there were 20 applications with some form of variance located in DPA 16 that required additional processes because of this new DPA. These additional processes included reviewing applications for compliance with design guidelines, collecting and administering landscape deposits, monitoring building progress and conducting inspections to ensure compliance with approved development permit plans. There would have also been the need for some applicants to submit and for staff to review and administer minor change applications related to these files when design changes were requested. These processes were not required under the previous OCP and represent an increased regulatory burden for applicants and staff. So although there has not been a significant increase in the number of applications that can be attributed to DPA 16, there has been an overall increase in processes associated with its creation and delegating some degree of authority for certain types of applications will help to alleviate pressure on resources and improve approval times for applicants.

### Recommended Approach

The recommended approach being advanced for Council's consideration would significantly reduce timelines for applicants and would streamline and simplify the process of moving applications through to a decision point for the application types that are suggested for delegation to staff. The recommended delegation items are for the most part, small scale in nature and for the few potential larger scale delegation types such as new buildings in DPA 16: General Form and Character, DPA 10A: Rock Bay, DPA 10B (HC): Rock Bay Heritage, DPA11: James Bay and Outer Harbour (limited to Fisherman's Wharf) have the benefit of established design guidelines that they can be assessed against. In all instances, staff would prepare a weekly list that identifies all DP and HAP applications received as well as those that have been approved. This list would be provided to Council for information as well as posted on the City of

Victoria website. As part of the review process, staff would also be able to refer applications to the Advisory Design Panel and Heritage Advisory Panel.

### Recommended for Immediate Implementation

The approach being recommended for Council's consideration for immediate implementation is detailed in Attachment 2 of this report and is summarized below. This approach would delegate authority to staff to approve DP and HAP applications that do not include variances and that are consistent with zoning and relevant guidelines, within the following categories:

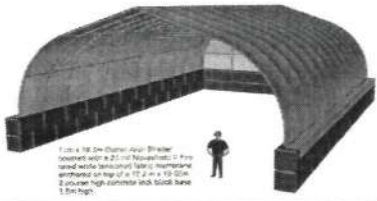


- all new buildings and building additions in DPA 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage
- new buildings and building additions that do not exceed 100 m<sup>2</sup> in floor area in:
  - DPA 2 (HC): Core Business
  - DPA 3 (HC): Core Mixed-Use Residential
  - DPA 4: Town Centres
  - DPA 5: Large Urban Villages
  - DPA 6A: Small Urban Villages
  - DPA 6B (HC): Small Urban Villages Heritage
  - DPA 7A: Corridors
  - DPA 7B (HC): Corridors Heritage
  - DPA 10A: Rock Bay
  - DPA 10B (HC): Rock Bay Heritage
  - DPA 11: James Bay and Outer Harbour
  - DPA 12 (HC): Legislative Precinct
  - DPA 13: Core Songhees
  - DPA 14: Cathedral Hill Precinct
- accessory buildings in:
  - DPA 15A: Intensive Residential Small Lot
  - DPA 15B: Intensive Residential Panhandle Lot
  - DPA 15D: Intensive Residential Duplex
- floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour in the FWM Zone, Fisherman's Wharf Marine District
- floating buildings, floating building additions and floating structures that do not exceed 100 m<sup>2</sup> in floor area
- renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes
- renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes
- replacement of exterior materials on existing buildings
- temporary buildings that do not exceed 100m<sup>2</sup> in floor area where their removal is secured by a legal agreement
- temporary construction trailers
- temporary residential unit sales trailers - where they comply with the *Zoning Regulation Bylaw*.

This approach would result in a significant time-savings for applicants. Presently, based on existing targets, applications that fall into any of these categories typically take three to four months to process through to a point where a decision is rendered by Council. Under the proposed approach, where a DP or HAP application is supportable and no revisions or additional information is required it could be processed in two to four weeks. Below are few



examples to highlight the types of development applications that could be processed within this time frame. Additional examples are further described in Attachment 3.

### Examples

Development Type	Sample Image	Processing Time
New industrial building in DPA 16		2 weeks
Addition to a floating building in DPA 11		2 Weeks
Renewal of a previously approved DP		4 weeks

### Referrals to Council

The development permit application types that are proposed for delegated authority would still be analyzed to ensure consistency with established guidelines and policies imbedded in the City's OCP. In cases where an applicant is unwilling or unable to meet the guidelines, applications would be referred to Council as per the normal process. In this way, staff would not be authorized to decline applications and an appeal process would not be needed to address refusals.

Additionally, there may be instances where an application fits the criteria to be delegated to staff; however, in the opinion of staff, it may be preferable to refer the application to Council for a decision. The recommendation being put forward for Council's consideration is to amend the *Land Use Procedures Bylaw* to allow for this degree of discretion to be exercised by the Director of Sustainable Planning and Community Development.

### Community Consultation for Delegation Authority

Staff recommend for Council's consideration that further consultation on the recommended approach is not necessary. The rationale for this is that the approach does not include any applications that would have previously been referred to CALUCs nor required notice to neighbours or signage. Additionally, the range of considerations that come into play when reviewing these types of applications is limited to guidelines and policies referenced in the OCP

which were developed with the benefit of community consultation. Finally, as noted earlier in this report, participants at the Development Summit, which included a range of stakeholders, identified the potential for granting some form of delegated authority to staff as a key strategy that could be used to reduce timelines and streamline processes.

#### Alignment with Local Area Planning

The City is currently in the process of undertaking a local area planning process for the Burnside neighbourhood including the Rock Bay area which is currently subject to DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage. During phase I of public engagement throughout April to June 2015, feedback was received from business representatives in Rock Bay and the employment lands north of Bay Street that regulatory barriers could be reduced to encourage business incubation in the area. Delegating approval authority to staff for buildings within DPA 10A and DPA 10B would assist with this. It is anticipated that the local area planning process may result in the establishment of new guidelines for the Rock Bay area that will be used to review and consider future development applications. Under the proposed Delegation Authority initiative, staff would review and consider any applicable development permit applications in these Development Permit Areas based on the current guidelines that are identified in the OCP until such time as they are updated to reflect the new local area plan. This approach helps to support an immediate streamlining and improvement with the development review process while also recognizing that revised or new guidelines may result through the current local area planning process. This same rationale and approach would also apply within other areas of Victoria where future local area planning is undertaken.

#### Alignment with Economic Development Initiatives

As described earlier in this report, the proposed DP exemption and delegated authority initiatives provide alignment with the *City of Victoria Strategic Plan 2015-2018*. This alignment also extends to Objective 5 which seeks to create prosperity through economic development. The ability to streamline development application processing and improvements to service delivery provides a key component to encouraging further investment and development within Victoria.

## **OPTIONS AND IMPACTS**

### **1. Development Permit Exemptions**

#### **Option 1: Prepare OCP Amendment Bylaw (Recommended)**

This option would implement a specific action identified in the Strategic Plan and the feedback received at the annual Development Summits. Council has the option to advance this initiative by directing staff to prepare an OCP amendment bylaw which will be subject to a Public Hearing in accordance with the requirements of the *Local Government Act*. This means that Council would still have the opportunity to consider the amendment bylaw in conjunction with any comments or concerns that are received from the public. Similarly, Council may also seek to refine or limit the proposed exemptions described in Attachment 1 prior to directing staff to prepare the OCP amendment bylaw. Staff have identified the proposed development permit exemptions as a way to facilitate a more streamlined and efficient process for developers and property owners to undertake minor developments. This initiative will also help to reduce the volume of development applications, resulting in the potential to allocate more staff time to review and process more significant or complex applications.



## Option 2: Delegate Approval Authority to Staff for These Items

An exemption for buildings under 9.2m<sup>2</sup> (100ft<sup>2</sup>) in size and changes to existing landscaping means that there would be no design review of these items. Should Council feel that evaluation and guidance is necessary, these could be added to the list of delegation items to staff, which would still result in some streamlining, but to a lesser extent.

## Option 3: Maintain Status Quo

If Council directs staff to not prepare the recommended OCP amendment bylaw, the limitations of the current OCP will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

## 2. Delegation Authority

Option 1: Implement the proposed approach to delegate authority including a system to monitor and evaluate the effectiveness and benefits of this approach. **(Recommended)**

After the initial work of staff drafting and Council considering the necessary bylaw amendments, a degree of Council and staff time associated with what are typically straight-forward applications would be freed up and could be allocated to focusing on other key priorities. Additionally, key actions identified in the City's Strategic Plan as well as through the Development Summit would be achieved and positive outcomes related to streamlining development applications as a way to advance economic development goals would be realized. This approach also provides a system to report to Council on an annual basis with a summary of the overall effectiveness and benefits of the delegated authority initiative including recommendations.

Option 2: Direct staff to discontinue work on this topic by deciding to not implement a system of delegated authority

Considerable staff and Council time has already been expended exploring topics related to delegated authority. Stopping exploration and consideration of this topic would also free up a small amount of staff and Council time, but would not advance actions identified in the Strategic Plan or at the Development Summits, nor would it advance goals of economic development associated with streamlining development application processes.

### 2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegation authority initiatives both help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

In addition, the recommended approach is also consistent with the Strategic Plan objective to "Strive for Excellence in Planning and Land Use," as it advances an opportunity for Council to



"make a decision with regard to whether we are going to delegate more decision-making authority to staff."

#### *Impacts to 2015 - 2018 Financial Plan*

There are no additional financial resources required to prepare the proposed OCP amendment bylaw. However, the proposed development permit exemptions may result in a minimal reduction of development permit fees as the DP exemption is only proposed for two types of minor development. The base fee for a development permit minor application is \$200 and during the 24-month period described earlier, the City received a total of 125 applications of which only 11 (8%) were for the types of minor development that are proposed for exemption. Therefore, it is estimated that the proposed exemption would have a minimal impact on the overall development permit fees that are collected each year.

Delegating approval authority of permits to staff would have no direct impact on the City's Financial Plan. However, the proposed delegated authority would result in fewer reports needing to be written by staff and processed through the Council review process each year. This would yield time and resource savings for applicants, Council and City staff including the ability to improve service levels by directing more staff time to review and process more complex development applications.

#### *Official Community Plan (OCP), 2012 - Consistency Statement*

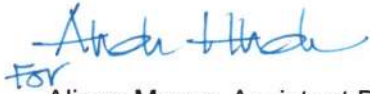
The proposed development permit exemptions are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

The proposed approach to delegated authority is consistent with the OCP and amendments to the OCP are not required. In particular, the recommended changes would support objectives identified in the Plan Administration section of the OCP which states, "That development is subject to additional oversight through tools available in legislation in designated areas of the city where more direction is required to address special conditions and plan goals and objectives." Additionally, it responds to a goal contained in the Adaptive Management section which is to "Incorporate knowledge accumulated through the adaptive management cycle into relevant plans, policies, management and operations in a coordinated and timely manner." The proposed approach to delegated authority still offers oversight in designated areas to ensure development proposals meet design guidelines where special conditions exist, while offering an adapted method that responds to the knowledge gained from monitoring and evaluating applications that have been received since the OCP was approved in 2012.

## **CONCLUSIONS**

The proposed development permit exemptions and delegation authority are positive initiatives that will significantly streamline and expedite processes for applicants, Council and staff. The combined proposed changes would also result in fewer reports per year which would allow more staff time to be allocated to further improve service levels and processing times for more complex development applications. The proposed changes would also have the benefit of regularizing some informal practices that have been utilized to facilitate minor changes in development within Development Permit Areas as well as supporting economic development within the City of Victoria and advancing a number of goals that are articulated in the City's Strategic Plan and the recommendations flowing from the annual Development Summits.

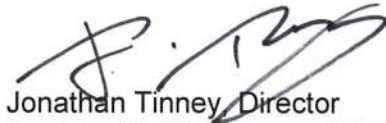
Respectfully submitted,

  
for

Alison Meyer, Assistant Director  
Development Services Division



Robert Batallas, Senior Planner  
Community Planning Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

Sept. 4/15

#### List of Attachments

- Attachment 1: Proposed Development Permit Exemptions
- Attachment 2: Development Permit Application Types Recommended for Delegated Authority
- Attachment 3: Sample Photos and Plans of Potential Development Permit Applications for Delegated Authority
- Attachment 4: Governance and Priorities Committee Report dated June 7, 2012 and Approved Council Minutes
- Attachment 5: Governance and Priorities Committee Report dated November 8, 2013 and Approved Council Minutes
- Attachment 6: Planning and Land Use Committee Report dated September 4, 2014 and Approved Council Minutes.

### Proposed Development Permit Exemptions (OCP)

- Exemptions are subject to all other applicable City of Victoria regulations
- Exemptions do not apply to heritage properties identified on the *City of Victoria Heritage Register*

Proposed Exemptions	Applicable Development Permit Areas	Conditions for Exemption	Rationale and Examples
Small scale buildings and structures	DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 7A: Corridors DPA 10A: Rock Bay DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A Intensive Residential Small Lot DPA 15B: Intensive Residential Panhandle Lot DPA 15D: Intensive Residential Duplex DPA 16: General Form and Character	<ul style="list-style-type: none"> <li>• Maximum area: 9.2m<sup>2</sup> (100 ft<sup>2</sup>) Area</li> <li>• Subject to all applicable regulations contained in <i>Zoning Regulation Bylaw</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Zoning Regulation Bylaw</i> provides detailed regulations for buildings and structures including siting, scale and function.</li> <li>• Principal Building will continue to require a Development Permit</li> <li>• e.g. small (less than 100 ft<sup>2</sup>) residential garden/storage shed</li> </ul>
Changes to existing landscaping	DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 7A: Corridors DPA 10A: Rock Bay DPA 11: James Bay and Outer Harbour DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential Small Lot DPA 15B: Intensive Residential Panhandle Lot DPA 15D: Intensive Residential Duplex DPA 16: General Form and Character	<ul style="list-style-type: none"> <li>• Where existing landscaping is not identified or part of an existing approved plan</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to allow property owners to update or revise landscaping with different planting/species/landscaping materials for properties that do not have a previously approved landscape plan</li> <li>• e.g. replacement of dead or overgrown trees and shrubs on private property</li> </ul>





### Development Permit Application Types Recommended for Delegated Authority

- Delegated Authority would not apply to heritage properties identified on the City of Victoria Heritage Register
- Full compliance with the *Zoning Regulation Bylaw* is required (no variances)
- Applications that are deemed to be inconsistent with established guidelines would be referred to Council

Recommended for Immediate Implementation				
Proposed Delegated Authority	Applicable DPAs and HCAs	Conditions (if any)	Rationale	Applications received during 24 month period (July 31, 2013 – July 31, 2015) See Attachment 4 for Sample Photos/Plans
1. New buildings, building additions, structures and equipment in	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	<ul style="list-style-type: none"> <li>• As noted above</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to the adoption of the new OCP in 2012, new buildings and building additions were not subject to any DPA regulations.</li> <li>• Applications would be assessed against established guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• 2546 Government St</li> <li>• 2850 Turner Street</li> <li>• 645 Dunedin Street</li> <li>• 403 - 411 Kingston Street</li> <li>• 1908 Store Street</li> </ul> <p><b>Total: 5</b></p>
2. New buildings, building additions, structures and equipment that are less than 100m <sup>2</sup> in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC) Small Urban Villages Heritage DPA 7A: Corridors DPA 7B(HC): Corridors Heritage DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12(HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	<ul style="list-style-type: none"> <li>• As noted above</li> <li>• Not within:               <ul style="list-style-type: none"> <li>○ DPA 1 (HC): Core Historic</li> <li>○ DPA 9 (HC): Inner Harbour</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Small additions and new small buildings typically have a nominal impact on the site and could be evaluated against established design guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• 89 Dallas Rd</li> <li>• 343 Bay St</li> <li>• 515 Pembroke St</li> <li>• 530 Discovery Street</li> <li>• 135 Dallas Road</li> </ul> <p><b>Total: 5</b></p>

Proposed Delegated Authority	Applicable DPAs and HCAs	Conditions (if any)	Rationale	Applications received during 24 month period (July 31, 2013 – July 31, 2015) See Attachment 3 for Photos/Plans
3. Accessory Buildings in intensive residential DPAs	15A: Intensive Residential Small Lot 15B: Intensive Residential Panhandle 15D: Intensive Residential Duplex	<ul style="list-style-type: none"> <li>As noted above</li> </ul>	<ul style="list-style-type: none"> <li>The addition of an accessory building in an intensive residential area typically has a nominal impact on the site with few if any impacts on neighbouring properties and could be evaluated against established design guidelines</li> </ul>	<ul style="list-style-type: none"> <li>1498 Myrtle</li> </ul> <p><b>Total: 1</b></p>
4. Floating buildings, floating building additions and floating structures (regardless of size) in DPA 11: James Bay and Outer Harbour at Fisherman's Wharf	DPA 11: James Bay and Outer Harbour	<ul style="list-style-type: none"> <li>As noted above</li> <li>Limited to area in the FWM Zone, Fisherman's Wharf Marine District</li> </ul>	<ul style="list-style-type: none"> <li>Fisherman's Wharf has the benefit of new Design Guidelines which were adopted by Council in 2014</li> </ul>	<ul style="list-style-type: none"> <li>1 Dallas Road x 4 (Fisherman's Wharf)</li> </ul> <p><b>Total: 4</b></p>
5. Floating buildings, floating building additions and floating structures that do not exceed 100m <sup>2</sup> in floor area	All	<ul style="list-style-type: none"> <li>As noted above</li> </ul>	<ul style="list-style-type: none"> <li>Current OCP requires that any additional floor area be considered by Council through a DP</li> <li>Small scale floating structures are often needed to accommodate operational needs of harbour uses</li> </ul>	<ul style="list-style-type: none"> <li>1006 Wharf x 3</li> <li>700 Government x 3</li> </ul> <p><b>Total: 6</b></p>
6. Renewals of approved DPs	All	<ul style="list-style-type: none"> <li>As noted above</li> <li>DP must be: <ul style="list-style-type: none"> <li>unlapsed at time of application</li> <li>unchanged from original application</li> <li>not be subject to any new policies or regulations</li> </ul> </li> <li>Renewal limited to one two-year term</li> </ul>	<ul style="list-style-type: none"> <li>Developers sometimes require extra time to make all the necessary financing, servicing and construction arrangements needed to be able to commence construction</li> </ul>	<ul style="list-style-type: none"> <li>549 Toronto Street</li> <li>257 Belleville</li> <li>988 Topaz</li> </ul> <p><b>Total: 3</b></p>



Proposed Delegated Authority	Applicable DPAs and HCAs	Conditions (if any)	Rationale	Applications received during 24 month period (July 31, 2013 – July 31, 2015) See Attachment 3 for Photos/Plans
7. Renewal of approved HAPS	All	<ul style="list-style-type: none"> <li>As noted above</li> <li>HAP must be:               <ul style="list-style-type: none"> <li>unlapsed at time of application</li> <li>unchanged from original application</li> <li>not be subject to any new policies or regulations</li> <li>Renewal would be limited to one two-year term.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Developers sometimes require extra time to make all the necessary financing, servicing and construction arrangements needed to be able to commence construction.</li> </ul>	<b>Total: 0</b>
8. Replacement of exterior materials on existing buildings	All	<ul style="list-style-type: none"> <li>As noted above</li> </ul>	<ul style="list-style-type: none"> <li>Current OCP requires that repairs or envelope remediate only utilize “in kind” replacements and often applicants wish to utilize updated and/or even higher quality materials</li> </ul>	<b>Total: 39</b>
9. Temporary Buildings and Structures that do not exceed 100m <sup>2</sup> in floor area	All	<ul style="list-style-type: none"> <li>As noted above</li> <li>Covenant in place to ensure removal within five years.</li> </ul>	<ul style="list-style-type: none"> <li>Temporary structures are sometimes beneficial to animate and better utilize a site while overall redevelopment plans are being established they are also often needed to assist businesses with special operational needs.</li> </ul>	<ul style="list-style-type: none"> <li>89 Dallas Road</li> <li>254 Belleville Terminal</li> </ul> <p><b>Total: 2</b></p>

Proposed Delegated Authority	Applicable DPAs and HCAs	Conditions (if any)	Rationale	Applications received during 24 month period (July 31, 2013 – July 31, 2015) See Attachment 3 for Photos/Plans
10. Temporary Construction Trailers on Private Property.	DPA 11: James Bay and Outer Harbour	<ul style="list-style-type: none"> <li>As noted above</li> <li>Covenant in place to ensure their removal within:               <ul style="list-style-type: none"> <li>six months of obtaining an Occupancy Permit; or,</li> <li>within six months of being without a valid Building Permit.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Provides some basic guidance to the design of temporary construction trailers where there is presently none.</li> <li>Establishes an approval process and mechanism to ensure construction trailers are truly temporary.</li> </ul>	<ul style="list-style-type: none"> <li>80 Saghalie Road (Bayview)</li> <li>353 Tyee (Dockside)</li> </ul> <p><b>Total: 2</b></p>
11. Temporary Residential Unit Sales Trailers on Private Property.	All	<ul style="list-style-type: none"> <li>As noted above</li> <li>Zoning must allow retail/commercial activities</li> <li>Covenant in place to ensure their removal within:               <ul style="list-style-type: none"> <li>six months of obtaining an Occupancy Permit; or,</li> <li>within six months of being without a valid Building Permit.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Provides some basic guidance to the design of temporary sales trailers where there is presently none.</li> <li>Establishes an approval process and mechanism to ensure sales trailers are truly temporary.</li> </ul>	<p><b>Total: 0</b></p>

## Sample Photos and Plans of Potential Development Permit Applications for Delegated Authority

All new buildings and building additions in DPA 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage



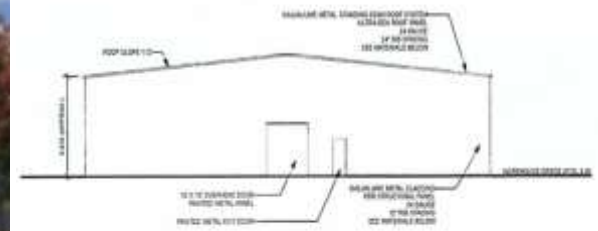
**2850 Turner Street**  
**DP #000329**

Proposal to construct a shelter.  
Approved by Council Nov 28, 2013



**403, 405, 411 Kingston Street**  
**DP #000378**

Proposal to construct 6 townhouses.  
Approved by Council Oct 23, 2014



**1908 Store Street**  
**DP #000412**

Proposal to construct a 929m<sup>2</sup> warehouse on the northerly portion of the property.  
Approved by Council May 14, 2015



**645 Dunedin Street**  
**DP #000364**

Proposal to construct a new two storey building for a garage.  
Approved by Council Jun 26, 2014



**2546 Government Street**  
**DP #000400**

Proposal to construct an addition to the northeast portion of the building facing John Street.  
Approved by Council Feb 26, 2015



All new buildings and building additions that are less than 100m<sup>2</sup> in floor area



**89 Dallas Road**  
**DP #000417**

Proposal for conversion of storage container to ice cream sales.  
Approved by Council Apr 16, 2015



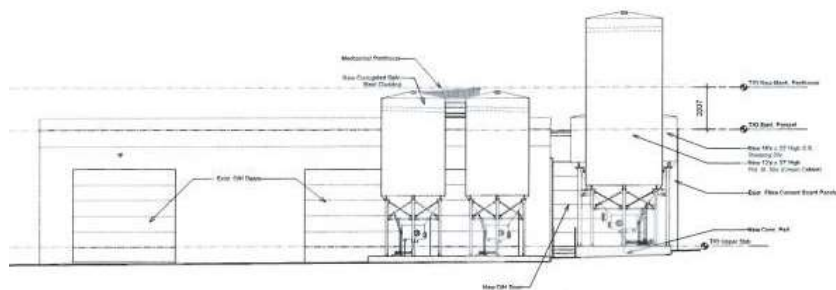
**343 Bay Street**  
**DP #000413**

Proposal to construct an 32m<sup>2</sup>, one storey accessory office building.  
Approved by Council Apr 16, 2015



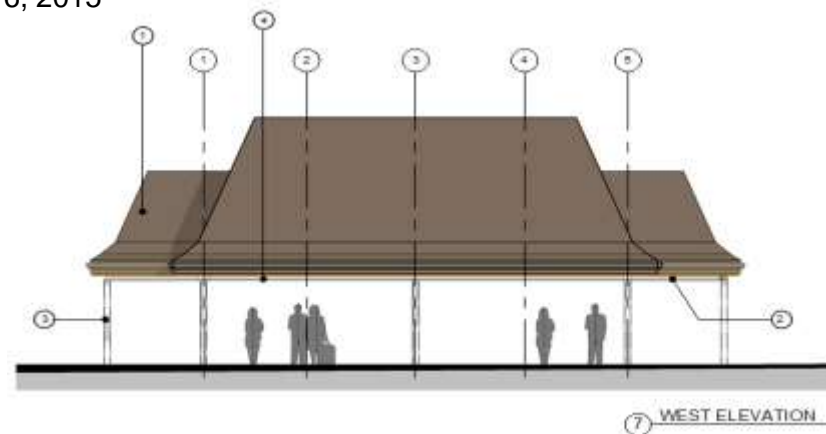
**515 Pembroke Street**  
**DP #000392**

Proposal to add seven fermentation tanks.  
Approved by Council Jan 22, 2015



**530 Discovery Street**  
**DP #000373**

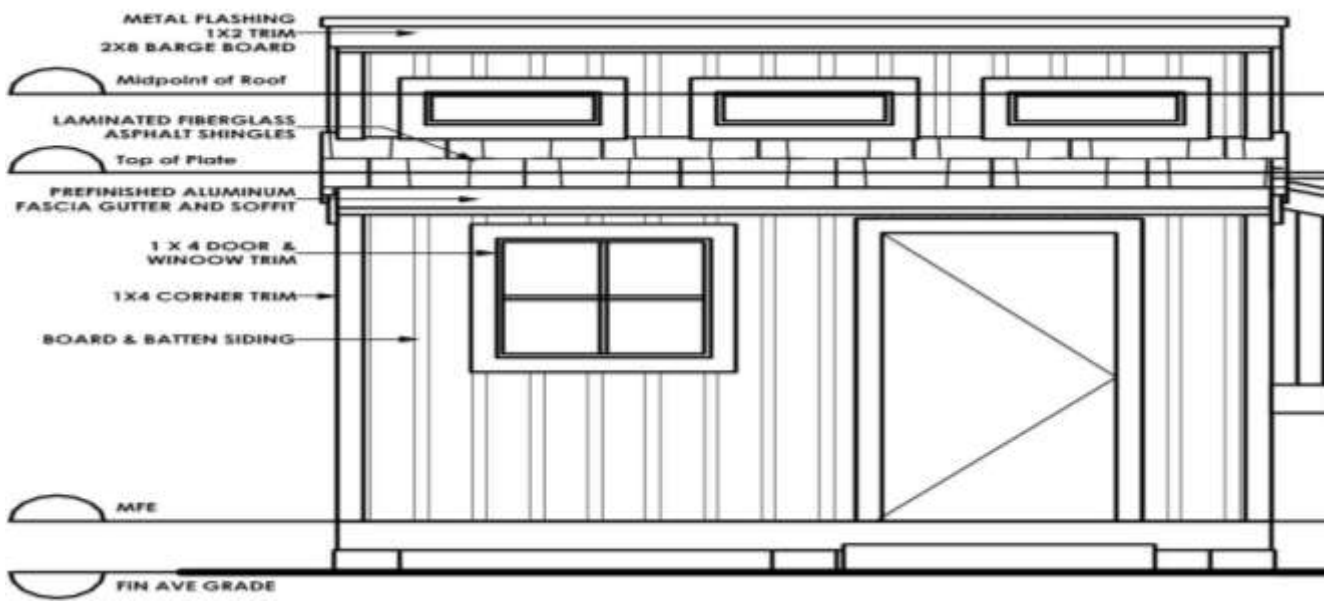
Proposal to install seven silos on the property.  
Approved by Council Jun 26, 2014



**135 Dallas Road**  
**DP #000326**

Proposal to construct a covered visitor's shelter.  
Approved by Council Nov 14, 2013

Accessory Buildings in intensive residential DPAs



**1498 Myrtle  
DP #000363**

Proposal to construct a small garden shed to the rear of the property.  
Approved by Council Jul 10, 2014

## Floating Buildings (regardless of size) in DPA 11: James Bay and Outer Harbour at Fisherman's Wharf



### 1 Dallas Road DP #000371

Proposal to construct a storage shed.  
Approved by Council Dec 18, 2014



### 1 Dallas Road DP #000429

Proposal for 11m2 addition to existing float home.  
Approved by Council Jul 23, 2015



### 1 Dallas Road DP #000423

Proposal to increase washroom facilities at fisherman's wharf.  
Approved by Council May 28, 2015



### 1 Dallas Road DP #000424

Proposal for a new Harbour Ferries building.  
Approved by Council May 28, 2015



Technical drawing of a door assembly. The drawing includes a side elevation of the door frame and a detail view of the door panel. Dimensions are provided in inches and millimeters:

- 211 (8")
- 1524 (5')
- 487 (1'-7")
- WHITE ALUMINUM KUNIG

Proposal to add an awning to the existing Kiosk.  
Approved by staff Apr 23, 2014



Proposal to construct a small kiosk.  
Approved by staff Jul 30, 2013



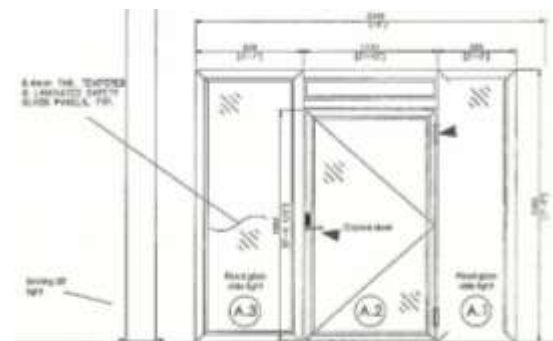
Proposal to construct a storage box.  
Approved by staff Apr 16, 2015



Proposal to construct an unenclosed shelter.  
Approved by staff Jul 15, 2015



Proposal to install a notice board.  
Approved by staff Apr 23, 2014



Proposal to construct a glass and  
aluminum security gate.  
Approved by staff Apr 21, 2015



### Renewal of approved HAPS

No examples.

### Replacement of exterior materials on existing buildings

No examples.

### Temporary Buildings that do not exceed 100 m<sup>2</sup> in floor area



#### 89 Dallas Road DP #000417

Proposal for conversion of storage container to ice cream sales.  
Approved by Council Apr 16, 2015

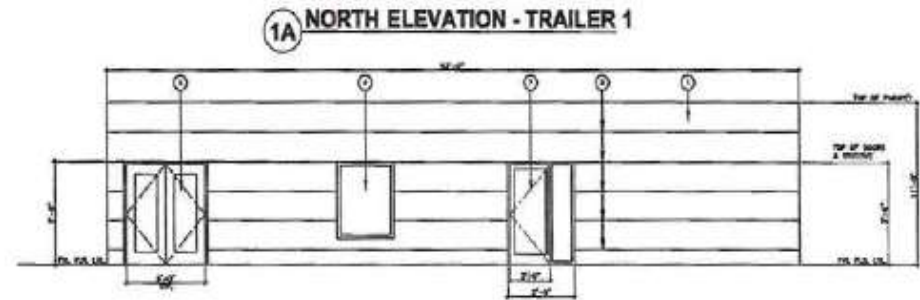
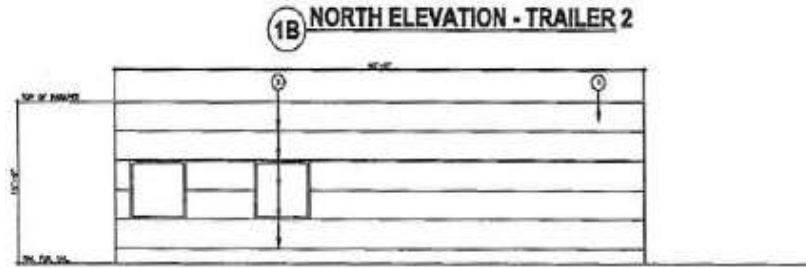


#### 254 Belleville Street DP #000435

Proposal to locate an on-site refrigeration unit to store  
produce for a food truck which will be located on the same site.  
To be considered Aug 27, 2015



## Temporary Construction Trailers on Private Property

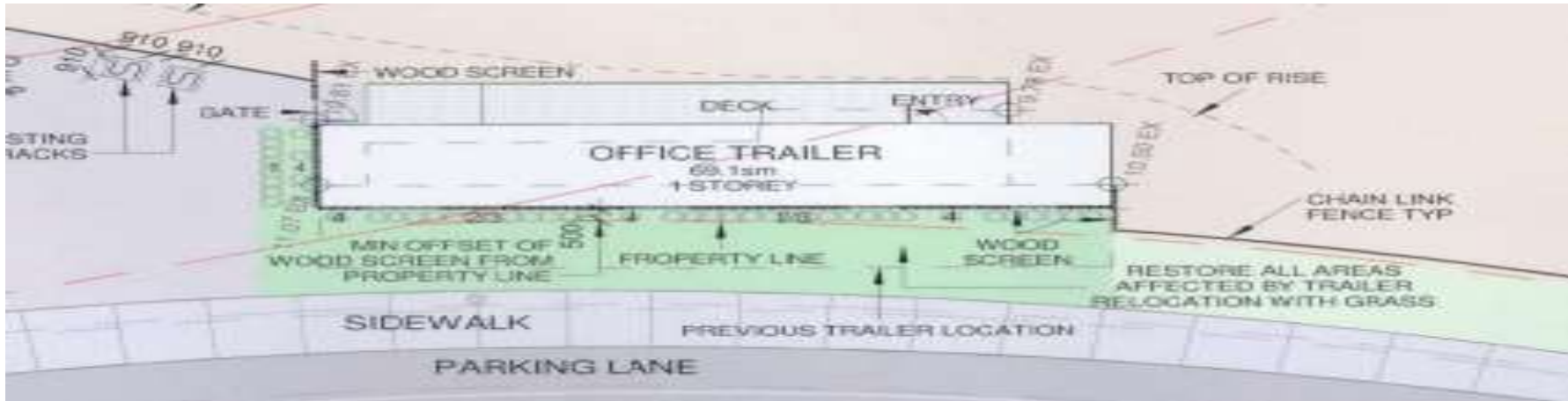


### 80 Saghalie Road (Bayview)

**DP #000388**

Proposal to legalize the existing offices and sales centre (two buildings).

Public Hearing Sept 10, 2015



### 353 Tyee Road

**DP #000386**

Proposal to legalize the Site Trailer being utilized as an Office.

Awaiting Revisions from applicant

## Temporary Residential Unit Sales Trailers on Private Property

No examples.



## Governance and Priorities Committee Report

**Date:** June 7, 2012  
**From:** Jarret Matanowitsch, Senior Planner  
 Jim Handy, Development Agreement Facilitator  
**Subject:** Development Permit and Heritage Alteration Permit Applications  
 Options for Delegating Approval Authority to Staff

### Executive Summary

The purpose of this report is to provide Council with information, analysis and Options in response to a Council motion directing staff to investigate the feasibility of delegating the authority to staff to approve Development Permits and Heritage Alteration Permits.

The Governance and Priorities Committee, at its April 5, 2012 meeting, passed a motion directing staff to explore methods that will expedite the current approval processes for Development Permits and Heritage Alteration Permits. Council confirmed this direction by passing the following motion at its April 12, 2012, meeting:

*"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."*

Staff have explored several Options for Council's consideration in terms of delegating to staff the approval authority for Development Permits (DPs) and Heritage Alteration Permits (HAPs). The full range of Options explored in this report includes:

#### Option #1 – No Delegation

- Council are the approval authority for all DPs and HAPs, including minor and major applications. No delegation to staff.

#### Option #2 – Maintain Status Quo

- Continue with existing DP and HAP processes
- Staff are delegated approval authority for minor DPs and HAPs, as well as shoreline alterations within Development Permit Area 29, Victoria Arm – Gorge Waterway which is an ecologically sensitive area.
- Council are the approval authority for all non-minor DP and HAP applications.

#### Option #3 – Delegation (No Variances and Exclusions)

- Approval authority for DPs and HAPs with no variances is delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (e.g. Old Town, Inner Harbour) and projects of a certain size or other criteria (e.g. over a specified density, height or floor area).
- Council is the approval authority for all DPs and HAPs which include a variance.



Governance and Priorities Committee  
Development Permit and Heritage Alteration Permit Applications  
Options for Delegating approval Authority to Staff

June 7, 2012

Page 2 of 15

Option #4 – Delegation – (No Variances)

- Approval authority for DPs and HAPs with no variances are delegated to staff.
- Council is the approval authority for all DPs and HAPs which include a variance.

Option #5 – Delegation (With Variances and Exclusions)

- Approval authority for DPs and HAPs with or without variances are delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (Old Town, Inner Harbour) and projects of a certain size or criteria (e.g. over a specified density, height or floor area).

Option #6 – Full Delegation

- Full delegation of all DP and HAP applications to staff.

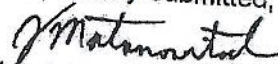
The Options in this report are presented for Council's consideration. There is a brief analysis of each Option provided, including advantages and disadvantages. Should Council select a preferred Option, further analysis is required in terms any new processes, staff resources and efficiencies, costs and benefits to the development community and the public.

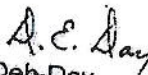
As part of this study, staff reviewed DP and HAP approval processes in other jurisdictions. Delegation of approval authority to staff is common, however, it comes in many different forms. A common element is that staff do not have the outright authority to decline an application. This is consistent with direction given in section 920 of the *Local Government Act* which states that, "If local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter."

**Recommendation**

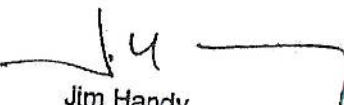
Should a form of delegation to staff be preferred, that Council select one of the described Options for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to report back outlining a detailed approval process, staff resources and application processing timelines. Should Council select an Option with exclusions, that staff be directed to analyze specific exclusions to determine their effect on timelines and processes.

Respectfully submitted,

  
Jarret Matanowitsch  
Senior Planner

  
A.C. Day  
Director  
Planning and Development

  
Peter Sparanese  
General Manager  
Operations

  
Jim Handy  
Development Agreement Facilitator

Report accepted and recommended by the City Manager:

  
Gail Stephens

JM:aw  
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Governance and Priorities Committee  
 Development Permit and Heritage Alteration Permit Applications  
 Options for Delegating approval Authority to Staff

June 7, 2012

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## 1.0 Purpose

The purpose of this report is to provide Council with information, analysis and Options in response to a Council motion directing staff to investigate the feasibility of delegating the authority to staff to approve Development Permits and Heritage Alteration Permits.

## 2.0 Background

The new Proposed Official Community Plan, April 2012 (OCP) was presented to the Governance and Priorities Committee (GPC) on April 5, 2012. As part of the discussions relating to the OCP it was acknowledged that a new Development Permit Area (DPA16) was proposed and that development proposals within this area would require a Development Permit and be subject to the current established Development Permit application process.

As a result of this discussion, GPC expressed a desire to more generally explore methods that will expedite the current processes for Development Permits (DPs) and Heritage Alteration Permits (HAPs) and, as a result, the following motion was raised:

*"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."*

On April 12, 2012, Council endorsed this motion.

The Community Charter (Section 154) and the Local Government Act enable Council to delegate its authority to approve DPs and HAPs. This delegated approval authority includes the authority to approve variances. However, the Local Government Act, in Section 922 (8) is clear that Council cannot delegate the authority to approve Development Variance Permits.

*Section 922 (8) As a restriction on section 176 (1) (e) [corporate powers - delegation] of this Act and section 154 [delegation of council authority] of the Community Charter, a local government may not delegate the issuance of a development variance permit.*

Therefore, this report is restricted to the analysis of delegating the authority to approve DPs and HAPs.

There are several key issues to weigh when considering the benefits and potential drawbacks of granting delegated powers to staff in relation to the determination of DPs and HAPs. One consideration identified in the discussion by Council related to customer service.

Delegating powers to staff would eliminate several stages in the approval process (staff report writing, Planning and Land Use Standing Committee, Council, Public Hearing, etc.). This would, in all likelihood, result in an expedited timeline for the processing of applications with potentially positive economic development implications, albeit complex development applications may still have a longer review time. Although a shorter application processing time may be perceived to be positive from the perspective of an applicant (i.e. quicker decisions), this could potentially limit opportunities for public participation in the process when there is a variance (Public Hearing under the current process as required by the City's Land Use Procedures Bylaw).



In circumstances where applications are declined by staff, the *Local Government Act* establishes the opportunity for the applicant to address Council. Section 920 of the *Local Government Act* states that: "If local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter." Therefore, the City would need to establish a process where an applicant can take their application to Council if they do not receive a favourable decision by staff.

Delegated powers could take a multitude of forms from full delegation to staff to minimal delegation subject to specified criteria, which is the current practice. This report investigates the range of delegation Options, provides a brief analysis of each Option and gives examples of how other municipalities in British Columbia have delegated the authority to determine DPs and HAPs.

### 3.0 Current Development Process

The following is a description of the City's current DP and HAP application process. There are many variations to the process time frame dependent on the complexity of an application, whether or not the project involves variances or how quickly the applicant responds to staff suggestions and requests for information.

Typically, following application submission, DP and HAP applications follow the process summarized below:

1. The application is reviewed by City staff (Development Services, Community Planning, Permits and Inspections, Engineering, Parks, Fire). If an application includes variances, the application is referred to the Community Association Land Use Committee (CALUC) (with 30 days for a reply). The referral to CALUC is for information purposes and does not slow the processing of the application. If comments from the CALUC are received they are appended to the staff report.

Estimated time: 2 - 4 weeks

2. Comments resulting from the initial staff review are issued and could require that the applicant submits amended plans and/or additional information to support the application. On receipt of any requested information, a further staff review will be required and additional amendments and/or further information may be necessary. This process continues until staff are satisfied that they can proceed with preparing a report to the Planning and Land Use Standing Committee (PLUSC). The time frame relating to these negotiations is difficult to quantify as it depends on a number of variables, some of which are beyond the control of the City, such as the speed with which an applicant responds to staff comments and the complexity of the application.

Estimated time: 2 - 4 weeks

3. Prior to advancing to PLUSC, depending on the application, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for their review and input. Staff prepares a report to the Panel or Committee, prepares an agenda, attends the meeting and provides a brief presentation and subsequently minutes are prepared.



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Estimated time: 2 – 4 weeks (depending on monthly meeting schedule)

4. Staff prepare the PLUSC Report with the recommendations. Depending on the volume of the applications being handled by each planner, the timing for completing each "competing" report may be affected.

Estimated time: 2 weeks

5. The PLUSC Report is circulated to senior management and then made available to the Agenda Committee in advance of the PLUSC meeting.

Estimated time: 2 weeks

6. PLUSC meeting is held, where PLUSC may recommend approval, changes, rejection or deferral, which Council considers at their next meeting. If changes or additional information (i.e. legal agreements) are required then the applicant must provide a satisfactory response prior to proceeding to Council. Again, this time frame is subject to variables outside the control of the City and therefore it is difficult to quantify.

Estimated time: 2 weeks

7. In the event that there are no variances proposed and all outstanding issues have been resolved, the application can proceed to Council. Where the application proposes variances, the application must be heard at a Public Hearing whereby the item would initially be taken to Council to establish the date of a Public Hearing, as established in the City's *Land Use Procedures Bylaw*.

Estimated time: no variance - 2 weeks  
with variance - 4 weeks

In light of the above and recognizing that response times for applicants responding to matters raised by the City (staff, PLUSC, etc.) vary, it is estimated that DP and HAP applications could be processed in 12 to 22 weeks. The preparation of staff reports and referral to Council, which may include a Public Hearing, contribute to a significant proportion of this time (8 to 12 weeks). Based on a review of the current process, if approval authority for DPs and HAPs were delegated to staff, it is estimated that the processing time of applications could be reduced by 8 to 12 weeks.

A summary of the current DP and HAP processes is included in Appendix A. In addition, a summary of the potential delegated approval process is also included in Appendix A for comparison purposes.

A considerable staff resource is expended when processing DP and HAP applications through PLUSC and Council under the current process as:

- Planners prepare detailed reports to PLUSC and Council
- Senior Staff review Planner reports
- Planners prepare presentations to PLUSC and Council
- Planners and Senior Staff must attend PLUSC and Council



- Legislative Services Staff prepare and circulate agenda
- Legislative Services Staff prepare and circulate minutes
- Legislative Services Staff notify adjacent property owners and occupiers of a Public Hearing (if required)
- Planning Staff prepare Public Hearing signage (if required).

This report does not include an estimate of any costs, benefits or implications for the applicants or others regarding delegation, although applicants have consistently sought as timely decision-making as possible due to the costs that they bear while preparing and holding property prior to development. However, from a City perspective, the aforementioned list of resources assigned to DP and HAP applications have a considerable monetary value based on time spent multiplied by staff wages. Resources saved by introducing delegated authority could be used to provide more timely customer service, recognizing that approvals by staff will also require thorough analysis of development applications, detailed discussions with applicants, as well as careful formulation of decisions and conditions through approval letters. It must also be recognized that there would need to be a system in place to ensure that Council has the necessary information and processes should an applicant want to have a staff decision reviewed, which will also require resources.

#### 4.0 Options

If Council decides to delegate approval authority for DPs and HAPs to staff, there are several Options available for the type and level of delegation, ranging from no delegation to full delegation. Staff have identified a range of six delegation Options for Council's consideration which are described below.

Included in several of the delegation Options are "exclusions". Exclusions refer to scenarios where Council would maintain approval authority and not delegate to staff. These exclusions could include sensitive locations within the City, such as Old Town or the Inner Harbour, projects over a certain scale (e.g. density, height, floor area or unit numbers) and certain uses that may be of concern or Heritage-Designated buildings.

A brief description of each Option is provided below. In addition, a summary table of the Options is provided in Appendix B.

##### Option #1 – No Delegation

Under this Option, Council would be the approval authority for all DP and HAP applications. At present, Council has delegated to staff the approval authority for Minor Amendments to DPs and HAPs. Under Option #1, this delegation authority would be removed from staff, the *Land Use Procedures Bylaw* would be amended and Council would be the approval authority for all applications.

##### Option #2 – Maintain Status Quo

This Option involves no change from the current City process. Approval authority for Minor DPs and Minor HAPs, as well as within DPA 29, Victoria Arm – Gorge Waterway, would still be delegated to staff and Council would be the approval authority for all regular DPs and HAPs.



Option #3 – Delegation (No Variances and Exclusions)

(a) No Variances

This Option involves delegating DPs and HAPs with no variances to staff. Staff would only deal with applications which were consistent with the *Zoning Regulation Bylaw*. Applications that require a variance to the *Zoning Regulation Bylaw* would require Council approval, consistent with the current Council approval process established in the *Land Use Procedures Bylaw*, including the requirement for a Public Hearing.

(b) Exclusions

A second component of this Option involves specific exclusions selected by Council. Exclusions involve situations where Council would maintain approval authority, some of which could include:

- specified locations in the City (e.g. Old Town, Inner Harbour)
- certain scale of projects (e.g. density, number of units, height)
- certain uses (e.g. Commercial, Industrial)
- Heritage-Designated Buildings.

Option #4 – Delegation – (No Variances)

This Option involves delegating DPs and HAPs with no variances to staff. Staff would only deal with applications which are consistent with the *Zoning Regulation Bylaw*. All applications that require a variance to the *Zoning Regulation Bylaw* would require Council approval, under the current approval process, including a Public Hearing. Only applications that do not involve a variance would be approved by staff and there would be no exclusions in terms of the type of development or location in the City.

Option #5 – Delegation (With Variances and Exclusions)

(a) With Variances

Option #5 would see Council delegate staff the approval authority for DP and HAP applications with or without variances. Therefore, in addition to approving building and site design, staff would also have the authority to approve DPs and HAPs which include variances to the *Zoning Regulation Bylaw*, such as variances to building height, setbacks, site coverage or parking standards.

(b) With Exclusions

A second component of this Option involves specific exclusions selected by Council. Exclusions are situations where Council would maintain approval authority, some of which could include:

- specified locations in the City (e.g. Old Town, Inner Harbour)
- certain scale of projects (e.g. density, number of units, height)

- certain uses (e.g. Commercial, Industrial)
- Heritage-Designated buildings.

In addition to the above exclusions, Council could also consider excluding some types of variances from staff approval. For example, Council may want to maintain approval authority for such variances as building height or site coverage, but may wish to delegate approval authority to staff for variances related to building setbacks or parking variances, as an example.

#### Option #6 – Full Delegation

Under Option #6, Council would give full delegation to staff for all DPs and HAPs in the City. Staff would have the approval authority for DPs and HAPs with or without variances, for all types of development projects, in any location in the City.

Included in all of the above delegation Options would be a process which allows an applicant who does not receive a favourable decision by staff, to take their application before Council for consideration.

It should be noted that the Options for delegation only apply to DP and HAP applications. The *Local Government Act* requires that Council be the approval authority for Development Variance Permit Applications, Rezoning Applications and Official Community Plan amendments.

#### 5.0 Analysis

The following table provides a brief summary of the advantages and disadvantages of Council delegating approval authority to staff.

Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Decreased Level of Delegation			Increased Level of Delegation		
Advantages of less delegation			Advantages of more delegation		
<ul style="list-style-type: none"> <li>• Elected officials maintain approval authority.</li> <li>• More applications would be considered by Council and decisions made in public.</li> <li>• Where there is a variance, a Public Hearing is involved, providing an opportunity for direct public input to Council.</li> </ul>			<ul style="list-style-type: none"> <li>• Quicker processing times for applications.</li> <li>• Staff would be able to use time made available due to a more streamlined approval process for handling more volume or faster processing times.</li> <li>• Staff could refer to Advisory Design Panel and Heritage Advisory Committee for advice and design suggestions.</li> <li>• Council resources could be devoted to other important decision-making activities.</li> <li>• Some flexibility with the opportunity for "exclusions" where Council may consider certain applications.</li> </ul>		



	<ul style="list-style-type: none"> <li>If the delegation of DPs and HAPs with variances did not lead to Council Public Hearings, the notification costs for applicants may be reduced.</li> </ul>
Disadvantages of less delegation	Disadvantages of more delegation
<ul style="list-style-type: none"> <li>Longer application processing time and time for final decisions to be rendered.</li> <li>Significant staff resources are contributed to processing applications (report writing and Council process).</li> <li>Significant Council resources are contributed to process.</li> </ul>	<ul style="list-style-type: none"> <li>Less opportunity for public input when there are variances, as there would be no Public Hearing of Council.</li> </ul>

Staff have not completed a detailed analysis of every Option. Upon receiving further direction from Council as to which Option(s) are preferred or merit more study, further analysis could include the following:

- A detailed description of the DP and HAP processes and timeline under delegated authority.
- An analysis of how exclusions would be applied, including an estimate of how many applications may be streamlined and how many may require Council approval based on selected exclusions.
- A description of potential Options to provide public information and input in a delegated process where variances are required.
- A description of potential engagement with the public and development industry about delegation.
- An outline of the required updates to Council bylaws, policies and design guidelines.

## 6.0 Other Jurisdictions

Based on a review of other municipalities in British Columbia, it is evident that there is a precedent for municipal Councils to delegate approval authority of DPs and HAPs to staff. However, the ways in which the powers of delegation are structured vary significantly from total delegation to delegation where numerous exclusionary criteria apply.

It is noted that a criteria commonly used in the bylaws reviewed entitle an applicant to request that Council reconsider an application when they are dissatisfied with the way it has been determined under staff delegated authority. This is consistent with direction given in Section 920 of the *Local Government Act*. Such requests normally have to be submitted within a specified timeline (normally within 30 days of the date of the staff decision).

Several examples of how municipalities have delegated decision-making authority to staff are summarized below. These examples specifically refer to DPs and do not reference HAPs, however, these areas may not have the same historical characteristics as Victoria and they may receive relatively few HAP applications. In fact, the City of Langford does not have any

officially-designated heritage sites within their jurisdiction and, therefore, do not have a HAP process. Notwithstanding this, the delegation of HAPs is not unusual. The Cities of Vancouver, Kelowna, Richmond and Nelson have all delegated approval authority to staff.

## 6.1 Examples of Development Permit Delegation

### City of Colwood

The *City of Colwood Development Permit Delegation Bylaw 2009* authorizes the City's Director of Planning to exercise all of the powers, duties and functions of Council in respect of DPs. An owner of property who is dissatisfied with a decision is entitled to have the decision reconsidered by Council. This request must be submitted within 30 days after the decision is communicated in writing to the owner. The City of Colwood makes all reasonable efforts to notify property owners and tenants in occupation of lands within 75 m of sites which are subject to an application for a DP.

### City of Langford

Similar to the City of Colwood, the City of Langford authorizes the Municipal Planner to exercise all of the powers, duties and functions of the Council in respect of DPs. Again, an owner of property who is dissatisfied with a decision is entitled to have the decision reconsidered by Council.

### District of Saanich

The District of Saanich have delegated to senior staff, the power to approve or reject:

- a DP or DP amendment where the land is located within specific environmentally sensitive areas or public spaces
- a Development Variance Permit or an amendment to a DP where the subject of the application is a sign
- an amendment to a DP subject to form and character issues.

### Bowen Island Municipality

All DPs are delegated to staff. Applicants are entitled to have delegated decisions reconsidered by Council.

### Regional District of Central Kootenay

The Board of Directors of the Regional District have delegated the authority to issue DPs in a number of geographic areas as defined by their OCP. Under the associated bylaw, an applicant is entitled to a reconsideration of a delegated decision by the Board of Directors.



District of Lake Country

Municipal staff do not have any delegated powers in relation to the determination of DPs. Instead, Council has delegated its powers in this respect to a Development Permit Committee (comprised of Council Members).

City of Penticton

The approval of DPs has been delegated to staff subject to a number of exclusions which include size restrictions (i.e. additions exceeding 930 m<sup>2</sup> and multi-family residential development above six storeys in height and over 2,800 m<sup>2</sup> floor space are excluded) and applications in designated environmentally sensitive areas. Furthermore, staff do not consider DP Applications where they are submitted concurrently with an OCP amendment, Rezoning Application or Development Variance Permit Application.

In addition, if an applicant is dissatisfied with a DP decision by staff, they can request that Council reconsider their application. Such a request must be submitted within 30 days of the date of the DP decision (and is subject to further stipulations). The file manager still has the discretion to refer any DP application to Council.

City of Pitt Meadows

Staff have been given delegated powers to determine DPs for infill housing, including duplexes, garden suites and up to four contiguous infill single-family lots within the Residential Infill Development Permit Area of the OCP.

Applications which propose minor amendments to DPs previously approved by Council are also determined by staff.

If an applicant is dissatisfied with a staff decision on a DP they are entitled to request that Council reconsider their application. Such a request must be submitted within 30 days of the date of the DP decision by staff.

Resort Municipality of Whistler

DPs proposing relatively minor modifications to existing buildings, including small additions (i.e. not exceeding 20 m<sup>2</sup> floor area), are delegated to staff in addition to specific developments (i.e. single family and duplex buildings) identified in Development Permit Areas.

**7.0 Options**

1. That Council direct staff to provide further analysis on a preferred Option(s) for processing DP and HAP applications.
2. That Council direct staff to continue processing applications under the current process.



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## 8.0 Conclusion

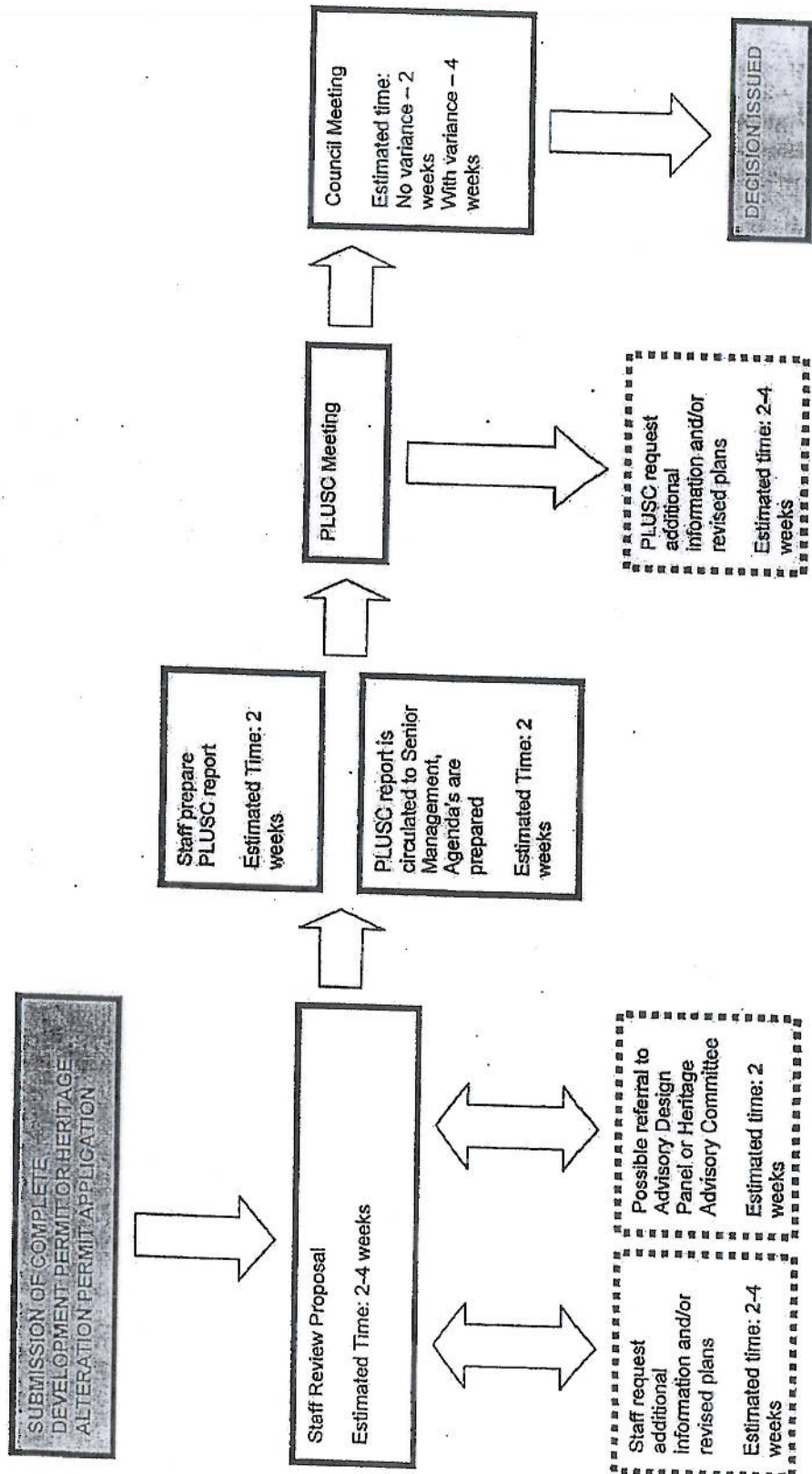
Delegating DP and HAP approval authority to staff certainly has advantages and disadvantages as outlined in the staff analysis. If the ultimate goal is to shorten the application processing time, then delegating approval authority to staff is a method of achieving this.

As outlined in this report, there are several Options for staff delegation and many different variations within each Option. Should Council see merit in delegating some or all DP and HAP approval authority to staff, based on Council direction, further analysis can be completed to provide specific details about the preferred delegation Option(s).

## 9.0 Recommendation

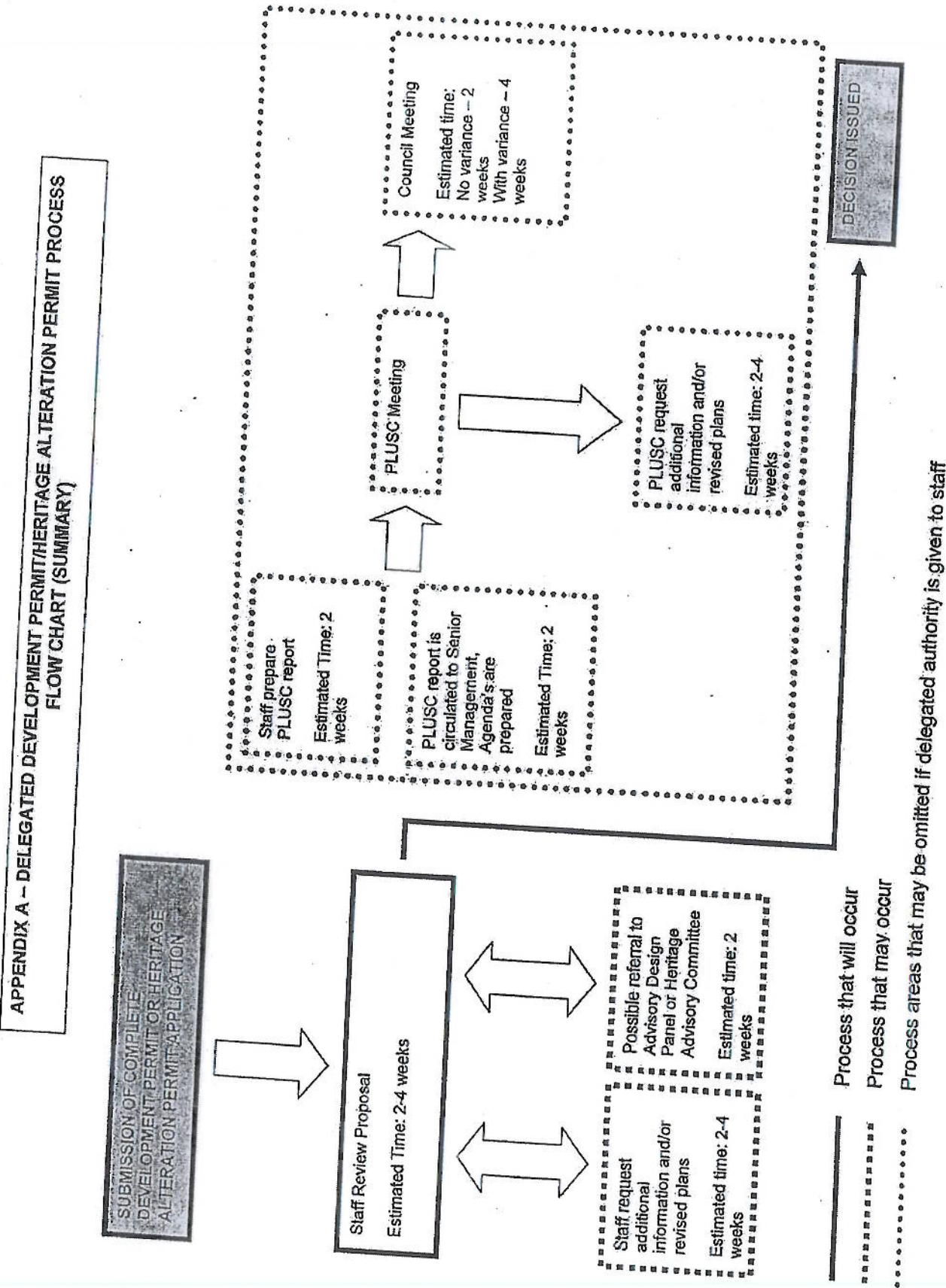
Should a form of delegation to staff be preferred, that Council select one of the described Options for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to report back outlining a detailed approval process, staff resources and application processing timelines. Should Council select an Option with exclusions, that staff be directed to analyze specific exclusions to determine their effect on timelines and processes.

APPENDIX A - CURRENT DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT  
PROCESS FLOW CHART (SUMMARY)



———— Process that will occur

----- Process that may occur





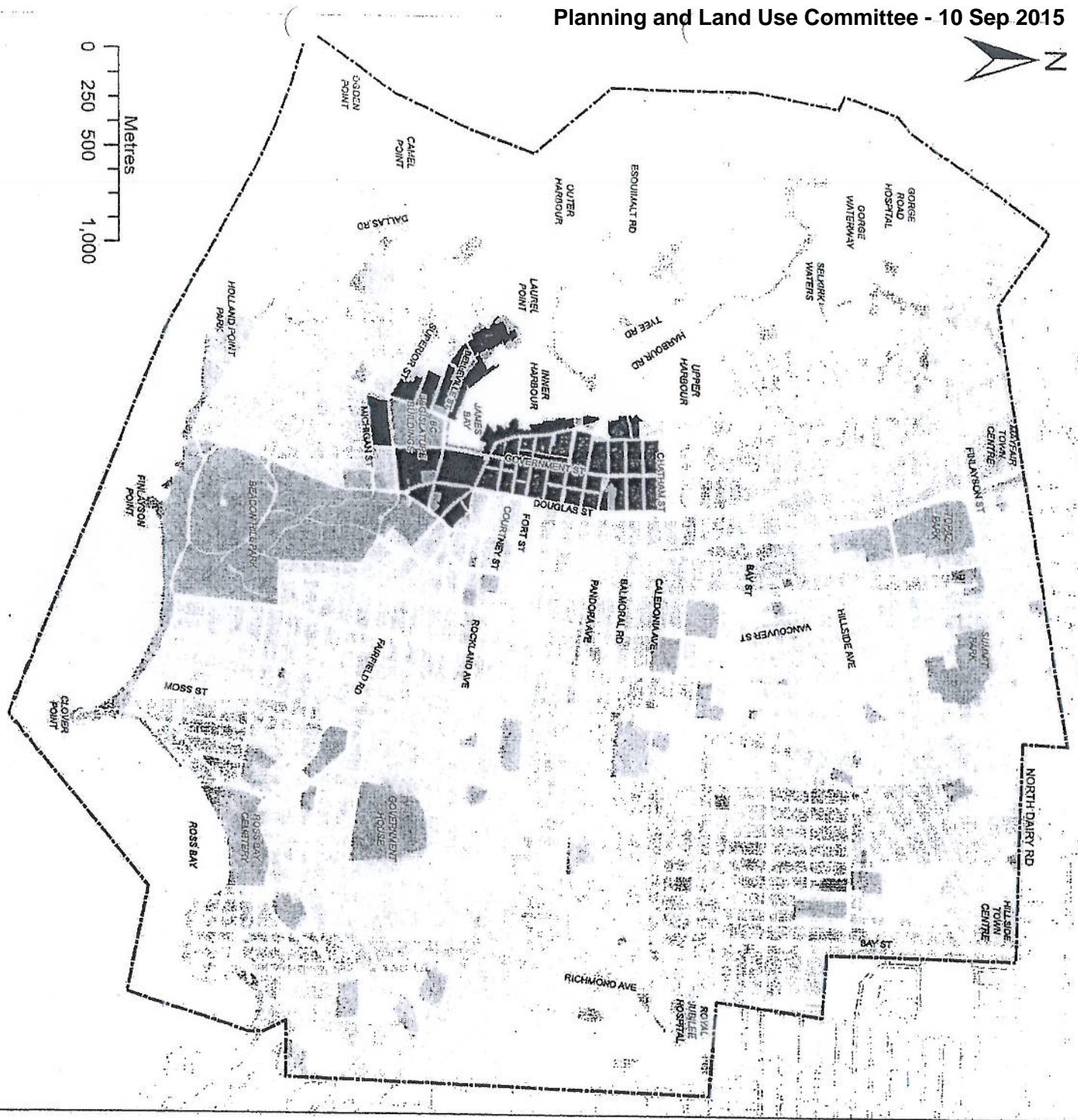
Governance and Priorities Committee

Delegation of Development Permits and Heritage Alteration Permits

November 8, 2013

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APPENDIX 5: URBAN PLACE DESIGNATION MAP



# Urban Place Designations

As Identified in the Official Community Plan

Core Inner Harbour/  
Legislative

Core Historic





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## 6.2 Development Permit and Heritage Alteration Applications Options for Delegating Approval Authority to Staff

Committee received a report dated June 7, 2012 from Development Services regarding Development Permit and Heritage Alteration Applications and Options for Delegating Approval Authority to Staff. At its meeting of April 5, 2012, the Governance and Priorities Committee passed a motion directing staff to explore methods that will expedite the current approval processes for Development Permits and Heritage Alteration Permits. Staff have explored several Options for Council's consideration in terms of delegating approval authority to staff, as follows:

- Option # 1 – No Delegation
- Option # 2 – Maintain Status Quo
- Option # 3 – Delegation (No Variances and Exclusions)
- Option # 4 – Delegation – (No Variances)
- Option # 5 – Delegation (With Variances and Exclusions)
- Option # 6 – Full Delegation

The options are presented for Committee's consideration and if Committee should select a preferred Option, further analysis is required in terms of any new processes, staff resources and efficiencies, costs and benefits to the development community and the public.

- Action:** Councillor Alto moved that Committee recommends that Council select Option #5 as the preferred option for delegating Development Permit and Heritage Alteration Permit approval authority and direct staff to:
1. Report back outlining a detailed approval process, staff resources and application processing timelines; and
  2. Report back with information regarding applications that had come before Committee and which applications would not come before Committee under Option #5, including with exclusion options.

CARRIED 12/GPC400

For: Mayor Fortin, Councillors Alto, Coleman, Helps, Gudgeon, Thornton-Joe and Young  
Against: Councillors Isitt and Madoff

GPC Minutes July 21, 2012



## Planning and Land Use Committee Report

### For the Meeting of September 18, 2014

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**Date:** September 4, 2014      **From:** Jim Handy, Senior Planner – Development Agreements

**Subject:** Council Workshop: Delegation of Development Permits and Heritage Alteration Permits

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#### Executive Summary

The purpose of this report is to provide Council with an introduction, as well as further analysis, regarding a workshop which will explore the potential delegation of Development Permit (DP) and Heritage Alteration Permit (HAP) Applications to staff for decision.

On December 12, 2013, staff presented a report to the Governance and Priorities Committee (GPC) recommending approval of an approach for the delegation of DPs and HAPs. This approach identified criteria to determine which applications would be referred to Council and which would be delegated to staff. In response to the recommendation, the GPC raised concerns related to the degree of delegation being proposed and made the following motion:

1. *that Committee refer Delegation of Development Permits and Heritage Alteration Permits to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and indication whether or not Public Hearings would be held, and;*
2. *for staff to report back and respond to issues and concerns identified by Committee at today's discussion.*

This report responds to this motion by addressing the following:

- format and content of the workshop
- DPs and HAPs subject to Hearings
- recommended approach involving a lesser degree of delegation.

The main goal of the workshop is to establish an approach for a delegation option which proposes a lesser degree of delegation than was previously reviewed by Council and addresses concerns raised by the GPC. Based on this direction, staff have identified a number of key topics and questions which explore the potential criteria that could be applied to the delegation of DPs and HAPs.

The City's *Land Use Procedures Bylaw* identifies procedures related to the consideration of DP and HAP Applications. In the event that Council pursues any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process. In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

In the event that Council decides to advance a form of delegation following the workshop, staff are recommending that the Planning and Land Use Committee (PLUC) direct staff to consult the public regarding the proposed delegation option and then report back with the resulting feedback, the Delegated Authority and Exemptions for Development Permits -...



necessary bylaw amendments, resource issues, associated approval processes, implementation strategy and monitoring plans.


### Recommendation

In the event that Council choose to advance an option for the delegation of Development Permits and Heritage Alteration Permits, that Council direct staff to:

- a. Consult the public regarding the delegation option and report back with the resulting feedback; and
- b. At the same time as reporting back with feedback from the public consultation exercise, report back with necessary bylaw amendments, resource issues, associated approval processes, implementation, and monitoring plans as outlined below.

Respectfully submitted,

  
Jim Handy  
Senior Planner - Development Agreements  
Development Services Division

  
Deb Day, Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager: \_\_\_\_\_

Jason Johnson

Date: \_\_\_\_\_

JH:aw

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## 1.0 Purpose

The purpose of this report is to provide Council with an introduction, as well as further analysis, regarding a workshop which will explore the potential delegation of Development Permit (DP) Applications and Heritage Alteration Permit (HAP) Applications. The Governance and Priorities Committee (GPC) requested this workshop in response to a staff report presented to the Committee on December 12, 2013.

## 2.0 Background

A series of reports related to the topic of delegated authority as it pertains to DPs and HAPs have been presented to Council over the past two years. The following sections summarize the related background.

### 2.1 Governance and Priorities Committee, April 5, 2012

The *Official Community Plan* (OCP) was presented to the GPC in April 2012 and, as part of these discussions, it was recognized that a new City-wide Development Permit Area (DPA 16) was proposed and that development proposals within this area would require a DP and would be subject to the current established DP Application process. As a result of this discussion, the GPC expressed a desire to more generally explore methods that would expedite the current processes for DPs and HAPs in all Development Permit Areas and, as a result, the following motion was approved:

*"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."*

Council endorsed this motion at its meeting on April 12, 2012.

### 2.2 Governance and Priorities Committee, June 21, 2012

On June 21, 2012, the GPC considered a report which explored several options in terms of delegating approval authority. These options can be summarized as follows:

- Option # 1 – No Delegation
- Option # 2 – Maintain Status Quo
- Option # 3 – Delegation (No Variances and Exclusions)
- Option # 4 – Delegation (No Variances)
- Option # 5 – Delegation (With Variances and Exclusions)
- Option # 6 – Full Delegation.

The GPC selected Option #5: Delegation (with Variances and Exclusions) as the preferred option for delegating DP and HAP approval authority and directed staff to:

1. Report back outlining a detailed approval process, staff resources, and application processing timelines; and
2. Report back with information regarding applications that had come before Committee and which applications would not come before Committee under Option #5, including with exclusion options.



Council endorsed this motion at its meeting on June 28, 2012.

### 2.3 Governance and Priorities Committee, December 12, 2013

On December 12, 2013, staff presented a report to the GPC recommending approval of an approach for the delegation of DPs and HAPs. This approach identified criteria to determine which applications would be referred to Council and which would be delegated to staff for consideration. In response to the recommendation, the GPC raised concerns relating to the degree of delegation being proposed and made the following motion:

1. *That Committee refer Delegation of Development Permits and Heritage Alteration Permits to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and indication whether or not Public Hearings would be held, and;*
2. *For staff to report back and respond to issues and concerns identified by Committee at today's discussion.*

This report and the subsequent workshop respond to this motion.

### 3.0 Format and Content of Workshop

The purpose of the workshop is to discuss an approach for the delegation of DPs and HAPs. As directed by the GPC at their meeting on December 12, 2013, this approach should result in a lesser degree of delegation than previously recommended.

The proposed workshop format will be arranged so that staff will provide information on a series of topics and then facilitate the Committee through a series of questions that are key to determining an approach to delegation that responds to Council's wishes and concerns. The workshop agenda is listed below and the following sections provide greater detail on each item:

- Background
- DPs and HAPs that were subject to a non-statutory Hearing
- Review Delegation Options 1-6
- Recommended approach involving a lesser degree of delegation
- Summary of discussions and next steps.

#### 3.1 Background

The project background is summarized in Section 2 of this report. At the workshop, staff will provide a further overview of the events leading to the workshop.

#### 3.2 Development Permits and Heritage Alterations Permits that were subject to a Non-statutory Hearing

At its meeting of December 12, 2013, the GPC members were presented with data from 114 DPs and HAPs processed between January 2009 and July 2012. This data identified which of these applications would have been delegated and which would have been referred to Council, in accordance with the delegation option recommended by staff. In response to this information, the GPC expressed concerns related to the resulting degree of delegation and also enquired as to which applications would be subject to a non-statutory Hearing. It should be noted that DPs and HAPs are only subject to a non-statutory Hearing and a 30-day Community Association Land Use



Committee (CALUC) consultation where a variance to the *Zoning Regulation Bylaw* is proposed.

The original data table included in Appendix A has been updated to identify which applications would be subject to a non-statutory Hearing. The key data, as it relates to public consultation in the process, is summarized below:

	Under Current Process	Under Delegation Option
<b>Percentage of DP &amp; HAP Applications</b> (114 between Jan. 2009 and July 2012) <b>referred to a non-statutory Hearing</b>	36%	13%
<b>Percentage of DP &amp; HAP Applications</b> (114 between Jan. 2009 and July 2012) <b>referred to a CALUC</b>	36%	36%
<b>Percentage of DP &amp; HAP Applications</b> (114 between Jan. 2009 and July 2012) <b>subject to a Rezoning Application</b> (with statutory Public Hearing) <b>within 12 months of the subsequent DP or HAP approval</b>	17%	17%

### 3.3 Reviewing Delegation Options 1-6

Staff previously explored with Council several options for delegating approval authority for DPs and HAPs. The full range of options were presented in a report to GPC on June 21, 2012, as follows:

#### Option #1 – No Delegation

- Council are the approval authority for all DPs and HAPs, including minor and major applications. No delegation to staff.

#### Option #2 – Maintain Status Quo

- Continue with existing DP and HAP processes.
- Staff are the delegated approval authority for minor DPs and HAPs, as well as shoreline alterations within Development Permit Area 29, Victoria Arm – Gorge Waterway, which is an ecologically sensitive area.
- Council are the approval authority for all non-minor DP and HAP Applications.

#### Option #3 – Delegation (No Variances and Exclusions)

- Approval authority for DPs and HAPs with no variances is delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (e.g. Old Town, Inner Harbour) and projects of a certain size or other criteria (e.g. over a specified density, height or floor area).
- Council is the approval authority for all DPs and HAPs which include a variance.

#### Option #4 – Delegation (No Variances)

- Approval authority for all DPs and HAPs with no variances are delegated to staff.
- Council is the approval authority for all DPs and HAPs which include a variance.
- Under this option, no part of the City would be excluded from delegated authority.



Therefore, if an application had no variances, it would be delegated to staff regardless of its location.

Option #5 – Delegation (With Variances and Exclusions)

- Approval authority for DPs and HAPs with or without variances are delegated to staff.
- Certain exclusions may apply where applications require Council approval. Exclusions, which would be established by Council, could include certain areas of the City (e.g. Old Town, Inner Harbour) and projects of a certain size or criteria (e.g. over a specified density, height or floor area).

Option #6 – Full Delegation

- Full delegation of all DP and HAP Applications to staff.

The GPC selected Option #5: Delegation (with Variances and Exclusions) as the preferred option for delegating DP and HAP approval authority and, as directed by Council, staff presented a detailed delegation option including approval processes and process timelines to the GPC on December 12, 2013. In response to the staff report, Council raised concerns relating to the amount of delegation being proposed and directed staff to devise an alternate formula involving a lesser degree of delegation.

The workshop will re-examine Delegated Options #1-6 and allow for discussions that will inform a new formula for delegation. However, staff recommend to Council that a more stringent version of Option #5 should be considered for the following reasons:

- Options #1 and #2 do not propose any additional delegation, over what currently exists, which is contrary to the original Council motion from April 12, 2012, which sought to investigate the potential for delegating the authority to consider DPs and HAPs to staff.
- Option #3 would require that all variances be referred to Council regardless of how minor a variance is, for example, an application proposing a one-stall parking variance or a minor setback variance would not be delegated to staff.
- Option #4 proposes that all applications are delegated unless a variance is proposed. In this Option, there are no exclusions related to geographic location or scale of development so, in some ways, this Option results in delegating potentially more sensitive applications to staff than Option #5. This is considered contrary to the Council motion from December 12, 2013, which directed staff to devise a formula resulting in a lesser degree of delegation.
- Option #5 offers the greatest degree of flexibility as it allows the delegation of certain DPs and HAPs, including those proposing a variance, subject to any criteria Council wishes to apply (for example, a criteria could be added which requires that development proposals are referred to Council if they exceed a certain percentage of change from the *Zoning Regulation Bylaw* standard). This allows Option #5 to be further refined in order to provide a lesser degree of delegation.
- Option #6 proposes delegation of all DPs and HAPs to staff which is contrary to the Council motion from December 12, 2013, which directed staff to devise a formula resulting in a lesser degree of delegation.

### 3.4 Recommended Approach

The main goal of the workshop is to discuss a new approach for the delegation of DPs and HAPs



that addresses the concerns raised by the GPC at their meeting on December 12, 2013. To facilitate this, staff have identified a number of decision points that will help guide discussion to bring forward a delegated option reflecting Council's direction. These decision points are presented in the form of criteria which could be used to determine when applications would be referred to Council and are summarized below.

Applications could be referred to Council under the following conditions:

- when written objections from one or more immediate neighbour(s) or the CALUC are received within the consultation period
- when the Mayor or a Councillor requests that an application be referred to Council
- if it is a HAP, unless the proposal is minor in nature
- if an application is located in the Core Inner Harbour/Legislative or Core Historic Urban Place Designations (as defined in the OCP), unless the proposal is minor in nature
- if it proposes a variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*, or where no numerical value is associated with the applicable regulation (i.e. regulations prohibiting rooftop patios)
- if it exceeds certain scale thresholds
- if Council approval of a bylaw and/or if the application proposes amendments to, or the discharge of a legal agreement
- if staff recommend it be declined
- if at the discretion of the Director of Sustainable Planning and Community Development it should be referred.

In addition to the above, staff recommend that Council delegate to staff the consideration of the the first application for the renewal of any DP or HAP that has not yet lapsed where the proposed plans are not substantially different from the previously approved plans and there has been no substantive change to relevant City policy and/or regulations since the time of the original approval.

Staff also recommend that any applications for temporary construction trailers be delegated as these are typically minor in nature, are required to support the construction of an approved development and will be removed from the site when construction is complete.

This list of delegation criteria is deliberately more extensive than that previously presented to the GPC and is intended to result in a lesser degree of delegation while addressing specific concerns raised by the GPC. At the workshop, staff will be working through these criteria with the PLUC to determine Council's direction towards delegation.

### 3.5 Next Steps

The main goal of the workshop is to establish an approach for a delegation option which proposes a lesser degree of delegation than was previously reviewed by Council and addresses concerns raised by the GPC. In the event that Council directs staff to pursue a form of delegation, staff are recommending that the PLUC direct staff to consult the public regarding the proposed delegation option and then report back to Council with the resulting feedback, the necessary bylaw amendments, resource issues, associated approval processes, implementation strategy, and monitoring plans. The following sections provide a brief overview of these considerations.



### 3.5.1 Amendments to City Bylaw and other Documentation

The City's *Land Use Procedures Bylaw* identifies procedures related to the consideration of DP and HAP Applications. In the event that Council pursues any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process.

In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

### 3.5.2 Streamlining Processes and Resource Issues

The key benefit to having delegated authority relates to application processing times and the associated benefits for applicants, as well as reducing the amount of Council's time that would be spent dealing with these smaller applications. Additionally, one of the key participant suggestion themes resulting from the Development Summit supported introducing delegated authority to staff. Section 3.5.3 of this report outlines a general process for delegated applications along with time frames.

Notwithstanding the time saving benefits for applicants, the implementation of any form of delegated authority will have initial resource implications, as staff amend existing bylaws and procedures. Once new procedures are in place, staff will still be required to undertake all the necessary analysis and documentation to ensure that decisions are sound and satisfactorily documented. Additionally, it is anticipated that a delegated option which involves referrals and community engagement will result in additional workload for administrative staff responsible for managing notification processes and correspondence resulting from public consultation. However, it should also be noted that some of these duties are currently undertaken within other Departments in the City so further exploration to determine how to align resources and workload if Council chooses to advance this type of delegated option would need to occur.

Another important factor in the discussion about resources is the increase in volume of applications that has occurred over the last two years. This can largely be attributed to positive market forces as evidenced in the table below which provides data on the increase in the number of Rezoning Applications that have been received since July 30, 2012. Rezoning Applications are also often accompanied by DP and/or HAP Applications. There have been no new regulations introduced through the OCP that would have directly triggered the need for this increase in Rezoning Applications.

Rezoning Applications				
July 30, 2010 to July 29 2011	July 30, 2011 to July 29 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	Increase since July 29, 2012
REZ 31	23	26	36	15%

To further illustrate the increase in the volume of applications, the table below identifies that the number of DP Applications alone has increased 111% over the same time period. In addition to positive market forces, this is also partly due to the new Development Permit Areas identified in the OCP. Application records indicate that 51 of the 95 DP Applications received since the adoption of the OCP were not previously located in Development Permit Areas. Of these 50 applications, 23 were associated with a Rezoning Application. The need for a DP Application to permit the development identified in the Rezoning Application still results in additional administrative workload and staff are also required to review the proposal for compliance with



Development Permit Area Guidelines and provide the applicant with appropriate feedback. An increase in the number of DP Applications has also resulted in additional work relating to the monitoring of development to ensure it is built in accordance with approved plans and processing Minor Development Permit Applications that are often necessary as Developers seek minor revisions to address unforeseen issues during the construction phase of a project. However, the increased volume of Development Permit applications was anticipated and acknowledged by Council at the time of the adoption of the OCP. As outlined in Section 2.1 of this report, in response to the Development Permit Areas identified in the OCP, Council directed staff to investigate the feasibility of delegating authority to issue DPs and HAPs in order to streamline and accelerate application processes.

**Development Permit, Development Permit Minor, Heritage Alteration Permit, and Heritage Minor Alteration Permit Applications**

	July 30, 2010 to July 29 2011	July 30, 2011 to July 29 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	Increase since July 29, 2012
DP	25	20	42	53	111%
DPM	70	50	64	62	5%
HAP	16	13	20	16	24%
HMA	12	18	29	27	87%
<b>Total</b>	<b>123</b>	<b>101</b>	<b>155</b>	<b>158</b>	<b>40%</b>

Should Council approve the form of delegated authority recommended in this report, it is anticipated that approximately two-thirds of all planning-related applications (Rezoning Applications, Development Variance Permits, Development Permits and Heritage Alteration Permits) would still be referred to Council. Staff workloads are unlikely to be reduced with the introduction of delegated authority as the level of analysis and documentation will remain at similar levels while overall administrative duties may increase; however, as stated earlier, processing timelines for applicants to receive a decision and Council agendas will be streamlined to some degree.

Based on the delegated process estimates attached to this report in Appendix B, it is estimated that where applications are supportable and no revisions or additional information is required, an approval could be issued for a DP Application or HAP Application with no variances within two to four weeks and, where a variance is proposed, in just over 30 days. However, this timeline could be significantly affected by the following factors:

- the complexity of a project
- whether the design needs to be altered significantly to meet application design guidelines
- whether additional supporting information (i.e. a parking study or other specialist consultant report) is required
- applicant response times to requests for amended plans and/or additional information
- whether or not a project needs to be reviewed by the Advisory Design Panel or Heritage Advisory Panel.

The actual timeline associated with these factors is not easily quantifiable, however, most of these issues are not unique to a delegated process.



### 3.5.3 External Consultation

As a next step, it will be important to consult the public regarding the preferred delegation option. It is envisaged that this consultation would take place in the form of an open house event. This event would be advertised in the newspaper, posted on the City website and individual written invitations would be sent to the Urban Development Institute (UDI) and all CALUCs.

However, it is recommended that Council first identify the form of a preferred delegation option prior to consulting externally so that the resulting feedback will be more focused. Staff would then report back to Council with the results of the stakeholder engagement along with suggested refinements based on the feedback received and a corresponding implementation strategy.

### 3.5.4 Implementation of Delegated Process

Subject to Council approving a form of delegation, it will be necessary to undertake an implementation strategy to ensure that:

- affected City processes, bylaws, and information are amended as necessary
- the City website is updated as necessary, with all revised documents and the list of DPs and HAPs is readily accessible
- customers (i.e. public, neighbourhood associations and developers) are aware of the process change in advance of the date that delegated authority takes effect
- a date has been identified for the delegated authority to take place and a transition plan for in-stream applications is established.

### 3.5.5 Monitoring

It is recommended that any new delegated process be monitored and that staff report back to Council regularly outlining the effectiveness of the changes made. If any issues arise outside of the regular reporting schedule, which cannot be dealt with administratively, they would be brought to Council's attention as quickly as possible.

## 4.0 Conclusion

The main goal of the workshop is to discuss a new approach for the delegation of DPs and HAPs that addresses the concerns raised by the GPC at their meeting on December 12, 2013. To facilitate this, staff have identified a number of decision points that respond to Council's request. These decision points are in the form of criteria which could be used to determine when applications would be referred to Council. This list of delegation criteria is deliberately more extensive than previously presented to the GPC and is intended to result in a lesser degree of delegation while addressing specific concerns raised by the GPC.

In the event that Council decides to advance a form of delegation following this workshop, staff are recommending that the Planning and Land Use Committee (PLUC) direct staff to consult the public regarding the proposed delegation option and then report back to Council with the resulting feedback, the necessary bylaw amendments, resource issues, associated approval processes, implementation strategy, and monitoring plans.



## 5.0 Recommendations

In the event that Council choose to advance an option for the delegation of Development Permits and Heritage Alteration Permits, that Council direct staff to:

- a. Consult the public regarding the delegation option and report back with the resulting feedback; and
- b. At the same time as reporting back with feedback from the public consultation exercise, report back with necessary bylaw amendments, resource issues, associated approval processes, implementation, and monitoring plans as outlined below.

## 6.0 List of Attachments

- Data table (applications considered from January 2009 to July 2012)
- Delegated Process and Timelines
- Staff report to the GPC dated December 12, 2013.

**Appendix A - Data Table**  
(Applications considered from January 2009 to July 2012)

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000149	301 Cook St	Yes	Yes	Delegated	No
DP#000150	1729 Oak Bay Ave	Yes	Yes	Delegated	No
DP#000151	947 Fort St	Yes	Yes	Delegated	No
DP#000152	325 Cook St	Yes	Yes	Delegated	No
DP#000153	919 Pandora Ave	No	No	Delegated	No
DP#000154	1007 Johnson St	No	No	Delegated	No
DP#000155	920 Pandora Ave	No	No	Delegated	No
DP#000156	810 Humboldt St	No	No	Delegated	No
DP#000157	787 Tyee Rd	Yes	Yes	Council	Yes
DP#000158	356 Harbour Rd	No	No	Delegated	No
DP#000160	350 Harbour Rd	Yes	Yes	Delegated	No
DP#000161	1701 Douglas St	No	No	Delegated	No
DP#000162	1234 Wharf St	Yes	Yes	Council	Yes
DP#000164	365 Waterfront Crescent	Yes	Yes	Delegated	No
DP#000165	770 Cormorant St	No	No	Delegated	No
DP#000166	370 Harbour Rd	Yes	Yes	Delegated	No
DP#000167	681 Herald St	Yes	Yes	Council	Yes
DP#000168	1932 Oak Bay Ave	No	No	Delegated	No
DP#000170	306 - 1665 Oak Bay Ave	No	No	Delegated	No
DP#000172	2780 Shelbourne St	Yes	Yes	Delegated	No
DP#000176	1620 Blanshard St and 733-741 Fisgard St	No	No	Delegated	No



APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000177	1992 Fairfield Rd	No	No	Delegated	No
DP#000180	728 Humboldt St	No	No	Delegated	No
DP#000182	895 Fort St	Yes	Yes	Delegated	No
DP#000183	351-355 Cook St and 1101-1107 Oscar St	No	No	Delegated	No
DP#000187	923 Burdett Ave	No	No	Delegated	No
DP#000188	840 Fort St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000189	814 Wharf St	No	No	Delegated	No
DP#000190	4-2631 Quadra St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000193	1 Dallas Rd	Yes	Yes	Delegated	No
DP#000195	608 Broughton St	No	No	Council	No
DP#000196	555/575 Pembroke St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000197	1308 Gladstone Ave	Yes	Yes	Delegated	No
DP#000198	1719 Davie St	No	No	Delegated	No
DP#000201	1701 Douglas St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000203	849 Fort St	No	No	Delegated	No
DP#000204	1310-1314 Waddington Alley	No	No	Council	No
DP#000205	771 Central Spur Rd - Lot E	No	No	Delegated	No
DP#000206	658-670 Herald St	Yes	Yes	Council	Yes
DP#000207	517 Fiskard St	Yes	Yes	Council	Yes

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000208	15/21 Gorge Rd East	Yes	Yes (Public Hearing for Rezoning)	Council	Yes
DP#000209	1000 Wharf St	Yes	Yes	Council	Yes
DP#000211	95 Esquimalt Rd	No	No	Delegated	No
DP#000212	211-213 Robertson St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000214	740 Hillside Ave	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000215	847 Fort St	No	No	Delegated	No
DP#000216	452 Moss St	Yes	Yes	Delegated	No
DP#000217	254 Belleville St	Yes	Yes	Council	Yes
DP#000219	1029 View St	No	No	Delegated	No
DP#000221	640 Michigan St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000223	2551 Quadra St	Yes	Yes	Delegated	No
DP#000224	240 Cook St / 1035 Suttlej St	No	No	Delegated	No
DP#000225	230 Cook St	No	No	Delegated	No
DP#000228	187/189 Dallas Rd	No	No	Delegated	No
DP#000229	1284-98 Gladstone/ 2002-2004 Fernwood	No	No	Delegated	No
DP#000230	257 Belleville St	No	No (Public Hearing for Rezoning)	Council	No
DP#000231	1090 Johnson St	No	No	Delegated	No



APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000233	355 Cook St	Yes	Yes	Delegated	No
DP#000234	15 & 21 Gorge Rd E.	Yes	Yes (Public Hearing for Rezoning)	Delegated	No
DP#000235	1580 Hillside Ave	No	No	Delegated	No
DP#000237	1249 Richardson St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000238	1255 Richardson St	No	No (Public Hearing for Rezoning)	Delegated	No
DP#000239	726-46 Yates St	Yes	Yes (Public Hearing for Rezoning)	Delegated	No
DP#000241	615 & 623 Fort St	Yes	Yes (Public Hearing for Rezoning)	Council	Yes
DP#000243	740 Hillside Ave & 747 Market St	Yes	Yes (Public Hearing for Rezoning)	Delegated	No
DP#000244	2560 Quadra St	Yes	Yes	Delegated	No
DP#000245	195 Bay St	No	No	Delegated	No
DP#000246	1310-1314 Waddington Alley	Yes	Yes	Council	Yes
DP#000248	755 Caledonia Ave	Yes	Yes	Delegated	No
DP#000249	787 Tyee Rd	No	No	Delegated	No
DP#000250	341 Cook St	No	No	Delegated	No
DP#000251	615 & 623 Fort St	No	No	Delegated	No
DP#000252	658-662 Herald St	Yes	Yes	Council	Yes
DP#000253	2269 Douglas St	Yes	Yes	Delegated	No

APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
DP#000254	640 Fiskard St	No	No	Council	No
DP#000255	606 & 612 Speed Ave	Yes	Yes	Council	Yes
DP#000256	2748 & 2750 Shelbourne St	No	No	Delegated	No
DP#000263	1580-1644 Hillside Ave	No	No	Delegated	No
DP#000264	730 Vancouver St	Yes	Yes	Delegated	No
DP#000268	640 Michigan St	Yes	Yes	Delegated	No
DP#000269	1580-1644 Hillside Ave	No	No	Delegated	No
HAP#00089	1116 Government St	No	No	Delegated	No
HAP#00090	620 Humboldt St	No	No	Delegated	No
HAP#00091	538 Yates St	No	No	Delegated	No
HAP#00092	705-711 Johnson St	No	No	Delegated	No
HAP#00096	100 Cook St	No	No	Delegated	No
HAP#00098	900-920 Douglas St	No	No	Delegated	No
HAP#00100	1509 Rockland Ave	No	No	Delegated	No
HAP#00099	151 Oswego St	Yes	Yes (Public Hearing for Rezoning)	Delegated	No
HAP#00103	719-725 Yates St	Yes	Yes	Delegated	No
HAP#00108	705-711 Johnson St	No	No	Delegated	No
HAP#00107	923 Burdett Ave	No	No	Delegated	No
HAP#00109	550-562 Yates St	Yes	Yes	Council	Yes
HAP#00111	1161 Fort St	Yes	Yes	Delegated	No
HAP#00112	1952 Bay St (Pemberton Memorial Operating Theatre)	No	No	Council	No
HAP#00113	138 Dallas Rd	No	No (Public Hearing for Rezoning)	Delegated	No
HAP#00115	517 Fiskard St, 528-532 Pandora Ave	No	No	Delegated	No



APPLICATION NO.	ADDRESS	WAS THERE A VARIANCE PROPOSED?	WAS A NON-STATUTORY HEARING HELD?	WOULD THIS BE A DELEGATED OR A COUNCIL DECISION UNDER THE RECOMMENDED DELEGATION OPTION?*	WOULD A NON-STATUTORY HEARING BE REQUIRED UNDER THE RECOMMENDED DELEGATION OPTION?*
HAP#00117	100 Cook St (Beacon Hill Park)	No	No	Delegated	No
HAP#00118	1312-1314 Government St	Yes	Yes <i>(Public Hearing for Rezoning)</i>	Council	Yes
HAP#00120	523 Trutch St	No	No <i>(Public Hearing for Rezoning)</i>	Delegated	No
HAP#00123	536-540 Pandora Ave & 4, 10-14 Fan Tan Alley	No	No	Council	No
HAP#00124	912 Vancouver St	No	No	Delegated	No
HAP#00125	468 Belleville St	No	No	Delegated	No
HAP#00127	611 Vancouver St	Yes	Yes	Delegated	No
HAP#00130	540 Johnson St	No	No	Delegated	No
HAP#00129	1001 Terrace St	No	No	Delegated	No
HAP#00131	738-740 Yates St	No	No	Delegated	No
HAP#00134	566-570 Yates St	No	No	Council	No
HAP#00135	1001 Douglas St	No	No	Delegated	No
HAP#00138	1770 Rockland Ave	Yes	Yes	Council	Yes
HAP#00139	835 Humboldt St (St. Ann's Academy)	No	No	Delegated	No
HAP#00140	1020 Catherine St	No	No	Delegated	No
HAP#00141	538 Yates St	No	No	Council	No
HAP#00143	909 Government St	No	No	Delegated	No

\* the "recommended delegation option" refers to the option presented to GPC on December 12, 2013

## Appendix B - Delegated Process and Timelines

The following is a description of the likely DP Application and HAP Application processes should Council delegate authority to staff to approve these types of permits. The process time frame could vary significantly depending on the complexity of an application, whether or not Advisory Design Panel or Heritage Advisory Panel review is appropriate, or how quickly the applicant responds to suggestions from staff or requests for information. It should also be noted that applications which are excluded from Delegated Authority would continue to be reviewed under the current established process.

Following application submission, DP Applications and HAP Applications would follow the delegated process outlined below:

### *I. Staff Review of Application*

The application would be reviewed by the relevant City Departments. A weekly list of DP and HAP Applications received would be prepared for Council's review as well as being posted on the City's website. Staff would review the application against the relevant policy, design guidelines, bylaws, and any other pertinent regulations to determine whether the project can be supported. Staff from the various Departments would hold a "Technical Review Committee" (TRC) meeting to discuss the application and identify any issues. The TRC minutes would then be sent to the applicant clearly identifying any outstanding issues that need to be resolved (if any) prior to a decision being made.

Estimated time: 2 - 4 weeks

### *II. Community Consultation (only when a Variance is proposed)*

If a DP Application or HAP Application includes variances, the application could be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days (consistent with current practice). A notice would also be posted at the application site advertising the proposal and the owners and occupiers of adjacent parcels would be notified of the application in writing. The notice posting and adjacent neighbour consultation currently occurs 10 days prior to the Hearing, therefore, in the absence of a Hearing, this consultation would occur concurrently with the CALUC referral. A decision would not be made by staff during this consultation period.

Staff will consider any comments received regarding the DP or HAP with variances in the 30-day consultation period, prior to issuing a decision.

Estimated Time: 5 weeks (if a variance is proposed)

### *III. Applicant Responds to Outstanding Issues*

Staff comments, as outlined in the TRC minutes, could require that the applicant submit amended plans and/or additional information to support the application. It often takes the applicant several weeks to make plan revisions and submit a revised application package to the City, although this very much depends on the range and significance of



the issues that need to be addressed and the applicant's response time, both of which cannot be accurately anticipated.

This process may not be required if no issues are raised in relation to the review of the initial submission.

Estimated time: 2 - 8 weeks

#### *IV. Staff Review of Revised Plans*

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that they are in a position to make a decision.

Estimated time: 2 weeks (based on a single iteration of revised plans being required)

#### *V. Advisory Design Panel or Heritage Advisory Committee Review*

Subject to the nature of the application (e.g. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development Department, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Panel for review and input. Staff would prepare a report to the Panel or Committee, prepare an agenda, attend the meeting, provide a brief presentation and, subsequently, a motion from the meeting would be prepared.

Given the nature of the delegation criteria identified in the staff recommendation (e.g. only relatively minor HAPs would be delegated and DP proposals that exceed certain thresholds based on scale would be referred to Council), it is likely that more significant and/or complex applications would be referred to Council in the first instance and relatively few delegated applications would merit referral to Advisory Design Panel or Heritage Advisory Panel.

Estimated time: 2 - 4 weeks (dependent on monthly meeting schedule)

#### *VI. Design Revisions*

If an application goes before the Advisory Design Panel or Heritage Advisory Panel, there may be design changes as a result of suggestions by the Panel or Committee. Staff would need to conduct a review of any design changes. Again, the timeline associated with this process could vary significantly depending on the applicant's response time.

Estimated time: 2 - 4 weeks

#### *VII. Staff Decision*

When it is determined by staff that the application is acceptable and should be approved, a Decision Letter would then be prepared clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

## 5.2 Official Community Plan Amendment, Rezoning Application # 00446 and Development Permit Application # 000365 for 2328 Richmond Road

Committee received a report dated September 18, 2014 that provided information, analysis and recommendations regarding and *Official Community Plan* (OCP) Amendment, Rezoning Application and Development Permit Application for the property located at 2328 Richmond Road. The proposal is to allow a 12 unit residential development.

**Action:** It was moved by Councillor Gudgeon, seconded by Councillor Isitt, that Committee recommends that Council decline this *Official Community Plan* Amendment and Rezoning Application #00446 for 2328 Richmond Road.

CARRIED UNANIMOUSLY 14/PLUC0246

Committee discussed:

- Whether the parking variance requested is too extreme for this area.
- The practicality of the car share amenity given limited on-street parking.
- Land assembly as a better outcome.
- The design of the proposed building.
- Concerns on shadowing from the adjacent hospital.
- Whether the building is keeping with the Traditional Residential as desired by OCP; not a good transition from the hospital's massing.
- That there needs to be some anticipation of future development for this area as a transition from the hospital.
- The impact to having affordability of higher density building with underground parking.
- The constraint of such a small site.

*Committee Recessed at 10:14 a.m.*

*Committee Reconvened at 10:19 a.m.*

## 5.3 Delegation of Development Permits and Heritage Alteration Permits

Committee received a report dated September 4, 2014 that provided Committee with an introduction, as well as further analysis, regarding a workshop which will explore the potential delegation of Development Permit (DP) and Heritage Alteration Permit (HAP) Applications to staff for decision.

Committee discussed the proposed procedures of the delegation proposal:

9. The Director has the discretion to refer applications to Council.
  - Concerns on how discretion will be used from application to application.
  - Concerns on how to explain to the public how this discretion is exercised.
  - Council's confidence in the Director to pull applications that fit all criteria; dealing with unexpected issues.

Mayor Fortin requested that Committee indicate their support for item #9. All Committee were in support of this direction.



- Concerns that a new Council member may have different opinions on applications that were approved in the previous term.

Mayor Fortin requested that Committee indicate their support for item #10. All Committee members were in support of this direction.

3. Any Council member can request to have an application referred within one week of receiving notice that an application has been delegated. Bi-weekly lists of delegated applications would be provided to Council.
  - Concerns that one Council member can override the majority; there needs to be a minimum of two or more Council members to refer applications.
  - Establishing a timeline to refer an application as engaging with the community and fellow Councillors can take time.
  - Concerns that it may politicize the entire process, and erode the delegation.
  - Having applications referred by Council is likely to be a rare occurrence; however, the policy could be reconsidered if the override of delegated authority is being over used.
  - That full staff reports should not be required if the recommendation is to decline.
  - All conversations regarding referring a proposal need to be public.
  - The lists of delegated applications could be added to the PLUC agenda.
  - Support the need for amendments to both policies and bylaws to pass this motion.
  - That the public will need the opportunity to speak to the delegation proposal.

**Action:** It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Committee directs staff to provide a list of proposed delegations, that within 10 days any Councillor may give a notice of motion, motion being that the item not be delegated but instead go through the full process and that motion to be debated at the next subsequent Planning and Land Use Meeting.

CARRIED UNANIMOUSLY 14/PLUC0247

**Action:** It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended:  
That Committee directs **staff to provide the list on the agenda for the Planning And Land Use Committee Meeting** of proposed delegations, that within 10 days any Councillor can give a notice of motion, motion being that the item not be delegated but instead go through the full process and that motion to be debated at the next subsequent Planning and Land Use Meeting be amended

On the amendment:

CARRIED UNANIMOUSLY 14/PLUC0248

Discussion on the main motion:

- The 10 days in the original motion is no longer valid with the amended motion.

On the main motion:  
CARRIED 14/PLUC0252

**Action:** It was moved by Councillor Isitt, seconded by Councillor Alto, that staff report back in one year on the delegation.

CARRIED UNANIMOUSLY 14/PLUC0253

Discussion on the motion:

- If member wishes to pull an application from the delegation list is Council required to decide the same day the agenda is published?

**Action:** It was moved by Mayor Fortin, seconded by Councillor Alto, that an application is to be pulled from delegation on the day the agenda is published.

CARRIED UNANIMOUSLY 14/PLUC0254

Further discussion:

- When does the notice of motion need to be submitted?
- If the proposal was not pulled at the Planning and Land Use Committee then there is also a chance to pull at the Council meeting.
- There needs to be more clarity on the timeline so staff are clear when an application has not been referred.
- Everyone needs to be aware in advance that there is going to be a challenge to the delegation.
- The notice of motion needs to be given at the meeting with the list so that the motion can be discussed at the subsequent meeting.

The Committee noted that this delegation proposal should be adjourned to allow staff to work through some of the implications of today's direction. There are a number of items that still need to be discussed with Council before public feedback is sought.

## 5. ADJOURNMENT

**Action:** It was moved by Councillor Helps, seconded by Councillor Coleman, that Committee adjourn the Planning & Land Use Committee meeting of October 2, 2014, at 12:19 p.m.

CARRIED UNANIMOUSLY 14/PLUC0255

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Mayor Fortin, Chair





## Governance and Priorities Committee Report

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**Date:** November 8, 2013      **From:** Jim Handy, Development Agreement Facilitator  
**Subject:** Delegation of Development Permit and Heritage Alteration Permit Applications

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### Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations in response to a Council motion directing staff to outline a detailed approval process, staff resources and application processing timelines associated with an option for delegating the authority to staff to approve Development Permits (DPs) and Heritage Alteration Permits (HAPs).

On June 21, 2012, a report was presented to the Governance and Priorities Committee (GPC) whereby staff had explored several options for Council's consideration in terms of delegating approval authority for DPs and HAPs. The GPC requested that staff further investigate Delegation Option #5 which involved the delegation of all DPs and HAPs, including those proposing a variance, with certain exclusions. An analysis of possible exclusion options was also requested in addition to information regarding applications that had previously come before Council but would not come before Council under Delegation Option #5. Council endorsed this motion on June 28, 2012.

This report responds to the issues raised in the Council motion and also discusses the following:

- community involvement in the delegated process
- a plan to implement the delegated process.

### Recommendation

1. That Council identify the following Delegation Option as the preferred option:
  - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
    - i) Minor Development Permit and Minor Heritage Alteration Permit applications,
    - ii) Development Permit applications for development in Development Permit Area 8, Victoria Arm – Gorge Waterway, and
    - iii) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling or duplex;

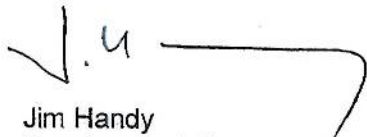
- (b) Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
- i) applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the *Official Community Plan*) that:
    - propose a variance
    - propose a new building exceeding 100 m<sup>2</sup> floor space
    - propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater
    - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register,
  - ii) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
  - iii) Any applications which require Council approval of a bylaw not associated with:
    - a Housing Agreement
    - a Heritage Designation
    - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
  - iv) Any applications that would propose an amendment to or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement;
- (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development, where:
- i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
  - ii) there has been no substantive change to the City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
- (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct staff to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.



Governance and Priorities Committee  
Delegation of Development Permits and Heritage Alteration Permits

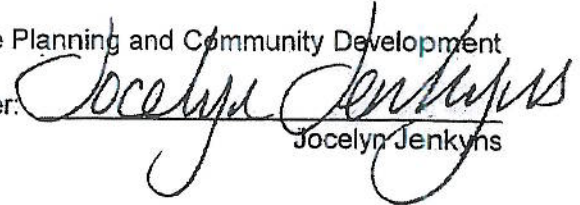
November 8, 2013  
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Respectfully submitted,

  
Jim Handy  
Development Agreement  
Facilitator

  
for  
Deb Day  
Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

  
Jocelyn Jenkyns

JH:aw

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## 1.0 Purpose

The purpose of this report is to provide Council with information, analysis and recommendations in response to a Council motion directing staff to outline a detailed approval process, staff resources and application processing timelines associated with an option for delegating the authority to staff to approve Development Permits (DPs) and Heritage Alteration Permits (HAPs).

Council also requested an analysis of possible exclusion options from delegated authority and information regarding applications that had previously come before Council but would not come before Council under Delegation Option #5 (Delegation with Variances and Exclusions).

## 2.0 Background

The proposed *Official Community Plan* (OCP) was presented to the Governance and Priorities Committee (GPC) on April 5, 2012. As part of the discussions relating to the proposed OCP, it was recognized that a new City-wide Development Permit Area (DPA 16) was proposed and that development proposals within this area would require a DP and be subject to the current established DP application process.

As a result of this discussion, the GPC expressed a desire to more generally explore methods that would expedite the current processes for DPs and HAPs in all Development Permit Areas and, as a result, the following motion was approved:

*"Be It Resolved that Council direct staff to investigate the feasibility of delegating authority to staff to issue development permits and heritage alteration permits in order to streamline and accelerate the development permit and heritage alteration permit application processes and to prepare a report for Council's consideration outlining a range of delegation options."*

On June 21, 2012, the GPC considered a report (attached as Appendix 4) which explored several options in terms of delegating approval authority. These options can be summarized as follows:

- Option # 1 – No Delegation
- Option # 2 – Maintain Status Quo
- Option # 3 – Delegation (No Variances and Exclusions)
- Option # 4 – Delegation (No Variances)
- Option # 5 – Delegation (With Variances and Exclusions)
- Option # 6 – Full Delegation.

The GPC recommended that Council select Option #5: Delegation (with Variances and Exclusions) as the preferred Option for delegating DP and HAP approval authority and directed staff to:

1. Report back outlining a detailed approval process, staff resources and application processing timelines; and
2. Report back with information regarding applications that had come before Committee and which applications would not come before Committee under Option #5, including with exclusion options.



Council endorsed this motion at its meeting on June 28, 2012.

## 2.1 Relevant Provincial Legislation

Where development is proposed on a property located within a designated Development Permit Area and that development is not specifically exempted in the OCP, a DP is required. If the proposal results in a variance or variances to the *Zoning Regulation Bylaw* (that does not relate to land use or density) then the application is considered as a DP with variance(s).

Where a development is proposed which does not require a DP (for example a single family dwelling in Development Permit Area 16: General Form and Character) but would result in a variance or variances to the *Zoning Regulation Bylaw* then a Development Variance Permit (DVP) application is required.

When reviewing a DP application, matters such as the form and character of the development, building appearance and landscaping are considered whereas, when determining a DVP, only the matter of a variance from the *Zoning Regulation Bylaw* is under consideration.

Section 154 of the *Community Charter* and Section 920 of the *Local Government Act* enable Council to delegate its authority to approve DPs and HAPs. This delegated approval authority includes the authority to approve DPs and HAPs with variances. However, the *Local Government Act*, in Section 922 (8), is clear that Council cannot delegate the authority to approve DVPs:

*"As a restriction on section 176 (1) (e) [corporate powers - delegation] of this Act and section 154 [delegation of council authority] of the Community Charter, a local government may not delegate the issuance of a development variance permit."*

The reason for this is that DPs are governed by previously approved Council policy in the form of the OCP, Neighbourhood Plans and adopted design guidelines. As such, any delegated authority must be exercised within the limits of the established guidelines that have been approved by Council. There are no previously approved guidelines in the context of DVPs and Council must make these decisions on a case by case basis.

While the Director of Sustainable Planning and Community Development would have authority to decline a DP application or HAP application under delegated authority, the *Local Government Act*, in Section 920 (12), entitles the owner of the land subject to a DP decision to have Council reconsider the matter. Therefore, in the event staff decide that a DP application is not supportable, a Decision Letter would be issued outlining the rationale for this decision. Following the issuance of this letter, an applicant would have to apply to the City to have Council reconsider the application within a specified timeline. For clarification, this right of appeal is solely limited to the owner of the land subject to that decision, or an agent authorized to act on behalf of the owner, in the event that the Director of Sustainable Planning and Community Development declines a DP application under delegated powers.

Under this appeal process, staff would prepare a brief report to Council attaching the decision letter, the appeal request from the property owner or their agent and any comments received as part of any community consultation. There is no legal requirement to hold a Public Hearing in association with this appeal process.



The *Local Government Act* does not give the same reconsideration provisions to HAPs and, therefore, staff would have outright authority to decline applications where, in the opinion of staff, the proposal would not be consistent with the purpose of the heritage protection of the property. However, under the *Community Charter*, "a council may establish any terms and conditions it considers appropriate" when delegating its powers to "an officer or employee of the municipality" and, as such, Council may consider applying similar reconsideration procedures to both HAPs and DPs.

Where a DP or HAP proposes a variance, any part of the *Zoning Regulation Bylaw* can be varied with the exception of land use and density. For land use and density changes, a Rezoning application would be required. This would require Council review and a Public Hearing. Section 154 (2) (a) of the *Community Charter* states that a Council may not delegate the making of a bylaw and, therefore, staff cannot be delegated the authority to approve Rezoning applications.

It should be noted that, given the aforementioned clause in the *Community Charter*, in the event that a development proposal associated with a DP and/or HAP requires the making of a bylaw (e.g. in association with a Housing Agreement), the bylaw itself must be approved by Council. Given this legal requirement, staff recommend that where an application meets the criteria for delegated authority and requires the making of a commonly used standard bylaw, such as a Housing Agreement, Heritage Designation or Heritage Revitalization Agreement (HRA), then the decision to approve the application will continue to be delegated but the bylaw will be referred to Council for approval. Where any other bylaw is required or a HRA proposes a variance to the *Zoning Regulation Bylaw* affecting land use or density, then both the application and the bylaw would be referred to Council for approval. However, should Council decide that the consideration of the application and the associated bylaw should not be separated then an alternative option is provided in section 3.4.3 of this report.

In light of the above, delegated options are limited to the consideration of DPs and HAPs, including those that propose a variance.

## 2.2 Land Use Procedures Bylaw

The City's *Land Use Procedures Bylaw* outlines procedures for determining applications relating to land use (Rezoning applications, DPs, DVPs, HAPs etc.), public meetings, sign posting, details of application fees and refunds and, amongst other items, the authority of staff to make delegated decisions. The delegation of authority is currently limited to:

- applications made for a DP or HAP for a single family dwelling or duplex or any class of development identified by Council
- when an application is made for a DP for a development in Development Permit Area 29, Victoria Arm – Gorge Waterway, under the OCP
- minor amendments to Council-approved DP and HAPs.

It should be noted that Development Permit Area 29 is now referred to as Development Permit Area 8, Victoria Arm – Gorge Waterway in the new OCP and the *Land Use Procedures Bylaw* will be updated to reflect this.



The retention of this delegated authority is reflected in the staff recommendation. Amendments to this bylaw would be required if Council decides to pursue the option of delegating additional decision-making powers to staff.

### 2.3 Current Process

A summary of the City's current DP application and HAP application processes are attached as Appendix 1 with an associated flowchart. The process time frame can only be approximated as it can vary greatly depending on the complexity of an application, whether or not the project involves variances or how quickly the applicant responds to staff suggestions and requests for information.

### 3.0 Council's Preferred Delegated Option (Option 5 – Delegation with Variances and Exclusions)

#### 3.1 Analysis and Exclusions

To support the analytical component of this work, staff reviewed all DP and HAP applications submitted from January 2009 until July 2012. The following data was collected from those files where available:

- file reference number
- address
- description of proposal
- the neighbourhood area applicable to the application site
- the Urban Place Designation (as defined in the new OCP) as applicable to the application site
- whether a variance was approved by Council
- the degree of variance (measured by percentage) from the *Zoning Regulation Bylaw* standard
- proposed Floor Space Ratio (FSR)
- proposed number of residential units (approved)
- proposed floor area
- the staff recommendation
- the Council decision.

As they did not represent a complete data set, information was not collected from applications which, at the time of data collection, had not been considered by Council (this included applications under review, applications reviewed or withdrawn and those converted to Minor DPs). At the time the statistics were collected, the new OCP had not yet been adopted and, as such, DVPs that would now fall under Development Permit Area 16 and would now be required to be considered as DPs with Variances, were not assessed. Furthermore, DPs issued as part of proposals relating to a small lot rezoning were not assessed as they do not generate a specific DP file reference.

On the basis of the available data, the following key points were identified:

- 114 DPs and HAPs were considered by Council

- more than half of all HAPs considered related to addresses in the Downtown neighbourhood area; the majority of these were situated within the Core Historic Urban Place Designation as defined in the new OCP
- almost half of all DP and HAP applications related to addresses in just two neighbourhoods; the largest share of applications (32%) were situated within the Downtown neighbourhood area, followed by the Fairfield neighbourhood (16%)
- 39% of all DPs and HAPs considered by Council proposed a variance from the *Zoning Regulation Bylaw* (conversely 61% of all applications analyzed did not propose a variance)
- 72% of all variances allowed were related to parking and setbacks; half of these allowed a variance that was 50% or greater from the requirements outlined in the applicable section of the *Zoning Regulation Bylaw*
- In terms of decision-making;
  - Council moved the staff recommendation, without amendments, on 96 occasions
  - the staff recommendation was amended (but the decision to approve or decline was consistent with the recommendation) on 11 occasions
  - Council reversed the staff recommendation to decline an application on 6 occasions
  - Council reversed the staff recommendation to approve an application on 1 occasion.

Further detailed information relating to this data is attached as Appendix 2 to this report.

### 3.2 Possible Exclusions from Delegated Authority

Council requested that staff investigate a delegation option where authority would be given to staff to determine all DP and HAP files, including those proposing a variance, with the exception of applications meeting certain criteria which would then be excluded. Applications which were "excluded" from Delegated Authority would be referred to Council for decision. There are several criteria that could be used to identify possible exclusions. These could include:

- specific variance types (i.e. building height, setbacks, etc.)
- variances which exceed a specified threshold (i.e. a 10% variance from the *Zoning Regulation Bylaw* standard)
- geographic areas (i.e. Old Town, Inner Harbour, etc.)
- developments based on scale (i.e. number of residential units, floor area, height, etc.)
- specific uses (i.e. those that may be deemed to be potentially more sensitive in nature)
- Heritage-Designated buildings or buildings listed on the Heritage Register
- DP and HAP renewals
- DP and HAP applications that propose an amendment to, or the discharge of, an existing Master Development Agreement (MDA), Section 219 Covenant or other legal agreement.

Some of the above exclusion options may not be appropriate for the reasons outlined below.



**3.2.1 Exclusion of Developments from Delegated Authority based on Scale Alone**

It is considered that scale alone is not always a good indicator of planning sensitivity. For example, a building which is 10 storeys tall may or may not be considered tall subject to its context. Such a building may be proposed in a zone which allows for a significantly taller building and may be within an area characterized by taller buildings. The same issue could apply when considering floor space ratio.

The number of residential units is also not considered to be a good indication of scale. For example, as a result of a smaller footprint, 20 bachelor studios could potentially be situated in a similar sized or smaller building than 10 two or three-bedroom apartments.

Staff considered that scale, in terms of height and massing and the degree of variance proposed from the *Zoning Regulation Bylaw*, would be more effective in terms of assessing planning sensitivities. The rationale for this is outlined in Section 3.3.3 of this report.

**3.2.2 Exclusion of Specific Uses from Delegated Authority**

Staff do not think it is appropriate to exclude specific uses from delegated authority based on potential sensitivity. A use which may appear less sensitive, such as a residential dwelling, may generate a great degree of local concern, whereas more traditionally sensitive operations may not raise significant levels of concern within a specific context (i.e. within a non-residential context). Furthermore, land use is not a DP consideration and, hence, if the *Zoning Regulation Bylaw* permits a specific use, the appropriateness of that use is not in question at the DP stage.

**3.2.3 Exclusion of Heritage-Designated Buildings or Buildings Listed on the Heritage Register**

Several of the HAPs approved by Council since the beginning of 2009 proposed relatively minor building renovations (for example, storefront repairs, replacement windows, etc.). As these may be projects that can have a positive impact, in terms of the longevity of heritage resources in the City, it may be beneficial to expedite these applications if possible.

**3.3 Proposed Exclusions from Delegated Authority and Rationale**

Staff have identified a rationale for four exclusion criteria that could be implemented and these are:

- geographic exclusion from delegated authority (with delegation of specific DPs and HAPs that are relatively minor in nature)
- exclusion of variances from delegated authority to allow Council to consider potential building height and massing impacts
- renewal of DPs and HAPs that have not lapsed where the plans do not significantly differ from those previously approved.
- DP and HAP applications that propose an amendment to, or the discharge of legal agreements.



**3.3.1 Rationale for Delegated Authority with Geographic Exclusions**

The Downtown neighbourhood of Victoria makes up the heart of the region's Metropolitan Core and functions as the regional centre for business, employment, culture, entertainment and tourism. The Downtown consists primarily of three Urban Place Designations as identified in the OCP, including Core Historic, Core Inner Harbour/Legislative District and Core Business. These areas are identified in the map attached as Appendix 5.

The Core Inner Harbour/Legislative District is recognized both locally and internationally for its picturesque quality, vitality and character. Its waterfront setting attracts tourists, visitors, workers and residents year round and is noted as a world class Gateway.

The Core Historic area, as defined by the OCP, forms the primary hub for retail, entertainment and tourism within the City. The concentration of rehabilitated heritage buildings and attractive streetscapes also serves to attract other uses and activities, including offices, hotels, restaurants, personal service businesses, arts and culture.

For the reasons outlined above, these areas are arguably the most sensitive, from a planning perspective, within the City and, therefore, it is considered that DP applications and HAP applications in these areas should continue to be dealt with by Council.

While the sensitivities of the Core Business area are also recognized, this area is not necessarily characterized by the same level of sensitivities as the Core Inner Harbour/Legislative and Core Historic Districts. This is the main employment area not just for Victoria but for the region as a whole and it could be argued that streamlined decision-making could support economic development in the Downtown. While it is recommended that applications within the Core Business Urban Place Designation be delegated to staff, Council may wish to give consideration to excluding certain applications within the Core Business area from delegated authority. This could include proposals which affect Heritage-Designated buildings or buildings listed on the Heritage Register. Option 2 reflects this possibility.

**3.3.2 Rationale for Delegation within the Geographic Exclusion Areas**

The data collected indicates that 58% of the DP applications and HAP applications in the Core Inner Harbour/Legislative and Core Historic Districts that have been submitted to and considered by Council between January 2009 and July 2012, have had one or more of the following characteristics:

- no additional floor space was proposed
- the work related to restoration works associated with the re-use of a building
- the work proposed alterations to heritage buildings that were minor in scope
- where a new building was proposed, the associated floor space was approximately 100 m<sup>2</sup> or less
- where a building addition was proposed, the associated floor space was less than 100 m<sup>2</sup>.

Of these, 60% did not propose a variance and the applications were predominantly HAPs.

Whilst the unique sensitivities of the Core Inner Harbour/Legislative and Core Historic Districts are recognized, it could be argued that streamlining applications for development that is



relatively minor in its scope and does not propose a variance could be beneficial to business and property owners in these areas. Therefore, it is recommended that those applications which, while requiring a DP or HAP, are more minor in nature, could be considered by staff by virtue of delegated authority regardless of being located within the Geographic Exclusion Area. These applications could be defined as follows:

Applications that:

- do not propose a variance
- do not propose a new building exceeding 100 m<sup>2</sup> floor space
- do not propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater
- do not propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register.

### 3.3.3 Exclude Variances Associated with Potential Building Height and Massing Impacts from Delegated Authority

Of the 115 DP and HAP applications considered from the beginning of 2009 until July 2012, 38% allowed a variance. The majority of the variances (72%) related to parking and setbacks, and half of those occurrences allowed a 50% or greater variance from the *Zoning Regulation Bylaw* standard. This is largely as a result of parking and setback requirements often representing a relatively small number value and, therefore, any variance appears significant when viewed as a percentage. On this basis, staff do not recommend that parking and setback variances be considered as an exclusion. An example of what could occur if such variance exclusions were considered based on degree (percentage) of variance would be a scenario whereby parking variances equal or greater than 50% were excluded, then an application proposing a variance from 2 parking stalls to 1 (50% variance from *Zoning Regulation Bylaw* standard) would be referred to Council and Public Hearing whereas a variance from 100 stalls to 51, a 49 stall shortfall (49% variance from *Zoning Regulation Bylaw* standard), would be dealt with under delegated authority. Therefore, this approach clearly does not satisfactorily reflect potential impacts.

It could be argued that variances that have height and massing implications are often of most concern due to issues of context, privacy, overshadowing, visual dominance and so on. It is considered that a variance greater than 25% from the *Zoning Regulation Bylaw* standard, in relation to Building Height and Site Coverage, could be an appropriate threshold for referral of a file to Council and Public Hearing. This may allow for a half-storey to be added to a two-storey building, which may be more appropriate within a local context, to be determined by staff, whereas a variance of greater than 25% is likely to represent an additional storey or more to buildings that exceed three storeys, whereby the resulting impacts could be deemed to be more significant.

Data collected indicates that applications proposing such a height and site coverage variance account for less than 3% of the variances allowed.

### 3.3.4 Exclude DP and HAP Renewals

DPs and HAPs normally lapse two years from the date of approval when development has not substantially commenced. In the event that an applicant wishes to renew an existing permit that



has not lapsed, regardless of whether or not a variance is proposed, it may be reasonable to consider the first application for renewal under delegated authority where the proposal does not significantly affect the integrity of the previously approved building design or the form and character of the development on the lands. As part of the review of such applications, staff will also assess whether there has been a change in circumstance (e.g. change in City policy) since the previous permit was approved and will consider whether the proposal still complies with City policy.

### **3.3.5 Exclude DP and HAP Applications that Propose an Amendment to, or the Discharge of Legal Agreements that do not Require the making of a Bylaw.**

The City may require a developer to enter into legal agreements with the City at the Rezoning application stage. Typical legal agreements include MDA's, Statutory Right-of-Ways (SRWs) and Section 219 Covenants. In contrast, the City can only request that the developer enters into such agreements in association with a DP, hence, this is not a common occurrence and when it does occur, it is when the requested legal agreement is usually mutually beneficial to both parties. However, it is not uncommon for a DP to propose an amendment to or the discharge of a legal agreement. For example, the developer of The Railyards entered into a MDA with the City at the rezoning stage of the process. The Railyards MDA requires that the developer provide certain public amenities in association with specific phases of the development. In this case, the developer has made two separate requests to amend the MDA concurrently with the submission of a DP to postpone the delivery of the amenities to future phases.

In light of the above, staff recommend that DPs and HAPs proposing an amendment to or the discharge of a legal agreement should be referred to Council for consideration. It should be noted that the legal agreements discussed in this section are those that do not require the making of a bylaw as those items are discussed separately in section 2.1 of this report. Furthermore, this would only apply where the City of Victoria is a party to the legal agreement concerned and does not relate to any agreements made solely between third parties.

## **3.4 Options**

In light of the rationale outlined in the preceding section of this report, it is recognized there are several elements, including variations of exclusion options, that could be included as part of a final delegation option. A table outlining potential variations to the recommended option criteria is attached as Appendix 3.

Staff recommends proceeding with Option 1 (see Section 3.4.1 below).

### **3.4.1 Delegation Option 1 (Recommended)**

1. Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
  - (a) Minor Development Permit applications and Minor Heritage Alteration Permit applications;
  - (b) Development Permit applications for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway;
  - (c) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling or duplex;



2. Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
  - (a) Applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the Official Community Plan) that:
    - propose a variance
    - propose a new building exceeding 100 m<sup>2</sup> floor space
    - propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater
    - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register;
  - (b) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*;
  - (c) Any applications which require Council approval of a bylaw not associated with:
    - a Housing Agreement.
    - a Heritage Designation
    - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property;
  - (d) Any applications that would propose an amendment to or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement.
3. Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
  - (a) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands;
  - (b) there has been no substantive change to the City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit.
4. The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.

### 3.4.2 Delegation Option 2

Council may wish to consider excluding some proposals in the Core Business Urban Place Designation, as defined in the OCP, from delegated authority, namely those that could affect Heritage-Designated buildings or buildings listed on the Heritage Register. Should Council wish to pursue this, the delegation option could be worded as follows:



As Delegation Option 1, plus the addition of the following criteria:

2. e) Heritage Alteration Permit applications within the Core Business Urban Place Designation (as defined in the *Official Community Plan*) that:
  - propose a variance
  - propose a new building exceeding 100 m<sup>2</sup> floor space
  - propose a building addition, either exceeding 100 m<sup>2</sup> floor space or increasing the height of the existing building by 1 m or greater
  - propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register.

### 3.4.3 Delegation Option 3

As outlined in Section 2.1 of this report, in the event that a development proposal associated with a DP and/or an HAP requires the making of a bylaw (e.g. in association with a Housing Agreement), the bylaw itself must be approved by Council. Given this legal requirement, staff have recommended that where an application meets the criteria for delegated authority and requires the making of a commonly used standard bylaw then the decision to approve the application continue to be delegated but the bylaw be referred to Council for approval. Where a non-standard or project-specific bylaw is required or an HRA proposes a variance to the *Zoning Regulation Bylaw* affecting land use or density, then both the application and the bylaw would be referred to Council for approval. However, should Council decide that the consideration of the application and the associated bylaw should not be separated then an alternate option is as follows:

As Delegation Option 1 but substituting the following wording for criteria 2.(c):

Any applications which require Council approval of a bylaw.

### 3.5 Recommended Option and Impact Analysis

It is considered that, given the unique sensitivities of the Core Historic and Core Inner Harbour/Legislative Areas, it is appropriate to exclude applications in these areas from delegated authority with the exception of applications which are relatively minor in nature. It is also considered appropriate to exclude the first application to renew any DPs and HAPs where the proposal does not significantly differ from an existing approval. Applications proposing significant variances to building height and massing should also be excluded from delegation.

As a bylaw must be approved by Council, it is recommended that any application with an associated bylaw is also excluded from delegated authority where the bylaw is not associated with a standard Housing Agreement, HRA (which does not propose a variance relating to use or density) or Heritage Designation. In the event that Council does not wish to separate applications from associated bylaws, an alternative recommendation is provided as Option 3.

Staff also recommend that DPs and HAPs which propose an amendment to or the discharge of a legal agreement (e.g. an MDA), where the City of Victoria is a party to that agreement, be referred to Council for consideration.



A clause has also been added which allows the Director of the Sustainable Planning and Community Development Department to refer any delegated application to Council at their discretion.

Given the above, staff recommends that Council direct staff to proceed with the further work necessary to consider approval of and implement Delegation Option 1 as identified in Section 3.4.1 above.

Based on the DP and HAP data collected, should the above option be adopted, it is estimated that 21% of DP and HAP applications would still be determined by Council (24 applications from the 114 applications determined by Council between January 2009 and July 2012) while the remaining applications would be considered under delegated authority.

While Council would still be determining all Rezoning applications, DVP applications and Heritage Designation applications, it should be noted that, where Rezoning applications and DP applications and/or HAP applications are submitted concurrently, only the Rezoning application would be referred to Council where the DP and/or HAP meet the criteria for delegated authority. The exception to this would be Small Lot Rezoning applications and Rezoning applications proposing a Duplex or a Garden Suite, whereby a DP is considered and approved under the Rezoning application (i.e. a DP is not submitted independently of the Rezoning application).

Table 4 in Appendix 2 identifies all applications determined by Council between January 2009 and July 2012 and those files that would be affected by the aforementioned delegation option.

#### **4.0 Delegated Process**

The following is a description of the likely DP application and HAP application processes should Council delegate authority to staff to approve these types of permits. The process time frame could vary significantly depending on the complexity of an application, whether or not Advisory Design Panel or Heritage Advisory Committee review is appropriate, or how quickly the applicant responds to staff suggestions or requests for information. It should also be noted that processes I – VI (below) are consistent with the current DP application and HAP application process differing only for DP applications and HAP applications with a variance where notice posting and neighbour consultation takes place on receipt of an application, given that there is no longer a requirement to hold a Public Hearing.

Applications which are excluded from Delegated Authority would continue to be reviewed under the current established process (see Appendix 1).

Following application submission, DP and HAP applications could follow the delegated process outlined below:

##### *I. Staff Review of Application*

The application would be reviewed by the relevant City departments. Staff would review the application against the relevant policy, design guidelines, bylaws and any other pertinent regulations to determine project supportability. Staff from the various departments would hold a "Technical Review Committee" (TRC) meeting to discuss the application and identify any issues. The TRC minutes would then subsequently be sent to the applicant clearly identifying any outstanding issues that need to be resolved prior to a decision being made.



Estimated time: 2 - 4 weeks

## *II. Community Consultation*

If a DP application or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days (consistent with current practice). Furthermore, a notice would be posted at the application site advertising the proposal and the owners and occupiers of adjacent parcels would be notified of the application in writing. The notice posting and neighbour consultation currently occurs 10 days prior to the Public Hearing, therefore, in the absence of a Public Hearing, this consultation would occur concurrently with the CALUC referral. A decision would not be made by staff during this consultation period.

Staff will consider any comments received regarding the DP or HAP with variances in the 30-day consultation period prior to issuing a decision.

Estimated Time: 5 weeks (if a variance is proposed)

## *III. Applicant Responds to Outstanding Issues*

Staff comments, as outlined in the TRC minutes, could require that the applicant submit amended plans and/or additional information to support the application. It often takes the applicant several weeks to make plan revisions and submit a revised application package to the City although this very much depends on the range and significance of the issues that need to be addressed and the applicant's response time, both of which cannot be accurately anticipated.

This process may not be required if no issues are raised in relation to the review of the initial submission.

Estimated time: 2 - 8 weeks

## *IV. Staff Review of Revised Plans*

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that they are in a position to make a decision.

Estimated time: 2 weeks (based on a single iteration of revised plans being required)

## *V. Advisory Design Panel or Heritage Advisory Committee Review*

Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development Department, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for review and input. Staff would prepare a report to the Panel or Committee, prepare an agenda, attend the meeting and provide a brief presentation, and subsequently a motion from the meeting would be prepared.



Estimated time: 2 – 4 weeks (dependent on monthly meeting schedule)

#### VI. *Design Revisions*

If an application goes before the Advisory Design Panel or Heritage Advisory Committee, there may be design changes as a result of suggestions by the Panel or Committee. Staff would need to conduct a review of any design changes. Again, the timeline associated with this process could vary significantly depending on the applicant's response time.

Estimated time: 2 – 4 weeks

#### VII. *Staff Decision*

When it is determined by staff that: i) the application is acceptable and should be approved, or ii) the application is unacceptable and should be declined, a Decision Letter would then be prepared, clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

If approved, staff would then issue the DP or HAP and have the document registered on property title.

Estimated Time: 1 week

#### VIII. *Reconsideration of Staff Decision to Decline a DP*

While the Director of Sustainable Planning and Community Development would have authority to decline a DP application or HAP application under delegated authority, the *Local Government Act*, Section 920 (12), entitles the owner of the land subject to a DP decision to have Council reconsider the matter. Although the *Local Government Act* does not give the same reconsideration provisions to HAPs, under the *Community Charter* Council may consider applying similar reconsiderations powers to both HAPs and DPs. Therefore, in the event staff decide that a DP or HAP application is not supportable, a Decision Letter would be issued outlining the rationale for this decision. Following the issuance of this letter, an applicant would have to apply to the City to have Council reconsider the application within a specified timeline.

The *Local Government Act* does not specify a timeline for reconsideration of applications and, therefore, a specific process should be prepared to address this issue should Council wish to proceed with approving delegated authority. However, a review of delegated authority administered by other municipalities indicated that typically the applicant is given 30 days to apply to have their application reconsidered.

Under this process, staff would prepare a brief report to Council attaching the decision letter, the appeal request from the property owner or their agent and any comments received as part of the community consultation. There is no legal requirement to hold a Public Hearing in association with this appeal process.

Estimated Time: 8 weeks

#### 4.1 Timeline Summary

Based on the above process, it is estimated that where applications are supportable and no revisions or additional information is required, an approval could be issued for a DP application or HAP application with no variances within 2-4 weeks and, where a variance is proposed, in just over 30 days. This timeline could be significantly affected by the following factors:

- the complexity of a project
- whether the design needs to be altered significantly to meet application design guidelines
- whether additional supporting information (i.e. specialist consultant reports) is required
- applicant response times to requests for amended plans and/or additional information
- whether or not a project needs to be reviewed by the Advisory Design Panel or Heritage Advisory Committee
- whether staff do not support the application and the applicant requests that the proposal be reconsidered by Council.

The actual timeline associated with the aforementioned factors is not easily quantifiable; however, most of these issues are not unique to a delegated process.

#### 5.0 Issues

The following issues were identified during the analysis of DP and HAP delegation:

- transparency of process
- CALUC involvement and community consultation
- staff resources.

#### 6.0 Analysis

##### 6.1 Transparency of Process

The opportunities for transparency of information under the current system compared to a delegated system are outlined below.

Current Council Approval Process	Delegated Process
Application available at City Hall Development Centre for public view during office hours.	Application available at City Hall Development Centre for public view during office hours.
Staff available to answer and questions about application.	Staff available to answer and questions about application.
If a DP or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days.	If a DP application or HAP application includes variances, the application would be referred to the Community Association Land Use Committee (CALUC) who would be invited to provide comments within 30 days. Furthermore, a notice would be posted at the application site advertising the proposal and



	the owners and occupiers of adjacent parcels would be notified of the application in writing.
Staff review and consider comments from the public and neighbourhood associations.	Staff review and consider comments from the public and neighbourhood associations.
Staff internally review applications and will be considering applications in light of City policy and Design Guidelines, all of which have been subject to public consultation.	Staff internally review applications and will be considering applications in light of City policy and Design Guidelines, all of which are public and have been subject to public consultation.
Application presented to PLUC or GPC in open meeting.	No PLUC or GPC meeting.
Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development a proposal may be presented to Advisory Design Panel or Heritage Advisory Committee in open meeting.	Subject to the nature of the application (i.e. scale, location, complexity, etc.) and at the discretion of the Director of Sustainable Planning and Community Development a proposal may be presented to Advisory Design Panel or Heritage Advisory Committee in open meeting.
Council Meeting to make decision on DP or HAP application (Public Hearing where a variance is proposed).	Staff prepare and issue decision letter.
Where a Public Hearing related to a variance is required, the application would be subject to notification and sign posting.	No Public Hearing. Sign posting occurs earlier in process.
End of process.	Applicant can request that a delegated decision to decline an application be referred to Council for a decision in an open Council meeting.

The primary differences between the DP and HAP process, under a Council process versus a staff delegation process, is that there would be no PLUC meeting, Council Meeting or Council Public Hearing to consider the application where an application is considered under delegated authority. In a delegated process, a member of the public would still have the opportunity to visit City Hall to view an application package or discuss the application with City staff. Where a variance is proposed, the application would still be subject to the same level of public consultation that occurs under the current process albeit the public notice and letter to owners and occupiers of adjacent parcels would occur on receipt of the application rather than 10 days in advance of a Public Hearing. In addition, should an applicant not receive approval from staff, they would have the opportunity to request that their proposal be reconsidered by Council at an open Council meeting. It should also be reiterated that, under delegated authority, staff must consider applications in light of the City policy and Design Guidelines, all of which are public and have been subject to public consultation and have received the approval of Council.

In the interest of improving transparency in a delegated process, the City could implement the following strategies:

- include a detailed list of all current applications and their status on the City's website
- have the staff decision letter available at the Development Services counter for public viewing.



**6.2 CALUC Involvement and Community Consultation**

CALUC involvement in the application process would not be affected by implementing a delegated process. At present, for DPs and HAPs without a variance, the application is not forwarded to the CALUC. If a DP or HAP includes a variance, staff forward the application package to the applicable CALUC for a 30-day comment period. This notification process would not change if a delegated option were implemented.

While it is recommended that an applicant for a variance consult with the CALUC, there is no requirement for them to do so. Applicants are required to consult with a CALUC in the rezoning process, even before the City will accept a Rezoning application. This process will not change, as the option to delegate to staff only involves DP applications and HAP applications.

Where a DP or HAP includes a variance, additional community notification occurs currently at least 10 days prior to the Public Hearing in the form of a notice posted at the application site and letters which are sent to immediate neighbours. As delegated authority would eliminate the Public Hearing requirement, staff recommend that, to maintain the equivalent level of public notification, a notice is still posted at the application site and immediate neighbours consulted at the same time the CALUC notification is issued. The notice and letters would describe the proposal and, similar to the CALUC notification, invite comments within a 30-day period.

**6.3 Staff Resources**

The implementation of a form of delegated authority is likely to have resource implications as staff amend existing bylaws and procedures as required. However, once the process is established some workloads may be reduced, particularly those relating to the preparation of staff reports and presentation materials associated with DPs and HAPs.

Should Council approve the form of delegated authority recommended in this report, it is anticipated that approximately 65% of all planning-related applications (Rezoning applications, Development Variance Permits, Development Permits and Heritage Alteration Permits) would still be referred to Council. Staff workloads resulting from pre-application discussions, Minor Development Permits, special departmental projects, general enquiries and other day to day departmental responsibilities are unlikely to be affected by changes to the DP or HAP process. Any resources that are made available as a result of delegated authority could be redirected to assist with these responsibilities.

Notwithstanding the above, the consideration of a DP or HAP under delegated authority would still require significant resources and new processes associated with the delegation of authority, such as the reconsideration of DPs, would have to be administered by staff.

Notwithstanding the impact on staff resources, the key benefit to having delegated authority relates to application processing times and the associated benefits for applicants.

**7.0 Policy, Design Guidelines, Committees to help Guide Decisions**

The City has a strong framework of Planning Policy and Design Guidelines to help guide decision-making. Under the current Council approval process, when staff provide a recommendation to Council, that recommendation is formulated based on a thorough analysis of Planning Policy and Design Guidelines, as well as sound planning principles and practice.



With delegated authority, staff would be legally required to base decisions on the policy and design guideline framework at the City. All of the policy and design guidelines that would help to guide decisions have been approved by City Council following a Public Hearing.

In addition to using City Policy and Design Guidelines to help guide decision-making, when deemed appropriate, DP applications and HAP applications may be referred to the Advisory Design Panel and/or the Heritage Advisory Committee. Although a review by these advisory bodies does add time to the approval process, in many cases this review can be beneficial to a project.

## **8.0 Implementation of Delegated Process**

Subject to Council approving a form of delegation, it will be necessary to undertake an implementation strategy to ensure that:

- affected City processes, bylaws and information are amended as necessary
- the City website is updated as necessary with all revised documents and the list of DPs and HAPs is readily accessible
- customers (i.e. public, neighbourhood associations and developers) are aware of the process change in advance of the date that delegated authority takes effect
- a date has been identified for the delegated authority to take place and a transition plan for in-stream applications is established.

### **8.1 External Consultation**

It is considered appropriate to consult the public regarding the preferred delegation option. It is envisaged that this consultation exercise would take place in the form of an open house event. This event would be advertised in the newspaper with individual written invitations being sent to the Urban Development Institute (UDI) and all CALUC's.

It is recommended that Council first identify the form of a preferred delegation option prior to consulting externally. Prior to the implementation of delegated authority, staff would report back to Council with the results of the stakeholder engagement event.

### **8.2 Amendments to City Bylaw and other Documentation**

The City's *Land Use Procedures Bylaw* identifies procedures pursuant to the consideration of DP applications and HAP applications. In the event that Council pursue any delegated option, this Bylaw must be amended to be consistent with that option and clearly outline the steps in the associated approval process.

In addition to the *Land Use Procedures Bylaw*, it will be necessary to amend other documentation such as the DP Application Package and the HAP Application Package.

### **8.3 Monitoring**

In the event that Council wishes to pursue a delegation option and it is put in place, it is recommended that the new process be monitored for a minimum period of three years. This timeline is required to evaluate developments that have been approved under delegated authority and are either completely built or construction has commenced. After this monitoring

period, staff would report back to Council outlining the effectiveness of the delegated authority, particularly with respect to streamlining the DP and HAP process and thus enhancing customer service. In the event that any issues arise in relation to the delegated process, staff may bring this to Council's attention within the suggested three year monitoring period.

#### 8.4 Implementation Plan

Given the above, staff recommends that the City proceed on the following basis:

- a) Council identify a preferred delegation option as the basis for stakeholder engagement and consultation;
- b) Stakeholder engagement occurs;
- c) Staff report back to Council with feedback from the stakeholder engagement exercise;
- d) Staff prepare an amendment to the *Land Use Procedures Bylaw* to reflect the processes associated with the preferred delegation option;
- e) Staff report back to Council with:
  - a proposed *Land Use Procedures Bylaw* amendment
  - a proposed effective date for implementation of delegated authority;
- f) Following the effective date, staff monitor the consideration of DPs and HAPs under the delegated process for a period of three years and report back to Council with the results of the monitoring exercise.

#### 9.0 Options

##### Option 1 (recommended)

1. That Council identify the following Delegation Option as the preferred option:
  - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
    - i) Minor Development Permit applications and Minor Heritage Alteration Permit applications,
    - ii) a Development Permit application for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway,
    - iii) Development Permit applications and Heritage Alteration Permit applications for a single family dwelling and duplex;
  - (b) Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development, with the exception of:
    - i) applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the *Official Community Plan*) that:
      - propose a variance
      - propose a new building exceeding 100 m<sup>2</sup> floor space
      - propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater



- propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register,
  - ii) any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
  - iii) any applications which require Council approval of a bylaw not associated with:
    - a Housing Agreement.
    - a Heritage Designation
    - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
  - iv) any applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement;
- (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
- i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
  - ii) there has been no substantive change to City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
- (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct the Director of Sustainable Planning and Community Development to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

#### Option 2

That Council direct staff to investigate an alternative Delegation Option.

#### Option 3

That Council direct staff to continue processing applications under the current process.

**10.0 Conclusion**

Staff has prepared a preferred Delegation Option for Council's consideration based on the Council motion that directed staff to investigate Delegation Option #5: Delegation (with Variances and Exclusions).

It is considered that, given the unique sensitivities of the Core Historic and Core Inner Harbour/Legislative Areas, it is appropriate to exclude applications in these areas from delegated authority with the exception of applications which are relatively minor in nature. It is also considered appropriate to exclude the first application to renew any DPs and HAPs where the proposal does not significantly differ from an existing approval. Applications proposing significant variances to building height and massing should also be excluded from delegation.

As a bylaw must be approved by Council, it is recommended that any application with an associated bylaw is also excluded from delegated authority where the bylaw is not associated with a standard Housing Agreement, HRA (which does not propose a change to use or density) or Heritage Designation.

Staff also recommend that DPs and HAPs which propose an amendment to or the discharge of a legal agreement (e.g. an MDA), where the City of Victoria is party to that agreement, be referred to Council for consideration.

A clause has also been added which allows the Director of Sustainable Planning and Community Development to refer any delegated application to Council at his/her discretion.

It is recommended that, prior to the implementation of delegated authority, staff would undertake public engagement and consultation based on the preferred delegation option and report back to Council with the results.

**11.0 Recommendations**

1. That Council identify the following Delegated Option as the preferred option:
  - (a) Continue to delegate the following applications to the Director of Sustainable Planning and Community Development:
    - i) Minor Development Permit and Minor Heritage Alteration Permit applications, and
    - ii) a Development Permit application for a development in Development Permit Area 8, Victoria Arm – Gorge Waterway, and
    - iii) Development Permit and Heritage Alteration Permit applications for a single family dwelling and duplex.
  - (b) Delegate the decisions on all Development Permit and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning and Community Development with the exception of:
    - i) Applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the Official Community Plan) that:
      - propose a variance
      - propose a new building exceeding 100 m<sup>2</sup> floor space



- propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater
  - propose the demolition or partial demolition of a heritage-designated building or a building listed on the Heritage Register,
  - ii) Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*,
  - iii) Any applications which require Council approval of a bylaw not associated with:
    - a Housing Agreement.
    - a Heritage Designation
    - a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property,
  - iv) Any applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a Bylaw and where the City of Victoria is party to that agreement;
- (c) Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning and Community Development where:
- i) the proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning and Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
  - ii) there has been no substantive change to City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
- (d) The Director of Sustainable Planning and Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct the Director of Sustainable Planning and Community Development to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

## APPENDIX 1: CURRENT PROCESS

Typically, following application submission, DP and HAP applications follow the process summarized below:

1. The application is reviewed by City staff (Development Services, Community Planning, Permits and Inspections, Engineering, Parks, Fire). If an application includes variances, the application is referred to the Community Association Land Use Committee (CALUC) (with 30 days for a reply). The referral to the CALUC is for information purposes and does not slow the processing of the application. If comments from the CALUC are received they are appended to the staff report.

Estimated time: 2 - 4 weeks

2. Comments resulting from the initial staff review are issued and could require that the applicant submits amended plans and/or additional information to support the application. On receipt of any requested information, a further staff review will be required and additional amendments and/or further information may be necessary. This process continues until staff are satisfied that they can proceed with preparing a report to the Planning and Land Use Standing Committee (PLUSC). The time frame relating to these negotiations is difficult to quantify as it depends on a number of variables, some of which are beyond the control of the City, such as the speed with which an applicant responds to staff comments and the complexity of the application.

Estimated time: 2 - 8 weeks

3. Prior to advancing to the PLUSC, depending on the application, staff may bring a proposal before the Advisory Design Panel or Heritage Advisory Committee for their review and input. Staff prepares a report to the Panel or Committee, prepares an agenda, attends the meeting and provides a brief presentation and subsequently minutes are prepared.

Estimated time: 2 - 4 weeks (depending on monthly meeting schedule)

4. Staff prepare the PLUSC Report with the recommendations. Depending on the volume of the applications being handled by each planner, the timing for completing each "competing" report may be affected.

Estimated time: 2 weeks

5. The PLUSC Report is circulated to senior management and then made available to the Agenda Committee in advance of the PLUSC meeting.

Estimated time: 2 weeks

6. The PLUSC meeting is held, where PLUSC may recommend approval, changes, rejection or deferral, which Council considers at their next meeting. If changes or additional information (i.e. legal agreements) are required then the applicant must provide a satisfactory response prior to proceeding to Council. Again, this time frame is subject to variables outside the control of the City and, therefore, it is difficult to quantify.

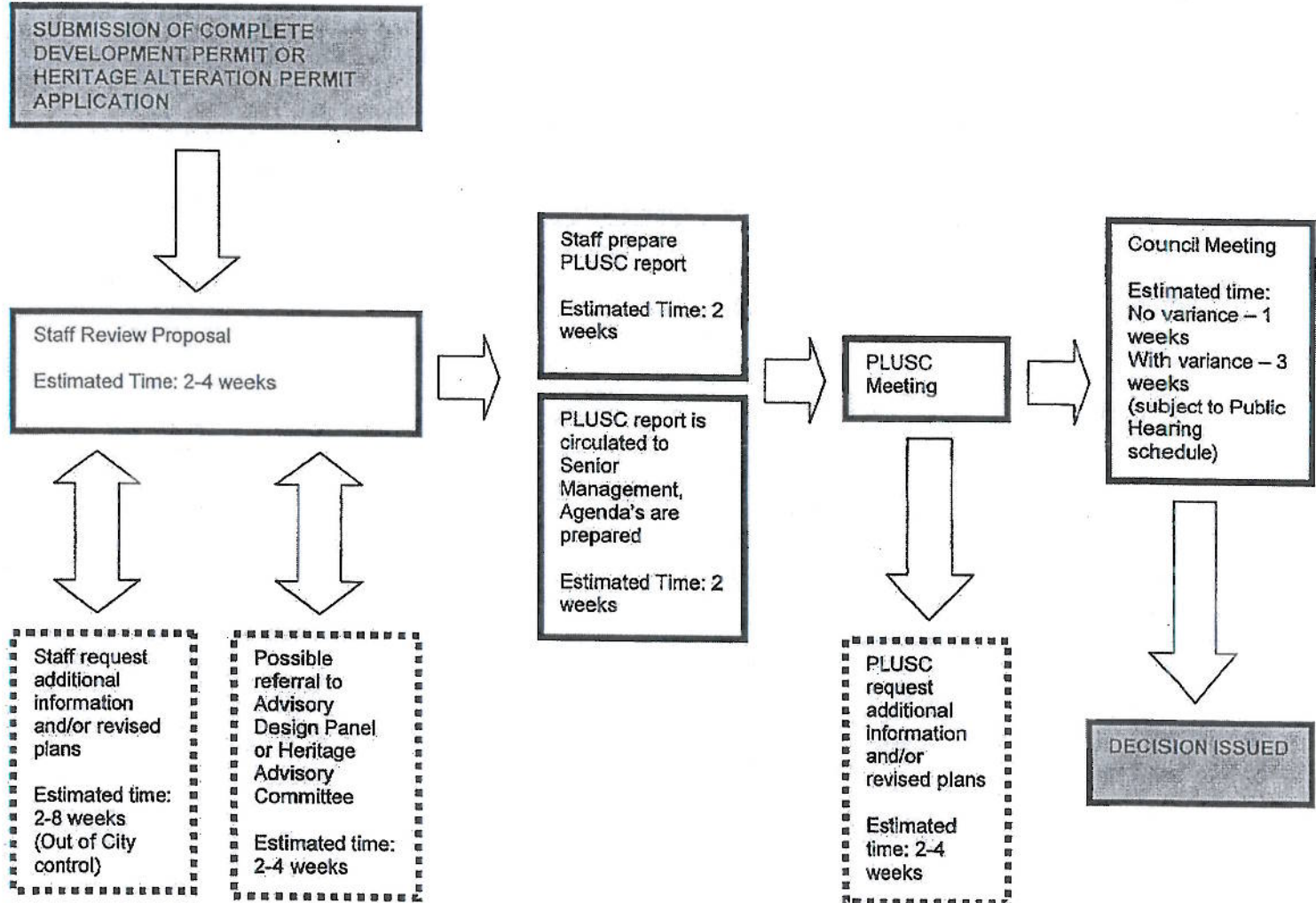


Estimated time: 2 weeks

7. In the event that there are no variances proposed and all outstanding issues have been resolved, the application can proceed to Council. Where the application proposes variances, the application must be heard at a Public Hearing requiring that the item would initially be taken to Council to establish the date of a Public Hearing, as established in the City's *Land Use Procedures Bylaw*.

Estimated time: no variance - 1 weeks  
with variance - 3 weeks (subject to Public Hearing schedule).

**CURRENT DEVELOPMENT PERMIT/HERITAGE ALTERATION PERMIT PROCESS FLOW CHART (SUMMARY)**



———— Process that will occur

..... Process that may occur



## APPENDIX 2: DEVELOPMENT PERMIT AND HERITAGE ALTERATION PERMIT APPLICATIONS

## Notable Data:

- Number of applications submitted = 184
- Number of applications determined by Council = 114
- Number of applications proposing a variance = 45 (39%)
- Number of applications not proposing a variance = 69 (61%)
- Number of instances where staff recommended approval to Council = 102 (89%)
- Number of instances where staff recommended to Council that an application be declined = 12 (11%)
- Number of instances where Council moved the staff recommendation with no amendments = 96
- Number of instances where Council moved the staff recommendation with amendments = 11
- Number of instances where Council reversed the staff recommendation = 7 (6 of these occasions involved a staff recommendation to decline the application) (one instance where the recommendation requested "a ministerial exception to except signage")
- 67 of the 114 (59%) applications determined proposed applications that did not propose a new building exceeding 100m<sup>2</sup> and did not propose a building addition either exceeding 100m<sup>2</sup> or increasing the height of the existing building. Of these 40 (60%) did not propose a variance.

Table 1 – Breakdown of Applications by Neighbourhood Area (January 2009 – July 2012)

Neighbourhood	No. of DP's	No. of HAP's	Total
Downtown	19	17	36
Fairfield	11	7	18
Rockland	4	4	8
Harris Green	9	0	9
North Park	1	0	1
Vic West	8	1	9
Burnside	6	0	6
N/S Jubilee	3	1	4
Gonzales	2	0	2
Harbour	2	0	2
Hillside Quadra	6	0	6
Rock Bay	2	0	2
Fernwood	2	0	2
James Bay	5	3	8
Oaklands	1	0	1
<b>Totals</b>	<b>82</b>	<b>33</b>	<b>114</b>

Table 2 – Breakdown of Applications by Urban Place Designation (as identified in the *Official Community Plan*)

Urban Place Designation	No. of DP's	No. of HAP's	Total
Core Historic	11	11	22
Core Business	7	5	12
Core Employment	2	0	2
Core Inner Harbour/Legislative	5	1	6
Core Songhees	4	0	4
Core Residential	8	1	9
General Employment	0	1	1
Industrial	0	0	0
Marine Industrial	1	0	1
Town Centre	3	0	3
Large Urban Village	11	0	11
Small Urban Village	3	0	3
Urban Residential	14	5	19
Traditional Residential	8	6	14
Public Facilities, Institutions, Parks and Open Space	2	3	5
Rail Corridor	0	0	0
Working Harbour	2	0	2
Marine	0	0	0
<b>Totals</b>	<b>81</b>	<b>33</b>	<b>114</b>

Table 3 – Type and Occurrence of Variance and Percentage Variance from Zone Standard

Type of Variance	Occurrence of Variance	Percentage Variance Allowed %										
		0-9.9	10-19.9	20-29.9	30-39.9	40-49.9	50-59.9	60-69.9	70-79.9	80-89.9	90-100	100+
Parking	25	5	1	4	2	0	3	3	0	1	6	0
Setbacks	29	3	3	0	4	5	0	3	1	3	7	0
Building Height	7	0	3	2	0	1	1	0	0	0	0	0
Fence height or size of ancillary structure	4	1	1	1	1	0	0	0	0	0	0	0
Floor Area, Site Area, Site Coverage	4	1	0	1	1	0	0	1	0	0	0	0
Other	6	3	0	0	0	0	0	0	0	0	2	1
<b>Total*</b>	<b>75</b>	<b>13</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>15</b>	<b>1</b>

\*Does not include variances with no number value.



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Table 4 – Applications (from January 2009 to July 2012) that would have been determined under the preferred delegation option

APPLICATION NO.	ADDRESS	DESCRIPTION	DELEGATED OR COUNCIL DECISION UNDER RECOMMENDED DELEGATION OPTION
DP#000149	301 Cook St	Development Permit to increase the seating of the existing pub from 65 seats to 163 seats	Delegated
DP#000150	1729 Oak Bay Ave	Development Permit to convert the building from College Fraternity to Resthome Class "B"	Delegated
DP#000151	947 Fort St	The proposal is for a six-storey mixed-use building	Delegated
DP#000152	325 Cook St	Development Permit to convert the main floor of the existing drycleaners to retail and convert parking area to food court area	Delegated
DP#000153	919 Pandora Ave	Development Permit for carport	Delegated
DP#000154	1007 Johnson St	The proposal is for the construction of a four-storey residential building	Delegated
DP#000155	920 Pandora Ave	Submitted for Development Permit for exterior changes to street facade and the addition of accessory buildings in the rear yard	Delegated
DP#000156	810 Humboldt St	Amend the Development Permit to remove the ground-level glass atrium from the current phase of the project	Delegated
DP#000157	787 Tyee Rd	Construct a multi-family residential project on Lot G of the Railyards site	Council
DP#000158	356 Harbour Rd	Development Permit to construct three-storey office/light-industrial building	Delegated
DP#000160	350 Harbour Rd	Construct a three-storey building comprised of 35 affordable rental apartment units. Surface parking is proposed as well as enclosed bicycle parking spaces	Delegated
DP#000161	1701 Douglas St	Development Permit to subdivide the site into three parcels	Delegated
DP#000162	1234 Wharf St	Development Permit to construct a front yard fence	Council
DP#000164	365 Waterfront Crescent	The proposal is to reduce the parking requirement by six stalls as well as the ceiling to floor clearance for another six stalls due to the intrusion of mechanical apparatus in a completed underground parking garage.	Delegated
DP#000165	770 Cormorant St	Exterior renovations	Delegated
DP#000166	370 Harbour Rd	Development Permit for construction of an 11-unit affordable housing unit building	Delegated
DP#000167	681 Herald St	Development Permit to renovate and convert the existing building from restaurant and transient accommodation to 17 rental suites	Council
DP#000168	1932 Oak Bay Ave	Development Permit to renovate and construct additions to the main and upper floors	Delegated
DP#000170	306 - 1665 Oak Bay Ave	Development Permit to construct a balcony enclosure	Delegated
DP#000172	2780 Shelbourne St	Development Permit to construct a new place of worship	Delegated
DP#000176	1620 Blanshard St and 733-741 Fisgard St	The proposal is for a 15-storey office building with ground level commercial use	Delegated



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DP#000177	1992 Fairfield Rd	Development Permit to subdivide a parcel to create two lots	Delegated
DP#000180	728 Humboldt St	Patio enclosure	Delegated
DP#000182	895 Fort St	Installation of a metal fence	Delegated
DP#000183	351-355 Cook St and 1101-1107 Oscar St	A two-storey mixed-use building, with commercial uses at ground level and two residential units above	Delegated
DP#000187	923 Burdett Ave	Restoration and re-use of Mount St. Angela building for 9 seniors housing units and relocation of a Heritage-Designated dwelling. Two new four-storey buildings containing 56 residential units	Delegated
DP#000188	840 Fort St	Six-storey rear addition with commercial and residential uses	Delegated
DP#000189	814 Wharf St	Development Permit for landscaping and public art at Ships Point	Delegated
DP#000190	4-2631 Quadra St	Business signage	Delegated
DP#000193	1 Dallas Rd	for Development Permit for approval of an electrical equipment building	Delegated
DP#000195	608 Broughton St	Proposal for an 11-storey residential building with ground level commercial use	Council
DP#000196	555/575 Pembroke St	Proposal to renovate the existing warehouse building for ground-floor commercial use with 25 rental apartments on two upper floors	Delegated
DP#000197	1308 Gladstone Ave	Development Permit for exterior changes and product display	Delegated
DP#000198	1719 Davie St	Minor changes to the approved Development Permit	Delegated
DP#000201	1701 Douglas St	Development Permit for subdivision to create air space parcels in conjunction with rezoning	Delegated
DP#000203	849 Fort St	Development Permit to construct a 114 m <sup>2</sup> upper-floor addition for offices	Delegated
DP#000204	1310-1314 Waddington Alley	Development Permit to construct nine residential units and ground-floor commercial	Council
DP#000205	771 Central Spur Rd - Lot E	To construct 19 townhouse units	Delegated
DP#000206	658-670 Herald St	Development Permit to allow for four residential units in the existing building	Council
DP#000207	517 Figgard St	Development Permit to restore and reuse an existing heritage facade, introduce new brick clad streetwall and create a new contemporary structure	Council
DP#000208	15/21 Gorge Rd East	52-unit rental apartment building	Council
DP#000209	1000 Wharf St	Development Permit for the approval of the existing building on site	Council
DP#000211	95 Esquimalt Rd	Development Permit for car dealership	Delegated
DP#000212	211-213 Robertson St	Construction of two small-lot single family dwellings	Delegated
DP#000214	740 Hillside Ave	Construct an eight-storey office building with street-level retail space. The site also incorporates a separate lot zoned for a single-family dwelling	Delegated
DP#000215	847 Fort St	Development Permit for changes to the street facade of the existing building	Delegated
DP#000216	452 Moss St	Development Permit to construct new small-lot single-family dwelling	Delegated
DP#000217	254 Belleville St	Development Permit for relocation of administrative offices	Council



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DP#000219	1029 View St	Development Permit to construct a 181-unit apartment building with ground-floor commercial and residential	Delegated
DP#000221	640 Michigan St	The proposal is to replace the existing surface parking lot with 88 dwelling units located in two buildings	Delegated
DP#000223	2551 Quadra St	Development Permit to convert the ground floor of a building from commercial use to residential use in the Quadra Village Development Permit Area	Delegated
DP#000224	240 Cook St / 1035 Sutelej St	To make changes to the original Development Permit with regard to landscaping and glass canopies over two residential entryways.	Delegated
DP#000225	230 Cook St	Development Permit to address the deficiencies in landscaping	Delegated
DP#000228	187/189 Dallas Rd	Development Permit to construct a temporary accessory building adjacent to a new, existing office building at Ogden Point	Delegated
DP#000229	1284-98 Gladstone/ 2002-2004 Fernwood	Development Permit to increase the total number of apartments from eight to ten	Delegated
DP#000230	257 Belleville St	Rezoning to construct a new 35-unit apartment building in place of the existing motel	Council
DP#000231	1090 Johnson St	Development Permit to construct a 10-storey 93 residential unit with ground-floor commercial building	Delegated
DP#000233	355 Cook St	Development Permit to increase the amount of restaurant seating to 50 seats	Delegated
DP#000234	15 & 21 Gorge Rd E.	52-unit rental apartment building	Delegated
DP#000235	1580 Hillside Ave	Development Permit for the renovation and expansion of Hillside Mall (renewal)	Delegated
DP#000237	1249 Richardson St	Permit changes to the exterior design and finish of a small-lot single-family dwelling	Delegated
DP#000238	1255 Richardson St	Permit changes to the exterior design and finish of a small-lot single-family dwelling	Delegated
DP#000239	726-46 Yates St	A 15-storey residential building accommodating 157 residential units, ground-level commercial use	Delegated
DP#000241	615 & 623 Fort St	A six-storey mixed-use building in Old Town that would include commercial use on the ground and second floors, and 51 rental housing units throughout the upper floors	Council
DP#000243	740 Hillside Ave & 747 Market St	Development Permit for modified design	Delegated
DP#000244	2560 Quadra St	Development Permit to construct 17 residential units with commercial on the ground floor	Delegated
DP#000245	195 Bay St	Development Permit to construct a two-storey addition to existing building for storage	Delegated
DP#000246	1310-1314 Waddington Alley	Application to permit residential use at ground level for live-work units	Council
DP#000248	755 Caledonia Ave	Development Permit for mixed-use residential/commercial office	Delegated
DP#000249	787 Tyee Rd	Phase 2 Development Permit to construct 21 strata condominium units next to the existing Phase 1 building	Delegated
DP#000250	341 Cook St	Development Permit for exterior changes	Delegated
DP#000251	615 & 623 Fort St	Development Permit for parking (nine spaces) on the west portion of the lot where the building was demolished	Delegated



Recommended Exclusions					
	Geographic Areas	Height and Massing Variances	Renewals	Bylaws	Legal Agreements
Recommended Exclusion Criteria	DP and HAP applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas unless the application is considered relatively minor in nature.	DP and HAP applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the Zoning Regulation Bylaw.	DP and HAP renewals that have lapsed and/or the proposed plans are substantially different from the plans previously approved and/or the applicable City policy or design guidelines have substantially changed.	DP and HAP applications which require Council approval of a bylaw not associated with a Housing Agreement, a Heritage Designation or a Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property.	Any DP and HAP applications that would propose an amendment to, or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a Bylaw and where the City of Victoria is party to that agreement.
Other Options for Recommended Exclusion Criteria	<ul style="list-style-type: none"> <li>- Exclude additional Urban Place Designations (i.e. Core Business)</li> <li>- Exclude specific neighbourhoods</li> <li>- Exclude specific Development Permit Areas (as defined in the OCP)</li> <li>- Exclude Heritage Conservation Areas</li> <li>- Exclude all DPs and HAPs (including those that are minor in nature)</li> <li>- Redefine what qualifies as being minor in nature</li> </ul>	<ul style="list-style-type: none"> <li>- Consider other methods of defining height and massing and amend exclusion criteria accordingly</li> <li>- Reconsider the percentage variance required to trigger an exclusion</li> </ul>	<ul style="list-style-type: none"> <li>- Exclude all DP and HAP renewals</li> <li>- Delegate all DP and HAP renewals</li> <li>- Delegate all DP and HAP renewals that do not significantly differ from the previous approval</li> <li>- Delegate all DP and HAP renewals where there has not been any change to applicable City policy and/or design guidelines since the previous approval</li> </ul>	<ul style="list-style-type: none"> <li>- Exclude all DPs and HAPs which require the making of a Bylaw</li> <li>- Reconsider which Bylaws could be divorced from the delegated consideration of a DP or HAP</li> </ul>	<ul style="list-style-type: none"> <li>- Exclude all DPs and HAPs which require the execution, amendment or discharge of any legal agreement</li> <li>- Delegate all DPs and HAPs which require the execution, amendment or discharge of any legal agreement</li> <li>- Identify certain legal agreements that could be prepared, amended or discharged without referral to Council</li> </ul>



### 3.3 Delegation of Development Permit and Heritage Alteration Permit Applications

*Councillor Helps withdrew from the meeting at 10:03 a.m. and returned at 10:05 am.*

Committee received a report dated November 8, 2013 from Sustainable Planning & Community Planning regarding the delegation of Development Permit and Heritage Alteration Permit Applications. The purpose of this report is to provide Council with information, analysis and recommendations in response to a Council motion directing staff to outline a detailed approval process, staff resources and application processing timelines associated with an option for delegating the authority to staff to approve Development Permits (DPs) and Heritage Alteration Permits (HAPs).

#### **Action:**

Councillor Helps moved that Committee recommends:

1. That Council identify the following Delegation Option as the preferred option:
  - a. Continue to delegate the following applications to the Director of Sustainable Planning & Community Development:
    - i. Minor Development Permit and Minor Heritage Alteration Permit applications,
    - ii. Development Permit applications for development in Development Permit Area 8, Victoria Arm – Gorge Waterway, and
    - iii. Development Permit applications and Heritage Alteration Permit applications for a single family dwelling or duplex;
  - b. Delegate the decisions on all Development Permit applications and Heritage Alteration Permit applications, with or without variances, to the Director of Sustainable Planning & Community Development, with the exception of:
    - i. Applications within the Core Historic and Core Inner Harbour/Legislative Urban Place Designation Areas (as defined in the *Official Community Plan*) that:
      - Propose a variance
      - Propose a new building exceeding 100 m<sup>2</sup> floor space
      - Propose a building addition exceeding 100 m<sup>2</sup> floor space and/or increasing the height of the existing building by 1 m or greater
      - Propose the demolition or partial demolition of a Heritage-Designated building or a building listed on the Heritage Register,
    - ii. Any applications that propose a building height and/or site coverage variance 25% or greater than the standard set out in the *Zoning Regulation Bylaw*.
    - iii. Any application which requires Council approval of a bylaw not associated with:
      - A Housing Agreement
      - A Heritage Designation
      - A Heritage Revitalization Agreement where the agreement does not permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property.

- iv. Any applications that would propose an amendment to or the discharge of a Master Development Agreement, Section 219 Covenant or any other legal agreement which does not require the making of a bylaw and where the City of Victoria is party to that agreement;
  - c. Delegate the first application for the renewal of any Development Permit or Heritage Alteration Permit that has not yet lapsed to the Director of Sustainable Planning & Community Development, where:
    - i. The proposed plans are not substantially different from the previously approved plans and do not, in the opinion of the Director of Sustainable Planning & Community Development, significantly affect the integrity of the building design or the form and character of the development on the lands,
    - ii. There has been no substantive change to the City policy and/or regulations that are applicable to the development proposed by the Development Permit or Heritage Alteration Permit;
  - d. The Director of Sustainable Planning & Community Development may, at his/her discretion, refer any delegated application to Council for consideration.
2. That Council instruct staff to consult the public and industry consistent with the proposed engagement process in relation to the preferred delegation option and report back to Council on the results.

Committee discussed the motion as follows:

- The proposed engagement process and clarity regarding what Council is seeking;
  - To inform, engage and consider feedback from stakeholders.
  - Being clear that the final decision rests with Council; receiving feedback and making a decision.
  - The suggestion that a non-statutory Public Hearing be held as a part of this process.
- Moving forward as proposed; concerns the delegated authority goes too far; complex applications need to be considered by Council and the public.
- Concerns related to how small lot rezoning and large building projects will be handled.

*Mayor Fortin withdrew from the meeting at 10:32 a.m. Councillor Isitt assumed the Chair.*

- Keeping Council informed on applications that have been approved and responding to the public's concerns;
  - Receiving a report from staff on the various applications that are underway.
- Staff's role in the delegation of applications;
  - The Director signs off on all applications; details on how reports flow up to the Director.

*Mayor Fortin returned to the meeting at 10:37 a.m. and assumed the Chair.*

- Concerns about the degree of delegation and the loss of public feedback to Council.



- Concerns about the scope of applications that are proposed to be delegated.
- The importance of time-saving opportunities but the need for accountability and consideration by elected officials.
- Receiving public input on this recommendation and moving forward with the changes.

**Action:** Mayor Fortin moved that the question be called.

DEFEATED 13/GPC710

For: Mayor Fortin

Against: Councillors Coleman, Gudgeon, Helps, Isitt, Madoff, Thornton-Joe and Young

Committee's discussion continued as follows:

- The appeal process;
  - There is no provision for an appeal by a member of the public; the applicant has the right to appeal.

*Councillor Coleman withdrew from the meeting at 11:15 a.m. and returned at 11:17 a.m.*

- A comparison of the applications that were approved by Council and approved by staff;
  - Noting that some of these applications went to Public Hearing in another form;
  - More clarity on where there are multiple applications for one location.
  - Flagging controversial projects to allow the public to be heard.
- Noting the many other opportunities to hear from the public and the delegation of authority freeing up time to respond to other issues.
- Receiving from staff a revised chart and convening a workshop on this matter;
  - Staff will require time to develop the other options.

**Action:** Councillor Isitt moved that Committee refer *Delegation of Development Permits and Heritage Alteration Permits* to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and an indication whether or not Public Hearings would be held.

**Action:** Councillor Madoff moved that Committee amend the motion as follows:

1. That Committee refer *Delegation of Development Permits and Heritage Alteration Permits* to a subsequent workshop with staff providing an alternate formula involving a lesser degree of delegation and indication whether or not Public Hearings would be held, and;
2. **For staff to report back and respond to issues and concerns identified by Committee at today's discussion.**

On the amendment:  
CARRIED UNANIMOUSLY 13/GPC711

On the main motion as amended:  
CARRIED UNANIMOUSLY 13/GPC712





City of Victoria  
Mayor and Council  
City Hall,  
1 Centennial Square  
Victoria, BC  
V8W 1P6

September 9<sup>th</sup>, 2015

Dear Mayor and Council,

### **Exemptions and Delegated Authority Report**

I am writing to you in my capacity as chair of the City's Heritage Advisory Panel (HAPL) to seek referral of the *Exemptions and Delegated Authority Report*, due to come before the Planning and Land Use Committee on September 9<sup>th</sup>, 2015, to HAPL for advice to council.

While HAPL was assured at its September 8<sup>th</sup> meeting that the exemptions and delegations were to address minor legal technicalities, it is not clear how such exemptions and delegations avoid unintended consequences on form and character. In particular, HAPL members noted that it is often modest alterations – like those defined by their floor area in the report - that erode the character of a heritage conservation area or historic place.

New buildings, additions to existing buildings, and alterations to registered, designated and non-designated buildings within Heritage Conservation Areas all affect the overall form and character that the objectives in the OCP seek to conserve and enhance. HAPL would welcome an objective exploration of how the exemptions and delegations could affect this character.

The panel felt it important to make this suggestion to Mayor and Council in the context of what it perceives as a decline in referrals to the panel generally. For example, recent applications to remove an historic place from the municipal heritage register, and applications to alter a registered property have gone straight to council without panel input.

If these are conscious policy decisions made before the current members joined, HAPL would be keen to hear the rationale. In particular we would be keen to know why properties are registered if it is not to flag them for enhanced oversight.

The Panel is a brain's trust of city memory, wisdom and technical knowledge, willing to volunteer as much time as it takes to represent the city's heritage values and advise council accordingly. I encourage council to make full use of this extraordinary resource that I am honoured to chair.

Yours sincerely,

Richard Linzey

Chair, Heritage Advisory Panel

Cc: HAPL members, M Miller, Senior Heritage Planner; J Appleby, C Havelka PLUC Secretariat





# Purpose

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That Council consider the following initiatives:

1. Not requiring development permits for certain minor works (i.e. “exemptions”)
2. Delegating approval authority to staff for some types of development permits and heritage alteration permits that do not include proposed variances to the Zoning Regulation Bylaw

# Rationale

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These proposed initiatives are in response to:

1. The City of Victoria Strategic Plan, 2015-2018
  - Streamline application processes
  - Consider delegated authority
2. Feedback received at the annual Development Summits

The initiatives are also consistent with the OCP which anticipates regular monitoring, evaluation and adjustments as necessary.



# Background – Current Practice

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The OCP does not require permits for the following:

1. Building envelope remediation
2. In-kind replacement of exterior materials
3. Works that support the City's rainwater management program including:
  - Raingardens
  - Bioswales
  - Permeable paving
  - Cisterns and
  - Green roofs (on buildings not in Heritage Conservation Areas)

# Background – Current Practice

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Staff currently have authority to approve **minor amendments** to Council-approved DPs and HAPs under the following circumstances:

1. The amendments are substantially in accordance with the approved permit
2. The amendments are consistent with OCP guidelines



# Current Challenges

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When the OCP came into effect in 2012:

1. A new city-wide Development Permit Area 16 was introduced
  - Controlling the form and character of new commercial, industrial and multi-unit residential development
2. New Development Permit Areas introduced for Rock Bay Area (DPA 10A and DPA 10B)
3. The volume of development permits increased substantially (110%)

# Proposed Exemptions

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A development permit would not be required for:

1. New buildings and structures no greater than 9.2 m<sup>2</sup> (100 ft<sup>2</sup>) in size
2. Changes to existing landscaping (that does not form part of an approved permit)

*\*The above exemptions would only apply to designated areas outside of the Downtown Core, Inner Harbour and Victoria Arm Gorge Waterway.*



# Examples

Types of buildings and structures that would not require a permit:



Garbage/Recycling storage shed for multi residential building



Storage shed for industrial property

# Benefits

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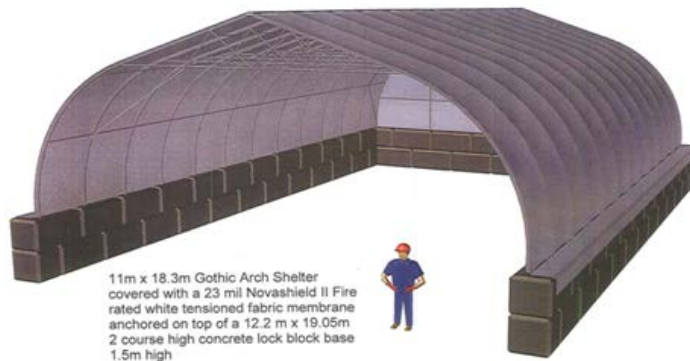
- Represents approximately **5%** of all minor DP applications received each year
- Provides a more streamlined development process
- Results in minimal impact on the form and character of the surrounding area
- Maintains requirement for compliance with *Zoning Regulation Bylaw*
- Would not apply within Heritage Conservation Areas or to properties identified on *City of Victoria Heritage Register*



# Delegated Authority – Proposed Approach

New buildings, building additions, structures and equipment in DPA 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage

## Examples:



Storage shelter on industrial lands  
2850 Turner Street



6 unit Townhouse  
403 Kingston Street

# Delegated Authority – Proposed Approach

New buildings, building additions, structures and equipment that do not exceed 100 m<sup>2</sup>

## Examples:



Conversion of storage container to ice cream sales  
89 Dallas Road



Construction of seven fermentation tanks  
515 Pembroke Street

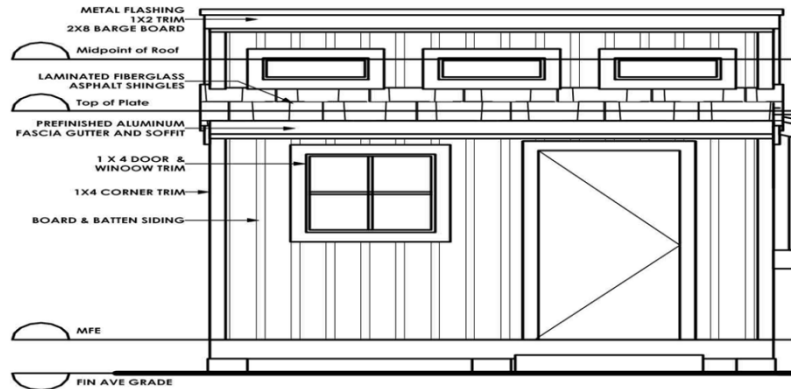


# Delegated Authority – Proposed Approach

Accessory buildings in:

- DPA 15A: Intensive Residential Small Lot
- DPA 15B: Intensive Residential Panhandle Lot
- DPA 15D: Intensive Residential Duplex

Example:



Small garden shed at  
rear of property  
1498 Myrtle Ave

# Delegated Authority – Proposed Approach

Floating buildings, floating building additions and floating structures (regardless of size) in DPA 11: James Bay and Outer Harbour at Fisherman's Wharf

Examples:



Floating storage shed  
1 Dallas Road



11m<sup>2</sup> addition to existing float home  
1 Dallas Road



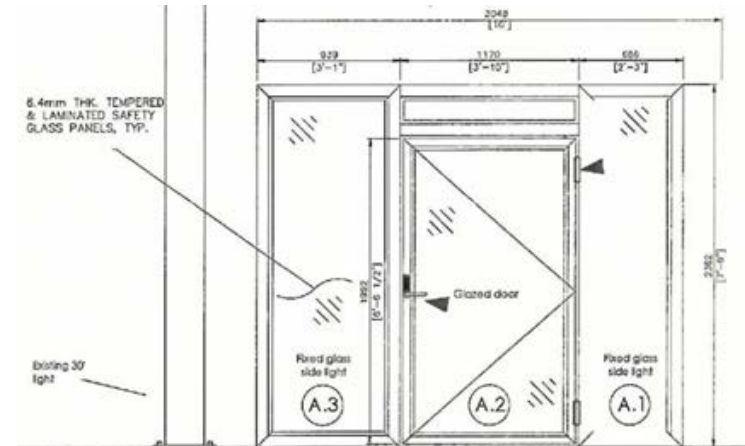
# Delegated Authority – Proposed Approach

Floating buildings, floating building additions and floating structures that do not exceed 100 m<sup>2</sup> in all other Development Permit Areas

Examples:



Floating storage shed  
1006 Wharf Street



Security gate on existing dock  
700 Government Street

# Delegated Authority – Proposed Approach

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- DP and HAP renewals of up to two years for previously approved (unlapsed and unchanged) applications where there have been no intervening policy changes
- Replacement of exterior materials on existing buildings
- Temporary buildings and structures that do not exceed 100 m<sup>2</sup> and where removal is secured by a legal agreement limiting permanence to five years
- Temporary construction trailers on private property
- Temporary residential unit sales trailers on private property
- Changes to landscaping where applicable design guidelines exist or where identified within an approved plan



# Delegated Authority – Proposed Approach

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## Referrals to Council:

- Applications that do not meet OCP policy or Zoning Regulation Bylaw would be referred to Council
- Staff would not be authorized to decline applications
- Director of Sustainable Planning and Community Development would have discretion to refer applications to Council

# Benefits

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- Streamlined review process
- Shortened timeline for applicants
- Maintains review with OCP and *Zoning Regulation Bylaw*
- Reduced number of applications that require a Council decision
- Typical processing time **reduced from 3-4 months to 2-4 weeks**, depending on application type
- Opportunity to direct more staff time to more complex applications and improve service delivery
- Ability for staff to monitor and review effectiveness of approval authority and report back to Council

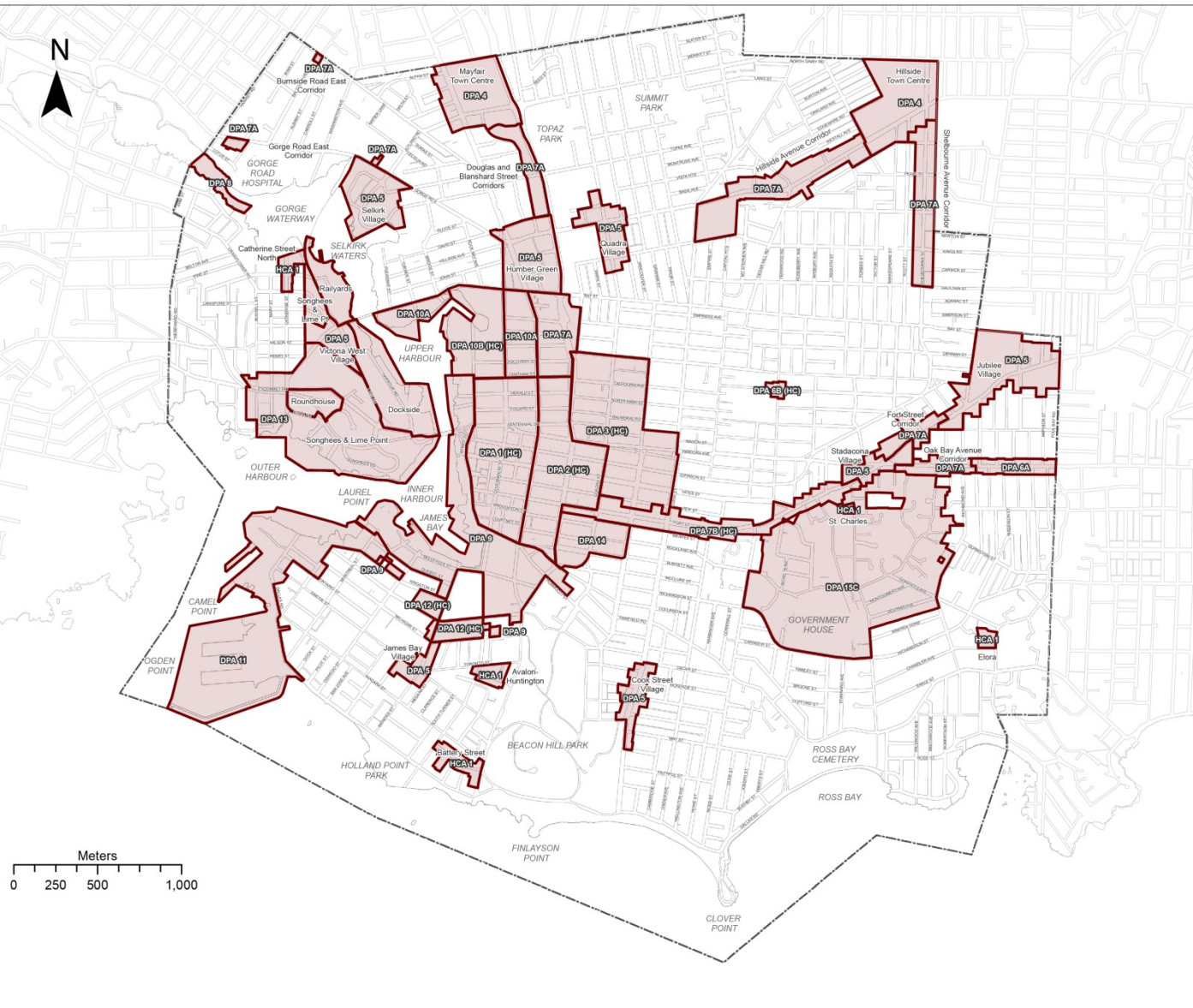


# Recommendations and Next Steps

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If Council endorses proposed initiatives, staff will report back to Council with:

1. Proposed OCP amendment bylaw (DP exemptions)
2. Proposed Land Use Procedures Bylaw amendment (for approval authority)
3. Detailed outline of administrative process for approval authority



# MAP 32

## COMPOSITE MAP OF DEVELOPMENT PERMIT AREAS AND HERITAGE CONSERVATION AREAS

- DPA 1 (HC): Core Historic
- DPA 2 (HC): Core Business
- DPA 3 (HC): Core Mixed-Use Residential
- DPA 4: Town Centres
- DPA 5: Large Urban Villages
- DPA 6A: Small Urban Villages
- DPA 6B (HC): Small Urban Villages Heritage
- DPA 7A: Corridors
- DPA 7B (HC): Corridors Heritage
- DPA 8: Victoria Arm Gorge Waterway
- DPA 9 (HC): Inner Harbour
- DPA 10A: Rock Bay
- DPA 10B (HC): Rock Bay Heritage
- DPA 11: James Bay and Outer Harbour
- DPA 12 (HC): Legislative Precinct
- DPA 13: Core Songhees
- DPA 14: Cathedral Hill Precinct
- HCA 1: Traditional Residential
- DPA 15C: Intensive Residential Rockland

The following designations apply to all areas within the City of Victoria and are not shown on this map:

- DPA 15A: Intensive Residential Small Lot
- DPA 15B: Intensive Residential Panhandle Lot
- DPA 15D: Intensive Residential Duplex
- DPA 15E: Intensive Residential Garden Suites
- DPA 16: General Form and Character

This composite map is provided for reference only. Please see the map and provisions for each designated DPA and HCA for legal information.