

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: November 22, 2021

TO: Mayor and Council

FROM: Greg Newman, Acting Director, Planning and Development Services

SUBJECT: City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment No. 5, Bylaw, 2021, No. 2409

RECOMMENDATION

THAT Council receives the corporate report dated November 22, 2021 from the Acting Director of Planning and Development Services, titled “City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment No. 5, Bylaw, 2021, No. 2409.”

EXECUTIVE SUMMARY

This corporate report presents Council with recommended amendments to City of White Rock Planning Procedures Bylaw, 2017, No. 2234 which, if approved, would:

- Remove all references to “Schedule A – Applications Fees” within the Bylaw recognizing that fees for planning applications are to be incorporated into City of White Rock Fees and Charges Bylaw. A separate corporate report is included on the regular agenda to introduce the related amendments to the Fees and Charges Bylaw;
- Introduce additional rigor into the process of carrying out a “Formal Pre-Application” under circumstances explicitly introduced into the Planning Procedures Bylaw. Schedule C to the Procedures Bylaw has been revised to outline when a “Formal Pre-Application” process is required; and
- Recognize the need for applicants to post a retainer to cover the costs of a peer review when technical studies are determined, by the Director of Planning and Development Services, to require such a peer review.

INTRODUCTION/BACKGROUND

City staff are proposing amendments to City of White Rock Planning Procedures Bylaw, 2017, No. 2234, to establish a more formal process of pre-application. The intention of this change is to ensure that would-be applicants have scoped their land use and development proposals to align with applicable policies of the City’s Official Community Plan, the requirements of municipal bylaws including the Zoning Bylaw, Streets and Traffic Bylaw, Tree Protection Bylaw, and others, and to provide feedback regarding potential challenges and opportunities that may face the proposal. Further, establishing a mandatory “Formal Pre-Application Process” will benefit those wishing to pursue a planning application by helping them to avoid revisions and costly rework that, with more fulsome due diligence and guidance from staff, can be easily addressed to

make for a better complete submission. The following sections outline three areas of amendment proposed to the Procedures Bylaw.

Relocation of Planning Application Fees to City of White Rock Fees and Charges Bylaw

“Schedule A” to the Planning Procedures Bylaw captures the fees required for each planning application. The fee schedule has not been updated since 2019. Staff recommend that these fees be brought into City of White Rock Fees and Charges Bylaw for them to be more comprehensively reviewed with other municipal fees, and to enable annual adjustments based on inflation (roughly 2% per year). A concurrent report is included on the regular agenda of Council to bring the planning fees into the Fees and Charges Bylaw. Related amendments to the Planning Procedures Bylaw are presented in City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment No. 5 (Formal Pre-Application Process), Bylaw, 2021, No. 2409, included in the Bylaws section of the Regular Council agenda. Note that with the removal of Schedule A from the Planning Procedures Bylaw a general amendment is proposed to relabel the schedules to the Bylaw in an updated sequence (e.g., current Schedule B becomes new Schedule A).

Review of Preliminary Development Proposal Submission Requests

Planning Procedures Bylaw, 2017, No. 2234 currently establishes an opportunity for would-be applicants to hold a “Pre-Application Meeting” with staff. The process supporting this pre-application meeting is outlined in Schedule D to the Bylaw. Generally, the process requires the applicant to provide their name, civic address for proposed development, description of the proposal and a preliminary site plan and/or subdivision plan. Holding a pre-application meeting is viewed as an excellent means by which to ensure the scope of a submission is aligned with City policy and regulations. That said, the process is time consuming and, in some instances, is viewed as wasteful when it is unlikely that an application will proceed, or when it is evident that the desired development scheme has been pursued with little to no due diligence.

Currently, there are no fees required in support of carrying out a formal pre-application meeting. Through Bylaw No. 2401, being a bylaw to amend the City’s Fees and Charges Bylaw, staff are proposing a \$450 fee to carry out a “Formal Pre-Application Meeting.” Furthermore, through Bylaw No. 2409, Staff are introducing a framework to mandate a pre-application meeting when any of the following requests are received:

- a) Confirmation of established (legal non-conforming) rights requiring a review of historic building permit records, planning applications, and related City files;
- b) Confirmation of zoning standards and process requirements, as they apply to a proposal for which preliminary drawings have been provided to staff for formal review, particularly as they relate to residential infill, multi-unit residential, a proposed Comprehensive Development (CD) Zone, or mixed-use development;
- c) Coordinating review by other municipal departments; and/or
- d) Any other situation where the Director deems it necessary to formalize a pre-application process.

It is important to note that planning staff will continue to provide daily support to residents and would-be developers seeking clarification of zoning regulations and procedural requirements, without asking that the enquirer go through a formal pre-application process and pay a \$450 fee. The basis for establishing a more formal process of pre-application is to ensure there is cost recovery for more cumbersome, time-consuming, requests for information and technical feedback. In many instances, staff are spending hours reviewing preliminary submissions, carrying out a circulation of materials to other city departments, and formalizing comments only

to find that the interested party has since walked away from the project or there are immediate “show-stoppers” which render a proposal unfeasible. Given the increasing complexity of infill proposals, it is expected that the level of staff involvement in carrying pre-application reviews will increase, stressing the need for more structure in the process with fees for service.

With the establishment of a more formal process of pre-application comes the opportunity to enhance the level of service provided to White Rock residents and would-be investors in the City. Upon completion of a pre-application review, staff will provide the stakeholder with a “Pre-Application Meeting Summary.” The Summary will outline the technical submission requirements necessitated by the proposal, highlight applicable OCP policies and regulations, and offer guidance regarding next steps in formalizing a submission; a draft summary document is provided as Appendix A to this report. The Summary will also identify when the City will require a peer review of any submitted technical study. The benefit of this deliverable will be establishing transparency in expectations, at the outset, and a scope of work which can be used by a potential application to gauge costs moving forward.

Requirement to Post Retainers to Support City’s Peer Review for Planning Applications

In addition to relocating the fees schedule and formalizing the pre-application process, Bylaw No. 2409 introduces a simple text addition to Section 13 of the Planning Procedures Bylaw. The purpose of this amendment is to recognize the requirement for the posting of a retainer (fee) in cases when the Director of Planning and Development Services deems it necessary to carry out a peer review of a technical study/document included with a planning application. The text amendment is outlined below for ease of reference:

“The Director or Approving Officer, after receiving and reviewing a report under this Bylaw, may require a peer review report if the initial report fails to satisfy the requirements of this Bylaw, including by failing to satisfy a standard, guideline, policy or other matter set out in or incorporated by reference in this Bylaw. If a peer review report is required, the Director or Approving Officer will select one peer of the class of applicable professional from a list of peers nominated by the applicant and the original professional. A retainer will be required to be posted in support of a peer review report of any technical study with a planning application, at the cost of the Applicant.”

FINANCIAL IMPLICATIONS

It is expected that staff will receive approximately 10 to 15 formal pre-applications annually. This will result in approximately \$4,500 to \$5,000 in additional revenue per year.

ALIGNMENT WITH STRATEGIC PRIORITIES

The proposed amendments aligns with Council’s strategic priorities to manage the delivery of City services efficiently and effectively.

OPTIONS / RISKS / ALTERNATIVES

The following alternate options are available for Council's consideration:

1. Direct staff to make changes to City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment No.5 (Formal Pre-Application), Bylaw, 2021, No. 2409;
2. Deny giving readings to City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment No.5 (Formal Pre-Application), Bylaw, 2021, No. 2409.

CONCLUSION

Staff have introduced proposed amendments to City of White Rock Planning Procedures Bylaw, 2017, No. 2234 to formalize a process of pre-application. The creation of a more formal process, with applicable fees, will benefit would-be applicants while supporting some degree of cost recovery for the City.

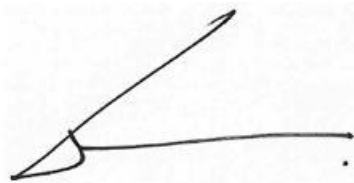
Respectfully submitted,



Greg Newman
Acting Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft Template of Pre-Application Summary