



Planning and Land Use Committee Report

For the Meeting of September 18, 2014

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

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

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

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
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) referred to a non-statutory Hearing	36%	13%
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) referred to a CALUC	36%	36%
Percentage of DP & HAP Applications (114 between Jan. 2009 and July 2012) subject to a Rezoning Application (with statutory Public Hearing) within 12 months of the subsequent DP or HAP approval	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 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.

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%
Total	123	101	155	158	40%

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 <i>(Public Hearing for Rezoning)</i>	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 <i>(Public Hearing for Rezoning)</i>	Delegated	No
DP#000214	740 Hillside Ave	No	No <i>(Public Hearing for Rezoning)</i>	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 <i>(Public Hearing for Rezoning)</i>	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 <i>(Public Hearing for Rezoning)</i>	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

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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

Mayor Fortin, Chair