

Summary of Public Feedback on Delegated Authority and Exemption of Development Permits

Rockland Land Use Committee Comments

Sent: Saturday, September 26, 2015 1:44 PM

Subject: Re: CALUC Comments: DP Delegation and Exemption Initiative

Dear Mr. Batallas:

As chair of the Rockland Land Use Committee I would like to be on record with comments re:

3.b.viii 100m² is far too large and exempt floor space, at roughly 1100 ft² it is approximately the size of a small bungalow. A more suitable reference might be 37 m², 400 ft², the maximum total floor area of a garden suite. This would align with discussion on the future rezoning requirements on Garden Suites.

3.i. 5 years is far too long to allow temporary buildings in residential areas to remain in place. A more suitable maximum time limit might be 2 years.

3.j/k a time constraint on construction and sales trailers should be considered. It appears that they can be stored indefinitely on private property or left in place if a project stalls. I would suggest a time limit of 6 months after a project is completed or work ceases and further that trailers cannot be stored in residential areas or corridors. i.e. they are to be stored on an industrial storage site.

Regards:
Bob June, Chair
RNA LUC

Advisory Design Panel Comments

Proposed Development Permit exemptions for buildings and structures with a floor area no greater than 9.2m² (100ft²) in certain areas.

- Expanding the limit to be 20m² (215ft²).
- Concerns that a small structure (less than 9.2m²) could be built out of character with the building and/or neighbourhood that is fully visible from the public domain. This could diminish the effectiveness of the exemption policy.
- Concerns of large structures being built in sequential stages of less than 9.2m² each time so a permit is not required. This could diminish the effectiveness of the exemption policy.
- It is important that the policy include clauses to deal with concerns.
 - Exclude structures that are visible from the public domain (public right-of-way) from the exemption.
 - Proposing any subsequent small structures will not be exempted within 5 years following the construction of an earlier small structure.

Proposed delegated authority for staff to approve Development Permits for new buildings, building additions, structures and equipment that do not exceed 100m² floor area in certain areas.

- Change limit to 200m² (2153 ft²). Planning staff should be empowered more.

General Comments

- The proposal is a major step forward as a means of streamlining the development permit procedures.

Heritage Advisory Panel Comments (Minutes from October 13, 2015)

9. Delegated Authority and Exemptions for Development Permits

Preparation of comments for Council

Moved

Seconded

The Panel encourages Council to direct staff to create a visible and user-friendly tracking system for delegated applications. This system should be accessible by both the public and advisory groups.

The Panel encourages Council to request that staff provide advisory panels and committees with updates every two months (at minimum) regarding delegated applications that fall under their mandates.

That under the proposed delegation of authority, the Panel encourages Council to direct staff to seek guidance from the Panel on matters affecting the heritage values of the City regardless of the area and/or nature of the application.

The Panel encourages Council to direct staff to create Statements of Significance, to be approved by Council, for all DPA (HC) to ensure that staff know what values are to be protected in these areas.

Carried (unanimous)



James Bay Neighbourhood Association

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October 28th, 2015

Mayor Helps and Council,
City of Victoria

Re: Development Permit Exemptions and Delegation Authority

The JBNA Board is opposed to the proposed delegation of authority and exemptions for development permits as detailed in the planning document dated August 27th, presented to PLUC on September 10th.

This response must be considered in context, considering the following:

- October 3rd, 2013, GVHA-JBNA MOU (Fisherman's Wharf)
- April 22nd, 2015, JBNA response to Development/Heritage Alteration Permit Applications & Subdivisions
- September 9th, 2015, submission by Richard Linzey, Chair, CoV Heritage Advisory Panel
- October 1st, 2015, CoV Council - CALUC round-table discussion
- September 25th, 2015, (PLUC Report) Development Summit Action Plan & Final Report presented to PLUC on October 15th.

In effect, the proposal(s) would deny residents of James Bay the opportunity to review developments on most commercial/industrial lands in James Bay, including the contentious on-going and future development of Ogden Point.

The proposal(s) support the CoV's Strategic Plan objectives, outcomes and actions related to empowering staff, delegating decision-making and streamlining residential and commercial development processes but are in direct conflict with the Strategic Plan's objectives related to engaging and empowering the community. Consultation and collaboration on land use matters is the single most important aspect of community engagement. Centralizing and delegating authority as proposed is the direct opposite of "meaningful engagement."

The proposal(s) also undermines the JBNA-GVHA Memorandum of Understanding created by our two organizations and submitted to the City to accompany the rezoning application for Fisherman's Wharf in 2013.

The GVHA-JBNA Memorandum of Understanding was predicated on the opportunity for continuing public review. It was to create a consultation process for further commercial development at Fisherman's Wharf. 'Smaller' DP applications, expected during the first few years, were to give GVHA and JBNA an opportunity to fine-tune our internal processes to deal with these proposals in an efficient and effective way and hopefully pave the way for consideration of the Ogden Point MasterPlan DP process, yet to be determined.

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The Fisherman's Wharf MOU has been breached on several occasions; with a couple of breaches involving development permit applications. JBNA's first notification of one particular DP application was through a PLUC agenda. Upon contacting GVHA about the breach, we learned that GVHA's senior management was not aware of the DP application being forwarded to PLUC (Note: the city had processed the application with only the signature of an employee, not of the executive team). These weren't major projects but the fact that the City also didn't realize that the MOU would have been breached, remains worrisome. Although GVHA was not purposely trying to breach the MOU with the structures, it was a matter of neither the City nor GVHA having internal processes in place that respect the JBNA-GVHA Fisherman's Wharf MOU.

This issue with the Fisherman's Wharf MOU speaks to the importance of elements of the current system. The City process including a PLUC agenda is the community's only back-up for information and often the first public disclosure of a development. We are not suggesting that the existing system should remain as is; however, the proposed system sidelines public review, engagement and collaboration.

A development on a waterlot, of or near 100m² (1000 sq.ft.) is not minor. City staff may not be aware of the very different impacts of water-based businesses versus land-based businesses. On water, 1000 sq.ft. could house a restaurant, a pub, or a manufacturing facility. The design and orientation of a development on water could have significant impacts on nearby residents and other businesses. Public input could alter the orientation of a pub-deck, thereby minimizing impacts; it could alter the location of a facility *vis a vis* other facilities and thereby reduce or negate impacts.

Although the proposed changes purport to "*being advanced in response to some of the outcomes from the previous Development Summits and the City of Victoria Strategic Plan (2015-2018) as they relate to improving development processes and reducing the overall volume of development applications*", the development summits, and any public reviews known to us, have not suggested any exemptions to review for a development on waterlots, yet they are being proposed in the August 27th document.

Speed of approval may be an issue but as the analysis from planning suggests, the greatest time savings for developments would come through efficiencies within the process at City Hall. The CALUC process, and neighbourhood review, was not identified as problematic with respect to time-lapse issues.

On October 1st, at the Council-CALUC round table, the need, and desirability of CALUC to have opportunity and voice was expressed by many. Indeed, one neighbourhood representative expressed the need for all variances and other matters to be referred to CALUC. Words from Richard Linzey's September 9th submission, referring to proposed exemptions and delegations

which were to address **minor** legal technicalities, would apply equally to non-heritage-related developments: *"it is not clear how such exemptions and delegations avoid unintended consequences ..."*.

Such consequences go beyond the loss of public input, they also impose higher workloads on the volunteers who facilitate the CALUC as they search for other means of disclosures and input, increase the credibility gap between "City Hall" and residents, and most of all, signify the rejection of advice/input from committee and CALUC members.

The delegated authority and exemption proposal, in one form or another, has been in front of Council for at least 10 months. As it has come onto various agendas, some input has been sought from neighbourhoods, committees, landlords, and the development community. Sadly, as input has been received over the past year, be it through submissions or at the CALUC round-table discussions, proposals from staff have not changed direction, and have not incorporated input. Instead, we have seen policy proposals which have incrementally reduced CALUC or neighbourhood voices.

Two weeks following the October 1st round table discussions, the September Development Summit Action Plan & Final Report was presented to PLUC. It was as though the October round-table didn't occur. The system of neighbourhood consultation AFTER staff have developed program or changes puts neighbourhoods in a position of objecting, rather than as partners in the development of our city. Seeking "input" after recommendations are made, does not support collaboration. What it does, is to create a lot of work, duplication, angst and distrust.

The "decline" of opportunity to voice opinion as suggested by Linzey is not confined to heritage reviews; the diminishment of opportunity has been a theme for several months, in spite of the "strengthening communities" narrative.

We ask that delegations and exemptions, as per the August 27th proposal, be tabled pending creation of a process that permits public review and input for any development permit application, be it considered minor or major by staff. It is the residents who know which developments may be minor or major, and who will be living next to and near developments. JBNA has created a collaborative, time-sensitive and mutually respectful process for working with developers and with City staff. Perhaps the pre-meeting "model" may serve as a starting point for developing a DP review process that is compatible with Strategic Plan objectives.

Respectfully submitted,



President, JBNA

Cc: Chairs, CoV CALUC/VCAN



October 29, 2015

Mayor and Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Re: Delegated Authority and Exemptions for Development Permits

Mayor and Council –

On behalf of the UDI Capital Region's Board of Directors and myself, we would like to thank you for including us in your 2015 Development Summit. We collectively commend you on your extent of industry engagement and your commitment to bettering your processes by working more collaboratively with the development industry. Further, we appreciate the opportunity to offer feedback on the Delegated Authority and Exemptions for Development Permits initiatives that came out of the Development Summit.

The Delegated Authority initiative which would grant staff with delegated authority the ability review and approve a range of development permit (DP) applications when they are consistent with approved City policy. We believe by allowing staff authority to approve basic, uncomplicated development proposals it would shorten timelines for the applicant and lessen the number of proposals directed to Council. Time is a critical component for developers when applying for permits. By lessening timelines, this allows projects to proceed on time and on budget. We feel this is a positive approach for the City to be taking, and feel there may be additional areas where Delegated Authority could be expanded upon once the success of this current initiative is realized.

The second initiative is to exempt certain forms of minor development from requiring development permits within specific Development Permit Areas. The developments included in this exemption would apply to minor projects that would have little or no impact on the form and character of the surrounding area. This too, would create a more timely process allowing smaller projects to proceed and would reduce application volumes. The reduction in application volumes would allow staff and council to concentrate on bigger more complicated applications.

Again, UDI would like to acknowledge the amount of work that has gone into these initiatives. They are important steps forward that will create more economic viability for the development industry and in turn will create a more vibrant Victoria. We look forward to future engagement and collaboration.

Kind Regards,

A handwritten signature in black ink that reads "Kathy Hogan". The signature is written in a cursive, flowing style.

Kathy Hogan – Executive Director
(On behalf of the UDI Capital Region Executive Directors)