



## Committee of the Whole Report For the Meeting of February 11, 2021

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**To:** Committee of the Whole **Date:** January 28, 2021  
**From:** Karen Hoese, Director of Sustainable Planning and Community Development  
**Subject:** Pre-Application Community Consultation During the COVID-19 Pandemic

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### RECOMMENDATION

That Council direct staff to bring forward amendments to the *Land Use Procedures Bylaw* to require applicants to post development application signs on site in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update and initiate improvements to the pre-application community consultation phase required for rezoning and *Official Community Plan* (OCP) amendment applications that is currently in place in response to the pandemic.

On July 16, 2020, Council passed a motion adopting the necessary amendments to the *Land Use Procedures Bylaw* to require applicants to post plans to the Development Tracker in advance of application submission as a substitute for the CALUC Community Meeting during the COVID-19 pandemic. Following Council's approval, the necessary systems were established by July 22, 2020. Since that date, 20 proposals have been posted and over 470 comment forms have been received (as of January 21, 2021).

Although not providing the same in-person discourse as the Community Meeting, the alternate approach is performing as anticipated by gathering 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 existing practices around providing notification to the public have been maintained but adapted to direct people to project information on the Development Tracker and to an online comment form. The applicant's contact information is also provided so that the public can contact them directly to ask questions and discuss the proposal.

This requirement was selected as an alternate approach because it is achievable regardless of the capacity of the CALUC and/or applicant, but the CALUC and applicant may expand on this through additional engagement such as providing enhanced information on external websites, electronic meetings or online forums. Since it is not required for application submission, any additional consultation beyond the standard, is ultimately determined by the applicant. They are, however, encouraged to plan and implement any additional engagement with the CALUC.

This alternate approach follows 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.

Staff reviewed feedback provided by the CALUCs and the Urban Development Institute (UDI) on the current COVID process and are recommending that Council direct staff to bring forward amendments to the *Land Use Procedures Bylaw* to require applicants to post development application signs on site in conjunction with the pre-application community consultation. This would help increase awareness of the proposal and facilitate more feedback for the applicant's consideration. It would also help address extended Canada Post mail delivery times which are currently being experienced during COVID.

## **PURPOSE**

The purpose of this report is to present Council with an update on the 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 during COVID-19 and recommend adjustments to improve the process.

## **BACKGROUND**

On June 11, 2020, Council passed a motion at a Committee of the Whole Meeting directing staff to bring forward amendments to the *Land Use Procedures Bylaw* 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 (see attached staff report and Council motion).

This was part of a set of modifications that were initiated to facilitate the continued processing of rezoning and *Official Community Plan* amendment applications during the pandemic, while complying with public health orders and maintaining transparency and accountability of land use processes.

On July 16, 2020, Council passed a motion adopting the necessary amendments to the *Land Use Procedures Bylaw*. The necessary systems to post applications on the Development Tracker were established by July 22, 2020. Process diagrams have been updated to illustrate the temporary modifications (Appendix F).

The current process during COVID-19 is in keeping with the June 11, 2020 Committee of the Whole (COTW) staff report, the key intent of which was to provide an approach that allowed CALUCs, developers and community members to engage with one another safely during the pandemic. Key aspects of this approach are:

- It follows the intent of the original CALUC process by initiating communication with surrounding neighbours and by enabling applicants to receive comments from the public early in the process when there is a greater ability to make changes to their development proposals, noting that:
  - The Development Tracker is the base requirement for pre-application consultation and, with the City's assistance of posting the information online, is achievable regardless of the capacity of the CALUC and/or applicant.
  - While this process does not require in-person meetings during the pandemic, it does not limit conversations between the CALUC and applicants, nor does it restrict other

engagement from occurring. Neighbourhood consultation may include additional activities which would be arranged on a case-by-case basis between the applicant and the CALUC and tailored to their unique capacity and circumstances.

- The ultimate planning and implementation of any additional consultation beyond the base requirement would be at the discretion of the applicant; however, they are encouraged to engage and include the CALUC in any additional activities.
- The existing requirements under the *Land Use Procedures Bylaw* around providing notification has been maintained but adapted to direct people to information on the City's Development Tracker (rather than to an in-person gathering). If additional consultation has been arranged at the time of notification, reference to this may be included in the mailed notification.
- The Development Tracker includes the following information:
  - A letter and set of plans that outline what is being proposed.
  - Contact information for the applicant so that the public can initiate a dialogue and pose questions directly to them.
  - An online comment form which provides comments directly to the CALUC, as well as to the applicant and the City.
- The opportunity remains for the CALUC to provide a summary of comments to the applicant and the City based on Development Tracker comments and any additional consultation results.
- All correspondence including the CALUC letters, online comment forms, and any other correspondence received are attached to the staff report when the application moves forward to a COTW meeting.
- The online comment form remains open for 30 days from when the proposal is posted to the Development Tracker and the notice is sent to owners and occupants within 100m for rezoning applications and 200m for OCP amendments. Other details about this approach include:
  - This ensures that there is time for the public to reach out with questions and comments and for the applicant to potentially make revisions before submission.
  - The comment forms are closed after 30 days to provide consistency between applications and certainty regarding timelines for the CALUC and the applicant.
  - While the online comment form is intended for early feedback, the public may still submit correspondence to the City after the comment form period has closed, through to the time of public hearing.
- The current process complies with the Provincial Health Officer's Order prohibiting mass gatherings by:
  - Addressing challenges related to managing the potential number of attendees at an in-person meeting.
  - Providing an opportunity for those who prefer not to meet in person or who may be more vulnerable to COVID-19 to access information and provide feedback.

## 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. Pre-Applications Proposals to Date

### 3. Feedback from CALUCs and UDI and Review of Potential Changes

#### 1. Provincial Guidance and Orders

The direction from the province has not substantially changed since Council adopted the *Land Use Procedures Bylaw* (LUPB) amendments in July 2020. It has been strongly worded to:

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

Therefore, holding in-person CALUC Community Meetings would still conflict with the provincial guidance and health orders.

#### 2. Pre-Application Proposals to Date

The first submission under this alternate approach was received on August 7, 2020 and to date the following has been observed:

- Twenty proposals have been posted to the Development Tracker, of which 19 are now closed and one is still active.
- Over 470 comments have been received.
- Feedback gained through the comment forms appears to be very informative and suggests that many respondents are taking the time to consider proposals and provide input on various aspects of proposals.
- At least eight of the proposals included consultation beyond the base requirement, such as participating in an online meeting or webinar with interested neighbours.

A list of the proposals is attached to this report.

Staff have monitored the alternate approach since it was put in place in July 2020 and, in addition to minor ongoing improvements to the process, have considered a number of more significant potential changes which will be reviewed in the next section of this report. Although the alternate approach does not provide the same type of in-person public dialogue, it is providing the intended community feedback early in the process. This process does potentially create barriers to participation for people who do not have access to a computer or device with internet connections; however, in normal circumstances, in-person Community Meetings also present some barriers because they require the public to physically travel to a specific location at a set date and time to participate.

#### 3. Feedback from CALUCs and UDI and Review of Potential Changes

Staff invited the CALUCs and UDI to provide written feedback (attached) on the alternate system of consultation that has been in place since the summer of 2020. They were asked what is working well, what could be improved, and any specific suggestions for improvements that they may have. Some of the suggestions included requiring electronic (or hybrid in-person and electronic) meetings, online forums, posting signs on site, increasing the mail out radius, as well as other communication and process improvements. The following sections discuss these suggestions and offer staff commentary on both the viability of and next steps for advancing potential changes to the process.

### *Electronic Meetings*

Consistent with previous feedback, several of the CALUCs recommend requiring an electronic meeting or combined in-person and electronic meeting. The same challenges, however, are still present as when the alternate approach was put in place in July 2020. Although some CALUCs and applicants would have the knowledge and technology required to host an online meeting, some would be challenged to facilitate potentially large numbers of people in this format. Nonetheless, as is the case now, for applicants and/or CALUCs with capacity, electronic meetings can still be used as a supplement to the Development Tracker approach, if the applicant feels it is warranted.

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 Forum*

It was also suggested again that the comments should be posted publicly so that others can view them in addition to the applicant, CALUC, and City staff in advance of the Committee of the Whole Meeting.

This approach faces many of the same challenges as electronic meetings given the resources required to set up and moderate interactive forums. For applicants and CALUCs with capacity, additional remote based engagement features could be used as a supplement to the proposed Development Tracker approach.

### *Posting Signs on Site*

It was suggested that to increase awareness of proposals and the opportunity to provide feedback, that signs should be required on site. Staff would email the sign, including information on how to access information and share feedback on the proposal, to the applicant and they would be responsible to have it printed and posted on site for the duration of the pre-application consultation process. Additional fees would not be required, and while there would be printing costs for the applicant, the UDI supports this idea. The recommendation includes wording to direct staff to bring forward amendments to the *Land Use Procedures Bylaw* to require this.

### *Increasing Mail Out Radius*

There was also a suggestion to expand the distance of mailed notices; however, it is typically the owners and occupants in closest proximity to a site that experience the greatest impact, so the current mail out distances (100m for rezoning applications and 200m for OCP amendments) tend to reach those most affected. Moreover, the addition of on-site signage would help expand notice to other interested parties.

### *Additional Process Improvements*

There were a number of other comments related to improving clarity of the process. Staff are working with the CALUCs and UDI to improve the notice form and various other communication materials. Additionally, with the recent extension of public health orders, process diagrams have been modified to illustrate the temporary adaptations to the process and these are posted on the City's website. CALUCs have also requested that the comments from the online comment form be batched and provided to them at one time. Staff are working with the CALUCs to provide this service.

Staff are also updating the Development Tracker to help increase awareness of development applications. This included adding Development Permits and Heritage Alteration Permits to the list of development applications displayed on the Development Tracker (in addition to Rezoning, Development Permit with Variance, Development Variance Permit, Heritage Alteration Permit with Variance, and Temporary Use Permit applications). Staff are also preparing the Development Tracker so that members of the public can subscribe to receive email updates on development applications of their choice. The timing of this is dependent on an external vendor, however, it is anticipated that it should be ready to launch around the spring of 2021.

The UDI has suggested in their letter that the City should reconsider the CALUC process more broadly, to review whether it is the most equitable, fair, and transparent way to garner community feedback on development applications. Staff do monitor and make minor improvements to the CALUC process on an ongoing and as needed basis and conduct more fulsome reviews periodically. The last full review was in 2016 and there had been one planned for 2020; however, the need to respond to the pandemic overtook this scheduled work. Although a larger review is outside the scope of this report, staff intend to initiate this at a future date, ideally when in-person engagement is possible after the pandemic when the Provincial Orders and guidance are no longer applicable.

## **OPTIONS AND IMPACTS**

### **Options**

#### Option One (Recommendation)

Staff are recommending that the current process that is in place in response to the pandemic be improved with the additional requirement that an on-site sign is posted at the development site advertising that proposal information, along with an invitation to comment, is available on the City's Development Tracker. This option would have some impact on staff and applicant resources to prepare and erect a sign, but comes with the advantage of enhancing and increasing public awareness about proposals and extending the invitation to provide comments.

#### Option Two (Leave as is)

Alternatively, Council could choose to leave the process as is. This would have no staff or applicant impacts but would not address current challenges which are sometimes experienced with the current notification process.

### **Accessibility**

Under normal circumstances, Community Meetings are held in-person. This approach, while promoting in-person dialogue, may present some barriers to individuals depending on their ability to travel to the meeting venue and their personal availability at the time when the meeting is scheduled.

For individuals who have access to a computer or device with internet capabilities, the alternative approach of providing information online has the advantage of being more physically accessible and allowing for this access over an extended period of time. For individuals who do not have such access, they will still receive notices by mail and the addition of the proposed site signage would provide them with increased opportunities to learn about new development proposals. Further, staff continue to be available by phone, and if contacted by someone without access to a computer or

who is experiencing other barriers related to accessing information, would work with them to find a different approach.

Going forward, the Office of Equity will provide centralized tracking and assistance across departments in managing requests for accommodations, both on a situational basis, and overall, to determine if core changes are required to remove barriers to meet the City's goals around equity, diversity and inclusion.

## **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 recommendations in this report do not impact the Financial Plan and can be accommodated with current staffing. If Council chooses to pursue a different approach beyond the options identified in this report, the impacts to the Financial Plan and staff resources may need to be assessed.

## **CONCLUSIONS**

Staff have monitored the alternate approach to pre-application community consultation since it was put in place in July 2020. Overall, this approach is operating as expected and providing early feedback to applicant's while meeting the orders and guidance from the Provincial Health Officer in relation to COVID-19. In response to this, as well as feedback received from the CALUCs and UDI, staff are making ongoing adjustments to improve the process. The recommendation that Council direct staff to bring forward amendments to the *Land Use Procedures Bylaw* to require applicants to post development application signs on site, would help increase awareness of the proposals and generate more feedback for the applicant's consideration.

Respectfully submitted,

Rob Bateman  
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Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: June 11, 2020 Committee of the Whole Report and minutes
- Attachment B: List of Pre-Application Proposals on Development Tracker
- Attachment C: July 16, 2020 Council minutes
- Attachment D: March 16, 2020 Order of the Provincial Health Officer on Mass Gatherings
- Attachment E: Feedback from CALUCs and UDI on the Alternate Approach during COVID-19
- Attachment F: Process Diagrams