Development approvals during the COVID-19 pandemic

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Prior to the COVID-19 crisis, many local governments struggled to process development applications in a timely way. A high volume of applications, combined with complex development approval processes and insufficiently staffed local government offices, meant that it would often take months to years for a single development application to be approved.

The COVID-19 crisis has exacerbated the timeliness issue as it has further reduced staff in development offices and forced local governments to modify their usual development approval processes to comply with public health restrictions. Fortunately, local governments have risen to the challenge and have adopted a number of creative strategies that both protect public health and expedite development application approvals:

Holding Virtual Public Hearings

Public hearings are a common feature of local government business, and are the most direct way for community members to make representations to their local government with respect to proposed zoning and community plan bylaws. Traditional public hearings are not possible during the COVID-19 crisis, as large gatherings of people are prohibited indefinitely to protect public health. To ensure that public hearings can continue during the COVID-19 crisis, the Minister of Public Safety and Solicitor General has issued an Order authorizing local governments to hold public hearings virtually.

Many local governments have embraced virtual public meetings. For example, the City of Vancouver launched a new platform for virtual open houses so residents can comment on proposed rezoning applications. The platform, Shape Your City Vancouver, provides for a three-week open house in which individuals can expect a response to their comments or concerns from the City within two business days. The development of a platform to receive commentary supports the idea that Shape Your City may remain a permanent feature to support, if not replace, public hearings going forward.

Thus far, the implementation of virtual public hearings appears to be having a positive impact on the development approval process. Providing written submissions by email or chat, rather than oral submissions, has resulted in more concise public dialogue as

fewer comments are made regarding irrelevant matters and an expedited public hearing process for proposed bylaws.

Waiving Public Hearings

Several local governments have elected to waive public hearings pursuant to s. 464(2) of the *Local Government Act* in circumstances where the proposed zoning bylaw is consistent with the official community plan.[1] More local governments may elect to waive public hearings instead of requiring a public hearing for each proposed zoning bylaw.

Submitting Plans Electronically

Delivering plans and applications electronically has been encouraged where possible, as local government employees have moved to remote working.[2] Some local governments have also embraced e-permitting software to enable streamlined application processes and reviews. The benefits of e-permitting software and electronic plan submission include:

- Cloud-based software offers more functionality and storage space, which allows for large files to be uploaded;
- Applicants are alerted to errors in their submissions as they are uploading documents; and
- Costs are reduced for the applicant and the local government, as the number of staff required to physically process an application is reduced.

Expedited Approval for Rental Housing

The limited housing stock available in the Lower Mainland of British Columbia has encouraged some local governments to prioritize development applications that include an affordable housing component. Specifically, the City of Vancouver has recently proposed “fast-tracking” the review and approval process for affordable and market rental residential development applications. The City publicly stated that it will amend its existing zoning bylaws to allow rental buildings up to six storeys in height to be approved via a development permit rather than a rezoning, and to allow for expanded mixed-use development.

As local governments are facing an economic downturn in nearly every industry, the traditionally robust real estate market may benefit long-term from measures adopted in the short-term to address the disruptions COVID-19 has caused to traditional development application processes.

As financing becomes more difficult to obtain and cash reserves dwindle, it is in local governments’ best interests to proceed with existing developments and process new applications as quickly as possible. The strategies listed above are important initial steps, and local governments may wish to consider continuing with these strategies (and adopt new ones) after the COVID-19 crisis subsides.

[1] These local governments include the City of Delta, the Langley Township, the City of New Westminster, and the City of Chilliwack.

[2] Local governments accepting electronic plans

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