



**AGENDA**  
**GOVERNANCE AND PRIORITIES COMMITTEE MEETING**

Monday, March 25, 2024, 1:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 3:00 P.M.

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**Pages**

**1. CALL THE MEETING TO ORDER:**

[Note: This meeting will be live streamed and video recorded for the public.]

**2. INTRODUCTION OF LATE ITEMS:**

**3. APPROVAL OF THE AGENDA:**

**4. ADOPTION OF THE MINUTES:**

**5. AGENDA PLANNING:**

a. Upcoming Topics and Initiatives

[Note: Document to be distributed on the addendum.]

**6. REPORTS:**

a. Connected Nanaimo:

1. Transit-Oriented Areas

3 - 23

To be introduced by Jeremy Holm, Director, Planning and Development.

*Purpose: To provide an overview of Bill 47 – Housing Statutes (Transit-Oriented Areas), and seek direction to prepare a Transit-Oriented Area designation bylaw and amendments to the Off-Street Parking Regulations Bylaw.*

Presentation:

1. Kasia Biegun, Planner, Community Development.

Recommendation: That the Governance and Priority Committee recommend that Council direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the “Off-Street Parking Regulations Bylaw 2018 No. 7266” as outlined in the Staff report titled "Transit-Oriented Areas", dated 2024-MAR-25.

b. Healthy Nanaimo:

1. Development Approval Process Review

24 - 80

To be introduced by Jeremy Holm, Director, Planning and Development.

*Purpose: To provide the Governance and Priorities Committee with the Development Approval Process Review draft report by Neilson Strategies Inc. for consideration and recommendation to Council.*

Presentation

1. Allan Neilson, Neilson Strategies Inc., and Sherry Hurst, Leftside Partners Inc.

Recommendation: That the Governance and Priorities Committee recommend that Council:

1. provide feedback on the recommendations outlined in 2024-MAR-25 draft report by Neilson Strategies Inc. titled “Development Approval Process Review”; and,
2. direct staff to work with consultants to finalize the report based on the feedback received at the 2024-MAR-25 Governance and Priorities Committee meeting and return to Council with a final draft of the report.

7. QUESTION PERIOD:

8. ADJOURNMENT:

DATE OF MEETING March 25, 2024

AUTHORED BY KASIA BIEGUN, PLANNER, COMMUNITY PLANNING

**SUBJECT TRANSIT-ORIENTED AREAS**

## **OVERVIEW**

### **Purpose of Report**

To provide an overview of Bill 47 – Housing Statutes (Transit-Oriented Areas), and seek direction to prepare a Transit-Oriented Area designation bylaw and amendments to the Off-Street Parking Regulations Bylaw.

### **Recommendation**

That the Governance and Priority Committee recommend that Council direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the “Off-Street Parking Regulations Bylaw 2018 No. 7266” as outlined in the Staff report dated 2024-MAR-25.

## **BACKGROUND**

On 2024-JAN-22, staff presented a high-level overview of the Provincial housing legislation (Bills 35, 44, 46, & 47) to the Governance and Priorities Committee (GPC). Staff have since reviewed the legislation, regulations and policy manual in greater detail, and have taken part in provincial webinars and legal seminars to understand the requirements, implications, and next steps. In addition, staff consulted with internal departments and externally with government agencies including the Regional District of Nanaimo (RDN), the District of Lantzville, BC Transit, Ministry of Transportation and Infrastructure (MOTI), Vancouver Island University (VIU), and School District #68 (SD68).

## **DISCUSSION**

This section provides a more in-depth overview of Bill 47 (and associated Regulation 674), implications for consideration, and proposed bylaw amendments.

### **Overview of Transit-Oriented Area Legislation & Regulations**

Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendment Act is intended to establish transit-supported densities adjacent to transit stations. These areas are referred to as Transit-Oriented Areas (TOAs) and are designated around prescribed transit stations (bus exchanges, passenger rail station, or other transit facility) to help achieve the goals of transit-oriented development. The goals include a diversity of housing types, a wide range of employment opportunities, amenities, and services within a 15- to 20-minute walk. TOA Regulation 674 identifies three bus exchanges in Nanaimo: Woodgrove, Country Club, and Vancouver Island University (VIU). Lands within a 400-meter radius of the centre point of the bus exchange, are subject to the following minimum densities, heights, and off-street parking requirements as shown in Table 1.

**Table 1 – TOA Density, Height, & Parking Overview**

<b>Bus Exchange</b>	<b>Prescribed Distance (metres)</b>	<b>Minimum Allowable Density (Floor Area Ratio) (FAR)</b>	<b>Minimum Allowable Height (storeys)</b>	<b>Minimum Off-Street Parking Requirements</b>
<b>Woodgrove Country Club VIU</b>	Less than 200 m	3.5	Up to 10 storeys	No residential off-street parking minimums
	200m – 400m	2.5	Up to 6 storeys	

The regulations apply to lands zoned to permit residential use, including mixed-use zones where the residential use is permitted alongside commercial, employment, institutional, or other uses. Refer to Attachment A for maps of the three TOAs and the parcels that are captured. Any parcel which is partially included in the catchment area of a designated TOA is deemed to be wholly within the catchment area of that TOA. Where parcels are bisected by two different density tiers, the parcel is deemed to be wholly within the class of land to which the highest density applies. Note that land zoned for industrial or agricultural use is not subject to the TOA requirements. In addition, Federal Crown land is not subject to the TOA requirements.

Minimum Allowable Density and Height

Local governments must adhere to the new minimum allowable densities and heights (as shown in Table 1) when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws. The legislation does not preclude the need for a rezoning application where a development proposes a density or height greater than what is permitted by current zoning. The prescribed provincial minimums provide for an allowable range of densities and building heights within the TOAs. The minimum densities and heights may include other uses such as commercial, in the case of mixed-use developments. While an envelope of allowable densities and heights are available for rezoning applicants to work within, a local government may not reject a rezoning proposal based on the density or height allowed by Bill 47 and shown in Table 1. Local governments retain the authority to 1) establish densities and heights greater than those prescribed by the provincial regulations; 2) secure conditions such as road dedication, non-market housing, and parkland; and, 3) consider factors such as the infrastructure deficiencies, hazardous conditions, and preservation of heritage buildings and features. Refer to Attachment B for an illustration of how the provincial density and height envelope works in relation to local government authority. On 2024-MAR-08, an update was issued to the TOA policy manual informing local governments that they will now be permitted to utilize density bonusing within the minimum allowable density framework. Staff will consider the use of density bonus tools in the TOAs when updating City Plan and the Zoning Bylaw in 2025, and when considering rezoning applications in TOAs.

Off-Street Parking Regulations

The new parking legislation in Bill 47 restricts local governments’ ability to require residential off-street parking in TOAs, except for parking for people with disabilities. It does not preclude a property developer from including parking in the development and local governments may apply parking design standards. All requirements for off-street parking or space provisions for accessing vehicle parking, bicycle/micro-mobility parking, loading/unloading, service vehicle access,

deliveries, and shared vehicles set by local governments for residential and residential mixed-use developments may still apply. Commercial parking requirements will not be affected within TOAs.

### Timeline

Local governments must designate each TOA and 400m catchment area within its jurisdiction by bylaw by 2024-JUN-30, including amending off-street parking requirements to align with the regulations. There is no requirement to amend the zoning bylaw or official community plan bylaw to designate TOAs. The limitation on the use of zoning powers will apply in the TOAs once the designation bylaw is adopted. Local governments are also required to notify MOTI by email of the final adoption of the bylaw. If a local government does not comply with the legislation, regulations that designates the TOAs may be imposed by the Province.

### In-Stream Applications

The TOA legislation does not apply to in-stream rezonings that have received first reading before 2023-DEC-07. Staff have confirmed there are no in-stream rezonings applications that fall within a TOA area prior to 2023-DEC-07.

### Implications

This section outlines implications for each of the three TOAs in Nanaimo.

#### Woodgrove TOA

- The area of the Woodgrove TOA is partially within city limits, partially in the District of Lantzville, and is bisected by the Nanaimo Parkway. The parcels subject to the TOA regulations within Lantzville are undeveloped and not serviced.
- The 30 parcels that fall within city limits do not entirely align with *City Plan's* Urban Centre Land Use Designations and policies. About a third of the lands fall within the Woodgrove Secondary Urban Centre, and the remainder to the west of the Nanaimo Parkway, which are designated Suburban Neighbourhood (Attachment C).
- The RDN *Transit Redevelopment Strategy* (2022) calls for a new location for the bus exchange at Woodgrove Centre as the existing location is temporary.
- In 2023, the City of Nanaimo was awarded a Complete Communities (CC) grant by the Ministry of Housing to undertake an assessment of the Woodgrove Secondary Urban Centre. A portion of the TOA boundaries falls within the scope of the CC assessment area. The scope of the assessment will include a mobility study that will explore options for a new location for a permanent bus exchange. The grant timeline to complete the assessment is 2024-OCT-16.
- In the circumstance where the bus exchange moves, it is Staff's understanding that the TOA bylaw would need to be updated to reflect the new 400m catchment area.

#### Country Club TOA

- The scope of the Country Club TOA is 170 parcels compared to the Country Club Secondary Urban Centre boundary, which includes 59 parcels. The TOA boundary captures parcels designated Mixed Use Corridor, Residential Corridor, Neighbourhood, Suburban Neighbourhood, and Light Industrial (Attachment D).
- Highway 19A bisects the TOA, capturing parcels zoned for corridor and industrial use. Eight out of the nine parcels south of Highway 19A are exempt from the TOA regulations, as they are zoned for industrial use.

- The RDN *Transit Redevelopment Strategy (2022)* proposes to move the bus exchange adjacent to the Island Highway in the long-term. The City is undertaking a Country Club Mobility Upgrade Study, the scope of which will include exploring a permanent location for the bus exchange.
- In the circumstance where the bus exchange moves, it is staff's understanding that the TOA bylaw would need to be updated to reflect the new 400m catchment area.

#### VIU TOA

- The area of the VIU TOA captures eight parcels, one more than the VIU Secondary Urban Centre area. The additional parcel is to the west of the Nanaimo Parkway (Attachment E).
- All the lands in the VIU TOA are either held by Vancouver Island University, School District 68, Snuneymuxw First Nation, the Federal Government, the Provincial Government, or the City of Nanaimo. Snuneymuxw First Nation and Federal lands are exempt from the TOA regulations.
- The RDN *Transit Redevelopment Strategy (2022)* does not call for any changes to the location of the existing bus exchange (which is located on the university campus, at the top of Fourth Street).

Staff submitted a request in January 2024 to the Ministry of Housing for an extension to the 2024-JUN-30 deadline, on the basis of the temporary nature of the bus exchanges in Woodgrove and Country Club and Complete Communities assessment. The request was forwarded to MOTI, but Staff have yet to receive a response.

#### City Plan Policy Review

The new TOA regulations align, for the most part, with the City Plan Urban Centre land use designations and policies. Woodgrove, Country Club, and VIU are identified as secondary urban centres, intended to evolve into complete communities, and support densities and heights greater than what is mandated by Bill 47.

Where there are inconsistencies, is with the TOA catchment areas, which are larger than the three City Plan Secondary Urban Centre designations. The TOA catchment areas are based on 400m concentric rings, whereas the City Plan designations take into account local context, parcel fabric, and geographic features. There is no requirement to amend City Plan to align with the TOA designations by 2024-JUN-30. However, after 2024-JUN-30 Staff will review and consider amendments to the three Secondary Urban Centre designations and related policy to ensure that City Plan aligns with the TOA designation bylaw. Additionally, local governments are strongly encouraged to prepare a Transit-Oriented Area Plan (TOA Plan) for each designated TOAs.

#### **Proposed Regulatory Amendments**

Staff are seeking direction on the following two required regulatory amendments.

#### TOA Designation Bylaw

Per the TOA legislative requirements, Staff are seeking direction to prepare a TOA Designation Bylaw that lists the three TOAs: Woodgrove, Country Club, and VIU, the base densities and heights, and corresponding mapping. The mapping will clearly lay out what parcels fall within the 200m and 400m catchment areas and what parcels are exempt from the regulations.

## Amending Off-Street Parking Regulations Bylaw

Per the TOA legislative requirements, Staff are seeking direction to review and amend the Off-Street Parking Regulations Bylaw to remove minimum parking standards for residential development and to consider other parking implications in the three TOAs (i.e. accessible parking, bicycle parking, and underground parking).

### **Next Steps**

Staff are proposing to bring forward the required regulatory amendments for consideration in May 2024. This will allow consideration of adoption ahead of the 2024-JUN-30 Provincial required deadline.

### **Communication Strategy (TOAs, SSMUH, and Increasing Housing Options)**

To support the public's understanding of the provincial regulatory roll out, staff are proposing a communication strategy that utilizes both digital and print tools to reach a wide audience. The strategy combines the Transit-Oriented Areas, Small-Scale Multi-Unit Housing (SSMUH), and Increasing Housing Options changes for efficiency.

#### Digital Outreach

- Websites: Updates have been made to the City's website and Get Involved site – Increasing Housing Options page.
- E-Notifications: My Nanaimo This Week will be used to issue e-notifications.
- Press Releases: These will be utilized to communicate key changes.
- Social Media: Various platforms will be utilized as well as cross-promotion opportunities.
- Online Information Sessions: High-level overviews of the Bills and opportunities to ask Staff questions will be offered via information sessions. Sessions will target a various groups including the general public and development community. The sessions are scheduled to occur following the 2024-JUN-30 legislative deadline.

#### Print Outreach:

- Tax Notice Newsletter: An advertisement will be included in the property tax notice newsletter informing where to find more information. The newsletter is scheduled to be mailed in May 2024.
- Handout: To support reoccurring inquiries, a handout will be prepared to aid the general public and development community, in understanding the changes. |

### **OPTIONS**

1. That the Governance and Priority Committee recommend that Council direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the "Off-Street Parking Regulations Bylaw 2018 No. 7266" as outlined in the Staff report dated 2024-MAR-25.
  - The advantages of this option: Ensure that the City will be in compliance with Bill 47 TOA legislative requirements.

- The disadvantages of this option: The TOA catchment areas are larger than the City Plan Urban Centre designation areas for Woodgrove, Country Club, and VIU, which have implications for City Plan policies.
- Financial Implications: Staff resources are required to comply with the Provincial Housing Legislation in 2024 and 2025.

2. That the Governance and Priorities Committee provide alternate direction. |

### **SUMMARY POINTS**

- Bill 47 – Transit-Oriented Areas Amendment Act identifies three bus exchanges in Nanaimo that are subject the Transit-Oriented Areas (TOA) legislation: Woodgrove, Country Club, and Vancouver Island University. Lands within the TOA are subject to minimum densities, heights and off-street residential parking requirements.
- Staff are seeking direction to prepare a Transit-Oriented Area Designation Bylaw and amendments to the Off-Street Parking Bylaw to comply with the TOA legislative requirements by 2024-JUN-30.

### **ATTACHMENTS:**

ATTACHMENT A – TOA Maps: Woodgrove, Country Club, and VIU

ATTACHMENT B – Provincial Density and Height Envelopes

ATTACHMENT C – Woodgrove Transit-Oriented Area and City Plan Land Use Designations

ATTACHMENT D – Country Club Transit-Oriented Area and City Plan Land Use Designations

ATTACHMENT E – VIU Transit-Oriented Area and City Plan Land Use Designations |

#### **Submitted by:**

Lisa Brinkman  
Manager, Community Planning

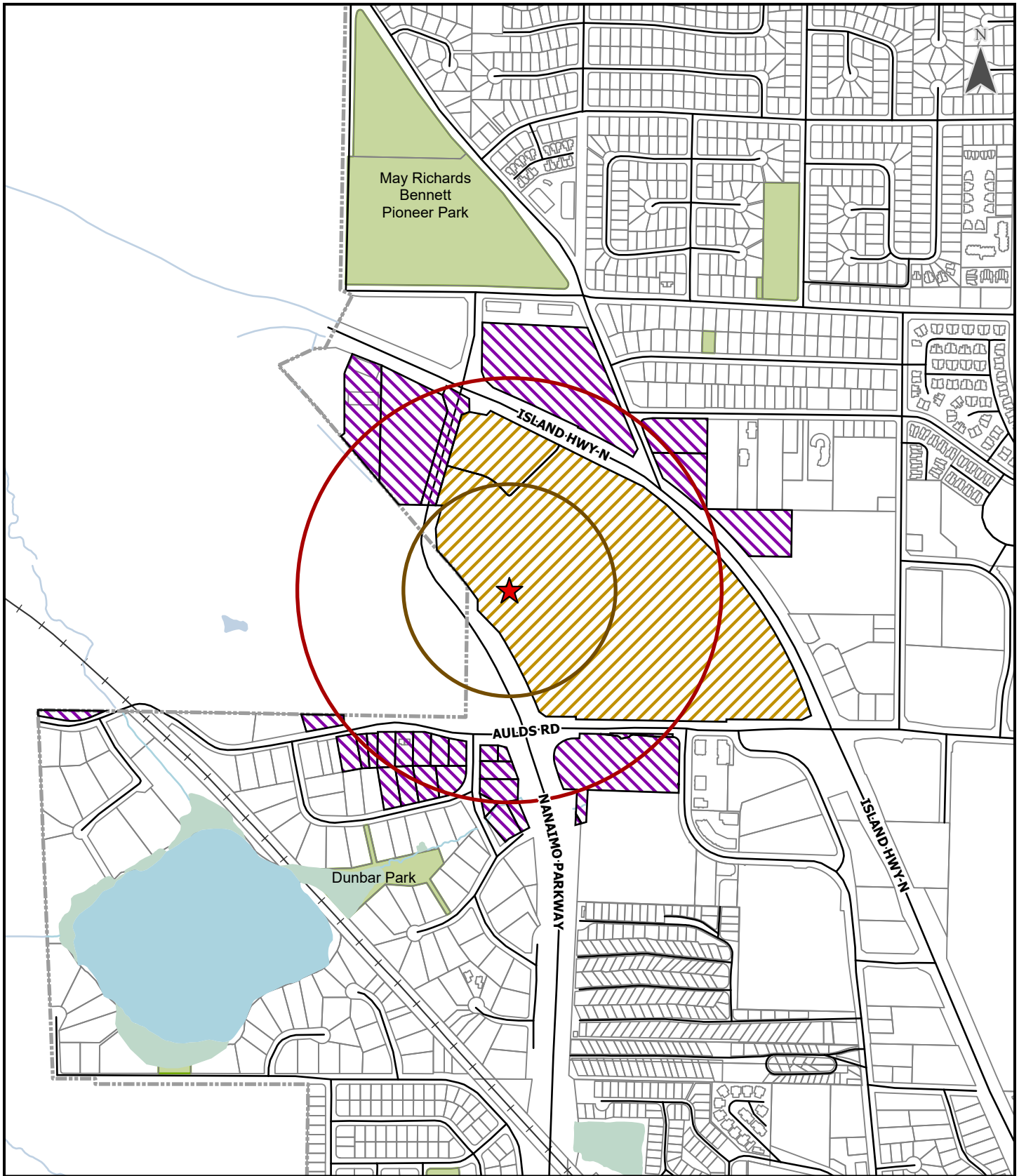
#### **Concurrence by:**

Lainya Rowett  
Manager, Current Planning

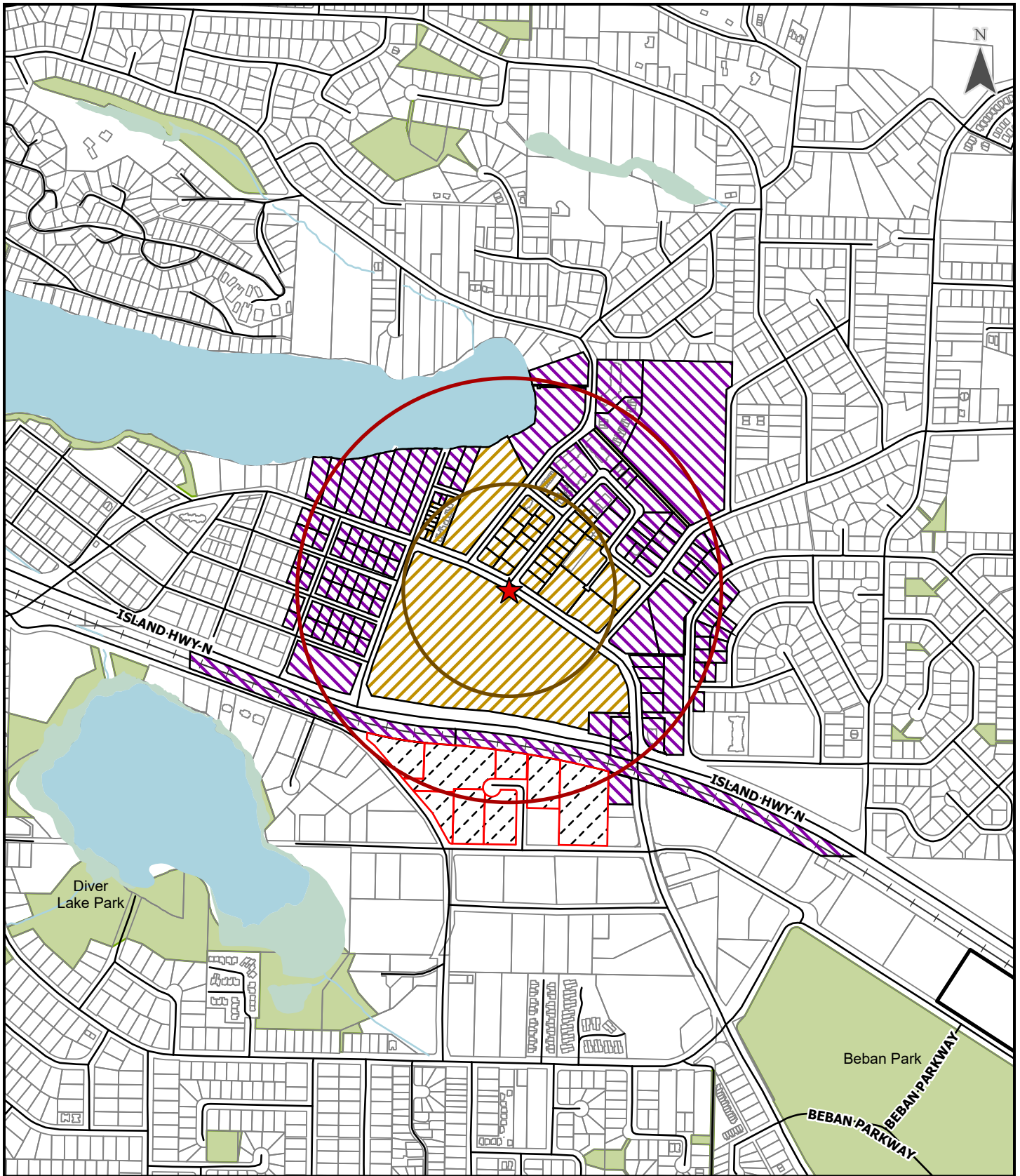
Jeremy Holm  
Director, Planning & Development



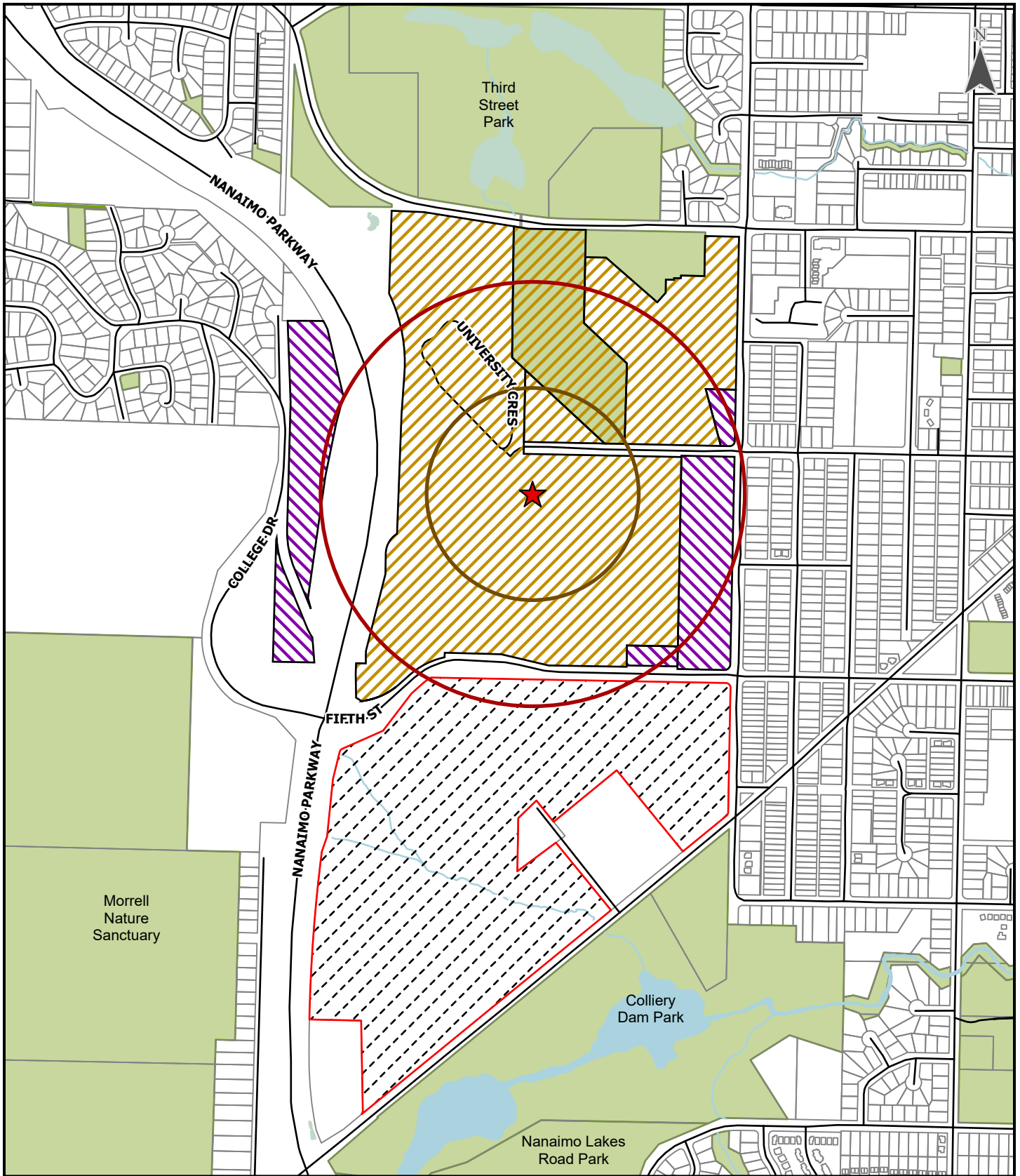
# ATTACHMENT A



<p><b>City of Nanaimo</b> Woodgrove Transit-Oriented Area</p>	<p><b>Legend</b></p>	<p>1:10,000</p>	<p><b>CITY OF NANAIMO</b> THE HARBOUR CITY <b>GIS</b> gis.support@nanaimo.ca</p>
	<ul style="list-style-type: none"> <li> Transit Exchange Location</li> <li> 200m Area</li> <li> 400m Area</li> <li> Parcels within 400m TOA</li> </ul>		



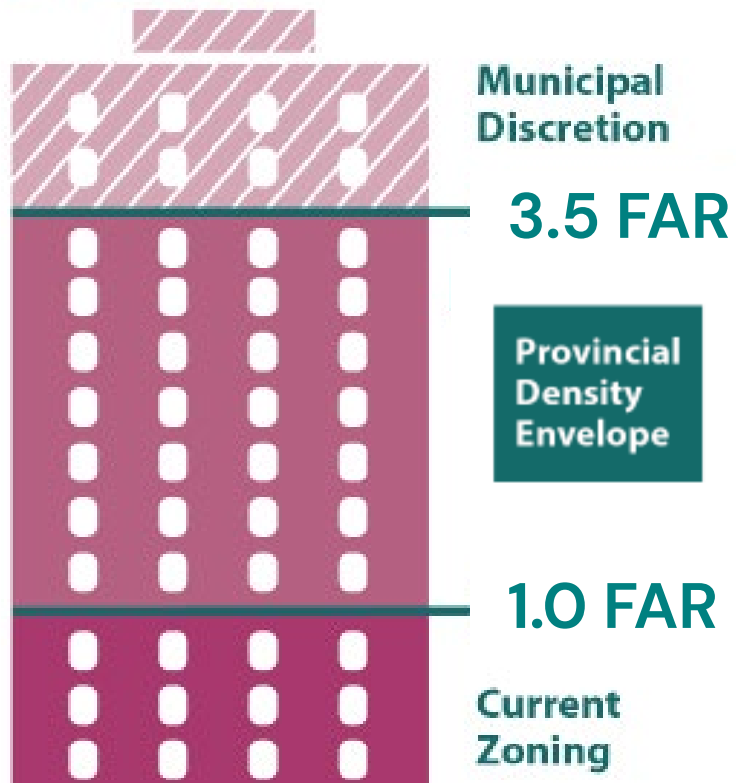
<p><b>City of Nanaimo</b> Country Club Transit-Oriented Area</p>	<p><b>Legend</b></p>	<p>Meters 1:10,000</p>	<p><b>CITY OF NANAIMO</b> THE HARBOUR CITY <b>GIS</b> gis.support@nanaimo.ca</p>
	<ul style="list-style-type: none"> <li> Transit Exchange Location</li> <li> 200m Area</li> <li> 400m Area</li> <li> Parcels within 400m TOA</li> </ul>		



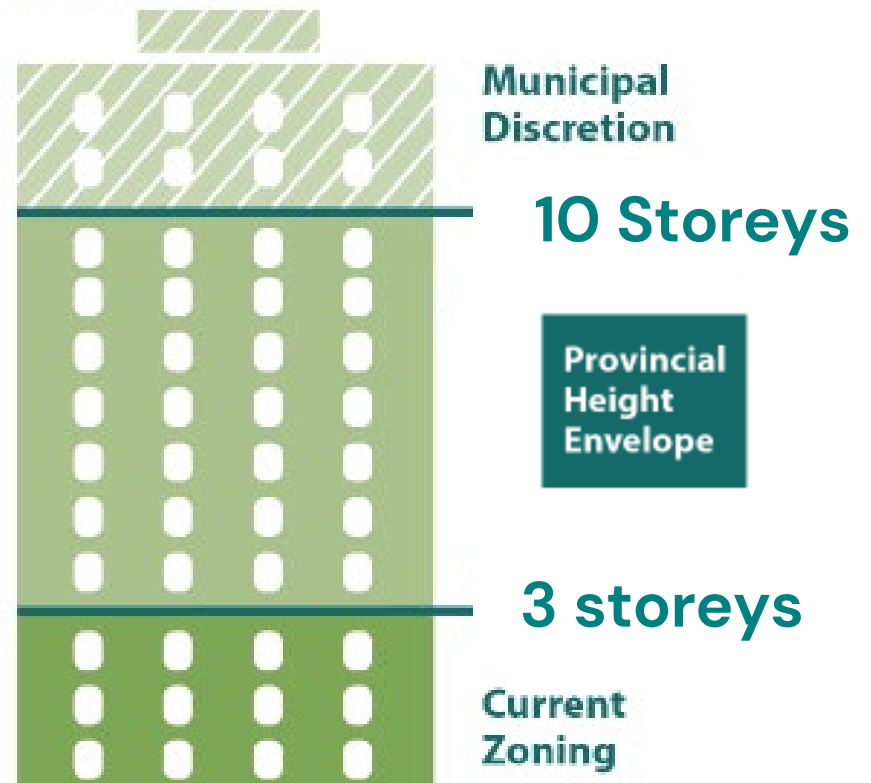
<p><b>City of Nanaimo</b> Vancouver Island University Transit-Oriented Area</p>	<p><b>Legend</b></p>		<p>gis.support@nanaimo.ca</p>
	<ul style="list-style-type: none"> <li> Transit Exchange Location</li> <li> 200m Area</li> <li> 400m Area</li> <li> Parcels within 400m TOA</li> </ul>		

# EXAMPLE OF HOW PROVINCIAL DENSITY & HEIGHT ENVELOPES RELATE TO LOCAL GOVERNMENT AUTHORITY

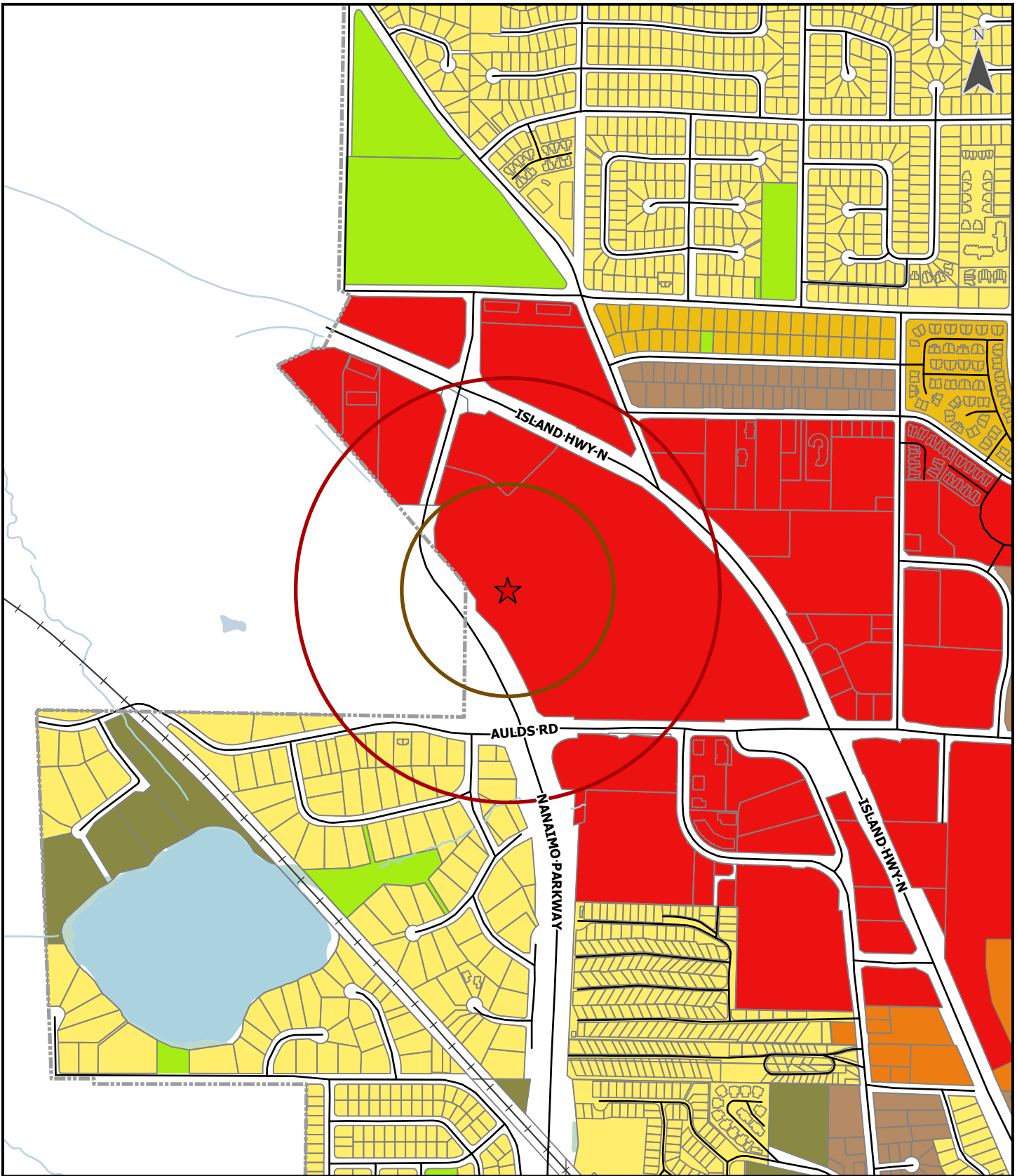
## PROVINCIAL DENSITY ENVELOPE



## PROVINCIAL HEIGHT ENVELOPE

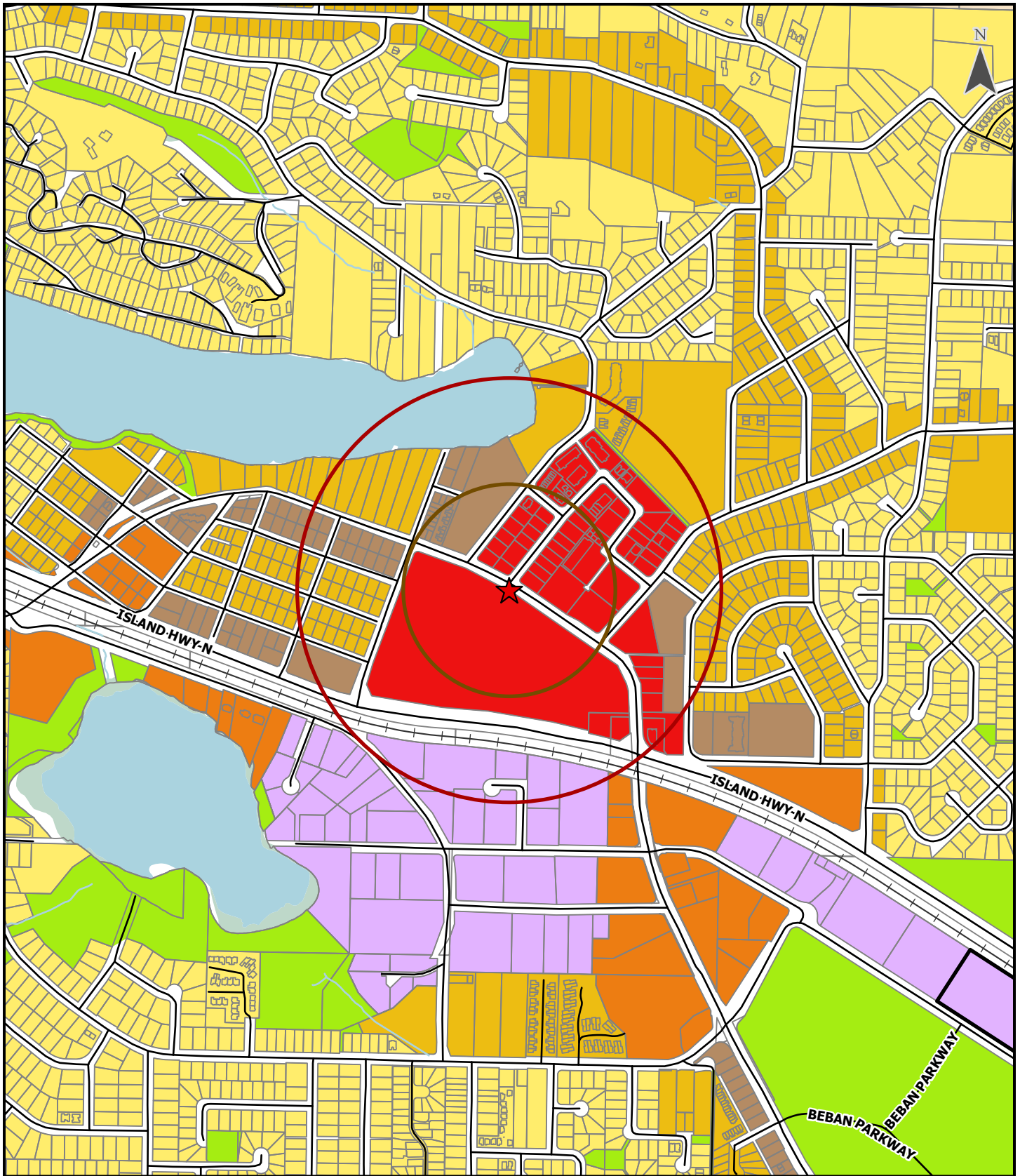


# ATTACHMENT C



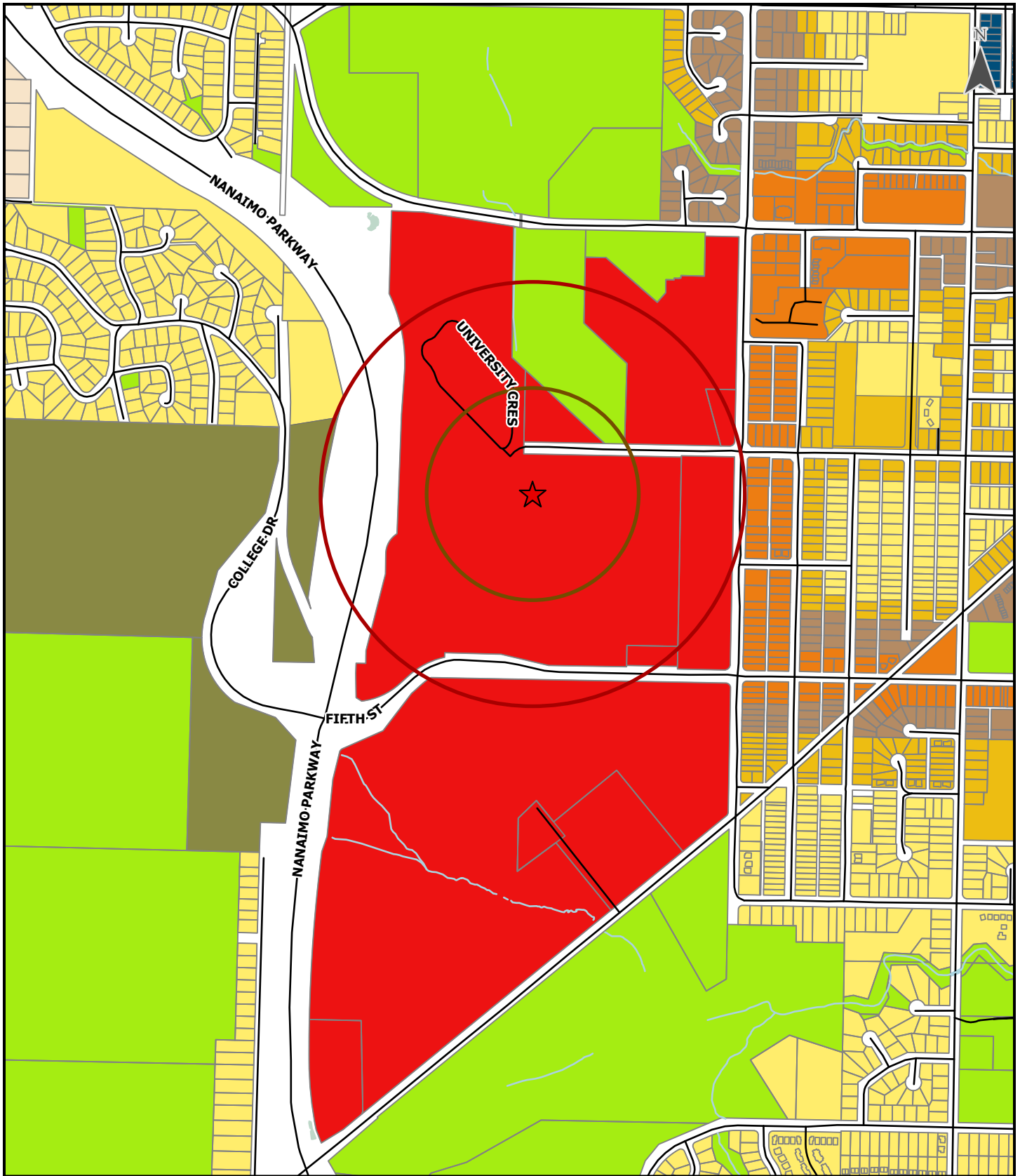
<p><b>City of Nanaimo</b> Woodgrove Transit-Oriented Area and City Plan Land Use Designations</p>	<p><b>Legend</b></p>	<p><b>Future Land Use Designation</b></p>	 1:10,000  gis.support@nanaimo.ca	
	<p> Transit Exchange Location</p> <p> Transit Exchange 200m Area</p> <p> Transit Exchange 400m Area</p>	<p> Secondary Urban Centre</p> <p> Mixed-Use Corridor</p> <p> Residential Corridor</p> <p> Neighbourhood</p> <p> Suburban Neighbourhood</p>		<p> Park &amp; Open Spaces</p> <p> Resource Management</p>

# ATTACHMENT D



<b>City of Nanaimo</b> Country Club Transit-Oriented Area and City Plan Land Use Designations	<b>Legend</b> Transit Exchange Location	<b>Future Land Use Designation</b> Secondary Urban Centre	 1:10,000  <b>CITY OF NANAIMO</b> THE HARBOUR CITY <b>GIS</b> gis.support@nanaimo.ca
	Transit Exchange 200m Area	Mixed-Use Corridor	
	Transit Exchange 400m Area	Light Industrial Park & Open Spaces	
	Residential Corridor Neighbourhood Suburban Neighbourhood	Semi-Rural Neighbourhood	

# ATTACHMENT E



<p><b>City of Nanaimo</b></p> <p>Vancouver Island University Transit- Oriented Area and City Plan Land Use Designations</p>	<p><b>Legend</b></p> <p>★ Transit Exchange Location</p> <p>○ Transit Exchange 200m Area</p> <p>○ Transit Exchange 400m Area</p>	<p><b>Future Land Use Designation</b></p> <p>■ Secondary Urban Centre</p> <p>■ Mixed-Use Corridor</p> <p>■ Residential Corridor</p> <p>■ Neighbourhood</p> <p>■ Suburban Neighbourhood</p>	<p>■ Semi-Rural Neighbourhood</p> <p>■ Old City Neighbourhood</p> <p>■ Park &amp; Open Spaces</p> <p>■ Resource Management</p>	<p><b>CITY OF NANAIMO</b> THE HARBOUR CITY</p> <p><b>GIS</b></p> <p>gis.support@nanaimo.ca</p> <p>0 100 200 400 Meters</p> <p>1:10,000</p>
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# Transit-Oriented Areas

2024-MAR-25

## **TRANSIT-ORIENTED AREAS**

### **BILL 47**

#### PROVINCIAL RATIONALE

Increase housing supply through the creation of denser, more complete communities near transit exchanges.



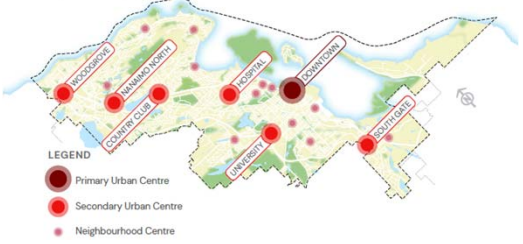


# TRANSIT-ORIENTED AREAS

## THREE TOAs IN NANAIMO

1. VIU Exchange
2. Country Club Exchange
3. Woodgrove Exchange

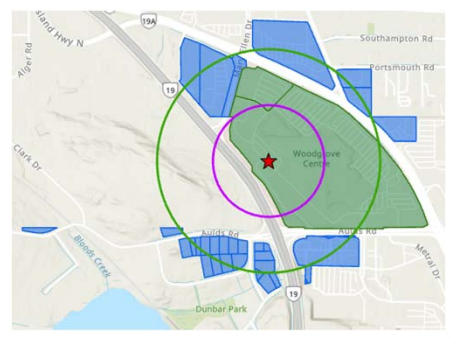
Figure 21: Locations of Centres  
Map is for illustrative purposes only.



# TRANSIT-ORIENTED AREAS

## WOODGROVE TRANSIT-ORIENTED AREA

- ★ Transit Exchange
- ◻ Transit Exchange 200m area
- ◻ Transit Exchange 400m area
- Parcels within 200m TOA
- Parcels within 400m TOA



## TRANSIT-ORIENTED AREAS

### COUNTRY CLUB TRANSIT-ORIENTED AREA

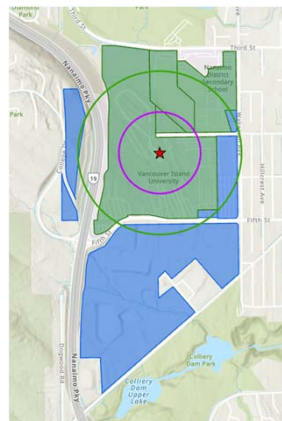
- ★ Transit Exchange
- ◻ Transit Exchange 200m area
- ◻ Transit Exchange 400m area
- Parcels within 200m TOA
- Parcels within 400m TOA



## TRANSIT-ORIENTED AREAS

### VIU TRANSIT-ORIENTED AREA

- ★ Transit Exchange
- ◻ Transit Exchange 200m area
- ◻ Transit Exchange 400m area
- Parcels within 200m TOA
- Parcels within 400m TOA



## TRANSIT-ORIENTED AREAS

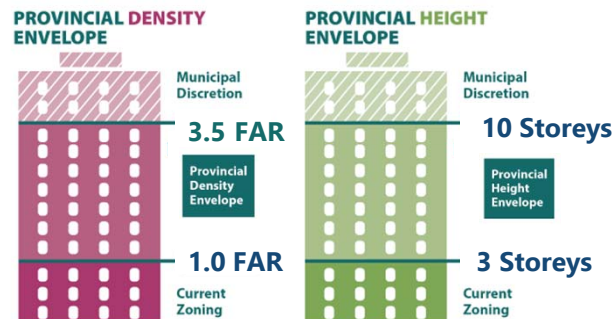
### MINIMUM ALLOWABLE HEIGHTS & DENSITIES

- Parcels within 200m TOA
  - 3.5 FAR
  - 10 Storeys
- Parcels within 400m TOA
  - 2.5 FAR
  - 6 Storeys



## TRANSIT-ORIENTED AREAS

### EXAMPLE OF HOW PROVINCIAL DENSITY & HEIGHT ENVELOPE RELATES TO LOCAL GOVERNMENT AUTHORITY



## TRANSIT-ORIENTED AREAS

### PARKING RESTRICTIONS



RESIDENCE  
COMPONENT



COMMERCIAL  
COMPONENT



Restriction on setting minimum residential off-street parking requirements

## TRANSIT-ORIENTED AREAS

### TRANSIT-ORIENTED AREAS TIMELINE

TOA  
DESIGNATION  
BYLAW &  
PARKING  
AMENDMENT

REVISE CITY  
PLAN &  
ZONING  
BYLAW



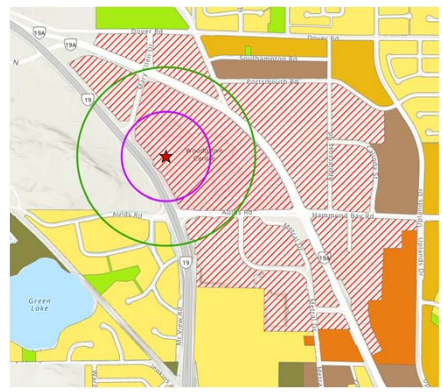
2024-JUN-30

2025-DEC-31

## TRANSIT-ORIENTED AREAS

### **WOODGROVE TOA IMPLICATIONS | LOCAL CONTEXT**

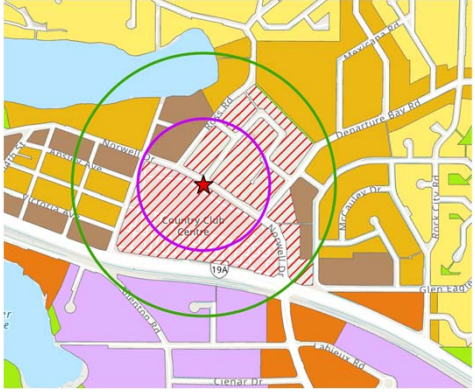
- Scope of the TOA in relation to City Plan
- Transit Redevelopment Strategy
- Complete Communities Grant



## TRANSIT-ORIENTED AREAS

### **COUNTRY CLUB TOA IMPLICATIONS | LOCAL CONTEXT**

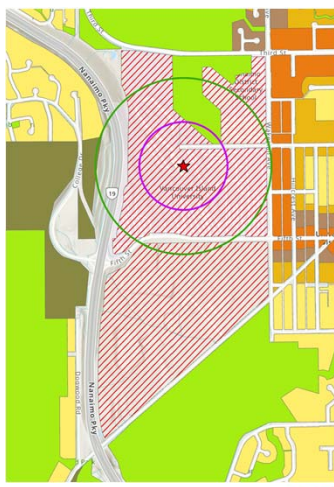
- Scope of the TOA in relation to City Plan
- Transit Redevelopment Strategy
- Mobility Upgrade Study



## TRANSIT-ORIENTED AREAS

### COUNTRY CLUB TOA IMPLICATIONS | LOCAL CONTEXT



- Scope of the TOA in relation to City Plan
- Transit Redevelopment Strategy
- Land ownership




## TRANSIT-ORIENTED AREAS

### COMMUNICATION STRATEGY

#### PRINT TOOLS

-  Handout
-  Tax Notice Newsletter

### DIGITAL TOOLS

-  City Website Update
-  E-Notifications
-  Press Releases
-  Social Media
-  Online Information Session

# TRANSIT-ORIENTED AREAS

Thank you!

DATE OF MEETING MARCH 25, 2024

AUTHORED BY JEREMY HOLM, DIRECTOR, PLANNING & DEVELOPMENT

**SUBJECT DEVELOPMENT APPROVAL PROCESS REVIEW**

## **OVERVIEW**

### **Purpose of Report**

To provide the Governance and Priorities Committee with the Development Approval Process Review draft report by Neilson Strategies Inc. for consideration and recommendation to Council.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council:

1. provide feedback on the recommendations outlined in 2024-MAR-25 draft report by Neilson Strategies Inc. titled “Development Approval Process Review”; and,
2. direct staff to work with consultants to finalize the report based on the feedback received at the 2024-MAR-25 Governance and Priorities Committee meeting and return to Council with a final draft of the report.

## **BACKGROUND**

The framework for local government land use regulation and associated development approvals is set out in the *Local Government Act*. Land development in the City of Nanaimo is governed by a set of policies and regulations set out in the City’s land use bylaws and plans. Property owners who wish to develop or redevelop their land must apply for and obtain various types of approval based on the policies and regulations contained in the land use bylaws and plans. These applications are reviewed against relevant City policies and regulations and applicable provincial and federal regulations by staff in the Planning & Development Division through the development approval process.

The increasing complexity and scale of development applications pose challenges to staff in their efforts to consistently meet approval timelines targets. Staff turnover in recent years has further impacted efficiency, as have regulatory changes at local and provincial levels, coupled with the limitations of business tools to monitor applications and recognize issues. The pace of development and demand for housing in Nanaimo are expected to remain strong for the foreseeable future and ongoing development process improvements are needed to ensure approvals processes are effective and efficient in the face of internal and external resource limitations and changing development context and demands.

The City has identified and is in the process of implementing several initiatives to improve the effectiveness and efficiency of development approvals, including:



- the implementation of a new file management software platform with an online application portal;
- an update to the Development Approval Procedures Bylaw;
- the development of standard template legal documents;
- an update to the development permit guidelines
- a review and update of application forms, checklists and guidelines;
- a review and update of the City's development application fees;

To optimize the impact of these initiatives and in keeping with the City's focus on good governance and corporate excellence, in June 2023, the City engaged Neilson Strategies Inc., in collaboration with Leftside Partners Inc., to conduct a holistic review of development approval processes. |

## **DISCUSSION**

The focus of the consultants' work was on expediting the City's processing of development applications, including amendments to the Official Community Plan (City Plan), amendments to the City's zoning bylaw, development permit and development variance permit applications, which are approval processes managed by the Current Planning Section. More specifically, the *Development Approval Process Review* set out to:

- identify opportunities to increase the efficiency, certainty and consistency of development application reviews, along with opportunities to optimize fairness and transparency;
- propose and assess changes to address staffing levels and other resource needs to effectively process the types of applications submitted to the City;
- improve the completeness and quality of applications submitted to the City;
- involve the development community in designing and implementing improvements to the development approval process.

In undertaking the review, the consultants followed an eight-stage work program that included interviews with staff in the Planning & Development Division, a review of best practices in other communities, and extensive consultation with developers and development industry professionals, including through a development industry workshop to review the consultants' findings.

The draft *Development Approval Process Review* report (Attachment A) provides an overview of the current situation, identifies issues to be addressed, and provides recommendations to improve the effectiveness and efficiency of the City's processing of development applications.

The consultants' report provides substantial detail and context for each issue and corresponding recommendation(s) and also provides a summary of issues, recommendations, and comments in Chapter 4 – Figure 4.1. The following summary of the thirteen issues identified through the review and the consultants' corresponding recommendation(s) to address the issue is provided for ease of reference:

### 1. Pre-Zoning - Recommendation:

THAT the City build on *Bill 44's* pre-zoning changes by undertaking its own pre-zoning initiative aimed at increasing the range of permitted types, and the maximum densities,

identified in Nanaimo's multi-family zones.

2. Concurrency of Approval Processes - Recommendation:

THAT the City provide opportunities for rezoning and development permit applications to be processed concurrently in cases where applications are complete, staff support the proposed changes in zoning, and proponents are willing to accept the risks involved in undertaking design work and studies prior to knowing definitively that rezoning will be approved.

3. Application Tracking - Recommendation:

THAT the City, in an effort to enhance transparency and accountability, reduce time spent responding to inquiries on the status of applications, and allow for proper collection of data on times required for applications to reach review milestones, and optimize application tracking in the City's new file management software platform.

4. Target Timelines - Recommendations:

THAT the City create, publish, and report annually on progress towards, a set of timeline targets for milestones in the development approval process.

THAT the City defer the establishment of timeline targets until the new file software management platform is in place, and other recommended changes have been actioned.

5. Pre-Application Meetings - Recommendations:

THAT the City amend the "Development Approval Procedures and Notification Bylaw 1991 No. 3892" to include the requirement for pre-application meetings for proposals that seek rezoning, subdivision approval, and/or development permit(s).

THAT the City design a *Meeting Request Form*, accompanied by an information checklist, for proponents to complete in order to schedule a pre-application meeting.

THAT the City require proponents to provide, along with the *Meeting Request Form*:

- contact details for the applicant
- civic address and parcel identification number
- description of the proposed project
- current *Certificate of Title* with information on all charges on title
- proposed site plan

THAT the City provide to proponents, after pre-application meetings, a copy of the meeting minutes and information on land use requirements for the property, parking and landscape expectations, design guidelines, information on DCCs and other fees, environmental features and restrictions, road dedication requirements, traffic impact assessment guidelines, servicing constraints, and any other relevant items.

6. Internal Referrals - Recommendations:

THAT the City empower Planning File Managers to limit, and provide guidance to them in limiting, the referral of applications to internal referral groups that must review and provide comments on the development proposal under consideration.

THAT the City create internal referral checklists, customized to each referral group, to ensure that all relevant issues, and only relevant issues, are addressed.

THAT the City direct each referral group to assign one point of contact for all referrals, and to return one single set of comments to the File Manager.

THAT the set and enforce ambitious timelines for comments to be returned from each referral group.

7. Comprehensive Letters - Recommendations:

THAT the City create a *Late Hits Policy* to limit the imposition of additional demands on development proponents, after comprehensive letters have been issued.

THAT the City encourage Planning File Managers to identify, at their discretion, specific requirements that a proponent may choose to action prior to receiving the comprehensive letter.

8. Planning Positions - Recommendations:

THAT the City change the title of Planning Assistant to Planner I, and the title of Planner to Planner II.

THAT the City create a position of Assistant Manager of Current Planning.

9. Role of Engineering - Recommendations:

THAT the City direct Planning File Managers to seek input on the works and services implications of development proposals from Development Engineering only.

THAT the City create a *Development Application Review Process Protocol Agreement* to acknowledge the authority of the Development Engineering section in the review of development applications, and to assign clear roles and limits to the Engineering section in Engineering & Public Works.

10. Delegation of Authority - Recommendation:

THAT the City maximize the delegation of approval authority to staff for development permits, minor development variance permits and all other permits for which approval may be delegated.

11. Design Advisory Panel - Recommendations:

THAT the City clarify for development proponents the purpose of the Design Advisory Panel and the way in which the City uses the Panel's input.

THAT the City limit the number and types of form and character development permit applications that must be submitted to the Design Advisory Panel for review.

12. Management of Inquiries - Recommendation:

THAT the City continue to create new, and enhance existing, self-service options for property owners and development proponents to address their own development-related questions.

THAT the City create a comprehensive property-specific database to track inquiries made, and responses given, on each parcel of property.

THAT the City create a system to treat as Special Land Use Inquiries for any inquiries that, in the opinion of staff, would take longer than 30 minutes to address.

AND THAT the City require persons making Special Land Use Inquiries to complete a request form, and to pay a fee of \$150.

13. Development Liaison Group - Recommendation:

THAT the City create, in collaboration with representatives from the development sector, a Development Liaison Group.

The *Development Approvals Process Review* draft report is presented to Governance and Priorities Committee for review and recommendation to Council. The intent is that feedback from Council will be considered by the consultants, along with further comment from Staff, and, where possible, incorporated into the FINAL Report.

## **OPTIONS**

That the Governance and Priorities Committee recommend that Council:

1. provide feedback on the recommendations outlined in 2024-MAR-25 draft report by Neilson Strategies Inc. titled "Development Approval Process Review"; and,
  2. direct staff to work with consultants to finalize the report based on the feedback received at the 2024-MAR-25 Governance and Priorities Committee meeting and return to Council with a final draft of the report.
- Advantages: Implementing changes recommended by the consultants would help improve the effectiveness and efficiency of development approval processes and engage Staff and industry in developing solutions. Reputational improvement is likely. Improved employee retention and recruitment is likely.
  - Disadvantages: Will require temporary diversion of resources to implement recommendations and manage change.

- Financial Implications: Currently, a vacant exempt position within Planning and Development could be used to fund the creation of the position of an Assistant Manager of Current Planning.
2. That the Governance and Priorities Committee receive the March 2024 Development Approval Process Review draft report by Neilson Strategies Inc. and recommend that Council direct Staff not to finalize the draft report with the consultants and not implement the recommendations of the final report.
    - Advantages: Will not require temporary diversion of resources to implement recommendations and manage change.
    - Disadvantages: The effectiveness and efficiency of development approval processes would not improve. Staff and industry would not be engaged in developing solutions. Employee retention and recruitment is likely to not improve.
    - Financial Implications: None anticipated.
  3. That the Governance and Priorities Committee receive the March 2024 Development Approval Process Review draft report by Neilson Strategies Inc. and provide alternative recommendations to Council. ]

**SUMMARY POINTS**

- Ongoing process improvements are needed to ensure development approvals processes are effective and efficient in the face of internal and external resource limitations and changing development context and demands.
- In keeping with the City’s focus on good governance and corporate excellence, in June 2023 the City engaged Neilson Strategies Inc., in collaboration with Leftside Partners Inc., to conduct a holistic review of development approval processes.
- The focus of the consultants’ work was on expediting the City’s processing of development applications, including amendments to the official community plan (City Plan), amendments to the City’s zoning bylaw, development permit and development variance permit applications, which are approval processes managed by the Current Planning Section.
- In undertaking the review, the consultants followed an eight-stage work program that included interviews with all staff in the Planning & Development Division, a review of best practices in other communities, and extensive consultation with developers and development industry professionals, including through a development industry workshop to review the consultants’ findings.
- The draft *Development Approval Process Review* report (Attachment A) provides an overview of the current situation, identifies issues to be addressed and provides recommendations to improve the effectiveness and efficiency of the City’s processing of development applications.
- The *Development Approvals Process Review* draft report is presented to Governance and Priorities Committee for review and recommendation to Council.

**ATTACHMENTS:**

ATTACHMENT A: Development Approval Process Review Draft Report dated March 2024,  
prepared by Neilson Strategies Inc. |

**Submitted by:**

Jeremy Holm  
Director, Planning & Development |

**Concurrence by:**

Dale Lindsay  
CAO |



# DEVELOPMENT APPROVAL PROCESS REVIEW

## DRAFT REPORT

This *DRAFT Report* has been prepared by Neilson Strategies Inc. for the City of Nanaimo. The document is presented for discussion with, and for the sole use of, the City. No representations of any kind are made by the consultants to any party with whom the consultant does not have a contract.



Neilson Strategies Inc.  
106-460 Doyle Avenue, Kelowna, BC, V1Y 0C2  
neilsonstrategies.ca

March 2024

## TABLE OF CONTENTS

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<b>1. INTRODUCTION .....</b>	<b>1</b>
Development Approval Process Review .....	1
DRAFT Report .....	2
Context .....	2
<b>2. CURRENT SITUATION .....</b>	<b>4</b>
Purpose of the Function .....	4
Legislative Framework .....	5
Provincial Legislation .....	5
City of Nanaimo Bylaws .....	7
Development Approval Function Staffing .....	8
Planning & Development .....	8
Other Sections and Divisions .....	11
Approval Process .....	11
Technology .....	11
Information to Applicants .....	13
Planning & Development Statistics .....	13
Applications Received .....	13
Processing Times .....	15
<b>3. ISSUES TO ADDRESS .....</b>	<b>16</b>
Nature of Reviews .....	16
Pre-Zoning .....	18
Concurrency of Processes .....	20
Application Tracking .....	21
Target Timelines .....	22
Pre-Application Meetings .....	24
Internal Referrals .....	26
Comprehensive Letters .....	28
Planning Positions .....	30
Role of Engineering .....	33
Delegation of Authority .....	36
Design Advisory Panel .....	37
Development Inquiries .....	39
Development Liaison Group .....	41
<b>4. RECOMMENDATIONS .....</b>	<b>44</b>



## CHAPTER 1 INTRODUCTION

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Land development in the City of Nanaimo is governed by a set of policies and regulations set out in the City's land use bylaws and plans, including *City Plan: Nanaimo Reimagined*, specific area and neighbourhood plans, the *City of Nanaimo Zoning Bylaw*, and the *City's Off-Street Parking Regulations Bylaw*. Pursuant to the *City's Development Approval Procedures and Notification Bylaw*, property owners who wish to develop or re-develop their individual sites must apply for and obtain various types of approval based on the policies and regulations contained in the land use bylaws and plans. Staff in the Planning & Development Division review the development applications against the relevant policies and regulations through the City's development approval process.

The increasing complexity and scale of development applications pose challenges to staff in their efforts to efficiently process and approve applications. Staff turnover in recent years has further impacted efficiency, as have regulatory changes at both local and provincial levels, and limitations in the City's file processing tools. Processing challenges are not unique to the City of Nanaimo — indeed, media reports and comparative research reveal that delays and associated uncertainties affect development in many high-growth centres across the province and beyond. Nanaimo, however, is not content, despite this finding, to allow such challenges to persist.

In an effort to improve the situation for development proponents and for staff, the City has initiated a number of projects, including:

- the purchase and implementation of a new file management software platform, complete with an online application portal and other features
- updates to the *Development Approval Procedures and Notification Bylaw*
- the development of standard template legal documents
- an update to the City's development permit guidelines
- a review and update of development application forms, checklists and guidelines
- a review and update of the City's development application fees

Taken together, these initiatives will help to clarify requirements, reduce uncertainty, simplify applications and submissions, and improve processing efficiency. To optimize their impact, however, the City also commissioned an independent, holistic review of the development approval process. Neilson Strategies Inc., in collaboration with Leftside Partners Inc., was selected to conduct the review.

### **Development Approval Process Review**

In plain terms, the *Development Approval Process Review* was commissioned to

expedite the City's processing of development applications, including applications to change *City Plan*, amend the *City of Nanaimo Zoning Bylaw*, and obtain a development permit or development variance permit. More specifically, the *Review* set out to:

- identify opportunities to increase the efficiency, certainty and consistency of development application reviews, along with opportunities to optimize fairness and transparency
- propose and assess changes to address staffing levels and other resource needs to effectively process the types of applications submitted to the City
- improve the completeness and quality of applications submitted to the City
- involve the development community in designing and implementing improvements to the development approval process

To conduct the review, the consultants followed an eight-stage work program that included interviews with all staff in Current Planning and other sections of the Planning & Development Division, a review of best practices in other communities, and extensive consultation with developers and development industry professionals, including through a development industry workshop to review the consultants' findings.

### **DRAFT Report**

The findings and recommendations of the *Development Approval Process Review* are presented in this *DRAFT Report*. The document begins with an outline of the current situation — specifically, the City's development services function, which takes into consideration the property development regulatory framework in place, staffing levels and structure in the City's Current Planning section, supporting guides and materials for applicants, development approval statistics, and other relevant points. Issues with the current function are then outlined based on the consultants' own assessment, discussions with staff, interviews with customers and their development professionals, and research on processes and best practices in other municipalities. Changes for the City to consider in order to address the issues are outlined in the same chapter. The *DRAFT Report* ends with recommendations and comments on implementation.

The *DRAFT Report* will be presented for review to Council's Governance and Priorities Committee on March 25, 2024. Feedback provided by Council will be considered along with further comment from staff by the consultants, and, where possible, incorporated into the *FINAL Report*.

### **Context**

The context within which the *Development Approval Process Review* was commissioned is characterized by significant and sustained growth, an affordable housing crisis that extends beyond the City, and profound legislative change at the provincial level that will affect the land use policies and regulatory efforts of all municipalities, including Nanaimo. Nanaimo Council and staff recognize the growth

and affordability challenges, along with the statutory demands, facing the community. The *Development Approval Process Review* speaks to the strong desire on the part of Council and staff to address the challenges, and to position Nanaimo as a leader in development review.

DEVELOPMENT  
APPROVAL PROCESS  
REVIEW

DRAFT REPORT

**NEILSON**  
STRATEGIES

MARCH 2024  
PAGE 3

## CHAPTER 2 CURRENT SITUATION

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This chapter profiles the City of Nanaimo's broader development services function as it exists today. The function's purpose and regulatory framework are outlined first. Information on the City's Planning & Development Division, with a focus on the Current Planning section, is then presented, including information on the section's staffing levels, structure, roles and responsibilities, development approval processes, development approval volumes, guides and resources for applicants, and other points.

This chapter, it should be understood, outlines Nanaimo's broader development services function in its current form. Issues to address, findings from research and recommended changes for the City to consider are presented in subsequent chapters.

### PURPOSE OF THE FUNCTION

Property owners in the City of Nanaimo who seek to either develop or re-develop their properties must proceed in compliance with the requirements set out in the City's relevant policies and bylaws. Different development projects require different types of approvals depending on the characteristics of the subject properties, and the proponents' development intentions. The most common types of approvals — more than one of which will almost certainly be required in each case — are as follows:

- an amendment to City's official community plan (OCP), required when a proposed development does not conform to the future land use designations set out in *City Plan: Nanaimo Reimagined*
- an amendment to the *City of Nanaimo Zoning Bylaw*, which must be obtained when the proposed development is not permitted in the property's zone, or when the proposed density for the development exceeds that which is identified for the site<sup>1</sup>
- one or more development permit, required for developments that are proposed for properties situated within a designated development permit area with guidelines that address form and character concerns, or to protect the natural environment
- a development variance permit, required when an owner seeks to have building setback, building height, coverage, lot, width, condition of use, landscaping, off-street parking, sign or other requirements in the *Zoning*

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<sup>1</sup> Changes introduced by the provincial government in Bill 44: *Housing Statutes (Residential Development) Amendment Act, 2023*, will allow for greater densities in many residential zones. The City's *Zoning Bylaw* will need to comply with the new densities.

*Bylaw, Subdivision Control Bylaw, or Sign Bylaw relaxed*

In addition to these approvals, some proposed projects will require subdivision approval to change or create new lot boundaries, including through the creation of new lots from existing lots, or through the consolidation of separate lots. Building permits are also required to construct a building or alter a structure. Both of these additional approvals, while important to proponents and to the City, were not within the scope of study for this *Development Approval Process Review*.<sup>2</sup>

## LEGISLATIVE FRAMEWORK

### Provincial Legislation

The City of Nanaimo obtains its authority to create development policies and regulations, and to require property owners to apply for and receive approvals pursuant to the policies and regulations, from the *Local Government Act*. Part 14, Planning and Land Use Management, sets out specific powers that the City may or, in some cases, must exercise. The same part imposes constraints and requirements the City must respect in the exercise of its powers.

The range of items addressed in Part 14 includes:

- the authority of the City to adopt an OCP — defined in section 471(1) as a "statement of objectives and policies to guide decisions on planning and land use management" — along with requirements related to the contents of the plan and the procedures to create and adopt it
- the authority to create, and the procedures to adopt, a zoning bylaw that divides the municipality into zones, and that regulates for each zone:
  - the permitted land uses, buildings and structures
  - the allowable density for land uses and buildings
  - the siting, size and dimensions of uses and permitted buildings
  - the location of uses on the land and within buildings
- the authority to enter into housing agreements for affordable and special needs housing
- the authority to require applicants to provide traffic impact studies, environmental reports, infrastructure impact reports and other development approval information requirements in support of applications to amend the *City of Nanaimo Zoning Bylaw*, or for a development permit or temporary use permit
- the authority to create development permit areas in the OCP, and to require

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<sup>2</sup> Building permits and the associated approval process are also not addressed, as they were reviewed in the 2021 *Building Permit Function Review*.

property owners within each designated area to obtain one or more development permit prior to subdivision, construction or alteration of a building, or any alteration of land within key types of development permit areas, including those dealing with the natural environment and greenhouse gas reductions

- the authority to create and impose specific protections, conditions and requirements in different types of permit areas
- the authority to issue temporary use permits within designated areas to allow for a specified period of time a use not permitted in the zoning bylaw, and to specify conditions under which the use may occur
- the authority to issue development variance permits to vary specific provisions — other than density, use or residential tenure — of the zoning bylaw, service requirements from a subdivision control bylaw, or requirements in a bylaw that regulates signage
- application fees that the City may, by bylaw, impose on all applications to amend the OCP, change zoning, obtain a development permit or development variance permit, and obtain certain other types of approvals (e.g., subdivision, building permits)

Part 14 of the *Local Government Act* is the primary source of authority and direction for municipalities in the development services function. Secondary sources include provincial statutes and regulations related to highways, protection of the natural environment, registration of lands, registration and operation of strata corporations, and the regulation of agriculture and farming.

In recent months, the provincial government has announced significant policy initiatives aimed at addressing affordable housing concerns across British Columbia, including in Nanaimo. Taken together, the initiatives will require Nanaimo and other municipalities with more than 5,000 population to:

- increase the density permitted in single-family residential lots
- increase density, in the form of multi-family housing, within 400 metres of transit oriented development areas (such areas must be designated by the municipality around major bus exchanges by the end of June 2024)
- remove municipal requirements for minimum numbers of general off-street parking spaces in transit oriented development areas
- eliminate public hearings on rezoning applications in cases where the proposed amendments are consistent with the official community plan
- update official community plans every five years with public input
- require official community plans to account for projected growth over a minimum of 20 years, rather than the current five years

- update mandatory housing needs reports to account for future growth, including the types of housing required to accommodate growth

These policy initiatives are included in three recently-introduced bills, two of which are *Bill 44, Housing Statutes (Residential Development) Amendment Act, 2023*; and *Bill 47, Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023*. Affected municipalities, including the City of Nanaimo, will be focused for several months in 2024 on putting in place the local regulatory changes needed to meet the provincial requirements. Implications for Nanaimo's development services function may include a decrease in the number of applications for zoning amendments submitted to the City, along with a shortened review period for the zoning applications that are made.

### City of Nanaimo Bylaws

The *Local Government Act* provides the City of Nanaimo the authority required to create and enforce development policies and regulations to govern development in Nanaimo. The actual policies and regulations, however, are outlined in the City's bylaws that property owners must follow to obtain the necessary development approvals. Key City bylaws include:

- *Development Approval Procedures and Notification Bylaw 1991, No. 3892* — This bylaw sets out the requirements that must be met, and the procedures that must be followed, by property owners who submit applications to amend the City's OCP and zoning bylaw, and to obtain a development permit and development variance permit. The same bylaw outlines requirements for notifying adjacent property owners and the public of applications to amend the OCP and zoning bylaw, and to obtain a development variance permit. Notification of public hearings fall under the bylaw as well.
- *Development Approval Information Bylaw 2022, No. 7346* — This bylaw sets out the City's procedures and policies for requiring specific types of information and reports from qualified professionals to be provided by applicants as part of the development approval process, including procedures for review and reconsideration.
- *City Plan Bylaw 2022, No. 6600* — *City Plan: Nanaimo Reimagined*, adopted on July 4, 2022, as the City's OCP, is the City's principal strategic planning document.<sup>3</sup> It identifies five goals and 35 policy topic areas to define the community's desired future. Individual policies direct decision-making and actions required to achieve the desired future. Growth management policies, future land use designations, area and neighbourhood planning

<sup>3</sup> *City Plan* serves as the City's OCP, but actually unifies a number of plans, including: the OCP; *Parks, Recreation, Culture and Wellness Plan*; *Active Mobility Plan*; *Transportation Plan*; *Climate Action and Resiliency Plan*; and *Accessibility and Inclusion Plan*.

policies and plans, development permit areas, and other sections in *City Plan* guide property development.

- *City of Nanaimo Zoning Bylaw, No. 4500* — The *Zoning Bylaw* divides the city into geographic zones, identifies the specific land uses permitted in each zone, and sets out regulations related to density, lot size and coverage, building height, yard setbacks, landscaping needs, and other matters.
- *Off-Street Parking Regulations Bylaw 2018, No. 7266* — As its name suggests, this bylaw regulates off-street parking in Nanaimo. The minimum numbers of parking spaces required for different land uses, in different parts of the City, are identified in the bylaw. Requirements for parking area design and parking space dimensions are also included.
- *Fees and Charges Bylaw 2021, No. 7336* — This bylaw identifies the fees that must be paid to the City, as part of development applications, for the processing of applications to amend the OCP or *Zoning Bylaw*, obtain a development permit or development variance permit, amend a land use contract, and obtain other approvals required for some development projects.

One other City bylaw worth noting in this section is the *Subdivision Control Bylaw 1989, No. 3260*. This bylaw sets out the standards and design criteria for the on-site and off-site works and services that must be provided by property owners as a condition of subdivision approval.<sup>4</sup> As noted earlier, applications for subdivision approval, similar to applications for building permits, are outside of the scope of this *Development Approval Process Review*. Works and services requirements imposed by the City on development projects that require subdivision approval along with other approvals, however, can impact project approval timelines and the experience of the applicant.

## DEVELOPMENT APPROVAL FUNCTION STAFFING

### Planning & Development

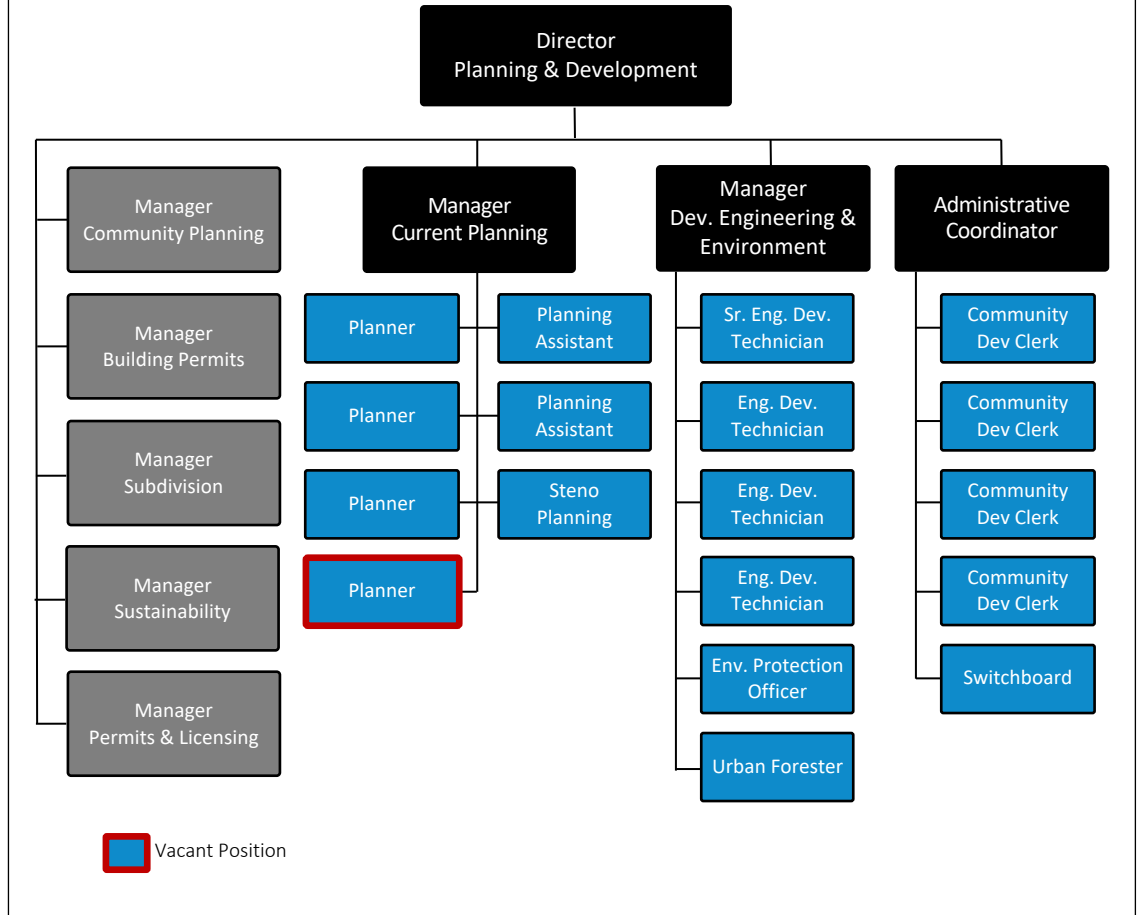
Staff in different divisions within the City organization are involved in reviewing and approving applications for development. The bulk of staff assigned to development approvals, however, are within the Planning & Development Division.

Figure 2.1 presents the organization chart for the entire Planning & Development Division. As illustrated, there are eight sections in the Division, each headed by a Manager or Coordinator who reports to the Director of Planning & Development. For the purposes of this *Review* the Current Planning section is the most important. This section is highlighted in Figure 2.1 along with Development Engineering and Administration. Key points to note are as follows:

<sup>4</sup> Works and services include on-site and off-site roads, drainage, water and sewer systems, sidewalks, street lighting and other infrastructure items.



Figure 2.1  
Planning and Development Organizational Structure  
Focus on Current Planning



- *Director of Development and Planning* — The Director reports directly to Nanaimo's Chief Administrative Officer, is a member of the City's Senior Leadership Team, and has overall responsibility for the eight sections that comprise the Planning & Development Division. The Director is not directly involved in the review of development applications, but does liaise with the development community as needed on major development proposals, on changes to the City's development policy framework, and on other matters that may arise. The Director represents the Division in discussions with Council, and is heavily involved in developing and implementing the policy, process and bylaw changes necessary to comply with new provincial legislation.
- *Manager of Current Planning* — The Manager assigns all development applications to the Planners and Planning Assistants in the section, and is directly involved in reviewing all comprehensive letters, participating in pre-

application meetings for major development proposals, developing policy and regulatory initiatives, liaising with other sections and the development community, and undertaking a variety of related tasks.

- *Planners* — There are four (4) Planner positions in Current Planning, one (1) of which is vacant at the time of writing (and has been vacant for several months). All Planners are generalist positions responsible for reviewing all types of development applications, including OCP amendments, rezonings, development permits, development variance permits and others.<sup>5</sup> All Planner positions have the same job description and remuneration scale. Unlike in many other local governments, there are no Planner I, Planner II, Planner III or Senior Planner positions.
- *Planning Assistants* — There are two (2) Planning Assistant positions. Planning Assistants are involved in development application reviews, respond to planning inquiries, assist in preparing Council reports, execute public notification requirements, and undertake a variety of related tasks. The position requires less experience (one year) than that which is required for the Planner position (three years). Application files assigned to Planning Assistants are less complex than those assigned to Planners.
- *Engineering Technicians* — There is one (1) Senior Development Engineering Technician and three (3) Development Engineering Technicians, all of whom report to the Manager of Development Engineering and Environmental Protection. The Technicians review development applications to determine the need for works and services to accommodate proposed development projects. Additional works and services may be required at subsequent subdivision or building permit stages. Key requirements, however, are identified early in the review process to help applicants understand requirements that ultimately need to be met to bring subject projects to fruition.
- *Community Development Clerks* — There are four (4) Community Development Clerk positions that report through the Administrative Coordinator to the Director of Planning & Development. All four provide administrative support to all sections in the Division; all four, along with the one (1) Switchboard position, answer and/or direct development inquiries. One (1) of the Clerk positions provides dedicated assistance to the Current Planning section, along with the Steno Planning position.

#### Other Divisions and Sections

Development applications received by the Current Planning section are regularly referred to staff in other sections of the Planning & Development Division, and in

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<sup>5</sup> None of the positions is formally specialized by type of development or region of the city. Application files are assigned to individuals in the positions, however, based largely on experience.

other divisions such as Nanaimo Fire Rescue, Engineering & Public Works, and Parks, Recreation & Culture. In some cases, staff in these other groups provide comments to assist Current Planning in its reviews; in other cases, staff provide approvals. Staff in other groups are also invited to some pre-application meetings to identify impacts, issues and opportunities aimed at helping potential applicants frame successful applications.

### APPROVAL PROCESSES

The City of Nanaimo, similar to every local government, creates and follows processes to receive, review and approve development applications. The specific processes to be followed in any particular situation will be shaped by the type and location of the proposed development project, and the number of approvals required. Proposed developments that require a change in zoning, for example, will follow the City's rezoning process. In almost all cases, such projects will also require a development permit and, in some instances, subdivision approval, both of which are granted through their own separate processes which overlap with the rezoning process. The complete list of steps for staff to follow in Nanaimo's different approval processes area identified in the City's file management software system.

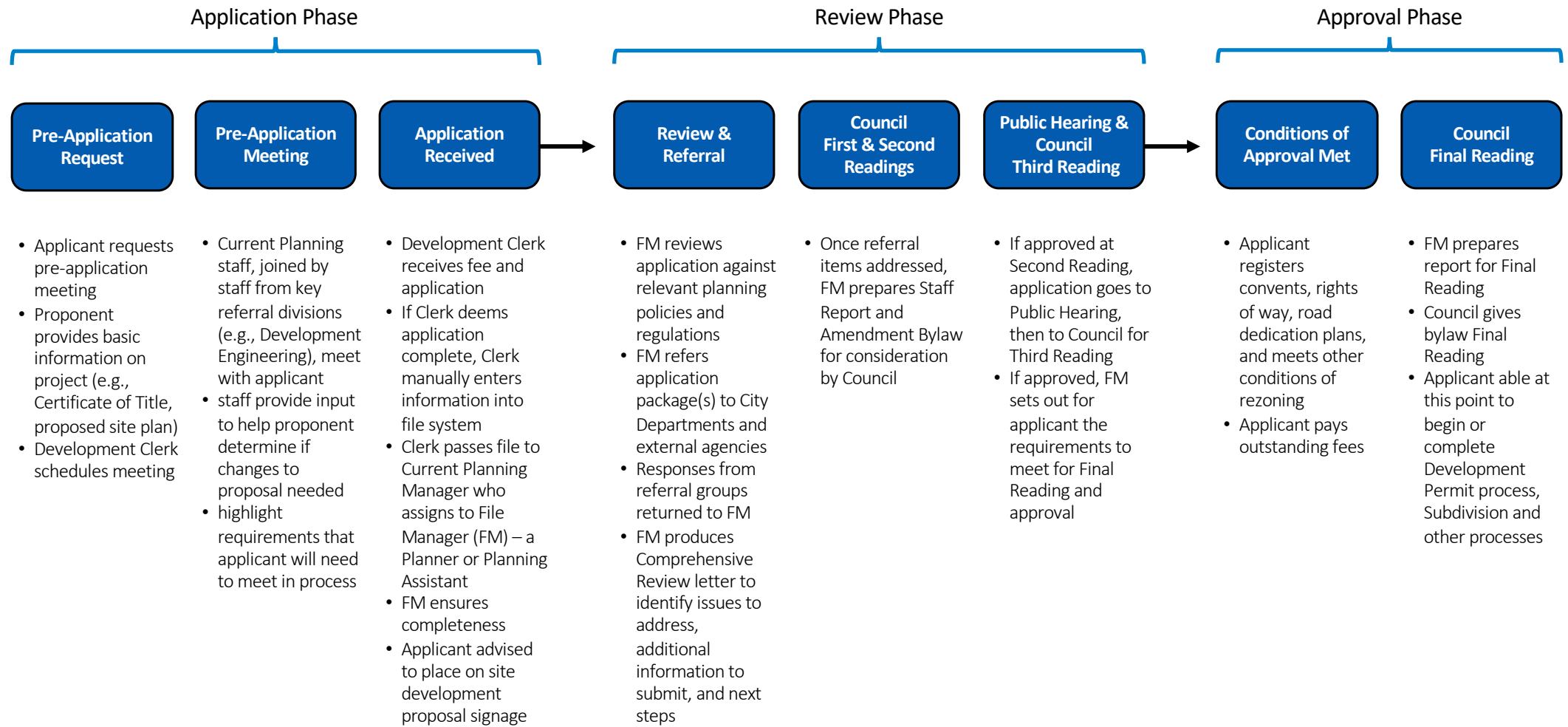
Figure 2.2 presents a simplified version of Nanaimo's rezoning process to give a sense of how applications are considered by the City, as well as an understanding of the roles and responsibilities of staff, Council and applicants. As illustrated, the simplified process consists of three phases: Application Phase, Review Phase and Approval Phase. At present in the Review Phase, most applications for rezoning are sent to public hearing following Council's first two readings of the amendment bylaw. Under the province's *Bill 44*, referenced earlier, public hearings will be used in the future only for rezoning applications in which proposed projects do not comply with *City Plan*, or for applications in which Council has discretion and decides to hold a hearing.

### TECHNOLOGY

The City of Nanaimo uses a file management software system to receive and hold development applications, share data from the applications among staff involved in reviews, track the progress of applications through the approval processes, and retain permit and approval information for all affected properties. At the time of writing the City relies on Tempest Prospero. The City is in the process, however, of purchasing and implementing a new system that will:

- enable applicants to submit all development applications and all required information items (e.g., drawings) online through a portal
- provide applicants the ability to track their applications online, and know exactly where in the approval process such applications are situated
- enable staff in different divisions and sections to access and share digital information on application files, and to avoid having to distribute paper copies of drawings and other information
- prompt staff in different sections to begin and finish their reviews
- provide other improvements to the current approach

Figure 2.2  
Simplified Current Rezoning Process



Taken together, these improvements have the potential to free-up staff time involved in receiving files, responding to requests for updates and other inquiries, and waiting for comments from referral groups. These benefits will help to streamline the approval process and improve approval process timelines.

### INFORMATION TO APPLICANTS

For both staff and applicants, the processes through which development applications are reviewed and approved can be complex, with staff from various sections and external agencies involved, multiple submission requirements for applicants, and several conditions for approval. Over time, with new policy and regulations at the municipal, regional and provincial levels, the degree of complexity has increased. It is incumbent for municipalities to provide user-friendly resources and guides to assist applicants in understand what is expected of them, and in navigating the approval processes.

The City of Nanaimo has some materials available for download to guide applicants and potential applicants. Items include:

- relevant City bylaws, including *City Plan* and the others identified earlier in this report
- application forms for the various approvals and permits
- guides, with process descriptions, checklists, and schedules to help applicants navigate the rezoning, development permit, development variance permit and subdivision approval processes
- "NanaimoMap" with a zoning layer to identify permitted uses on all properties
- *Design Guidelines* for all development permit areas
- a separate *Comment Sheet* to assist applicants in explaining how their development meets the steep slope development permit area *Guidelines*
- information on the City's Design Advisory Panel
- information guides for specialty categories of proposed developments, including cannabis retail and licensee retail
- policies such as the *Community Amenity Contribution Policy*

### PLANNING & DEVELOPMENT STATISTICS

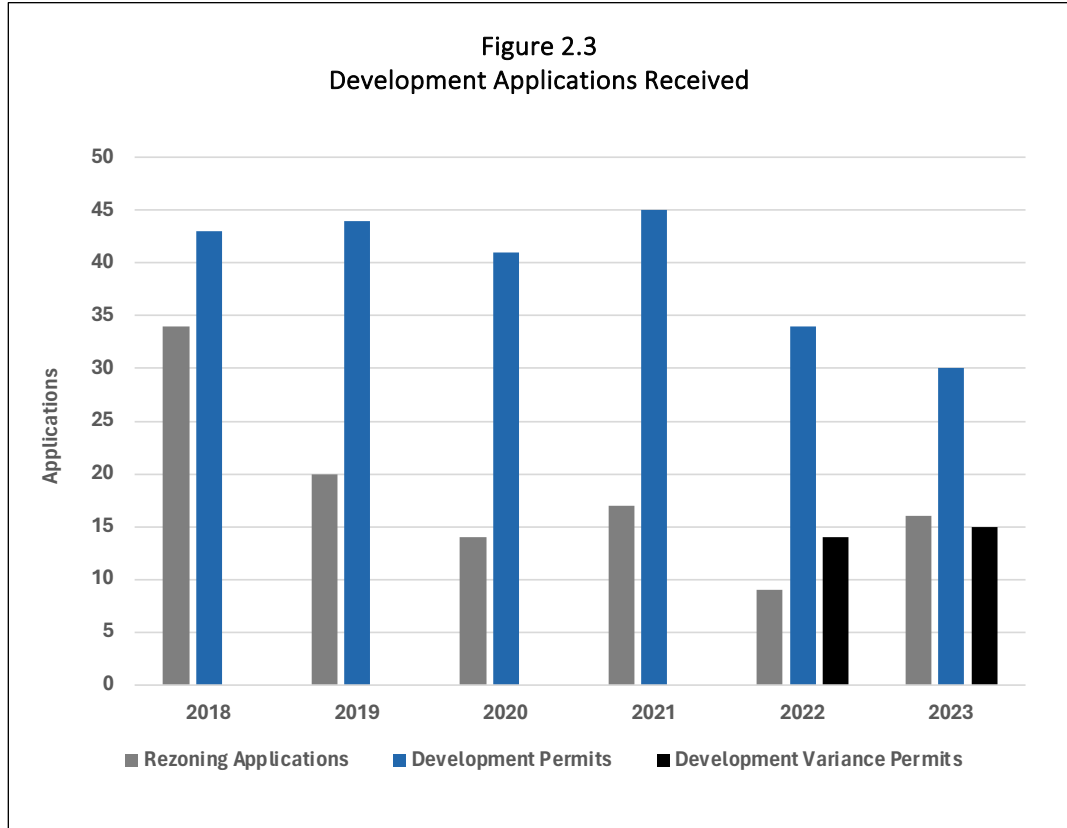
#### Applications Received

The City collects and reports statistical information each year on specific types of development applications. Figure 2.3 presents this information for the past six years to give an indication of the changing level of development activity in the City, as well as the changing approval timelines achieved by the Planning & Development Division.<sup>6</sup>

In reviewing the figure, it is important to consider certain limitations inherent in the data. It is important to note, for example, that the numbers in the figure show how

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<sup>6</sup> Development Variance Permit figures for 2018 to 2021 will be incorporated into the final report.



many individual development applications were received by the City each year, but provide no sense of the varying level of complexity associated with the different files. It can be assumed that some of the files processed by staff over the time period were relatively simple in nature with few complicating factors. It can also be assumed, however, that other files were complex in nature, requiring the involvement of staff from other divisions, and more than one interaction with development proponents. The time and effort required to process applications with different levels of complexity can vary considerably.

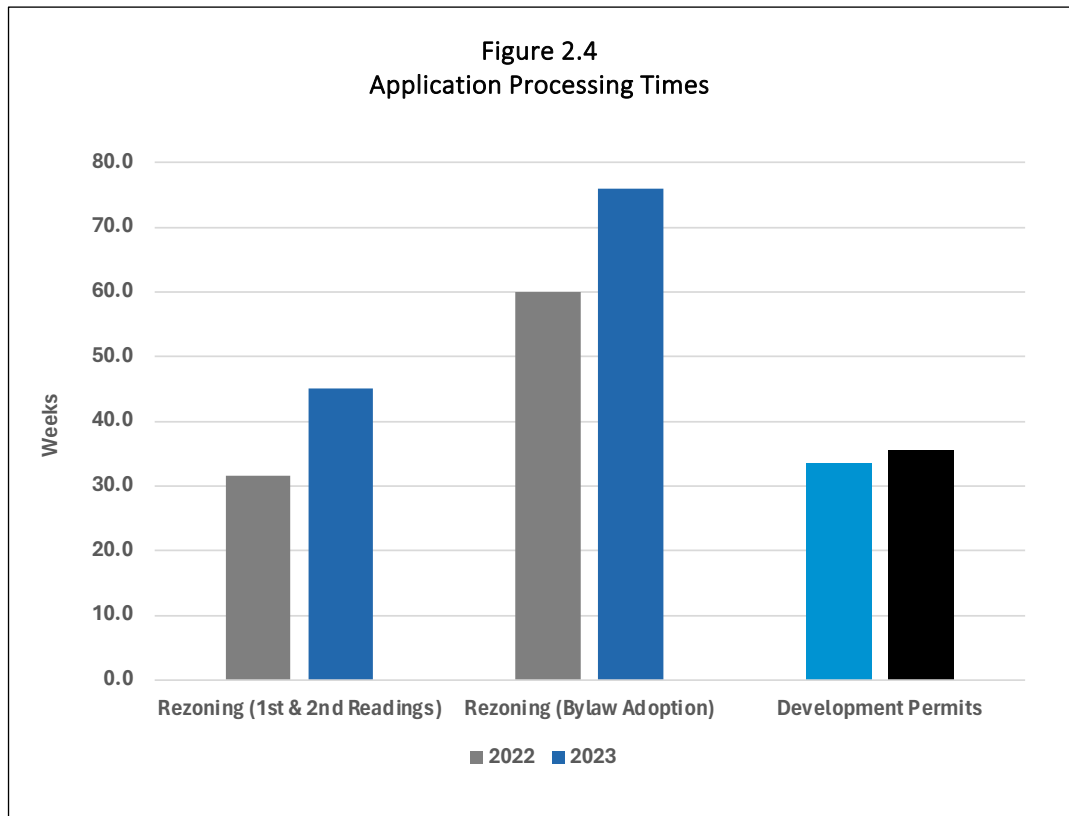
It is important, as well, to note that efforts to process files in one year often extend into subsequent years. Files approved in any one year may include the files received in a previous year, but also files received and processed in the current year. The impact on City staff resources may be greater than that which is implied by focusing on totals received in single years.

It is important, finally, to note that Figure 2.3 does not show the number of building permits received by the City that are referred by the Building Inspection section to planners in Current Planning. The need to review and provide comments on these building permit applications adds to the workloads of the planners. So, too, does the need for staff to work with building permit applicants to address changes made to projects, by the applicants themselves, at the building permit stage.

### Processing Times

The time it takes a municipality to process different types of development applications is an important metric that matters considerably to the development community, City Council, and staff involved in the process. It is also a metric that can be defined and calculated differently across municipalities, and that must be examined carefully to fully appreciate. A municipality that "starts the clock" at the time of application acceptance and keeps it running until final approval, for example, will report far different times than an organization that "stops the clock" for the periods of time during which the applicant is responding to the organization's requests for information.<sup>7</sup>

Figure 2.4 shows the average processing times reported by the City for rezoning and development permit applications. The times for rezoning applications are shown for the completion of first and second readings milestone, and for the total process from application acceptance to approval. The times for development permits account for the total period through to final approval. No deductions have been made from any of the measures for periods during which applicants were making revisions or responding to requests for information.



<sup>7</sup> The City of Nanaimo is an example of a municipality that starts the clock at application and keeps it running through to final approval.

## CHAPTER 3

### ISSUES TO ADDRESS

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Over the course of the assignment, the consultants interviewed all City staff from the Current Planning section along with key staff from other divisions and sections involved in development approvals. Interviews with 15 developers and development professionals were conducted, and a Development Roundtable was held. The consultants reviewed a range of materials from the City, and undertook comparative research of high-growth municipalities in British Columbia to explore different approaches and ideas that may be of value to Nanaimo.

Based on the findings from the interviews, review of materials and comparative research, the consultants identified a set of issues for the City to consider. The list of issues is as follows:

- pre-zoning
- concurrency of approval processes
- application tracking
- target timelines
- pre-application meetings
- internal referrals
- comprehensive letters
- planning positions
- role of engineering
- delegation of authority
- use of Design Advisory Panel
- management of inquiries
- development liaison group

Each issue is reviewed in this chapter of the report under a separate heading. Recommendations to address the issues are offered in the report's final chapter (Chapter 4). The issues examined, it is important to note, do not represent the definitive list of points raised by interviewees or identified by the consultants. In the consultants' judgement, however, the issues discussed in this chapter are the most important ones for the City to address.

#### NATURE OF REVIEWS

Reviews are commissioned by municipalities to critically examine a part of the organization, a service or a function. Independent consultants are hired, questions are asked, materials are examined, and comparisons are considered in an effort to identify issues to address and changes to make. Staff that work in the division or function being examined may agree that such reviews have value, including the potential to improve outcomes for the municipality, service stakeholders and the community. Staff may also, however, feel unsettled by the scrutiny that is inherent



to reviews, and concerned about some of the changes that may result. These feelings are understandable and need to be taken into account when presenting the findings of reviews and taking action on recommended changes.

While critical in nature, reviews can be useful in highlighting the strengths that exist within, and the accomplishments that have been achieved in, the division under review. It is useful to recognize such strengths in and accomplishments of Nanaimo's Planning & Development Division. Consider the following four examples:

- *City Plan: Nanaimo ReImagined* — Through a community-centred, multi-year process the Planning & Development Division created *City Plan*, the City's primary strategic planning document that provides clear policy direction for the next 25 years on the growth and development of Nanaimo. *City Plan* stands apart from other municipalities' OCPs by integrating into one document a range of different strategies, including those related to parks, recreation and culture, transportation and active mobility, climate action and resiliency, accessibility and inclusion, and others. The end result will guide the community forward on land use, Reconciliation, climate resiliency, wellness, economic prosperity and other important matters.

The value of *City Plan* to the City and the community has taken on new significance in light of the changes introduced by the province through *Bill 44* — in particular, the change that will see the elimination of public hearings in all cases where public hearings are prohibited. The high level of community engagement in developing the *Plan*, coupled with the *Plan's* relatively recent date of adoption (July 4, 2022), allow the City and public to feel secure in the knowledge that future land use designations and other land use policies in the *Plan* reflect the community's preferences.

*City Plan* and the process through which it was developed was recognized in 2023 with awards by the Planning Institute of BC, and the International Association of Public Participation.

- *Internal Initiatives* — As noted in the introduction to this report, the *Development Approval Process Review* is only one initiative underway at the City to strengthen Nanaimo's approach to development approvals. City staff are concurrently involved in a set of other projects, including:
  - the purchase and implementation of a new file management software platform, complete with an online application portal and other features
  - updates to the *Development Approval Procedures and Notification Bylaw*
  - the development of standard template legal documents
  - an update to the City's development permit guidelines

- a review and update of development application forms, checklists and guidelines
- a review and update of the City's development application fees
- *Commitment to Customer Service* — Staff in the development approval process go out of their way to respond to inquiries, accommodate applicants' needs, and work with proponents to strengthen their submissions.<sup>8</sup> This point was made by many individuals interviewed by the consultants.
- *Recognized Willingness to Improve* — In the view of the consultants, and in the view of the clear majority of development stakeholders interviewed, staff at all levels of Current Planning and other sections in the Division demonstrate a genuine interest to understand concerns, listen to suggestions for change, and embrace improvements.

### PRE-ZONING

As suggested earlier, the term "development approval process" is an umbrella term that is used to describe the individual processes that property owners must navigate in order to obtain the permits and approvals required to begin development. The rezoning process is one part of the overall development approval framework that property owners who seek to change the use or density permitted under current zoning must follow.

The rezoning process is often the lengthiest of the land development approval processes that property owners may need to navigate. Efforts taken by the City to eliminate the need for rezoning in some cases will help to significantly reduce the overall time required for development approval. As well, the elimination of a rezoning requirement for one group of development proposals will free-up staff to focus their energies on processing applications for rezoning that will continue to be required on other proposals.

The requirement for rezoning may be eliminated through pre-zoning, or upfront zoning, under which the City would:

- identify, based on the future land uses, planning principles and goals set out in *City Plan*, specific areas in which the list of permitted uses could be expanded, and higher densities could be encouraged
- determine the ability, based on existing servicing and amenities, to accommodate increased development in the targeted areas
- undertake City-initiated amendments to the *Zoning Bylaw* to pre-zone the targeted areas to allow the expanded uses and higher densities

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<sup>8</sup> Staff's level of customer service may actually be too high, especially in cases where applicants have failed to submit complete applications, and/or have not hired development professionals to assist with development proposals. These types of cases can consume disproportionate amounts of staff time — time that could be spent reviewing other complete, well-conceived applications.

Development applications submitted for these pre-zoned areas may still require changes to heights, setbacks and certain other site requirements in the *Zoning Bylaw*; such additional changes, however, could be addressed through the development variance process which is less onerous and time-consuming to navigate than rezoning.

The provincial government's *Bill 44* initiative imposes a degree of pre-zoning on every municipality in British Columbia with more than 5,000 people, including the City of Nanaimo. Under *Bill 44* all properties that are currently zoned for single-family or duplex use will automatically be permitted to have three to four units. Larger single-family or duplex lots that are close to frequent service transit stops will be allowed six units.<sup>9</sup> To implement the pre-zoning outlined in *Bill 44*, the City will need to amend its *Zoning Bylaw* by June 30, 2024.

### Servicing Concerns

Nanaimo and other cities have raised legitimate concerns about the impact of *Bill 44*'s blanket pre-zoning on City services, including community amenities, in affected parts of the municipality. Traditionally, municipalities have used the rezoning process, combined at times with density bonusing provisions, to obtain certain off-site service improvements and/or contributions to amenities required to accommodate increased development. The move towards pre-zoning eliminates the requirement for rezoning, and in so doing eliminates an opportunity for municipalities to obtain costly works and amenities. The province addresses municipalities' concerns to a large degree through *Bill 46: Housing Statutes (Development Financing) Amendment Act, 2023*. This legislative initiative expands the scope of development cost charges (DCCs) and introduces amenity cost charges (ACCs) that municipalities may impose on new development to help fund a broad range of amenities. Both of these charges can be collected at the time of subdivision approval or at building permit approval.

### Going Forward

The pre-zoning imposed through *Bill 44* will take effect on or before June 30, 2024 — the deadline set by the province for all municipalities (over 5,000 population) to update their existing zoning bylaws to implement the changes in *Bill 44*. The City will be focused through the spring of 2024 on making the changes required. After June 30, however, the City could elect to undertake a broader program of pre-zoning, not to target single-family and duplex areas, but rather — for example — to increase the range of permitted types and the maximum (or minimum) densities identified in multi-family zones.

The province has set a deadline (subject to further regulation) of December 31, 2025, for municipalities to have reviewed and updated their OCPs and zoning bylaws, based on new, interim Housing Needs Reports. The requirement for Nanaimo to update

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<sup>9</sup> Nanaimo does not at present have transit routes that meet the definition of frequent service bus routes in *Bill 44*.

and amend *City Plan* and the *Zoning Bylaw* to accommodate what will almost certainly be increased housing projections provides an opportunity to identify and implement additional pre-zoning.

## CONCURRENCY OF PROCESSES

### Traditional Sequencing

The individual development processes are designed as separate, stand-alone processes that development proponents must move through in pursuit of required permits and approvals. The processes are expected, in essence, to be navigated in a sequential order that reflects an approvals hierarchy. At the top of this hierarchy is the OCP amendment process, followed by rezoning, the subdivision approval process, development variance approval process, development permit process and building permit process. This hierarchy and the resulting sequencing of approval processes is logical in that:

- rezoning cannot be granted until the OCP has been amended (if necessary) to accommodate a change in zoning
- development permits cannot be granted if zoning has not been changed to allow for the permitted developments
- building permits cannot be issued before development permits have been approved

The sequencing also attempts to limit the risk to the proponent who is pursuing approvals. In many cases, property owners will want to have their rezoning approval in hand (or assured) prior to funding the additional site planning, studies, drawings and other items required in the development permit process. Similarly, property owners will often want to have development permit approval in place before investing in the drafting of final building plans.

### Concurrent Processing

This simplified sequential order may have been acceptable in past years when the overall development approval process was less complex than at present, and was able to be completed in less time than is typical today. In the current development context, however, the need to move quickly and the willingness on the part of some owners to incur process-related risks compels the City to allow proponents to move through elements of the different processes concurrently.

To be clear, the City of Nanaimo already allows for some level of concurrency in cases where there is an understanding of and a willingness on the part of the proponent to accept risk. The City will, for example, process applications for OCP amendments and rezonings together. The City will also accept and begin to review applications for building permits during the development permit process, provided that no major variances issues are outstanding.<sup>10</sup> With few exceptions, however, Nanaimo does not process rezoning and development permit applications concurrently. This situation

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<sup>10</sup> A building permit may not be issued, however, until a development permit has been granted.

sets Nanaimo apart from several other cities, particularly cities in the Metro Vancouver region, but also municipalities such as Saanich and Victoria on Vancouver Island.

### Going Forward

The concurrent processing of rezoning and development permit applications would reduce the time spent by proponents and the City in the overall development approval process, as well as the time required to bring housing and other developments to fruition. The City should consider providing opportunities for rezoning and development permit concurrency, specifically in cases where:

- applications are for large projects that compel applicants to undertake a substantial amount of design work early in development approval process, at the time of rezoning
- applications submitted for development approval are complete
- City staff are supportive, based on pre-application discussions, of the proposed changes in zoning
- proponents are willing to accept the risk involved in undertaking design work and completing required studies prior to knowing definitively that rezoning will be approved

### APPLICATION TRACKING

Speed in the processing of development applications is important to the City's efforts to attract and facilitate quality development, and to address the need for new housing in Nanaimo. Also important, however, is transparency. Municipalities with transparent approval processes enable applicants to track the progress of their applications in real time as they move through different review stages. Applicants can see at any time where applications are in the process and where stalls may be occurring. Ideally, applicants can also see the reasons for any stalls — reasons which could include the need for applicants themselves to submit additional information or take further action.

The City of Nanaimo currently provides a basic level of tracking for building permit applications but not for property development applications. Other cities in British Columbia (and beyond) provide some tracking for rezonings, development permits and other property applications — the District of Saanich is an example.

### Going Forward

It is expected that the City's planned technology improvements will enable a higher degree of real-time tracking for all types of applications. The City should seek to optimize the tracking function and achieve a high degree of transparency. Accurate application tracking will provide a number of benefits for development proponents:

- *Work Planning* — Proponents of development projects that are under review by the City are required to coordinate teams of different development professionals, consultants and others who contribute information, studies,

drawings and other materials to applications at different points in the overall process. Applicants who are able to track their submissions are well-positioned to schedule their teams efficiently, and in so doing, to optimize the timing and cost of deliverables.

- *Financing* — Most proponents need to secure financing for their development projects. Applicants who are able to track the progress of their submissions are able to optimize the timing and cost of financing. When combined with accurate timelines and milestone targets (see next point), application tracking can also help applicants manage cashflow.
- *Certainty* — Application tracking systems enhance the sense of certainty experienced by development proponents in the overall development approval process. Proponents who can monitor the progress of their submissions are able to see that their files are under active review, even if the review is not going as quickly as the proponents would like. This ability in and of itself improves the development experience by eliminating the need to "chase up" files, and by reducing the stress of the unknown.

Application tracking also provides benefits to the City, including the ability to:

- reduce the amount of time spent by Development Clerks, Planning Assistants and Planners in responding to inquiries on the progress of files
- collect data and report on typical times required to reach various milestones in the processes (reports that would further facilitate effective work planning, optimize financing and enhance certainty)
- set timeline targets for key milestones

#### TARGET TIMELINES

Approval timelines that are reasonable and certain help to reduce the cost of development, serve to bolster the City's commitment to providing a positive development environment, and help to address the need for more housing in Nanaimo. Conversely, timelines that are drawn-out and unreasonable, and that are subject to delays that cannot be attributed to applicants or that appear arbitrary, undermine the City's efforts to attract quality development projects.

Several cities, including Nanaimo, give an indication to applicants of the processing times — often expressed in ranges of weeks — required to reach key process milestones, and to obtain development approval. Fewer cities, however, set firm target times that applicants can use in their project planning, and to hold sections accountable. Some cities that have set published targets in the past, or that continue to set such targets, include:

- *City of Maple Ridge* — The City of Maple Ridge has used quarterly performance dashboards in past years to record average processing times and to set targets for rezonings, multi-residential development permits,

development variance permits, engineering referrals and the time required by the City to give applications an initial review for completeness. These statistics and targets are no longer published.

- *City of Surrey* — The City of Surrey recently undertook a Guaranteed Permitting Timelines program to improve the speed and predictability of the development process. Guaranteed targets have been set out for a limited range of development approval processes, namely:
  - the building permit process for new single-family, single-family alterations and new tenant improvement projects
  - the rezoning process for single-family, multi-family, commercial and industrial projects

Figure 3.1 on the following page presents Surrey's current processing times and guaranteed target times, as of February 20, 2024. Processes for development variance permits, development permits, subdivision approval, a full range of building permits and a range of other approvals are not included in the program at this time.

Surrey's target times, it should be noted, do not cover the entire application processing period. In the rezoning process, timing begins after the City has determined that the application is entirely complete, and ends after Council approves second reading. Included in this target period is the review stage during which the application is referred to internal sections and external agencies, comments are received back, the Advisory Design Panel examines the file, and Council provides second reading. It should also be noted that when the City misses a guaranteed target, the application is not automatically approved, but instead is assigned priority status for staff review.

- *City of Edmonton* — Edmonton sets and publishes target processing times for rezonings, subdivisions and servicing agreements. The target for a "non-complex rezoning" is 13 weeks; for a "complex rezoning" the target is 23 weeks. Both target periods, unlike in Surrey, run from acceptance of the application through to Council approval, and includes time required by applicants to address issues raised by internal and external referral bodies. Edmonton reports on progress quarterly. In 2023 Q4, the City processed 61% of rezonings within its target timeline. The average for all rezonings in the same period was 26.5 weeks.

### Going Forward

Timeline targets that are ambitious and practicable would, if consistently achieved, add considerable certainty to Nanaimo's development approval processes, and would enhance the City's reputation as a place to develop. Such targets would also provide

**Figure 3.1**  
**Processing Times and Guaranteed Targets**  
City of Surrey

<b>Permit Type</b>	<b>Current Processing Time</b>	<b>Established Guarantee Targets</b>
<b>Building Permit: New Single Family</b>	7.3 weeks	10 weeks
<b>Building Permit: Addition &amp; Renovation (Single Family)</b>	5.4 weeks	6 weeks
<b>Building Permit: New Tenant Improvement</b>	10 weeks	10 weeks
<b>Rezoning: Single Family</b>	11.9 weeks	12 weeks
<b>Rezoning: Multi-Family, Commercial, &amp; Industrial</b>	19.6 weeks	16 weeks*

a welcome departure from the average processing times listed in Figure 2.4 for 2022 and 2023.

The City of Nanaimo has internal targets in place for rezonings (up to 35 weeks to final approval), different types of development permits (up to 12 weeks) and various types development variance permits (up to six weeks). The City also strives during pre-application meetings to give applicants some indication of timelines to expect. The City should consider creating a set of published targets, and reporting on progress towards the targets each year. The targets would apply only to applications accepted as complete, and would factor out all time spent by proponents in addressing deficiencies and requirements imposed through the processes. Delays by the City or by proponents would be highlighted in annual progress reports.

As noted in the introduction to this *DRAFT Report*, the City is currently pursuing a



number of initiatives designed to expedite development approvals and address related development issues. One initiative concerns the acquisition and implementation of a new file management software system — a tool that will facilitate data collection needed to properly set targets, enhance process streamlining efforts, and reduce timelines once operational. The City should consider deferring the establishment of timeline targets until the new software platform is in place, and until the recommended changes accepted from this *DRAFT Report* and through other City initiatives have been actioned.

### PRE-APPLICATION MEETINGS

Pre-application meetings, as their name suggests, are convened by the City to discuss a proponent's development proposal prior to the submission of an application for development approval. The meetings are opportunities for the City to understand the proponent's intentions for a site, and to provide preliminary comments on the proposal aimed at helping the proponent develop a complete and successful application. For the proponent, the meetings are an opportunity to understand the City's basic land use, environmental (e.g., watercourse protection), infrastructure and other requirements applicable to the proposed development. They are an opportunity to learn about any possible "show stoppers".

Pre-application meetings are a best practice in local government. Done well, they have the potential to limit incomplete applications and discourage ill-conceived proposals from entering the approval process. Fewer such applications in the process help to shorten the time required for proposals that do proceed to development review.

Most cities encourage development proponents to schedule pre-application meetings with local government staff to review development intentions. Several cities, including the City of Nanaimo, require pre-application meetings for development proposals that require rezoning, subdivision or development permits.<sup>11</sup> Not all cities, however, give their pre-application meetings the structure required to optimize their value. Nanaimo is an example of a city that could benefit from added structure in the pre-application stage.

### Going Forward

Under a structured approach to pre-application meetings, the requirement for a pre-application meeting is set out in the municipality's development procedures bylaw.<sup>12</sup> An application form, or meeting request form, must be completed and submitted by each development proponent to provide:

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- <sup>11</sup> Small developments, such as single-family residential projects with fewer than three lots, are typically exempt from this requirement.
- <sup>12</sup> An example is the *Maple Ridge Development Procedures Bylaw No. 5879 – 1999*. Section 3(5) states that "an application for a pre-application meeting shall be made prior to any application for rezoning, Official Community Plan amendment, development permit including minor development permit, development variance permit, and temporary use permit."

- contact details for the applicant and (where relevant) the applicant's agent
- the civic address and parcel identification number for the subject property
- a description of the proposed project
- the current Certificate of Title, with information on all charges on title (e.g., covenants, rights-of-way, easements)
- a proposed site plan to show existing and proposed accesses, proposed building(s) location and setbacks, existing and proposed utility infrastructure, parking, environmental features (e.g., watercourses) and slopes

Attached to the pre-application meeting request form is a pre-application meeting checklist with all information requirements itemized. The proponent may also be required to pay a pre-application meeting fee.<sup>13</sup>

In a structured approach to pre-application meetings the City is expected to:

- ensure that representatives of Current Planning and Development Engineering are present, have reviewed the package, and are prepared to contribute to the discussion
- for larger development proposals, involve representatives from other review sections, such as Subdivision, Building Permits, Fire, Parks and others
- provide to the proponent after the meeting a copy of the meeting minutes, along with information on land use requirements for the site, parking and landscape expectations, design guidelines, information of DCCs and other fees to be paid, environmental features and restrictions, road dedication requirements, traffic impact assessment guidelines, servicing constraints and other items

Nanaimo should consider formalizing the requirement for pre-application meetings by including it in the City's *Development Approval Procedures and Notification Bylaw 1991 No. 3892*. The City may wish, as well, to develop and implement an application form and checklist to collect, in advance of the meetings, all information required by City staff to understand the development intent and to provide preliminary comments.

Finally, the City may wish to charge a pre-application meeting fee, the value of which could be credited to the applicant should be proposal proceed to an actual development application. Pre-application meeting fees, which would be charged to the first and any subsequent meeting requested by a proponent, are a way of ensuring that proponents invest the effort and resources required to shape a proper development concept.

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<sup>13</sup> In some municipalities the pre-application meeting fee is as high as \$1,500. In the Metro Vancouver region, fees in excess of \$1,000 are not uncommon.

## INTERNAL REFERRALS

It is standard practice for Planning File Managers to circulate development applications to various sections in different city divisions — collectively, internal referral groups — for review against municipal land use and development bylaws and policies, works and servicing standards, environmental requirements in development permit areas, and other considerations. Internal referral groups can also identify requirements that will arise later in the development process, beyond the land use stage, that proponents may benefit from understanding.

The practice of distributing development applications to internal referral groups is not, in and of itself, a problem to address at the City of Nanaimo. Internal referrals, when done properly, protect the City and the community from unnecessary risk and impacts. Referrals also help proponents understand the full set of requirements to fulfill in order to obtain approval. The issues with internal reviews concern how they are done, and whom they involve. Consider the following points:

- *Groups to Include* — There is a tendency at the City to distribute applications to all sections and divisions that may have input to provide, irrespective of the level of project complexity or the need for different groups to comment. Each referral has the potential to add time to the overall approval process timeline. Each referral also has the potential to add to the work of the Planning File Manager who must consider all comments received.
- *Scope of Reviews* — Each internal referral group has specific elements of development proposals to review against specific standards, policies and guidelines that are set out in City bylaws and policy documents, or in provincial regulations. Referral groups need to focus their reviews on, and limit their comments to, the specific elements and the endorsed standards, policies, guidelines and regulations. Such focus and limits, however, are not always recognized or enforced. In some cases, development proponents are being asked to address staff expectations or undertake staff-driven changes that the proponents may not be required to address or undertake.
- *Comments Provided* — Certain internal referral groups at the City have set up a dedicated email inbox to receive all planning referrals to their section. Applications delivered to the inbox are assigned by the Manager to staff for review; one set of comments from the group is provided back to the Planning File Manager. This system is effective and appropriate.

Other referral groups do not handle reviews in the same way. In other groups, development applications are sent to an individual in the section, and in some cases more than one individual. Separate sets of comments are returned by all staff who have participated in the review. The File Manager is expected to consider and amalgamate the different comments, or in some cases, reconcile comments that conflict with one another.

- *Timelines* — Similar to their counterparts in other cities, Planners in Nanaimo request internal referral groups to return comments in a timely fashion. Hard deadlines, however, are not imposed. Late responses waste the time of the Planning File Manager who must chase down the missing feedback. In some cases Current Planning and development proponents are forced to put on hold applications, pending feedback.

### Going Forward

Done properly, internal referrals add considerable value to the development approval process. Done improperly, or without sufficient discipline, such referrals have the potential to slow down the approvals process and to introduce an unnecessary degree of confusion or uncertainty to the overall review. To avoid these outcomes, the City may wish to:

- encourage and empower Planning File Managers to limit the referral of applications to those divisions and sections that must review and provide comments on the development proposal under consideration (not every group will need to be involved in every case; it is up to the File Manager, guided by policy, to determine which groups to include)
- create referral checklists, customized to each referral section, to ensure that all relevant issues, and only relevant issues, are addressed<sup>14</sup>
- direct File Managers to send applications to one email only at each referral group; and direct managers of referral groups to return one single set of comments to the File Manager
- establish and enforce ambitious but realistic deadlines (e.g., three-to-four weeks) for comments to be returned from each referral group

### COMPREHENSIVE LETTERS

Comprehensive letters are provided to development proponents to summarize the City's review of development proposals against land use, environmental, municipal utilities infrastructure, transportation and other requirements. The letters identify any items required by the City, and set out conditions for approval. Comprehensive letters, as their name suggests, are intended to capture for each development proposal the City's full set of comments, items required and conditions for approval. Comprehensive letters are also intended to be the City's final word on items and conditions.

As with internal referrals, the practice of providing comprehensive letters is not, in

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<sup>14</sup> In some cases referral groups may choose to highlight issues that, while not relevant in the immediate term, may arise later in the overall development and/or building process. To the extent that such issues are raised to assist proponents in their project work, referral groups should continue this practice.

and of itself, problematic. The issues that arise with the letters relate to how they are developed and treated by the City. Consider the following points:

- *Not the Final Word* — The potential value of comprehensive letters lies not only in the information they present, but also in the certainty they provide to development proponents. Done properly, comprehensive letters tell proponents everything they must provide and/or undertake in order for their applications to proceed to approval. As noted earlier, the letters are intended to be the City's final word.

In every municipality, including Nanaimo, there will be cases in which planners or others need to make additional comments, or identify specific needs, after the comprehensive letters have been provided. Comments that relate to revisions made by the developer in response to the comprehensive letter are to be expected. Comments that relate to new information that comes forward may also be made. Comments and additional demands made post-letter, however, should be the exception rather than the norm, and should be limited to the revisions, or to major concerns — for example, matters of life and safety, or matters with significant potential risk to the City or the proponent if left unaddressed — that were not identified during the review of the application.

In Nanaimo, comments and additional demands made post-letter are, unfortunately, the norm rather than the exception. Developers and staff interviewed by the consultants noted that comments and additional requirements arise after letters with some regularity. In some cases the post-letter comments are presented as significant issues that were, regrettably, missed during the earlier reviews. In other cases, comments come from sections that were not involved in the file early enough as an internal referral group, or that may not have provided as thorough a review as desired during the referral. In several cases, comments are made and requirements raised as a result of changes in Current Planning staff. Planners who inherit applications that have already been reviewed by other Planners are empowered, and may feel compelled, to conduct additional reviews and add to their previous colleagues' work.

This tendency and the City's tolerance of it undermine the sense of certainty that comprehensive letters are designed to provide. They also undermine the City's reputation among proponents, and have the potential to add considerable expense to projects. There will be instances, as noted, in which the City must, for reasons of risk, life or safety, identify new requirements that were omitted from the comprehensive letter, or change earlier requirements that were communicated in the letter. In most instances, however, the case for imposing new conditions on development does not appear compelling.

- *Timeline* — On the whole, comprehensive letters at the City appear to take a considerable amount of time to develop and provide to proponents. The reasons for delays appear to be varied, but include:
  - staff workloads
  - challenges in addressing new City policies or standards that affect in-stream applications (e.g., civil design)
  - delays in receiving comments from referral groups
  - delays by referral groups in meeting hard deadlines
  - staff turnover
  - delays in having letters approved by management prior to sending

Under the current system development proponents are forced to wait for the comprehensive letters before moving forward with any part of the proposed development. Time delays, and the reluctance of the City to release any conditions in advance of the letter, leave proponents with little to do but wait and incur carrying costs.

### Going Forward

The City may wish to tighten its development and treatment of comprehensive letters. The City should consider, as a first step, creating a *Late Hits Policy* to significantly reduce the number of requirements and conditions that are imposed on proponents after comprehensive letters have already been issued. Late hit policies are used in other municipalities, such as the City of Kelowna, to encourage staff to consider carefully the need for additional requirements post-letter. Under these policies, additional requirements that deal with matters of significant risk, life or safety may be permitted, subject to approval by the Division head. Other matters must be addressed by the City, at the City's cost, rather than being imposed on the applicant as late items to resolve.

The City may also wish to identify, at the discretion of the Planning File Manager, specific requirements that the proponent could start to address prior to receiving the full comprehensive letter. Whether the developer chooses to take action on the items ahead of the letter, or wait for the letter to take action, would be a decision for the proponent to take. Regardless, the City would no longer be in a position of delaying progress on the development in anticipation of the letter.

### PLANNING POSITIONS

Planning divisions in mid-size and large cities are typically staffed by different tiers of planner positions. The exact titles of the positions may vary by jurisdiction, but often include Planning Assistant, Planning Technician, Planner I, Planner II, Planner III or Senior Planner, and Planning Manager. The positions are differentiated from one another based on variety of factors, including years of experience in the planning field, education level achieved, complexity of projects reviewed, and the specific types of responsibilities assigned (e.g., preparation of reports and comprehensive

review letters, presentations to Council, supervision of staff, liaison with proponents, and others).

Planning divisions make use of different tiers for a variety of reasons:

- *Depth of Skills and Experience* — Planning divisions with different tiers of planner positions — in particular, with hierarchies that include more senior planning positions — have and are able to make use of a mix of skill sets and experience levels. Higher level positions, above the level of Planning Assistant and Planner I, typically have the years of experience and depth of skills to review with confidence applications for large, complex development proposals, and to interact with development proponents and their professionals. Conversely, divisions that are staffed predominantly by junior-level positions are not often as proficient in addressing complex development needs.
- *Staff Development* — Planning divisions with different levels of planner positions are able to offer entry-level and junior staff opportunities to learn from more experienced colleagues in senior positions. Junior staff can then apply to advance into successively senior roles that offer new opportunities for personal and professional growth.
- *Staff Attraction and Retention* — Municipalities that offer different tiers of planner positions may — all things being equal — find recruitment and retention easier than cities with flat planning structures. In tiered divisions staff have the ability to chart career paths that take them into successively higher positions with greater levels of responsibility, greater exposure to interesting, complex development projects, and higher levels of pay. Staff with these opportunities, and with the rewards that follow, have fewer reasons to leave.

This consideration, it should be emphasized, is particularly important in an environment that is characterized by exceedingly tight labour markets. The environment for planning divisions in British Columbia today fits this description.

- *Succession* — Tiered planning divisions that provide the opportunities and rewards necessary to retain staff have built-in succession plans.

### City of Nanaimo Planning

Nanaimo appears unique among larger municipalities in having a relatively flat structure in the Current Planning section, with only three planner positions below the level of Director of Planning & Development:

- *Manager of Current Planning* — The Manager of Current Planning is an exempt position that oversees and administers the section, represents the

section in internal and external forums, assigns development application files to staff, reviews and approves reports and comprehensive review letters (among other documents), and mentors Planners and Planning Assistants in the section.

- *Planner* — The Planners — there are four (4) Planner positions at present — are responsible for reviewing development applications assigned by the Manager, undertaking planning assignments (e.g., bylaw review), designing and executing community engagement programs, liaising with development proponents, writing and presenting reports to Council, and handling various other tasks. Planners at Nanaimo are required to have at least three (3) years' of planning experience along with an undergraduate degree.
- *Planning Assistant* — Planning Assistants — there are two (2) at the time writing — are responsible for answering planning- and development-related inquiries, reviewing development applications, receiving referrals from the Building Permit section to confirm compliance to the *Zoning Bylaw* and development permit conditions, preparing reports for review with Council and Committees, and handling certain other duties. Planning Assistants, similar to Planners, require a university degree; they only, however, require one (1) year of assistant planning experience.

Nanaimo's position of Planning Assistant, similar to the Planner position, is responsible for reviewing development applications. This responsibility places the Planning Assistants in Nanaimo on par with Planner I roles in some other municipalities. The title Planning Assistant, however, portrays the position as junior to other cities' Planner I positions, and for that reason may disadvantage Nanaimo in its recruitment efforts.

All planners in Nanaimo between the entry-level position of Planning Assistant and the section-head position of Manager fit into the position of Planner, irrespective of differences in experience, education and ability. The compression at this level limits opportunities for formal mentorship and professional growth, and essentially eliminates the potential to progress to successively more senior positions with increased levels of responsibility and remuneration. The reduced opportunities make it difficult to retain staff in the section — indeed, at the time of writing, only one of the Planners has been in the position for more than three (3) years.

The high staff turnover in the section means that planning applications in Nanaimo are reviewed by Planners who may be relatively junior in their careers, and who may lack the depth of experience desired to process complex files with confidence, and in a timely fashion.

### Going Forward

It is important to emphasize that the Planning Assistant and Planners at the City of Nanaimo are skilled, conscientious professionals who are dedicated to a high level of



customer service — this point was made by several members of the development community who were interviewed by the consultants. The challenges facing the section are related to structure, not to the Planners within the structure. Going forward, the City may wish to consider changing this structure in two ways:

- *Change of Titles* — The City should consider changing the title of Planning Assistant to that of Planner I. This change would help to "even the playing field" for the City, vis-à-vis other local governments, in attracting junior planners who are more attracted to the title of Planner I than that of Planning Assistant. The City should also consider changing the title Planner to Planner II. This change would help to differentiate the position from the more junior Planner I, and would accurately present the position as a more senior role.

It is important to note that only the titles of the positions would change, not the responsibilities — or, therefore, the level of remuneration — associated with the roles. It is also important to acknowledge that these changes in Current Planning would automatically trigger the same change in Community Planning.

- *Assistant Manager* — The City may wish to create the position of Assistant Manager of Current Planning. The addition of this position would provide an opportunity for advancement to a position with greater responsibility and higher remuneration. As well, the addition would give planners at the other levels of planning greater access to mentoring.

The addition of an Assistant Manager position would also provide benefits to the development approval process. Specifically, it would:

- add a senior planner to the review process to assign and guide planners' reviews of files, lead reviews of complex projects, approve comprehensive letters and reports
- enhance the section's ability to engage applicants, and to coordinate efforts internally across sections and divisions
- add capacity at a senior level to initiate and manage policy initiatives, oversee the implementation of changes to the development approval review process, and oversee other planning projects
- eliminate — or at the very least minimize — the "bottleneck" that currently exists in the assignment of files, review of work, leadership of staff and other important duties that fall to the Manager

## ROLE OF ENGINEERING

Development engineering sections exist in all mid-size and large municipalities to review the implications of proposed developments for the municipalities'

infrastructure systems, in particular their road and transportation networks, storm drainage works, and water and sewer utilities. Development engineering technicians are responsible for identifying off-site works and services that applicants must construct in order to address development impacts on City systems.

At the City of Nanaimo, development engineering is situated in the Development Engineering & Environmental Protection section, which sits alongside the Current Planning section in the Planning & Development Division (see Figure 2.1, presented earlier). There are four (4) Development Engineering Technicians in the section, all of whom report to the Manager of Development Engineering & Environmental Protection.

Nanaimo's Development Engineering Technicians participate in pre-application meetings to provide feedback on potential works and service needs that applicants should understand before submitting their application packages. The Technicians then, as an internal referral group, review development applications referred by File Managers in Current Planning. In their reviews, the Technicians consider the proposals to identify works and service impacts on existing services, identify service deficiencies, and review studies that the proponents have submitted to show how they intend to address the deficiencies related to transportation, water, sanitary and stormwater infrastructure.<sup>15</sup>

File Managers in Current Planning refer most applications not only to Development Engineering in the Planning & Development Division, but also to Transportation and Utilities sections in the Engineering & Public Works Division. This practice of including Engineering & Public Works in referrals is problematic. The Engineering Development Technicians are responsible for undertaking the engineering reviews of development applications. Planning File Managers should acknowledge this role and refer applications only to the Development Engineering section, not also to sections in the Engineering & Public Works Division. The Technicians in Development Engineering may, themselves, choose to reach out to colleagues in Transportation and Utilities to seek input on specific applications. Decisions on when to involve these other groups, however, are decisions for Development Engineering staff.

### Going Forward

It is critical for the City to understand the infrastructure impacts associated with proposed development projects, particularly large and/or complex projects. To gain this understanding, City staff with expertise in assessing such impacts need to be involved in reviewing development application files. Planning File Managers need to refer application files to these staff, and incorporate the feedback from these staff into the comprehensive letters that are provided to proponents.

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<sup>15</sup> Later in the approval process, at the building permit state, the Technicians review engineering drawings and cost estimates prepared by the applicants' consultants, pursuant to guiding documents and standards set out by the City. Based on the drawings, the Technicians create service agreements for the proponents to address.

It is neither efficient nor necessary for Planning File Managers to refer applications to staff across all of the City's engineering sections. A better course of action is for Planning File Managers to refer files only to the Development Engineering Technicians in Development Engineering. These Technicians are in place to review development files, identify the studies, works and services required by the City, and report back on such requirements to the Planning File Managers. For the Planning File Managers, Development Engineering is the contact point for referrals. It is important for the Development Engineering Technicians on certain files — files for large and/or complex development proposals, in particular — to seek advice and comments from staff in the various infrastructure sections in Engineering & Public Works. Consultation with Engineering & Public Works in certain cases may be important to the City's efforts in managing infrastructure risk and protecting the municipality's servicing interests. Consultation on too many files, however, could result in unreasonable or unnecessary requirements for development proponents, and could serve to slow the overall approval process.

The decision to refer files beyond Development Engineering to Transportation and Utilities needs to be the prerogative of Development Engineering, not of the other engineering sections. Technicians in the section need to be able to exercise judgement and determine when consultation with these other groups is essential, and when it is not necessary. To guide Technicians, the City should consider creating a *Development Application Review Process Protocol Agreement* between Planning & Development and Engineering & Public Works. The *Protocol Agreement* would acknowledge the authority of the Development Engineering section in the review of development applications, and assign clear roles and limits to the sections in Engineering & Public Works.

Central to the *Protocol Agreement* would be the notion that referrals to sections in Engineering & Public Works would only be made in cases in which the scope of the proposed development exceeded specified thresholds, or in which the Manager of Development Engineering felt that others' expertise were required. The vast majority of applications — 80% or more — that are considered more straightforward would be handled by Development Engineering without the involvement of other groups. Key points to incorporate into a *Protocol Agreement* would be as follows:

- the agreement would outline the responsibilities of the Development Engineering Manager in the development application review process, as well as the responsibilities of Managers in Transportation, Utilities and any other Managers in Engineering & Public Works that may have input to provide on the infrastructure implications of development applications
- the Development Engineering Manager would be responsible (and accountable) for all decisions on works and service matters related to development applications
- the Development Engineering Manager would refer applications, as

necessary, to managers from Engineering & Public Works with authority over the planning and maintenance of the City's infrastructure systems

- referrals would be limited to cases in which the scope of a proposed development exceeded established thresholds, or in any case in which the Development Engineering Manager feels that others' expertise is required
- all recommendations provided by Engineering & Public Works' Managers would be considered by the Development Engineering Manager and incorporated, where possible, into a single set of comments to be provided to the Planning File Manager
- the Development Engineering Manager would provide explanations to Engineering & Public Works' Managers when recommendations were not included

#### DELEGATION OF AUTHORITY

The *Local Government Act* requires approvals for certain types of development applications — amendments to *City Plan* and Nanaimo's *Zoning Bylaw* are two examples — to come from City Council. For some other types of applications, however, Council may choose to delegate approval authority to staff. The ability to delegate is intended to help accelerate approvals and streamline the overall development approval process.

Council has had the authority for some time under section 154(1) of the *Community Charter* to delegate approval authority for development permits, temporary use permits and certain other types of approval. In 2021, acting on findings from the Ministry of Municipal Affairs' 2019 *Development Approvals Process Review*, the province expanded the scope of delegation to include development variance permits that are deemed by the City to be minor in nature. Approval of development variance permits that propose to vary the following types of bylaw provisions may be delegated to staff:

- provisions related to siting, size and dimensions of buildings and permitted uses in the *Zoning Bylaw*<sup>16</sup>
- off-street parking requirements and loading space requirements
- sign regulations
- certain landscaping and screening provisions

A decision by Council to delegate approval of these minor development variance permits must take the form of a bylaw, which must set out the criteria used by the City to determine what is minor, and which must be accompanied by guidelines that staff must follow when making approval decisions.

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<sup>16</sup> For clarity, variances may not result in changes to density or to the uses that are permitted.

Nanaimo City Council, pursuant to Nanaimo's *Officer Designation and Delegation of Authority Bylaw, 2022, No. 7353*, already delegates approval authority for certain types of development permits in cases that meet specific criteria.<sup>17</sup> Delegation is to the General Manager of Development Services, and to the Director of Development Approval — two positions that were recently replaced with the position of Director, Planning & Development. Council has not delegated any approval authority for minor development variance permits, or for temporary use and other permits.

### Going Forward

Nanaimo is not unique among municipalities in its scope of delegated authority for land use approvals. Several cities in the province, however, have taken steps to broaden the scope of delegation, or are examining the benefits of increased delegation. Cities such as Victoria, Surrey, Delta, North Vancouver City and Burnaby, for example, have included development variance permits in delegation bylaws over the past two years.

The City of Nanaimo has an opportunity to delegate the approval of additional types of development permits to staff, along with minor development permits and other types of permits (e.g., temporary use permits). Policy considerations inherent in delegation of authority would need to be examined as part of any delegation initiative to determine how much to delegate and under which circumstances. Any increase in the scope of delegation, however, would help to reduce the overall approval process timeline, and would enhance development approval certainty for proponents. Consider the following points:

- *Timeline* — Nanaimo City Council enjoys a reputation in the development community as an effective governing body that does not unnecessarily delay granting approval to development applications. The reliance on Council to provide approvals, therefore, does not in and of itself add significantly to overall approval process timelines. What can impact timelines, however, is the work that must be undertaken by staff to prepare development application reports for Council. Every staff report takes time for staff to write, review, approve and present to Council. Time spent on reports takes away time that Planners could spend on advancing the files under consideration, or reviewing other files received by the City.<sup>18</sup>
- *Certainty* — Delegation of greater approval authority to City staff is not needed in Nanaimo to address an environment of uncertainty. On the contrary, Council has a strong track record of being predictable and consistent in its treatment of development applications. Greater delegation

<sup>17</sup> Development permits that are considered major in nature, and do not meet the criteria for delegation of approval, must be approved by Council.

<sup>18</sup> Staff must also prepare reports and recommendations to the Director of Planning & Development on applications that the Director has authority to approve. In general, however, intra-sectional reports are less onerous and time-consuming than reports to Council.

of authority, however, would enhance the sense of certainty further, if only by limiting the number of decision-makers involved in determining whether development proposals may proceed.

### DESIGN ADVISORY PANEL

Many cities in British Columbia (and beyond) make use of design advisory panels (DAPs) to advise staff and Council on the design merits of development proposals, and more specifically on the degree to which proposals support the design guidelines established by the cities.<sup>19</sup> Where used, DAPs include in their membership registered architects, landscape architects and other urban design professionals with demonstrated expertise in matters of design.

The City of Nanaimo's DAP is an advisory committee to Council that is comprised of design professionals and members of the general public. The DAP reviews form and character development permit applications as part of the City's development approval process. Development proponents present their plans to the DAP early in the process, while applications are being referred for comment to internal referral groups. Comments are provided to the applicant and City staff; the applicant is required to respond in writing to the DAP's recommendations.

Some in the development community object to the involvement of the DAP in the city's approval process. Some persons interviewed by the consultants feel that the Panel does not add value. Others object to having to address design concerns provided by the DAP along with other design comments provided by staff. The need to prepare presentations for delivery to the Panel is considered onerous by several.

### Going Forward

Planners and the City of Nanaimo — indeed, in many cities — are not necessarily experts in urban design. They and Council rely on the DAP to provide informed urban design input from architects and other experts to the process, along with broader community perspectives from residents on the Panel.

The DAP is a useful resource for Council and staff; calls to eliminate the Panel altogether are not warranted. The City may wish to consider, however, some changes to its use of the DAP. The City may wish, specifically, to:

- clarify for development proponents the purpose of the DAP, and the way in which the City uses DAP input
- limit the number and types of form and character development permit applications that are submitted to and reviewed by the DAP

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<sup>19</sup> Fourteen municipalities in the Metro Vancouver region have DAPs. Several municipalities on Vancouver Island also make use of them, including Victoria, Saanich, Esquimalt, Oak Bay, Duncan, Ladysmith, Parksville and others.

Other cities are exploring similar changes to their DAPs in an effort to reduce workload for applicants, but also to further streamline development approval processes. Staff at the City of Surrey put forward recommended changes to Surrey's DAP in December 2023. The changes, which were accepted by Council, served to exempt low-rise (up to six storey) apartments buildings and low-rise (up to three storey) commercial retail and office buildings from DAP review, provided they are supported staff's own urban design review.<sup>20</sup> Other changes addressed the timing of submissions to the DAP in the overall approval process (Surrey's referral timing differs from that of Nanaimo). Taken together, the changes are expected to reduce the volume of DAP by 60 to 70%.

### MANAGEMENT OF INQUIRIES

Staff in the City's Planning & Development Division receive and respond to a range of general land use and development inquiries from property owners. Inquiries cover a broad range of topics, including:

- general zoning matters
- rezoning possibilities
- development permits
- parking regulations
- secondary suites
- fencing requirements
- carriage houses
- subdivision requirements
- signage requirements
- *City Plan*
- home based businesses
- accessory buildings

In addition to these general inquiry topics, inquiries on the status of development applications are made directly to the relevant Planning File Manager.

In 2023 staff started to track general inquiries to better understand the overall volume of inquiries, the types of inquiry topics, and the potential to pre-empt inquiries through the development of FAQ and other resources aimed at facilitating self-service. Over the course of 2023, the City estimates that staff received approximately 3,000 telephone and 2,600 in-person (front counter) inquiries; email inquiries, of which there are many, are not included in these estimates. Inquiries are handled initially by Community Development Clerks; those that cannot be answered by the Clerks are handled by a Planning Assistant or Planner. File-specific inquiries are addressed by the File Manager in most cases.

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<sup>20</sup> December 13, 2023, City of Surrey staff report: *Proposed Changes to Advisory Design Panel Procedures for Development Applications.*

Staff at the City are committed to providing a high level of service to property owners and others who seek information. Strong customer service is important; it is also important, however, for Planning & Development staff to have uninterrupted time to focus on the intake (Development Clerks) and review (Planning Assistants and Planners) of development applications. Inquiries need to be thoughtfully managed to give staff the time they need to focus on development proposals, and to optimize the level of customer service they provide to the development proponents who have invested the time and money to submit complete applications.

### Going Forward

The City should consider implementing an approach to inquiry management with three components:

- *Self-Service* — Many of the inquiries submitted to the City seek basic information that could (and in some cases is) provided online. In recognition of this point, the City is working to create and post FAQ and other information materials to address as many inquiries as possible. The City should continue — indeed, redouble — these efforts so that in the future property owners are able to access information themselves on the City's website, without having to work through a staff member.<sup>21</sup>

Cities are beginning to create, or explore the creation of, self-service tools that rely on artificial intelligence (AI). The City of Kelowna has taken the lead in this respect, and has put in place "bots" to help applicants understand the items that are required for complete applications, and the regulations that apply to their properties. This technology promises to reduce the staff time and effort required to answer inquiries, and, as a result, to reduce the overall processing time. Nanaimo should consider pursuing AI opportunities once the new file management platform is in place.

- *Database* — Nanaimo has a database in its current Tempest Prospero platform to record and maintain significant development inquiries that are submitted to the City, and the corresponding responses that are provided. The database, however, is considered cumbersome to use, and does not record the day to day questions posed to the section. Having a more comprehensive and user-friendly way to track inquiries would promote consistency in feedback and avoid the risk of providing contradictory information. There is an opportunity for the City during the implementation of the new file management platform to create a more comprehensive property-specific database with a full account of all inquiries made on each parcel of property.

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<sup>21</sup> Once in place, the City's new file management software platform should offer additional self-service opportunities, particularly related to inquiries on the status of application files.



- *Special Land Use Inquiries* — It is reasonable for the City to limit the amount of time spent by staff on any individual inquiry. To that end, the City should consider implementing a system to limit the total time spent by City staff on any individual inquiry to 30 minutes. Inquiries that, in the opinion of staff that receive the inquiry, would take longer than 30 minutes to address, would be treated as a Special Land Use Inquiry (SLUI). The person making a SLUI would be required to submit an SLUI request form and pay a fee of \$150.

### DEVELOPMENT LIAISON GROUP

In the land development process municipalities play an important regulatory role. As regulators, staff review development applications against development policies and regulations that are designed to support the community's vision, promote good planning principles, provide the servicing necessary to accommodate growth, address housing and related needs, and protect the municipality from unnecessary risk. The regulatory role is critical. It needs to be resourced and structured appropriately to be both effective and efficient. It also needs to be accessible, transparent and fair to development proponents.

Good development requires municipal staff to be effective regulators. Good development also, however, requires municipal staff to be effective facilitators of development. Staff involved in the development process need to liaise with proponents, hear their ideas, discuss their plans and — where possible — collaborate on finding solutions to issues that arise.

### Development in Nanaimo

Staff in Nanaimo understand the need to play the dual roles of regulator and facilitator in the development process. Staff and development proponents interviewed for this *Review* can point to a number of examples in which staff have played both roles effectively. Several of the proponents interviewed, however, were able to point to other cases in which staff's inability or unwillingness to act as facilitator appeared evident.

Comfort in the role of facilitator is a function of knowledge, experience and understanding — that is, knowledge of the regulatory framework and the possibilities within that framework; experience in reviewing development applications, applying regulations and liaising with proponents; and understanding of the economics of development, the pressures and challenges facing proponents, and the implications of staff's decisions for development proposals.

Staff undertake formal and informal training to build their knowledge; they also build experience over time as they move through different positions in the section (see earlier discussion on Planning Positions). What is missing at the City are formal opportunities for staff to expand their understanding of development — its economics, the challenges faced by its proponents, and the implications of staff decisions on it.

Development proponents in Nanaimo also need opportunities to expand their understanding of the community's development-related needs, the pressures and concerns facing staff, and the implications of proponents' decisions and actions for the City. The need for Nanaimo's development sector, as a whole, to fully understand and work within the regulatory framework, to submit complete and professional development applications, and to look for ways to collaborate with staff was noted by most of the development proponents (and several of the staff) interviewed by the consultants.

### Going Forward

Staff from the City make annual presentations to the Vancouver Island Real Estate Board and to other development industry groups on past-year development activity at the City, development trends, featured projects, and City initiatives. Staff also meet with development proponents at the pre-application stage, and (where necessary) subsequent stages, of the approval process to discuss specific projects.

Presentations to industry groups and pre-application discussions are important connection points with the development sector. Such efforts do not, however, provide opportunities for Planners and Planning Assistants in the Current Planning section, Development Engineering Technicians in the Development Engineering and Environmental Protection section, and other staff involved in the development approval process to:

- learn from leaders in the development sector about the economics of projects, the pressures and challenges facing applicants, and the implications of different City actions for development projects
- help the development sector to better understand the City's development goals, its development requirements and the reasons behind them, and the implications of proponents' actions for development process
- identify and explore opportunities for collaboration in streamlining City processes, refining City requirements, building capacity in the development sector, developing model applications, and other matters
- discuss regulatory and program initiatives of the provincial government, and the implications of such initiatives for development in Nanaimo
- build a common understanding of the roles and responsibilities of each group — the City and the development sector — in the development of the community

The City should consider creating, in collaboration with key development proponents, a Development Liaison Group as the vehicle for engaging on all of these (and other) points. The Group, which could meet quarterly, could be structured with equal numbers of City and development sector participants. One City representative and

one development sector representative could co-chair the Group, and could together create agendas and run meetings. Clear terms of reference, drafted by the City for review by the Group, would be needed to set out the purpose of the body and the meeting procedures to follow. Members could be replaced annually in order to enable broader participation.

The Group, it should be emphasized, would primarily serve as a forum for information exchange between staff and the development sector, not as an advisory committee to recommend changes to the City. To the extent that the Group felt compelled to give advice on key matters, such advice would be directed to the Director of Planning & Development. The Group would not be established as a Council advisory committee, and would not receive instructions or issues to review by Council.

## CHAPTER 4 RECOMMENDATIONS

Several issues were identified and assessed in the previous chapter of the *DRAFT Report*. Paths forward for the City to consider were set out for each of the issues. These paths forward are presented in Figure 4.1 as recommendations.

Figure 4.1  
Recommendations

Recommendations	Comments
<b>Pre-Zoning</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City build on <i>Bill 44's</i> pre-zoning changes by undertaking its own pre-zoning initiative aimed at increasing the range of permitted types, and the maximum densities, identified in Nanaimo's multi-family zones.</li> </ul>	<ul style="list-style-type: none"> <li>– The City may wish to schedule this initiative for 2025 to coincide with potential updates to <i>City Plan</i> and the <i>Zoning Bylaw</i> that may be required to accommodate increased housing projections.</li> </ul>
<b>Concurrency of Approval Processes</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City provide opportunities for rezoning and development permit applications to be processed concurrently in cases where applications are complete, staff support the proposed changes in zoning, and proponents are willing to accept the risks involved in undertaking design work and studies prior to knowing definitively that rezoning will be approved.</li> </ul>	<ul style="list-style-type: none"> <li>– The City has some examples of rezoning and development permit concurrency on which to build.</li> </ul>
<b>Application Tracking</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City, in an effort to enhance transparency and accountability, reduce time spent responding to inquiries on the status of applications, and allow for proper collection of data on times required for applications to reach review milestones, optimize application tracking in the City's new file management software platform.</li> </ul>	<ul style="list-style-type: none"> <li>– It will be important to incorporate optimal application tracking into the new software platform during implementation of the platform, not after.</li> </ul>

Recommendations	Comments
<b>Target Timelines</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City create, publish and report annually on progress towards, a set of timeline targets for milestones in the development approval process.</li> <li>&gt; THAT the City defer the establishment of timeline targets until the new file software management platform is in place, and other recommended changes have been actioned.</li> </ul>	
<b>Pre-Application Meetings</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City amend the <i>Development Approval Procedures and Notification Bylaw 1991 No. 3892</i>, to include the requirement for pre-application meetings for proposals that seek rezoning, subdivision approval and/or development permit(s).</li> <li>&gt; THAT the City design a <i>Meeting Request Form</i>, accompanied by an information checklist, for proponents to complete in order to schedule a pre-application meeting.</li> <li>&gt; THAT the City require proponents to provide, along with the <i>Meeting Request Form</i>:               <ul style="list-style-type: none"> <li>– contact details for the applicant</li> <li>– civic address and parcel identification number</li> <li>– description of the proposed project</li> <li>– current <i>Certificate of Title</i> with information on all charges on title</li> <li>– proposed site plan</li> </ul> </li> <li>&gt; THAT the City provide to proponents, after pre-application meetings, a copy of the meeting minutes and information on land use requirements for the property, parking and landscape expectations, design guidelines, information on DCCs and other fees, environmental features and restrictions, road dedication requirements, traffic impact assessment guidelines, servicing constraints, and any other relevant items.</li> </ul>	<ul style="list-style-type: none"> <li>– Single-residential projects with fewer than three (3) units would be exempt from the requirement for pre-application meetings.</li> <li>– It would be important to ensure that staff from Current Planning and Development Engineering, at a minimum, be present at all pre-application meetings, have reviewed the information package, and be able to contribute to the discussion.</li> </ul>

Recommendations	Comments
<b>Internal Referrals</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City empower Planning File Managers to limit, and provide guidance to them in limiting, the referral of applications to internal referral groups that must review and provide comments on the development proposal under consideration.</li> <li>&gt; THAT the City create internal referral checklists, customized to each referral group, to ensure that all relevant issues, and only relevant issues, are addressed.</li> <li>&gt; THAT the City direct each referral group to assign one point of contact for all referrals, and to return one single set of comments to the File Manager.</li> <li>&gt; THAT the set and enforce ambitious timelines for comments to be returned from each referral group.</li> </ul>	<ul style="list-style-type: none"> <li>– The intent of these recommendations is that referrals go only to internal referral groups that must provide comment.</li> <li>– Deadlines for referral groups to return comments are important. The new file management software platform will help to prompt referral groups and to enforce deadlines.</li> </ul>
<b>Comprehensive Letters</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City create a <i>Late Hits Policy</i> to limit the imposition of additional demands on development proponents, after comprehensive letters have been issued.</li> <li>&gt; THAT the City encourage Planning File Managers to identify, at their discretion, specific requirements that a proponent may choose to action prior to receiving the comprehensive letter.</li> </ul>	<ul style="list-style-type: none"> <li>– The <i>Late Hits Policy</i> would limit additional demands to those that address matters of significant risk, life or safety.</li> </ul>
<b>Planning Positions</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City change the title of Planning Assistant to Planner I, and the title of Planner to Planner II.</li> <li>&gt; THAT the City create a position of Assistant Manager of Current Planning.</li> </ul>	<ul style="list-style-type: none"> <li>– The Assistant Manager position would be result in the Current Planning section growing by one (1) full-time equivalent (FTE).</li> </ul>

Recommendations	Comments
<b>Role of Engineering</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City direct Planning File Managers to seek input on the works and services implications of development proposals from Development Engineering only.</li> <li>&gt; THAT the City create a <i>Development Application Review Process Protocol Agreement</i> to acknowledge the authority of the Development Engineering section in the review of development applications, and to assign clear roles and limits to the Engineering sections in Engineering &amp; Public Works.</li> </ul>	<ul style="list-style-type: none"> <li>– The <i>Protocol Agreement</i> would set out thresholds and other conditions to guide the Development Engineering Manager in determining when to seek input from Transportation, Utilities and other groups in Engineering &amp; Public Works.</li> <li>– The <i>Agreement</i> would be designed to both protect the City from risk where necessary, and expedite the overall development approval process.</li> </ul>
<b>Delegation of Authority</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City maximize the delegation of approval authority to staff for development permits, minor development variance permits and all other permits for which approval may be delegated.</li> </ul>	
<b>Design Advisory Panel</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City clarify for development proponents the purpose of the Design Advisory Panel and the way in which the City uses the Panel's input.</li> <li>&gt; THAT the City limit the number and types of form and character development permit applications that must be submitted to the Design Advisory Panel for review.</li> </ul>	<ul style="list-style-type: none"> <li>– The City of Surrey's recent initiative to limit the use of its Advisory Design Panel may help to guide Nanaimo staff in implementing these recommendations.</li> </ul>
<b>Management of Inquiries</b>	
<ul style="list-style-type: none"> <li>&gt; THAT the City continue to create new, and enhance existing, self-service options for property owners and development proponents to address their own development-related questions.</li> <li>&gt; THAT the City create a comprehensive property-specific database to track inquiries</li> </ul>	<ul style="list-style-type: none"> <li>– The City's new file management software platform will facilitate staff's efforts to create additional self-service options, including ones that incorporate artificial intelligence.</li> </ul>

Recommendations	Comments
<p>made, and responses given, on each parcel of property.</p> <ul style="list-style-type: none"> <li>&gt; THAT the City create a system to treat as Special Land Use Inquiries any inquiries that, in the opinion of staff, would take longer than 30 minutes to address.               <ul style="list-style-type: none"> <li>– AND THAT the City require persons making Special Land Use Inquiries to complete a request form, and to pay a fee of \$<u>150</u>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– The new platform will also enable the creation of a more comprehensive property-specific inquiry database.</li> </ul>
Development Liaison Group	
<ul style="list-style-type: none"> <li>&gt; THAT the City create, in collaboration with representatives from the development sector, a Development Liaison Group.</li> </ul>	