



## Committee of the Whole Report For the Meeting of April 23, 2020

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**To:** Committee of the Whole **Date:** April 17, 2020  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** **Heritage Advisory Panel and Advisory Design Panel Referrals During the COVID-19 Pandemic**

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### RECOMMENDATIONS

That Council:

1. Authorize meetings of the Heritage Advisory Panel and Advisory Design Panel to be conducted electronically during the period that the provincial declaration of a state of emergency made March 18, 2020, under section 9 (1) of the Emergency Program Act in relation to the COVID-19 pandemic and any extension of the duration of that declaration, is in effect.
2. That recommendations be forwarded to the April 23, 2020 Council Meeting so that the actions can be implemented immediately.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations on authorizing the Heritage Advisory Panel (HAPL) and Advisory Design Panel (ADP) to conduct meetings electronically in accordance with Ministerial Order No. M083 (Attachment B). This will enable development applications to advance through the panel review process with the benefit of input from both of these panels while maintaining physical distancing and compliance with the Provincial Health Officer's Order prohibiting mass gatherings.

According to Ministerial Order No. M083 (Attachment B), Council committees can meet without the public present while still being considered to be an open meeting under the Order. The order permits committee meetings to be conducted electronically. To continue to meet the transparency objectives of the *Community Charter*, staff are recommending that the full agenda packages continue to be posted on the City's website at least three days in advance of meetings, and more detailed minutes of the meetings be kept in order to capture a sense of the discussion amongst panel members. The City's electronic meeting software also allows staff to livestream and close caption meetings for real time public viewing, as well as record and host them online for later viewing. Barring any unforeseen technical issues, staff will implement these measures for ADP and HAPL meetings to enable the public to listen/view meetings remotely and achieve the greatest degree of transparency permitted by the technology.

While this report focuses on facilitating the operations of ADP and HAPL, in that they have a unique role in review of development applications, the learnings and tools developed from reactivating these panels can be applied to Council's other advisory committees.

## PURPOSE

The purpose of this report is to present Council with information, analysis and recommendations on authorizing the Heritage Advisory Panel (HAPL) and Advisory Design Panel (ADP) to conduct meetings electronically. This will enable development applications to advance through the panel review process with the benefit of input from both of these panels while maintaining physical distancing and compliance with the Provincial Health Officer's Order prohibiting mass gatherings.

## BACKGROUND

On March 16, 2020, the British Columbia Medical Health Officer passed an order (Attachment A) that prohibits gatherings in excess of 50 people. Shortly after this order and based on further provincial guidance on the necessity of physical distancing during the pandemic, the City of Victoria suspended meetings of Advisory Committees until further notice.

On March 26, 2020, Ministerial Order No. M083 (Attachment B) gave municipalities the ability to hold electronic City Council meetings and committee meetings without the public being physically present. The order will be in place for the duration of the state of emergency.

At the April 2, 2020 City Council meeting, Council directed staff to report back on modifications to development application processes, including processes and referrals to advisory committees, in order to continue to process applications through the COVID-19 pandemic while complying with public health orders and meeting the transparency and accountability of land use processes.

## ISSUES AND ANALYSIS

### Land Use Procedures Bylaw

The City's *Land Use Procedures Bylaw* states, "when processing an application, the Director may refer the application to other agencies or associations, the Technical Review Groups, Advisory Committees or other staff members." While application referral to the ADP and/or HAPL is not strictly necessary, it is an important part of the process that brings additional professional review and critique to proposals.

### Electronic Meetings

The March 26, 2020 Ministerial Order temporarily overrides *Community Charter* and procedure bylaw requirements during the state of emergency, to permit electronic meetings to occur without the public being present. To enable the continued processing of development applications with the benefit of input and advice from HAPL and ADP, staff are recommending that meetings be conducted electronically. The City has the technology to distribute electronic agendas, post them online and host web-based meetings in which panel members can view presentations and participate in audio and video discussions of applications. Staff will work with applicants to ensure they are able to present their applications using this technology as well.

Staff tested the City's technology with all current members of HAPL and all were able to access the software, participate in a discussion and view a presentation. Staff will conduct a further test on April 22<sup>nd</sup> with ADP members. If any new information or learnings arise as a result of the April 22<sup>nd</sup> test with Advisory Design Panel, staff will provide a verbal update to Council at the April 23<sup>rd</sup> Committee of the Whole meeting.

## **Public Participation**

Local governments in British Columbia operate under the *Community Charter* and *Local Government Act*. Under Clause 89 of the *Community Charter*, all meetings of council and committees are required to be “open to the public”. Consequently, HAPL and ADP meetings are held at City Hall, with meeting dates and times posted to the City website. However, unlike City Council Meetings, the public cannot comment on, or directly participate in HAPL or ADP meetings. The public, if in attendance, are present only as observers. Attendance records show that public attendance at HAPL and ADP meetings is very low, with one or two people attending intermittently.

The City’s electronic meeting software allows staff to livestream, record and close caption committee meetings for public viewing. Barring any unforeseen technical issues, staff will implement these measures for upcoming meetings to enable the public to listen/view a meeting remotely and achieve the greatest degree of transparency permitted by the City’s technology.

Staff are recommending that full agendas for HAPL and ADP continue to be posted to the City website at least three days in advance of the meeting, and that as an immediate action more detailed minutes of the meeting will be taken and posted on the website once ratified.

## **Application Processing**

There are approximately six applications that require ADP review, and there are two Heritage Alteration Permit Applications that require HAPL review, with a further two applications expected in the coming weeks. The proposals ready for ADP review include a six-storey mixed-use building with 75 affordable rental units in Burnside Gorge, a 15-storey mixed-use building with 129 residential units in Harris Green, a townhouse proposal with 34 units in Burnside Gorge and a five-storey building and seven-storey building on Tye Road with a combined 148 residential units. With the exception of delegated Heritage Alteration Permits, most applications could still technically proceed to Council. However, they might not include the meaningful improvements that often result from the input of the heritage consultants, historians, architects, landscape architects, engineers and other qualified professionals that comprise HAPL and ADP.

The continued suspension of HAPL also has timing implications for delegated heritage applications. On June 14, 2018 Council directed that, “as part of the Delegated Authority Process of land use applications refer, heritage-related applications to the Heritage Advisory Panel for their consideration...”. This means that even very minor alterations, such as changing paint colours, removing chimneys, installing skylights and removing non-original building features, require HAPL review before the permits can be issued.

## **Other Advisory Committees**

This report focuses on facilitating the operations of ADP and HAPL, which play a key role in the review of development applications and are critical to advancing the development review process during the COVID-19 pandemic. However, there are a number of other Council-appointed advisory committees that are also currently suspended at this time. While they are not the subject of this report, it is anticipated that the learnings and tools developed from reactivating HAPL and ADP will be applicable to other advisory committees.

## **OPTIONS AND IMPACTS**

### **Option 1 (*Recommended*)**

That Council:

1. Authorize meetings of the Heritage Advisory Panel and Advisory Design Panel to be conducted electronically during the period that the provincial declaration of a state of emergency made March 18, 2020, under section 9 (1) of the Emergency Program Act in relation to the COVID-19 pandemic and any extension of the duration of that declaration, is in effect.
2. That recommendations be forwarded to the April 23, 2020 Council Meeting so that the actions can be implemented immediately.

This option would enable development applications to advance through the review process with the benefit of advisory committee input. This will enhance the City's ability to weather the economic impacts and ultimately recover from the pandemic.

### **Option 2**

Provide alternate direction to staff on preferred approaches to holding committee meetings.

### **Option 3**

That Council decline the staff recommendations. This option is not recommended. Although Section 15 of the *Land Use Procedures Bylaw* stipulates that referral to the advisory committees is optional, it is not optional for delegated Heritage Alteration Permits, which Council directed staff to refer to HAPL in all circumstances. Declining the staff recommendations would put these applications on indefinite hold. Some developments would not move forward, which would have negative consequences with regard to economy and positioning the City for recovery after COVID-19.

### **Accessibility**

ADP and HAPL meetings are currently held at City Hall and are not livestreamed, so members and the public must physically travel to City Hall to observe or participate. Electronic meetings are more physically accessible to panel members, although members must have access to a phone or computer. Remote meetings, if they can be recorded and posted on the City's website, would also be more accessible for the general public.

### **2019 - 2022 Strategic Plan**

The Strategic Plan contains a number of objectives which depend on viable and timely development activity. Therefore, although the proposed recommendation does not have direct Strategic Plan implications, any measures that promote continuation of processing of land use applications are likely to help achieve numerous Strategic Plan objectives, including increased supply of affordable and rental housing as well as maintaining a healthy economy.

### **Impacts to Financial Plan**

The City of Victoria has a license to operate a web-based meeting program called Microsoft Teams, which has worked well for a range of internal and external meeting participants. It is unlikely that

the City will have to purchase any additional software licenses, so there are no anticipated impacts to the City's financial plan as a result of holding meetings electronically; however, in terms of staff resources, this approach is more labour intensive.

## CONCLUSIONS

Staff recommend that Council authorize Advisory Design Panel and Heritage Advisory Panel meetings to be held electronically for the duration of the provincial limits on gathering and social distancing requirements. Ministerial Order No. M083 released on March 26, 2020 grants permission to municipalities to hold electronic committee meetings without the public being physically present. Adopting this practice will enable development applications that require HAPL and ADP review to continue to advance, which will better position the City to weather and recover after the pandemic. To continue to meet the transparency objectives of the *Community Charter*, staff are recommending that the full agenda package of the panels continue to be posted to the City's website and that more detailed minutes of the meetings be taken. Staff are also committed to using the livestreaming, recording and close caption functions of the City's electronic meeting software to enable the public to view the meetings live or afterwards to achieve the greatest degree of transparency and accessibility possible.

Respectfully submitted,

  
John O'Reilly  
Senior Heritage Planner  
Development Services



  
Karen Hoese, Director  
Sustainable Planning and  
Community Development Department

Report accepted and recommended by the City Manager:



Date: April 21, 2020

## List of Attachments

- Attachment A: Provincial Health Officer Order
- Attachment B: Ministerial Order No. M083.