

Timelines

90 days

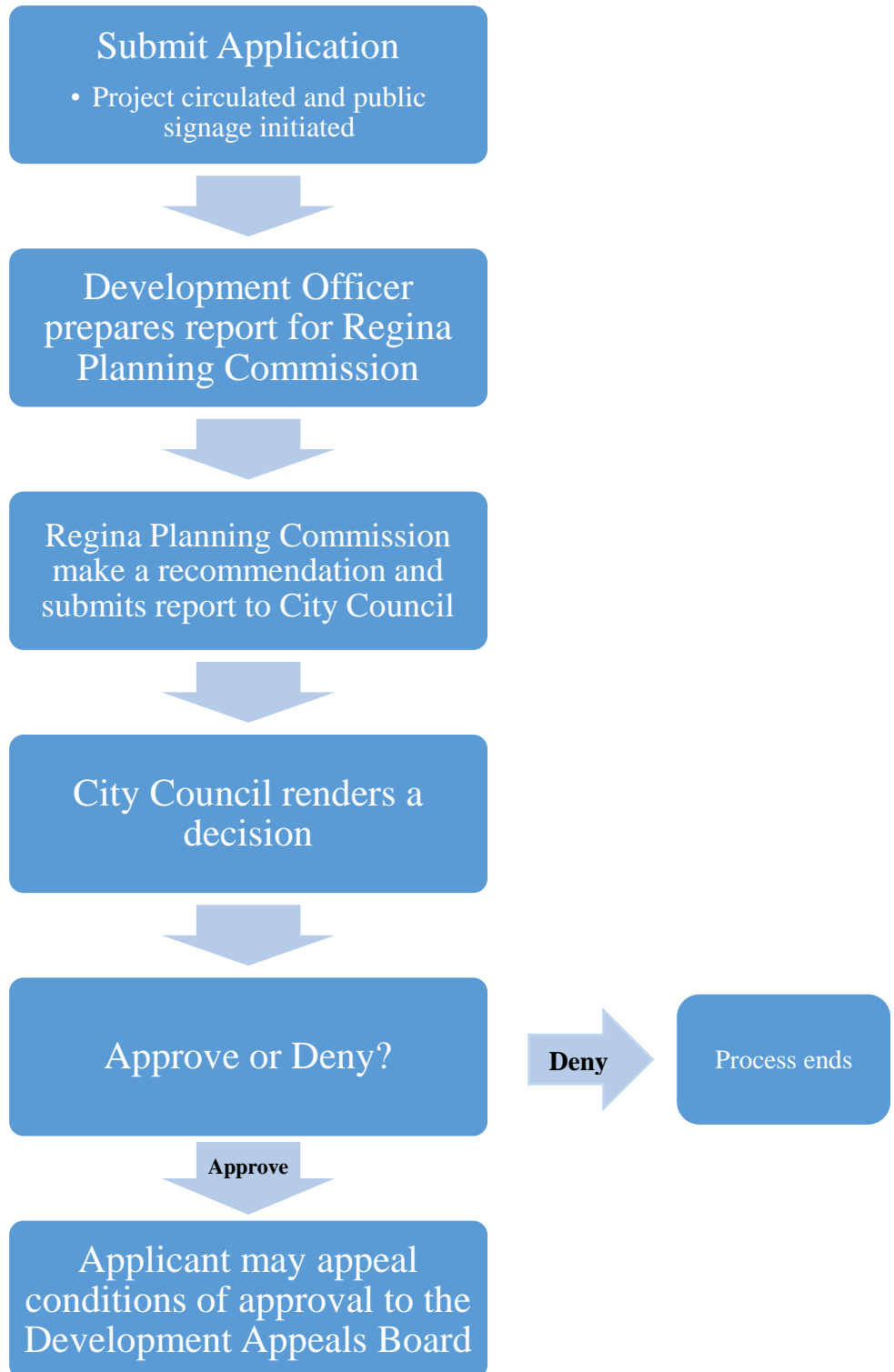
30 days

34 days

26 days

TOTAL - 180 days

Current Discretionary Use Process



Proposed Discretionary Use Process

Timelines

90 days

23 days

14 days

TOTAL - 127 days

Submit Application

- Project circulated and public signage initiated

Development Services prepares report for internal decision

Development Officer makes decision

Development Officer may decide to refer the application to Council for a decision based on the complexity, public feedback or political sensitivity associated with the proposed development.

Is applicant satisfied with decision?

Yes

Process ends

No

Applicant applies to City Council to review Development Officer's decision

City Council review and confirms or alters the decision of the Development Officer

Application Approved or Rejected?

Reject

Process ends

Approve

Applicant may appeal conditions of approval to the Development Appeals Board

Action Owner

Applicant

Council

Development Officer

APPENDIX A-4

Notes about the Proposed Discretionary Use Process

Based on the complexity and circumstances of an application, the Development Officer would determine whether to exercise the delegated authority or to have the application considered by RPC and City Council.

After completing the necessary analysis of the application, the Planner would prepare a recommendation for the Development Officer to consider. As with the existing process, the Development Officer would review the recommendations, with appropriate subject matter experts, before a decision is made.

The Development Officer would convene a weekly meeting to consider discretionary use applications. At the meeting, the Planner would present the application and provide an explanation of the application, their analysis and recommendation.

The Development Officer would review the information and render a decision on the application. After which, the Planner would send letters to the applicant, Mayor, Ward Councillor and other interested members of the public to communicate the decision and indicate the available review and appeal options.

If the applicant requests City Council review the decision of the Development Officer, the Office of the City Clerk would process the request and determine when the matter would be placed on City Council agenda and communicate with the applicant.

Administration would also provide City Council with monthly statistical information on the number of discretionary use applications considered by the Development Officer and the outcome of those applications.

Based on the complexity of a particular application, the Development Officer has the option of not exercising their delegated authority. This option would trigger the application being considered and decided upon by RPC and City Council in essentially the same manner that occurs under the current Zoning Bylaw. The following factors would be considered by the Development Officer in deciding whether to exercise delegated authority:

- Consistency of the proposed development with the objectives and policies of the OCP, special studies affecting the site and other applicable City policy documents.
Does the proposal support the realization of the OCP policies in the area? Does the proposal align with the applicable Neighbourhood or Concept Plan?
- Consistency with the purposes and intents of the zone and the Zoning Bylaw.
Does the proposal align with the scale, intensity and development standards of the surrounding area?
- Consistency with Provincial land use policies and Statements of Provincial Interest.
Does the proposal align with the Provincial Statement of Interest of allowing for a range of housing options appropriate for development within the community?
- Feedback from the public on the effects of the development.
What is the nature of the comments provided? Can the comments be addressed by the applicant or through conditions imposed by the City?

APPENDIX A-4

- Potential impacts of the development on the community.
What impacts will the proposal have on traffic movement within the surrounding area? Will the development generate demand for additional city services (e.g. parks, transit, roads)?
- Potential impacts of the development on City infrastructure and servicing capabilities.
Will water or sewer pipes need to be upgraded? What impact will this proposal have on the entire water or sewer system? Will this proposal trigger upgrades in other areas?
- The demand for the proposed use in the area and the availability of similar uses.
Have similar proposals been approved in the surrounding area? What is the distribution of the proposed use within the area? Will clustering of this use have a positive or negative effect on the surrounding area?
- Overall complexity of the application.

With the delegation of authority for discretionary use decisions to the Development Officer, the Act prescribes an option for the applicant to request a review of the Development Officer's decision (see Table 2). The recommendation would require a change in the process to enable City Council to review the decision of the Development Officer, upon request by the applicant. The review by City Council does not replace the applicant's right to appeal a decision of City Council to the Development Appeals Board (DAB). Appeal provisions to the DAB are governed by the Act and cannot be modified by the City.

The review by City Council and the appeal to the DAB can only be triggered at certain stages of the development process. A review by City Council can only be requested after a decision has been rendered on a discretionary use application by the Development Officer. In such cases, only the applicant has the right to ask Council to review and confirm or alter the decision, development standards or conditions placed upon their discretionary use by the Development Officer.

Appeals to the DAB can only be triggered after a development permit has been issued, whether that be by decision of the Development Officer or the decision of City Council. In such cases, the applicant or a person affected by the proposed development can initiate an appeal to the DAB. As per the Act, the applicant can only appeal the development standards or conditions placed on their development permit to the DAB. City Council's decision to approve or reject a discretionary use application cannot be appealed. An affected person can only appeal to the DAB if there is an alleged misapplication of the Zoning Bylaw in the issuance of a development permit.

Table 1 : Review and Appeal Processes

Process	Applicant	Public
Review by City Council	Dissatisfied by a decision of the Development Officer, the applicant may apply to City Council to review and confirm or alter the decision, development standards or conditions placed on their discretionary use application.	No right of review.

APPENDIX A-4

Appeal to DAB	Dissatisfied with the development standards or conditions placed on their development permit.	A person affected may appeal to the DAB if there is an alleged misapplication of the Zoning Bylaw in the issuance of a development permit.
	There is no right of appeal to DAB if a discretionary use application has been rejected by resolution of City Council.	

Between 2000 and 2016, there were more than 390 discretionary use applications considered by City Council of which, there were only six occasions where City Council issued a decision which differed from the recommendation of Administration. As shown in Table 3, five of the six applications were related to higher density residential developments.

If authority for discretionary use had been delegated to the Development Officer, the Development Officer would have referred all six of these applications to City Council for decision due to their complexity and inconsistency with the policies of the OCP. Further, if the Development Officer had made the decision on these applications, the applicant would have the option of requesting City Council review the decision. In such cases, City Council would be able to reverse the Development Officer's decision if deemed appropriate.

Table 2 : Discretionary Use Decisions where Council Differed from Administration's Recommendation

Year	File No.	Proposed Use	Community Association	Administration Recommendation	Council Decision
2002	02-DU-20	Apartment, Low Rise	Dewdney East	Deny	Approve
2008	08-DU-10	Apartment, Low Rise	Dewdney East	Deny	Approve
2008	09-DU-1	Apartment, Low Rise	Dewdney East	Deny	Approve
2009	09-DU-6	Apartment, Low Rise	Arcola East	Deny	Approve
2014	14-DU-23	Adult Entertainment Establishment	Not Applicable	Approve	Deny
2015	15-DU-20	Mixed Use - Dwellings & Commercial	Cathedral Area	Approve	Deny