



## **Committee of the Whole Report**

### **For the Meeting of June 11, 2020**

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**To:** Committee of the Whole **Date:** May 28, 2020

**From:** Karen Hoes, Director of Sustainable Planning and Community Development

**Subject:** **CALUC Community Meetings during the COVID-19 Pandemic**

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### **RECOMMENDATION**

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw and any necessary Council resolutions to enable posting of development application plans on the Development Tracker while maintaining current notification requirements, as a substitute for the current Community Association Land Use Committee Community Meeting in response to the COVID-19 pandemic.

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with information, analysis and recommendations regarding alternate means of applicants receiving early public feedback on Rezoning or Official Community Plan (OCP) Application proposals, in lieu of the current Community Association Land Use Committee (CALUC) Community Meeting. This is in response to the direction that Council provided at the April 2, 2020 Committee of the Whole Meeting related to examining modifications to development application processes in order to continue to process applications through the COVID-19 pandemic while complying with public health orders and maintaining transparency and accountability of land use processes.

To receive preliminary community feedback on Rezoning and OCP Amendment Applications, there is currently a required CALUC process that involves two steps: an initial informal meeting with the applicant, and a Community Meeting arranged with the CALUC which includes mailed notice to nearby neighbours. While CALUCs have been able to implement alternatives for the initial informal meeting, there are greater challenges with coordinating the formal Community Meeting given the current health orders. This has implications on applicants being able to incorporate early neighbourhood feedback into their applications, and to ultimately submit their application.

To address the pre-application community engagement, it is recommended for Council's consideration that application plans be posted on the City's Development Tracker website in advance of submission, as a substitute for the requirement of an in-person Community Meeting. An online comment form would be set up to allow the public to provide comments to the applicant, CALUC, and City, and the applicant's contact information would be provided so that the public can

contact them directly to ask questions and discuss the proposal (see Attachment G for a draft Land Use Procedures Bylaw amendment which would enable this). The CALUC could summarize the feedback received in the form of a letter and provide it to the City to accompany the proposal when it moves forward to Committee of the Whole. The existing practices around providing notification to the public would be maintained but adapted to direct people to the Development Tracker.

This would provide a standard approach that is achievable regardless of the capacity of the CALUC and/or applicant and reflects the spirit of the CALUC processes in that it is aimed to gather feedback from neighbours early in the development application planning process when there is a greater ability for applicants to make changes to their proposals. The CALUC and applicant may expand on this through additional engagement methods such as providing enhanced information on external websites, electronic meetings or online forums, provided that the information on the Development Tracker remains up to date.

The proposed changes would follow the intent of the CALUC process by initiating communication and enabling development applications to be submitted with the benefit of receiving early comments from the public while maintaining physical distancing and complying with the Provincial Health Officer's Order prohibiting mass gatherings. Allowing applications to be submitted will also help with increasing the supply of affordable and rental housing, maintaining a healthy economy, and enhancing the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic.

## **PURPOSE**

The purpose of this report is to present Council with information, analysis and recommendations on alternate means of gathering early public input on Rezoning and Official Community Plan (OCP) Amendment Applications as a substitute for the current requirement of a Community Meeting.

## **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 public meetings until further notice.

On April 2, 2020 Council directed staff to report back on modifications to development application processes to enable the continued processing of development applications through the COVID-19 pandemic. This included examining alternate means of gathering public input for the pre-submission requirement for CALUC Community Meetings. The staff report and motion are attached as Attachment B.

## **ISSUES AND ANALYSIS**

The following sections outline key considerations that have ultimately led to the staff recommendation. Each will be discussed in turn, as follows:

1. Provincial Guidance and Orders
2. Land Use Procedures Bylaw
3. CALUC Terms of Reference and Procedures for Processing Applications
4. Current Applications Ready for a Community Meeting

5. Feedback from CALUCs and UDI
6. Potential Approaches and Challenges
7. Recommendations for Moving Forward.

## **1. Provincial Guidance and Orders**

The direction from the province has been strongly worded to:

- avoid in-person meetings altogether and hold virtual meetings instead;
- stay close to home as much as possible; and
- work from home if possible, and if that is not possible, maintain physical distancing and stay home when sick.

Holding in-person CALUC Community Meetings would conflict with the provincial guidance. Part of the difficulty is that the Community Meeting needs to remain open to all who wish to join, which may result in people being turned away upon arrival if they can no longer be accommodated. It would also be challenging in terms of having an appropriate venue that allows appropriate physical distancing for attendees.

## **2. Land Use Procedures Bylaw**

The *Land Use Procedures Bylaw* (LUPB) requires applicants to arrange and participate in a Community Meeting to be held in association with a CALUC, in advance of an Official Community Plan or Zoning Bylaw Amendment Application. The bylaw also lays out circumstances in which this requirement can be waived:

*8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:*

- a) in writing by the CALUC in the area in which the proposed development is located;*
- b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;*
- c) by Council.*

The LUPB also stipulates that the City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within 100m (for a rezoning application) or 200m (for an *Official Community Plan* amendment) of the subject property. A fee of \$750 and \$1250, respectively, is required to be paid by the applicant to cover the cost of the mail-out.

## **3. CALUC Terms of Reference and Procedures for Processing Applications**

The *CALUC Terms of Reference* (Attachment C) and *CALUC Procedures for Processing Applications* (Attachment D), both endorsed by Council, set out the scope for CALUCs and provide a guide and common approach for processing development applications. The two main functions of the CALUCs can be divided into the Preliminary Consultation Phase and the Community Meeting.

### *Preliminary Consultation Phase*

The goal of the Preliminary Consultation Phase is to open lines of communication, create mutual understanding of the project and the process, provide initial verbal feedback to the applicant, and determine a plan for moving forward to a formal Community Meeting. The preliminary consultation

may take the form of a meeting, but it may also be as simple as a phone call or site visit. These meetings may also include other attendees/participants. Each CALUC has their own method of undertaking the Preliminary Consultation Phase, which is typically characterized by a less formal structure with smaller (if any) physical gatherings. Therefore, in most instances this phase could be adapted despite the public health orders and guidance.

### *Community Meeting*

The Terms of Reference and Procedures documents outline how the Community Meeting is intended to provide an opportunity for a mutual and broader community understanding of the proposal and a dialogue where the public can directly ask questions and provide comments to the proponent.

The main deliverable resulting from the Community Meeting is a written summary of the meeting, prepared by the CALUC and provided to the City and the applicant. This summary is intended to provide applicants with valuable, early feedback on their proposal that can be used to refine and improve their application before making a formal submission.

The CALUC Procedures were specifically set up in this manner, to facilitate early dialogue, so the community would have a voice in the process before a proponent invested the resources required to develop a full submission and the applicant would have the benefit of community input at a point in the proposal's development where concerns/opportunities could more easily be addressed.

## **4. Current Applications Ready for a Community Meeting**

In 2019, 48 Community Meetings were hosted by CALUCs, and based on this figure it is anticipated that an average of four Community Meetings would occur per month. As this step occurs in advance of the application submission, it is difficult to determine the current number of applications that may require a Community Meeting. Having said this, staff are aware of CALUC Community meetings that have been deferred by a CALUC so that an applicant can make a submission, as well as proposals (including those for rental and affordable housing) which have not yet had a chance to participate in a CALUC Community Meeting.

## **5. Feedback from CALUCs and UDI**

Staff invited representatives from all CALUCs and UDI to participate in a video conference call on April 15, 2020 (see meeting notes in Attachment E). Although there were differing views, there were also some ideas that seemed to have general agreement, including the importance of both keeping applications moving and seeking meaningful input early in process. There seemed to be general agreement that the changes should be temporary during the pandemic but should also be considered for potential enhancement of City engagement in the future.

The CALUCs and UDI were also asked to supply letters to share their comments on this topic (see Attachment F). Several other letters were received on this topic and were also considered in preparing this report. A high level summary of the key ideas raised is included below. Please refer to the letters for more detail.

Typically, staff would have reviewed the recommended approach with the group before bringing it forward for Council's consideration. In this case, further consultation was not pursued due to the various pressures of COVID-19 on staff time and the importance of introducing changes quickly. Nonetheless, staff have reached out to the CALUCs and UDI to get input on how best to facilitate

implementation and communication regarding the changes. Additionally, staff will be involved with ongoing monitoring which will include communicating with the CALUCs and development industry and conversations related to any necessary modifications will take place as needed.

### *Online Platforms and Remote Meetings*

An idea that was broadly suggested was to have all necessary information related to the proposal posted to a website. The public could review this information and supply comments to the CALUC who would assemble and summarize it for the City. Further comments related to alternative online ways to discuss and submit comments such as online forums and comment forms.

Another idea that was suggested was to have the City provide the software and staff support for the Community Meeting to be run as an online video meeting which could potentially be recorded and posted to a website for later viewing. Several of the CALUCs emphasized the importance of the in-person Community Meeting and expressed concerns with this approach, as some members of the public and some CALUCs do not have the equipment or knowledge required to participate. Others suggested that an online meeting may be more accessible than an in-person meeting for some people.

Aspects of these ideas have been incorporated in the recommended approach, in a manner that is hoped to reflect the spirit of the existing CALUC Procedures, while accommodating for a varying degree of capacity between CALUCS and developers.

### *Defer Community Meeting Until Later in the Process*

Another suggestion was to allow an application to be submitted to the City without a Community Meeting but to require one before the Committee of the Whole.

## **6. Potential Approaches and Challenges**

The UDI and CALUC feedback informed the ultimate staff recommendation, as did a number of limitations associated with aspects of the approaches noted below:

### *Electronic Meetings*

The capacity of applicants and CALUCS to take on the role of organizing and facilitating electronic meetings varies greatly. Not all CALUCs have the knowledge and technology required to host and facilitate an online meeting, potentially with large numbers of people participating in the discussion. In addition to a varying degree of capacity amongst applicants, there may also be challenges related to perceived openness and ability for dialogue if this role is facilitated by the applicants themselves. There may also be privacy issues associated with either group taking on the role.

Nonetheless, as is the case now, for applicants and/or CALUCs with capacity, electronic meetings could be used as a supplement to the proposed Development Tracker approach.

For the City to take on the role of organizing and facilitating electronic meetings would require additional staff resources as well as expanded technological capacity, which are not presently available.

## *Online Forums*

This approach faces many of the same resourcing challenges as electronic meetings with the resources required to set up and moderate interactive forums not bringing substantial benefits beyond other methods. It would also involve more complicated operational details that have yet to be worked out, such as privacy, technology, and staffing. Similarly, to electronic meetings, for applicants and/or CALUCs with capacity, additional remote based engagement features could be used as a supplement to the proposed Development Tracker approach.

## *Defer Community Meeting to after Application is Received*

This approach would enable applications to be submitted without a pre-application CALUC Community Meeting and for the initial staff review to begin; however, it would eventually result in applications stalling out before being advanced fully through the Council review and consideration process. Additionally, this approach does not offer the advantage of facilitating early dialogue enabling the applicant to hear from the neighbours early in the process. Although not recommended, alternate motions reflecting this approach (Option 2) as well a motion to waive the Community Meeting requirement entirely (Option 3) have been provided for Council's consideration.

## **7. Recommendations for Moving Forward**

Given the various factors influencing public engagement during the pandemic as well as input from the CALUCs and UDI and challenges associated with various forms of remote engagement, staff recommend that the Preliminary Consultation Phase be retained and that as a substitute for the more formal Community Meeting (see Attachment G for a draft Land Use Procedures Bylaw amendment which would enable this):

- development plans be posted to the Development Tracker
- existing notification processes be maintained
- an online comment form be set up to facilitate public comments to the applicant, CALUC and City.

## *Preliminary Consultation Phase*

As discussed above, the Preliminary Consultation Phase is still achievable, and it is recommended that it be maintained. As is the case now, the applicant would contact the CALUC before submitting plans to the City to initiate a dialogue with neighbourhood representatives, receive initial feedback, and determine if the plans are ready to be posted online. Some CALUC members indicated that they have already adjusted to make these meetings work.

## *Post Development Plans on Development Tracker*

As a substitute to the in-person Community Meeting, it is recommended that the proposed preliminary development plans be posted to the City's Development Tracker in advance of application submission. The City's Development Tracker currently includes plans and other information regarding development applications. The revised process would be as follows:

- The existing requirements under the LUPB around providing notification would be maintained but adapted to direct people to information on the Development Tracker
- The Development Tracker would include a link to provide comments directly to the CALUC

(copied to the applicant and the City), and the CALUC could continue to provide a summary to the applicant and the City of what they heard. This summary would be attached to the Committee of the Whole staff report

- Contact information for the applicant would be included on the Development Tracker so that the public could pose questions directly to them. This would help establish communication and provide a further venue for feedback which applicants could then use to improve their proposals
- The applicant would be required to have the plans posted to the Development Tracker for at least 30 days before submission of the application to the City. This would ensure that there is time for the public to reach out with questions and comments and for the applicant to potentially make revisions, before the submission
- The City's engagement portal ([engage.victoria.ca](https://engage.victoria.ca)) would link to the Development Tracker. This would help people become aware of upcoming applications and find the appropriate documents to review what is being proposed.

This approach facilitates a standard that is achievable for all CALUCs and applicants regardless of their access to and experience with various engagement and communication technologies. However, it does not preclude the use of more comprehensive engagement methodologies, by either the CALUC or applicant, as long as the information provided remains consistent with the Development Tracker.

As part of the application process, the current means for the public to provide comments directly to Council in advance of a Committee of the Whole or Council meeting would remain in place, including submission of emails and physical letters.

#### *Consideration of Applications on a Case-by-Case Basis*

As applications come forward to Committee of the Whole, Council could still determine on a case by case basis if an in-person Community Meeting should be held for a specific application. This may be the case if Council feels there is significant public interest and that consultation efforts have not adequately engaged those most impacted. For applications that fall into this category, further processing would be delayed until an in-person Community Meeting could take place.

## **OPTIONS AND IMPACTS**

### **Option 1: Require Proposed Plans to be added to the Development Tracker in Advance of Application Submission instead of a Community Meeting (Recommended)**

This option would enable rezoning and OCP amendment applications to have the benefit of early public input in advance of application submission. This approach mirrors the current process but substitutes on-line information and a comment form, for in-person Community Meetings. This would provide a standard approach but would not preclude additional engagement methodologies for those CALUCS and/or applicants with the capacity to undertake them.

### **Option 2: Defer Community Meeting until After Application is Received**

*That Council defer the requirement for a Community Meeting to be held in advance of submitting a rezoning or OCP amendment development application but still require it before the application is considered at Committee of the Whole meeting.*

This option is not recommended. It would allow proposals to move forward through the development application process but would not have the benefit of early public input. Additionally, applications may end up on indefinite hold.

### **Option 3: Waive the Community Meeting Requirement**

*That Council waive the requirement for a Community Meeting to be held.*

This option is not recommended. It would allow proposals to move forward through the development application process but it would not have the benefit of early or any public input until the public hearing.

### **Option 4: Do Nothing**

This option is not recommended because it would put forthcoming applications on indefinite hold unless the CALUC waived the requirement. This would have negative consequences with regard to the provision of housing and the overall economy.

### **Accessibility**

Under normal circumstances, Community Meetings are held in-person, requiring the public to physically travel to observe and or participate. Providing information regarding the application online would be more physically accessible to the public, although this would require individuals to have access to a computer. Therefore, accessibility may increase for some but decrease for others.

### **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 and Staff Resources**

The City of Victoria has a website which already has current development application plans posted on it which could be adjusted to include proposed plans that are anticipated to be submitted. The required resources and staff time to implement the recommendation would therefore not be substantial; however, the ongoing work of posting plans, along with applicant corrections and updates would be more labour intensive.

If Council chooses to pursue a different approach the impacts to the Financial Plan and staff resources may need to be assessed.

### **CONCLUSIONS**

The Orders and guidance from the Provincial Health Officer has created the need for the City to analyse the potential implications resulting from the COVID-19 pandemic. In response to the Committee of the Whole motion of April 2, 2020, this report recommends that Council direct staff to require proposed development plans be posted on the City's Development Tracker website as a



substitute for an in-person CALUC Community Meeting in advance of application submission. This would allow new applications to be submitted while still receiving early input from the public. The recommendations outlined in this report will enhance the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic.

Respectfully submitted,



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Karen Hoese, Director  
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Department



Report accepted and recommended by the City Manager:



Date: June 5, 2020

#### List of Attachments

- Attachment A: March 16, 2020 Order of the Provincial Health Officer on Mass Gatherings
- Attachment B: April 2, 2020 COTW report on Development Application Processes
- Attachment C: *CALUC Terms of Reference*
- Attachment D: *CALUC Procedures for Processing Applications*
- Attachment E: Meeting Notes from April 15, 2020 Meeting with CALUCs and UDI
- Attachment F: Correspondence
- Attachment G: Draft Land Use Procedures Bylaw Amendment