



## EXPLANATORY MEMO

### Development Application Procedures Bylaw No. 3335

#### **DRAFT – Provided for information on proposed bylaw updates**

The purpose of this proposed bylaw is to establish updated development application procedures that build on the current Development Application Procedures Bylaw No. 3270, which was adopted in March 2024 to align with new Provincial housing legislation and modernize out-of-date practices.

With Bylaw No. 3270 primarily serving to comply with Provincial legislation, the proposed new Development Application Procedures Bylaw No. 3335 (attached to this agenda item) expands on this by streamlining smaller scale, simpler development applications and updating associated procedures while maintaining high standards for development. Bylaw No. 3270 is also attached for comparative reference.

The proposed Bylaw No. 3335 (the 'bylaw') adds to existing development and application types under staff approval authority (such as additions of 200 m<sup>2</sup> or less or R1 Zone subdivision) to streamline the processing of additional development forms and concentrate Council authority on larger scale, higher-impact developments, while maintaining design control in accordance with the City's Development Permit Area guidelines as established in the Official Community Plan (OCP). To ensure coverage of unique scenarios, staff retain the discretion to refer any application delegated to staff under the proposed bylaw to Council. Applicants similarly retain the full right to appeal a staff decision to Council.

The updates and accompanying rationale in Bylaw No. 3335 are summarized below.

#### 1. Delegating approval of Development Permits to staff for simpler applications

Bylaw No. 3335 would give staff Development Permit approval authority for simpler types of development, namely for smaller residential (6 units or fewer), industrial (max. 2,000 m<sup>2</sup> floor area), and commercial (max. 1,000 m<sup>2</sup> floor area) projects outside of Downtown (see *Section 4.3 in proposed Bylaw 3335*). Development Permit delegation for non-residential subdivision and amendments to previously issued Development Permits is also proposed. These delegated projects would not go to the Advisory Design Panel (ADP) or Council (though staff would retain the right to refer projects to either) and would have application notice provided on

the City website only (*Sections 4.5, 4.8, and 4.11 in Bylaw 3335*). Applicants could appeal staff decisions to Council (*Section 4.9 in Bylaw 3335*). Delegated Development Permit applications associated with another application type requiring Council review (such as rezoning or major variances) would remain subject to Council approval.

The delegation of smaller residential Development Permits helps support efficient processing of plex-homes in line with the intent of Provincial SSMUH legislation while continuing to ensure new buildings meet the City's design guidelines in the OCP and integrate sensitively into their surroundings. Given their small size and relative simplicity to design and construct, plex-homes continue to see increased interest and are expected to make up a growing number of applications over time. Delegating these Development Permits to staff would reduce the processing time for applications that typically go to Council, and especially those that now go to ADP meetings, as the ADP only meets approximately once a month and can only review two development applications per meeting. At the same time, staff-delegated Development Permits would maintain the City's ability to exercise design control and ensure development remains of a high quality. This middle ground between Council-authorized Development Permits and not requiring Development Permits at all is particularly important for plex-homes or small-scale multi-unit housing (SSMUH), as it ensures these new housing forms blend into existing neighbourhoods in an attractive form. This approach will also reduce the overall time, number of steps, and cost of construction to allow a greater diversity of housing to come forward faster.

Delegating smaller commercial and industrial Development Permits to staff would similarly save ADP and Council capacity for more complex projects that benefit from greater review. Other than existing very minor exemptions, all C1 Zone projects would not be delegated to staff and would continue to be subject to ADP and Council review in recognition of the importance of full review in the Downtown.

## 2. Delegating minor Development Variance Permit (DVP or "variance") approval

As enabled by Section 498.1 of the *Local Government Act (LGA)*, minor variances are also proposed to be delegated to staff for approval (*Section 4.6 in Bylaw 3335*). This change is intended to complement the delegation of simpler Development Permits and further streamline the application process when only limited and justifiable variances are proposed.

Per the *LGA*, the definition of "minor" variances and the guidelines per which staff will consider applications must be set by bylaw. This subject bylaw proposes modest definitions in line with existing practices in other Metro Vancouver municipalities, with guidelines focused on existing City policies, neighbourhood context and character, and the City's urban forest and tree canopy, to support

flexibility and efficiency while ensuring any more substantial variances continue to be fully subject to Council's authority (*Section 4.7 in Bylaw 3335*).

The proposed delegation of minor variances is expected to be particularly useful in accelerating the creation of new housing and achieving the City's tree canopy targets, as it would allow staff to be more flexible in guiding new home design in a way that can respond to irregular or challenging lots or mature trees and keep the process simple for builders while respecting City policies and local context.

### 3. Additional Updates

#### *Land Use Contracts*

With Land Use Contracts having been eliminated province-wide in July 2024, all references to them have been removed (*Section 5 in Bylaw 3270*).

#### *Permit expiration and extension practices*

Consistent with the delegation of select other application procedures, the subject bylaw proposes to give staff the ability to grant a single 12-month extension to development applications to be able to be more responsive to unique events affecting development timelines, such as the current market downturn (*Section 2.10 in Bylaw 3335*).

#### *Removal of Committee of the Whole for all Development Variance Permits (DVPs)*

While not technically required under the existing Bylaw No. 3270, the City's practice has been to hold Committee of the Whole meetings for DVPs to provide the public with an opportunity to provide input in relation to variance applications. As this is not statutorily required, and as the City does not hold public hearings for residential rezoning applications or Committee of the Whole meetings for any Development Permit applications, it is proposed that Committee of the Whole meetings also be removed for DVP applications, both "minor" and otherwise. In accordance with the *LGA*, and as done for residential rezonings, notice of application, including application signs, website posting, and mailouts to nearby properties, will continue to be provided for non-minor DVP applications.