



## **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 Hoese, 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](http://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,



Rob Bateman  
Senior Process Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning Community Development  
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



Cliff #1157407

**CLASS ORDER (mass gatherings) re: COVID-19**

**NOTICE TO OWNERS, OCCUPIERS AND OPERATORS  
OF PLACES AT WHICH LARGE NUMBERS OF PEOPLE GATHER (CLASS)**

**ORDER OF THE PROVINCIAL HEALTH OFFICER**

**(Pursuant to Sections 30, 31, 32 and 39 (3) *Public Health Act*, S.B.C. 2008)**

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

**TO:** AN INDIVIDUAL / SOCIETY / CORPORATION OR OTHER ORGANIZATION INCLUDING A MUNICIPALITY / REGIONAL DISTRICT / SCHOOL BOARD / UNIVERSITY / COLLEGE / RELIGIOUS ORGANIZATION WHICH IS THE OWNER/OCCUPIER/OPERATOR OF OR IS OTHERWISE RESPONSIBLE FOR A THEATRE / SPORTS ARENA / CONFERENCE HALL / CHURCH / RECREATION CENTRE / CASINO / PARK / FESTIVAL SITE OR OTHER INDOOR OR OUTSIDE PLACE

**WHEREAS:**

- A. A communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of serious illness known as COVID-19 among the public;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- D. The gathering of large numbers of people in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19;

- E. You belong to the class of people who are the owner, occupier or operator, or are otherwise responsible for, a place or places at which large numbers of people gather in British Columbia;
- F. I have reason to believe and do believe that
- (i) the risk of an outbreak of COVID-19 among the public constitutes a health hazard under the *Public Health Act*;
  - (ii) because the risk of an outbreak extends beyond the authority of one or more medical health officers and coordinated action is needed to protect the public from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32 and 39(3) of the *Public Health Act* **TO ORDER** as follows:

You are prohibited from permitting the gathering of people in excess of **50 people** at a place of which you are the owner, occupier or operator, or for which you are otherwise responsible.

This Order expires on May 30, 2020 and is subject to revision, cancellation or extension by me.

You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

Under section 43 of the *Public Health Act*, you may request me to reconsider this Order if you:

1. Have additional relevant information that was not reasonably available to the me when this Order was issued,
2. Have a proposal that was not presented to me when this Order was issued but, if implemented, would
  - (a) meet the objective of the order, and
  - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the order.


Under section 43 (6) an Order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570

DATED THIS: 16 day of March 2020

SIGNED:   
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY: News release on the BC Government website, the BC Centre for Disease Control website and by email.

Enclosure: Excerpts of *Public Health Act*

## ENCLOSURE

### Excerpts of the *PUBLIC HEALTH ACT*

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#### *Public Health Act [SBC 2008] c. 28*

#### **Definitions**

**1** In this Act:

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

#### **When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held

by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

### **General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission
  - (i) is causing or has caused a health hazard, or
  - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
  - (i) is a health hazard or is causing or has caused a health hazard, or
  - (ii) is not in compliance with the Act or a regulation made under it,

or a term or condition of the person's licence or permit;

(c) the owner or occupier of a place where

(i) a health hazard is located, or

(ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

**32** (1) An order may be made under this section only

(a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and

(b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

(a) have a thing examined, disinfected, decontaminated, altered or destroyed, including

(i) by a specified person, or under the supervision or instructions of a specified person,

(ii) moving the thing to a specified place, and

(iii) taking samples of the thing, or permitting samples of the thing to be taken;

(b) in respect of a place,

(i) leave the place,

(ii) not enter the place,

(iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent

entry to the place,

(iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and

(v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;

(c) stop operating, or not operate, a thing;

(d) keep a thing in a specified place or in accordance with a specified procedure;

(e) prevent persons from accessing a thing;

(f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;

(g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;

(h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;

(i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;

(j) provide evidence of complying with the order, including

(i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and

(ii) providing to a health officer any relevant record;



(k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

(a) the person consents in writing to the destruction of the thing, or

(b) Part 5 [*Emergency Powers*] applies.

### **May make written agreements**

**38** (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:

(a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;

(b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.

(2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to

(a) levy an administrative penalty under this Act, or

(b) charge a person with an offence under this Act.

### **Contents of orders**

**39** (3) An order may be made in respect of a class of persons.

## **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

## **Reconsideration of orders**

**43** (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

(a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request

(i) is not relevant, or

(ii) was reasonably available at the time the order was issued;

(b) delay the date the order is to take effect or suspend the order, if satisfied

that doing so would not be detrimental to public health;

(c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

(a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and

(b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

## Review of orders

**44** (1) A person affected by an order may request a review of the order under this section only after a reconsideration has been made under section 43 [*reconsideration of orders*].

(2) A request for a review may be made,

(a) in the case of an order made by a medical health officer, to the provincial health officer, or

(b) in the case of an order made by an environmental health officer, to a medical health officer having authority in the geographic area for which the environmental health officer is designated.

(3) If a review is requested, the review is to be based on the record.

(4) If a review is requested, the reviewer may do one or more of the following:

(a) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(b) confirm, vary or rescind the order;

(c) refer the matter back to the person who made the order, with or without directions.

(5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

## Offences

**99** (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];



## **PURPOSE**

The purpose of this report is to seek direction from Council on several aspects of the development application review processes, in order to ensure the ongoing construction of housing and to enhance the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic, while complying with public health orders and meeting the transparency and accountability of land use processes.

## **BACKGROUND & ANALYSIS**

British Columbia's Provincial Health Officer issued an Order on March 16, 2020 that applies to local governments and, among other things, limits gatherings to a maximum of 50 people. New orders continue to be issued, regarding both the specific functions of local government as well as the pandemic in general. Given these evolving circumstances, staff have considered the development application processes and have provided a discussion, a description of actions that are already in process, and ideas for next steps related to the following topics:

- pre-application requirements for CALUC Community Meetings
- referral to advisory committees
- Opportunity for Public Comment requirement associated with variance applications
- delegated authority
- Public Hearing requirement associated with rezoning applications.

This preliminary report has been prepared with a view to bringing forward more detailed reports on these topics as well as addressing any other matters that emerge as the work is advanced. The list above represents both the sequence that the reports will likely be advanced along with the immediacy that staff anticipate processing challenges to be experienced.

### **Pre-Application Requirement for CALUC Community Meetings**

The *Land Use Procedures Bylaw* requires applicants to arrange and participate in a Community Meeting to be held in association with a Community Association Land Use Committee (CALUC) in advance of an application for an Official Community Plan or Zoning Bylaw Amendment. The bylaw also lays out circumstances in which a CALUC, Director of Sustainable Planning and Community Development, or Council can waive this requirement.

As a result of the public health order that sets limits on the number of people participating at public gatherings and establishes social distancing measures, it is currently not possible for CALUC Community Meetings to occur in person. This creates a situation where staff are not able to accept submission of applications where this step has not been followed or waived by the CALUC. Staff are aware of a number of CALUC Community meetings that have been cancelled because of the order as well as applications underway (including those for rental and affordable housing) which have not yet had a chance to participate in a CALUC Community Meeting.

As part of the pre-application process, these meetings provide an opportunity for developers to meet with community, get input, and potentially improve their applications, so establishing alternative ways to achieve this is desirable. To this end, staff are initiating a focused discussion with the CALUCs and the Urban Development Institute to solicit ideas on alternate forms of engagement that may work to facilitate public and CALUC dialogue with the applicant related to the development application process, and staff will report back to Council on this.

## **Referral to Advisory Committees**

Section 15 of the *Land Use Procedures Bylaw* stipulates that when processing an application, the Director may, but is not required to, refer an application to other agencies or associations, the Technical Review Group (TRG - an interdisciplinary staff review group), advisory committees or other staff members.

As part of the response to COVID-19 advisory committee meetings are currently interrupted and although applications could be referred to advisory committees, such as the Advisory Design Panel (ADP) and the Heritage Advisory Panel (HAPI), the referral would result in an indefinite postponement of the application. Recently, the Minister of Public Safety and Solicitor General issued a new order related to public meetings which will enable new ways for advisory committees to meet and conduct business.

Staff have begun to explore options to resume the work of advisory committees, including the potential to hold electronic meetings, and will report back to Council. Additionally, the report will provide recommendations related to a previous Council direction to refer some delegated applications to advisory bodies. In the past, this step added onto the timeframe required to process applications; however, it may now create a processing barrier.

## **Opportunity for Public Comment Requirement Associated with Variance Applications**

Through its *Land Use Procedures Bylaw*, the City of Victoria provides for an Opportunity for Public Comment (OPC) in association with variance applications, with notice being sent to the adjoining owners and occupiers of property and an opportunity to speak in person at Council. This provision goes beyond the requisites of the *Local Government Act* (LGA), which does not require mailed notification nor OPCs.

Staff are aware of a number of applications for minor variances as well as projects for non-profit affordable housing which may benefit from being advanced without holding an OPC. Staff are therefore recommending a report back that would both examine alternate means of garnering public input as well as reducing the frequency that OPCs are required.

## **Delegated Authority**

Another way of addressing some development application processing challenges, particularly as they relate to variances, is to expand the scope of variance applications that are currently delegated to staff. Like minor parking variances, it is possible to increase the types of variances that staff can review and potentially approve. This may also include some applications that the Board of Variance considers, which could be beneficial as the Board, also subject to the Provincial Health Officer's order, is not presently meeting. Like other topics noted in this report, staff recommend that the possibility of expanded delegated authority be explored and a subsequent report be prepared. Notably, variances cannot authorize increased density or changes to permitted uses.

## **Public Hearing Requirement Associated with Rezoning Applications**

The *Local Government Act* allows for Councils to waive the requirement for Public Hearings in association with rezoning applications if the application is consistent with the Official Community Plan. A decision to waive a public hearing must be made by Council for each application individually.

This would likely be the most significant change that Council could consider making; however, for several affordable housing projects that are either currently at or are nearing the Public Hearing

phase, a report exploring this potential option may be warranted. In association with and as a prerequisite to this type of measure, staff also recommend that alternate means of conducting public hearings and gathering community input, normally heard at Public Hearings, be prepared.

## **IMPACTS**

### **Accessibility Impact Statement**

Modification of various development processes may have impacts on accessibility of the process. Future reports will discuss impacts where warranted, but any process changes will include consideration of opportunities for increasing accessibility options whenever possible.

### **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. Future reports will provide more detailed review of alignment of individual proposals with the Strategic Plan.

### **Impacts to Financial Plan**

The City annually receives significant fees in relation to development applications, with fees in 2018 and 2019 both being in the order of one million dollars per year. Therefore, although the recommended option has no direct financial plan implications, a decision affecting viability of continued processing of these applications during the pandemic is likely to affect City's revenues in 2020.

### **Official Community Plan Consistency Statement**

This issue has no specific Official Community Plan implications.

## **OPTIONS**

### **Option One (staff recommendation)**

Direct staff to explore and report back on modifications that can be made to development application processes, while complying with public health orders and meeting the transparency and accountability of land use processes, including:

- pre-application requirements for CALUC Community Meetings
- referral to advisory committees
- Opportunity for Public Comment requirement associated with variance applications
- delegated authority
- Public Hearing requirement associated with rezoning applications.

### **Option Two**

Provide alternate direction to staff on preferred approaches to addressing potential development application processing challenges.



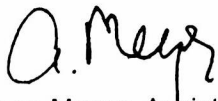
### Option Three

Make no changes. This would likely result in development not moving forward, which would have negative consequences with regard to economy and positioning the City for recovery after COVID-19.

### CONCLUSIONS

The Order from the Provincial Health Officer on March 16, 2020 has created the need for the City to analyse the potential implications resulting from the COVID-19 pandemic. In order to ensure the ongoing construction of housing and to enhance the ability of the development and trades industries to both weather and recover from the pandemic, staff are recommending that Council direct staff to report back on possible actions to advance modifications to the Development Application Review processes on an interim basis.

Respectfully submitted,

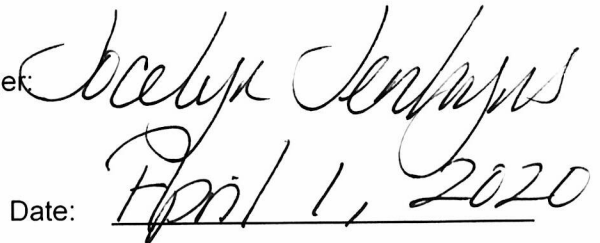


Alison Meyer, Assistant Director  
Development Services



Karen Hoese, Director  
Sustainable Planning Community Development  
Department

Report accepted and recommended by the City Manager:



Date: April 1, 2020

## E. LAND USE MATTERS

### E.1 Development Application Processes - Considerations to Address COVID-19 Pandemic

Committee received a report dated March 31, 2020 from the Director of Sustainable Planning and Community Development seeking direction from Council on several aspects of the development application review processes to ensure the ongoing construction of housing and to enhance the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic.

*Committee discussed the following:*

- *Incorporating public comment and Community Association Land Use Committee participation*
- *Accommodating input from the public*
- *Options to follow approved process while maintaining social distance*
- *Participation in Public Hearings and Opportunity for Public Comments*
- *Ongoing conversations with the Province with respect to Public Hearings*
- *Process for staff research moving forward should this motion be adopted*

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

That Council direct staff to report back on modifications to development application processes, as detailed in this report, 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.

**Amendment:**

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council direct staff to report back on modifications to development application processes, as detailed in this report, 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:

- **the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings**
- **processes and referrals to advisory committees**

**Amendment to the amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

That Council direct staff to report back on modifications to development application processes, as detailed in this report, 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:

- **the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings**
- **processes and referrals to advisory committees**
- **processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications**
- **opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing**
- **opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.**

*Councillor Loveday requested that Council consider the 3 bulleted items in the amendment to the amendment and the 2 bulleted items in the amendment separately.*

**On the amendment to the amendment:**

- **processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications**

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe and Councillor Young

OPPOSED (1): Councillor Isitt

**CARRIED (7 to 1)**

- **opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing**

FOR (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts and Councillor Thornton-Joe

OPPOSED (3): Councillor Isitt, Councillor Loveday and Councillor Young

**CARRIED (5 to 3)**

- **opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.**

FOR (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts and Councillor Thornton-Joe

OPPOSED (3): Councillor Isitt, Councillor Loveday and Councillor Young

**CARRIED (5 to 3)**

**On the amendment:**

- **the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings**

**CARRIED UNANIMOUSLY**

- **processes and referrals to advisory committees**

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**On the main motion as amended:**

That Council direct staff to report back on modifications to development application processes, as detailed in this report, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

That Council direct staff to report back on modifications to development application processes, as detailed in this report **and including consideration of electronic participation of the public**, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

**That this matter be forwarded to the daytime Council meeting.**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

That Council direct staff to report back on modifications to development application processes, as detailed in this report and including consideration of electronic participation of the public, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they

That this matter be forwarded to the daytime Council meeting.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Thornton-Joe and Councillor Young

OPPOSED (2): Councillor Isitt and Councillor Loveday

**CARRIED (6 to 2)**

**Motion to extend the meeting:**

**Moved By** Councillor Alto

**Seconded By** Councillor Young

That the Committee of the Whole meeting be extended to 3:00 p.m.

**CARRIED UNANIMOUSLY**

# Community Association Land Use Committee (CALUC) Terms of Reference

Approved by Council on December 8, 2016.

## PURPOSE

This document is intended to set out the terms of reference for Community Association Land Use Committees (CALUCs).

This document is not meant to replace the requirements of the *Local Government Act* or the *City's Land Use Procedures Bylaw*.

## DOCUMENT ORGANIZATION

For ease of reference, this document is organized according to the following categories:

1. Council Endorsement
2. Neighbourhood Boundaries
3. The Role of the Community Association Land Use Committee
4. Membership Best Practices for CALUCs
5. Conflict of Interest

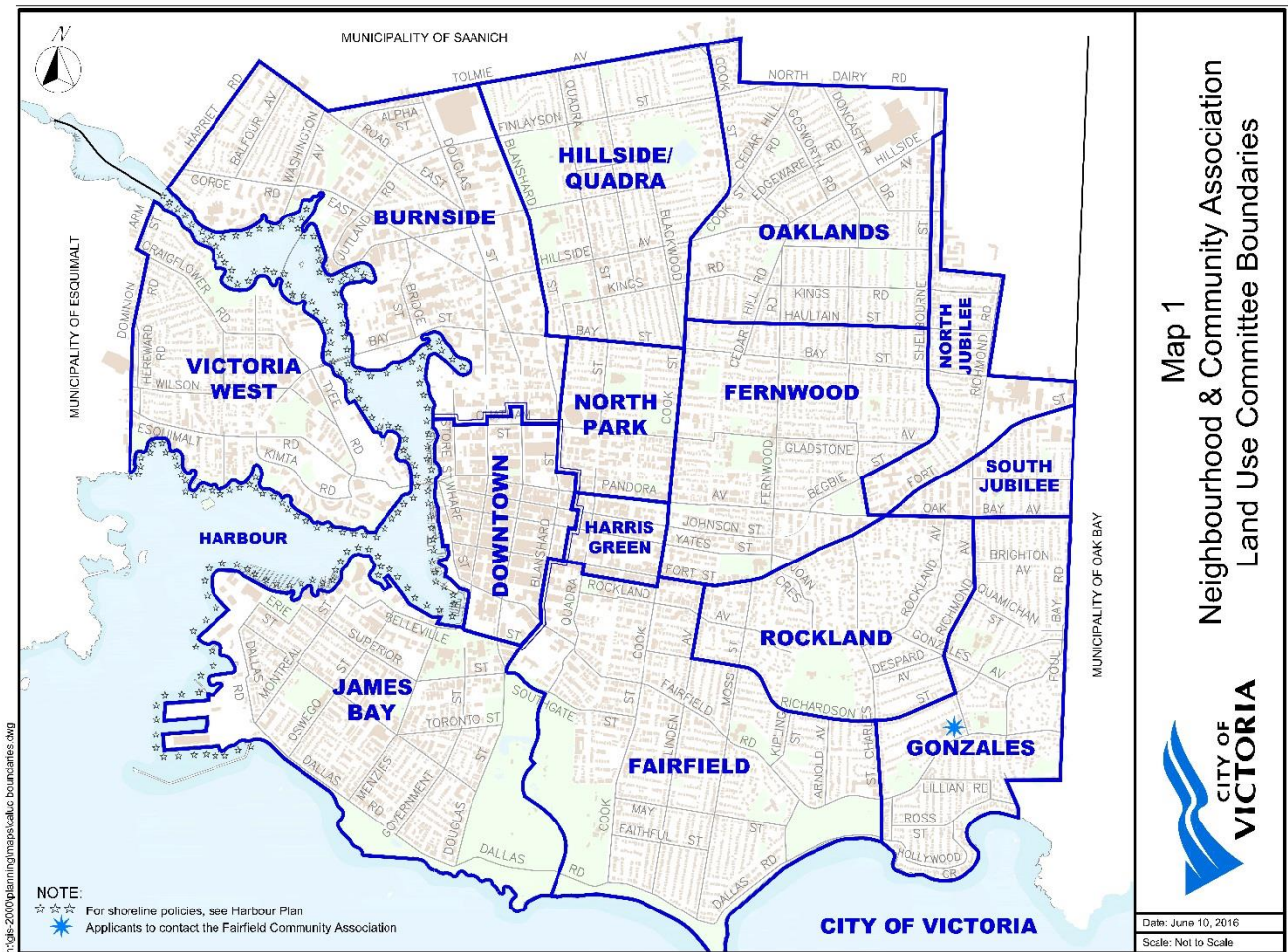
### 1. Council Endorsement

Community Association Land Use Committees (CALUCs) must be endorsed by Victoria City Council before they can participate in the review process. To date the following have been endorsed:

| <b>NEIGHBOURHOOD</b>  | <b>Community Association Land Use Committee</b>                         |
|-----------------------|---|
| Burnside Gorge        | Burnside Gorge Land Use Committee                                       |
| Downtown/Harris Green | Downtown Residents Association  |
| Hillside - Quadra     | Hillside-Quadra Neighbourhood Action Committee                          |
| Fairfield/Gonzales    | Planning & Zoning Committee of Fairfield Gonzales Community Association |
| Fernwood              | Fernwood Community Association  |
| James Bay             | James Bay Neighbourhood Association                                     |
| North Jubilee         | North Jubilee Neighbourhood Association                                 |
| North Park            | North Park Neighbourhood Association                                    |
| Oaklands              | Oaklands Community Association Land Use Committee                       |
| Rockland              | Rockland Neighbourhood Association                                      |
| South Jubilee         | South Jubilee Neighbourhood Association                                 |
| Victoria West         | Victoria West Community Association                                     |

## 2. Neighbourhood Boundaries

CALUC boundaries must correspond with City Neighbourhood Boundaries. Map 1 illustrates the boundaries of these neighbourhoods. Boundaries do not overlap and where an Official Community Plan (OCP) amendment or rezoning application is on a boundary, the City will notify the neighbouring CALUC(s) of any community meetings.



## 3. The Role of Community Association Land Use Committees:

- Facilitate dialogue between applicants and the community to identify issues (both positive and negative) regarding OCP amendment, rezoning, variance<sup>1</sup> and liquor license applications.
- Be knowledgeable about the Neighbourhood and Precinct Plan(s) and inform and empower neighbours through education to be involved in development application discussions. CALUCs may also wish to comment on the interpretation of the relevancy of policies and whether development applications fit with the spirit and intent of the Neighbourhood Plan.<sup>2</sup>
- Communicate to everyone involved regarding:
  - issues identified with OCP Amendment, rezoning, variance, temporary use permit and liquor license applications
  - the adequacy of the community consultation



#### 4. CALUC Membership Requirements

- Anyone who is interested in their neighbourhood and who is looking beyond their own self-interest is encouraged to join the CALUC. Membership policies regarding how a person joins, length of term, maximum committee size, etc. are set by each CALUC; however, board elections and membership must be established through a fair, well-publicized and open process on at least an annual basis.
- Size: Three members or more.

#### 5. Conflict of Interest

##### Individual Members

Although the *Community Charter* provision related to “conflict of interest” do not technically apply to CALUCs because they are not elected or decision making bodies, in the following situations, a member of a Community Association Land Use Committee will not participate in an executive or committee<sup>3</sup> role:

- The CALUC member lives, works or owns property within 100 or 200 metres of the land use application, depending on notification distance (If you get a notice in the mail about the meeting, you need to step down for that agenda item.)
- You, a family member or a friend are the proponent of the land use application.
- You, a family member or a friend have a direct or indirect pecuniary interest in the land use application.
- There is an appearance of bias.

As a rule of thumb, if a CALUC member wonders if they are in a position of a “conflict of interest”, it is safer to step down for the item in question. In the event a CALUC executive or committee member steps down because of a perceived or actual “conflict of interest” they may still participate in the agenda item as a community member.

##### CALUCs and Community Associations

Similarly, the *Community Charter* “conflict of interest” provisions do not apply to a CALUC or Community Association as a whole. Nonetheless, it is important for groups to be aware that the perception of and/or real conflicts of interest may at times arise. The following provides guidance to some potential situations:

- CALUCs and Community Associations should avoid negotiating directly with an applicant for amenities which will benefit their organization or community (e.g. community meeting space and facility upgrades.)
- Although many Community Associations and CALUCs receive financial and/or facilities support from the City of Victoria, this does not affect the CALUC or Community Association’s ability to host, facilitate and comment on applications and matters referred to them as set out through these terms of reference and the supporting CALUC policies.
- If an applicant pays for meeting space in order to hold a meeting, in association with consultation for the development application, this is not considered a conflict.

In the event that a CALUC member, CALUC as a whole or Community Association finds themselves in a conflict of interest (real or perceived) they should clearly declare and record the conflict.

##### Footnotes:

<sup>1</sup> Includes: Development Variance Permits, Development Permits with Variances and Heritage Alteration Permits with Variances.

<sup>2</sup> Ultimately it is City Staff’s role to provide Council with a full interpretation of applicable City policy as it applies to each application.

<sup>3</sup> An executive or committee role includes positions such as meeting chair, facilitator, note taker, secretary or any position which assists in the running or organizing of the community meeting that may be perceived as being able to influence others or the outcome of the meeting.

# Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications

Approved by Council on December 8, 2016.

## PURPOSE

This document is intended to guide and provide a common approach for processing Official Community Plan (OCP) Amendment, Rezoning, Variance, Temporary Use Permit (TUP) and Liquor License applications as the process relates to involvement with the Community Association Land Use Committees (CALUCs). Although a uniform process would be ideal for simplicity and consistency, there are distinct differences between neighbourhoods and the types of development applications that are common to them, which make absolute uniformity impractical. In lieu of a prescriptive approach, this document strives to standardize the basic requirements for each phase of the process and to clarify roles; it sets out the purpose, principles, CALUC role, outcome, deliverables and supporting resources for development application types and for different stages within development applications types. In addition, opportunities for developer-led consultation for complex / large scale development applications are clarified.

## REZONING AND OCP AMENDMENT APPLICATIONS

When changes are requested by an applicant to the use or density entitlement of a zone as regulated by the *Zoning Regulation Bylaw*, a rezoning application is required. Some proposals also require an Official Community Plan Amendment Application, particularly if the land use designation is proposed to be changed and/or if new or revised design guidelines are required.

Communication between applicants, neighbours, CALUCs and the City is encouraged throughout the application process; however, there are two main stages where CALUCs are directly involved in these processes:

- the “preliminary consultation phase”, and;
- the “community meeting.”

### Preliminary Consultation Phase

The primary purpose of the preliminary consultation phase associated with OCP Amendment and Rezoning Applications is for the CALUC and the developer to come-together to engage in initial dialogue about the proposal and the process going forward. Typically, this phase which is mandatory, will be characterized by one or more meetings where the CALUC and developer come together in one location; however, these meetings may include other attendees/participants as well. In some instances, with the agreement of the CALUC, a phone call or site visit may satisfy the requirement for preliminary consultation. This phase is different from the formal community meeting which takes place later in the process and is characterized by a mailed invitation to nearby owners and occupiers.

#### Purpose

Besides providing an opportunity for the developer and CALUC to come-together to have an initial dialogue about the proposal and the process, there are a number of other purposes and objectives associated with the preliminary consultation phase:

- establish “lines of communication” between the CALUC and developer
- “blue-sky” to determine if there is a common vision / goals
- promote an understanding of the proposal and all potential impacts
- provide early feedback on preliminary development plans with the understanding that it will be informal and reflective only of those in attendance and that a formal community meeting with a mailed notice to nearby neighbours will occur later in the process

- discuss land use policies including neighbourhood plans and the OCP
- prepare for the formal community meeting and discuss timelines
- educate attendees regarding process and empower / encourage participation
- provide an opportunity to discuss developer led consultation activities
- reduce conflict in later stages of the rezoning process.

### Principles

The following principles will guide the process:

- it should be respectful of everyone involved in the process
- there should be a sense of openness to share and receive feedback while understanding there will be a variety of opinions, and that applicants may or may not be able, or willing, to incorporate ideas and comments received.

### CALUC Role

During the preliminary consultation phase, the CALUC's role may include:

- offering feedback to the developer on potential areas of community concern, benefit, as well as, perceived community values, interests and issues with the caveat that the feedback is based on the views and understanding of the neighbourhood and of the CALUC members in attendance at that meeting
- discussing CALUCs perception of the potential fit with applicable land use policies including neighbourhood plans and the OCP
- facilitating early feedback from interested neighbours who may be in attendance
- preparing for the formal community meeting (outlining to applicant community meeting expectations, required materials / documentation, discuss scheduling)
- educating attendees about the process and empower / encourage participation
- offering input / advice into developer-led consultation activities.

### Outcome / Deliverables

The following are the typical outcomes or deliverables that are achieved through the preliminary consultation phase:

- opening "lines of communication" and a mutual understanding of project and process
- verbal feedback provided to the applicant
- a plan or strategy for moving forward to a formal community meeting for when (if) the developer wishes to proceed.

### Supporting Resources

The following resources are intended to assist and help establish a more standardized approach to the Preliminary Consultation Phase (Please note: Some resources are still under development):

- Rezoning Process Flow Chart
- Meeting Space Guidelines / Assistance
- Preliminary Meeting Checklist / Guidelines

### **Community Meeting**

The main purpose of the formal community meeting is to provide an opportunity for owners and occupiers of properties located within 100 or 200 metres to attend a meeting with the developer, hosted by the CALUC, in order to learn about the proposal, ask questions and provide feedback (the notification distance depends on whether an OCP Amendment is required or not.)

Although the notification distance is set, anyone with an interest in the proposal may attend and participate in the meeting. The spirit of the meeting is to engage the local community and to establish open dialogue, rather than providing an opportunity for advocates external to the

neighbourhood to “lobby” for or against a proposal. Arranging and holding a community meeting is a prerequisite to submitting a rezoning application to the City of Victoria.

In some instances, where there are substantial changes made, a second community meeting may be required. Additionally, there may be occasions where the CALUC may waive the requirement for a community meeting or cancel it. Criteria are outlined below.

### Purpose

The primary purposes/objectives associated with the formal community meeting are to:

- promote an understanding of the proposal and its potential impact
- provide an opportunity for those who own or occupy property in close proximity to the proposal to learn about the development proposal, ask questions and provide feedback
- provide an opportunity for developers to receive feedback on the proposal so they can respond with design revisions, if feasible, from their perspective
- reduce conflict in later stages of the rezoning process.

### Principles

The following principles will guide the process:

- it should be respectful of everyone involved in the process
- there should be a sense of openness to share and receive feedback while understanding there will be a variety of opinions and that applicants may or may not be able or willing to incorporate ideas and comments received.

### CALUC Role

During the community meeting, the CALUC’s primarily role is to:

- set the stage for an open, respectful meeting at the meeting outset and read aloud the introduction (Appendix 1) to ensure the basic details of the process and expectations are explained
- facilitate dialogue to ensure all voices are heard
- record feedback and submit to City and applicant
- educate attendees regarding process and empower / encourage participation.

### Outcome/ Deliverables

The following are the typical outcomes or deliverables that are achieved through the community meeting:

- a mutual and broader community understanding of project and process
- verbal feedback provided to the applicant
- written feedback provided to the City with a copy to the applicant within 30 days.

### Supporting Resources

The following resources are intended to assist and help establish a more standardized approach to the community meeting (Please note: some resources are still under development):

- Rezoning Process Flow Chart
- Meeting Space Guidelines / Assistance
- Community Meeting Notice Form (and envelope)
- Introduction Read at the Beginning of a Community Meeting (Appendix 1)
- Offer of staff support and attendance at meetings for complex / OCP amendment applications
- Template to Record Feedback / Meeting Proceedings

### Criteria for a Second Community Meeting

After an application is submitted to the Development Services Division, it undergoes an internal review by City staff. This review sometimes results in the applicant making changes to the proposal. Alternatively, the applicant may make changes between the community meeting and formal submission with the City. If changes are made that fall into the following categories, a second community meeting is required at the expense of the applicant:

- a change to the uses (additional uses added)
- an increase in the height
- an increase in the density or floor space ratio (FSR)
- a reduction in the setbacks or increase in site coverage equal to or greater than 20%.

The Area Planner will notify the Community Association Land Use Committee (CALUC) and the proponent if a second community meeting is triggered.

A second community meeting is not required if:

- there are no changes from the first community meeting
- changes are in response to community input
- decrease in height if the massing of the building is not altered.

Note: a CALUC may waive the requirement for the second community meeting if they feel it is not warranted.

In the event that changes to a proposal do not fall into the categories specified above, but the CALUC feels that the changes are significant, of particular interest to the neighbourhood or impact the proposal's fit with the surrounding neighbourhood, they may request that a second community meeting take place. In this event, the CALUC should:

- make this initial request of the developer, and if the developer is agreeable, the developer must complete a Community Meeting Notice form and come to the Development Services Division to arrange and pay for a second mail out
- if a second community meeting has not been agreed to by the developer and the CALUC still feels strongly that it should occur, the CALUC may make a written request outlining the reasons to Mayor and Council (If the letter is received in the Development Services Division prior to the completion of the Committee of the Whole (COTW) report the request will be attached to the report, otherwise it will be paired-up with the report leading up to the COTW presentation.)

### Criteria for Waiving a Community Meeting

A CALUC may waive or postpone the requirement for a community meeting in their neighbourhood by providing written notice to the City. Reasons may include, but are not limited to:

- it is a minor application, such as a change of use to an existing building
- it is believed that there is limited interest / no concerns about an application
- the CALUC cannot accommodate a "community meeting" in a timely fashion because of holidays or other scheduling challenges
- it is a complex project that the CALUC would rather have initiated with the City to work out technical and policy issues, prior to holding a community meeting.

### Criteria for Cancelling a Community Meeting

A CALUC may cancel a community meeting if the applicant does not attend with the prescribed list of plans as specified in the "Community Meeting Notice and Instructions" (site plan, floor plans, elevations, landscape plan, photos or illustration of proposal in relation to flanking buildings.) In these instances, the applicant is responsible for arranging and paying for another community meeting.

## **DEVELOPER-LED CONSULTATION FOR COMPLEX / LARGE SCALE DEVELOPMENT APPLICATIONS**

The preliminary consultation phase (or any point in the application review process) may include additional developer-led community engagement activities such as design charrettes, surveys, and open houses. These types of developer-led consultation initiatives would typically be associated with OCP amendment and rezoning applications; however, they may be associated with other types of applications as well. The CALUC can provide valuable insights into scheduling, venues, topics for discussion, format and the like; however, the ultimate planning and implementation of any additional consultation is at the discretion of the developer.

### CALUC Role

The CALUC may be asked to provide advice to the developer and or participate in developer-led consultation activities; however, ultimately this is left up to the developer.

## **VARIANCE, TEMPORARY USE PERMIT AND LIQUOR LICENSE APPLICATION PROCESS**

The variance process is used in instances when the use or density are not being proposed to be changed but there are changes to other zoning regulations such as height, setbacks, site coverage or parking. The following types of variance applications along with Temporary Use Permit (TUP) and liquor license applications are referred to CALUCs:

- Development Variance Permit Applications
- Development Permit Applications with Variances
- Heritage Alteration Permits with Variances.

The City of Victoria variance and temporary use permit application forms recommend that the applicant contact the adjacent neighbours and the CALUC, and although staff also encourage this, it is voluntary on the part of the applicant. Arranging and holding a meeting is not a prerequisite to submitting the above noted applications to the City of Victoria.

Once an application is received by the City, and the City has verified the type of application and whether variances are required, the City will send an email to the CALUC notifying them of the application and directing them to information on the City's website (Development Tracker.) The CALUC has 30 days to provide comments to Mayor and Council. How (or if) a review is undertaken by the CALUC is left to the discretion of each CALUC. If a CALUC responds to the City that they wish time to comment on an application and/or believe that consultation should be required due to the nature of the application, this information will be provided to Council.

### Purpose

The purpose of referring variance applications is to advise the CALUC of applications within their neighbourhoods and to provide an opportunity for CALUC comments, which may include a request that further consultation be required.

### Principles

The following principles will guide the process:

- it should be respectful of everyone involved in the process.
- if a meeting occurs, or if the applicant consults with the CALUC, there should be a sense of openness to share and receive feedback while understanding there will be a variety of opinions and that applicants may or may not be able or willing to incorporate ideas and comments received.

### CALUC Role

During the variance application process, the CALUC's primarily role is to:

- determine if the application is significant enough to provide a request to Council that further consultation be required

- offer feedback to the developer on potential areas of community concern, benefit, as well as perceived community values, interests and issues with the caveat that the feedback is based on the present CALUC members' views and understanding of the neighbourhood
- if a consultation meeting occurs, to facilitate dialogue to ensure all voices are heard and record feedback and submit to the City and applicant.

### Outcomes/ Deliverables

The following are the typical outcomes or deliverables that are achieved through the variance, TUP and liquor license application process:

- notification to the CALUC that an application has been received
- an opportunity for the applicant to engage the CALUC, if they choose
- an opportunity for the CALUC to request additional consultation requirements, if they feel it is warranted
- verbal feedback provided to the applicant
- written feedback provided to the City with a copy to the applicant if a consultation meeting takes place.

### Supporting Resources

The following resources are intended to assist and help establish a more standardized approach to the variance process (Please note: some resources are still under development):

- Meeting Space Guidelines / Assistance
- Variance and TUP Process Flow Chart
- Template to Record Feedback / Meeting Proceedings

### **REFERENCES**

- City of Victoria Zoning Regulation Bylaw, Bylaw No. 80-159
- Land Use Procedures Bylaw

## **Appendix 1**

### **Introduction read by CALUC Chairs at the beginning of Community Meetings**

It is recommended that the following points be communicated by the Community Association Land Use Committee Chairs at the beginning of each community meeting where a Rezoning or OCP Amendment application is being presented.

Please start the meeting by introducing the proponent and the Land Use Committee members followed by the comments below:

- We wish this to be a respectful meeting – allowing everyone the opportunity to speak and be heard. The meeting is about the proposal not about applicant or others involved in the project.
- This meeting is about zoning and land use and any changes run in perpetuity with the land and independent of ownership (the Chair may provide an example.)
- At this meeting, the proponent (developer) will present the plans. There will then be an opportunity for community members to ask questions and to comment.
- This meeting is required before the applicant can make a formal application to the City.
- The outcome of this meeting is a letter to Council and City Staff.
- There is no decision by the CALUC to support or oppose an application made at this meeting or after this meeting.

This meeting is only one step in the process. Plans do change. If this application is important to you, you need to stay involved through the entirety of the process, which generally takes a minimum of six months for a Rezoning / OCP Amendment application. Some ways to stay involved are:

- Attend the Committee of the Whole meeting. You are invited to attend but you are not able to make a presentation.
- Attend other Advisory Committees, such as Advisory Design Panel. You are invited to attend but you are not able to make a presentation.
- Attend the Public Hearing. Anyone who feels their interest in property may be affected is able to make a presentation.
- Share your thoughts with City Council. You may submit your comments by email through the City web site.
- If an application is submitted to the City, information can be obtained through the Development Tracker feature of the City's website.



**NOTES OF THE CALUC AND UDI COVID-19  
MEETING HELD WEDNESDAY, APRIL 15, 2020**

**1. THE MEETING WAS CALLED TO ORDER AT 4:03 PM**

**Present:**

**Community Association Land Use Committee (CALUC) Representatives:**

Burnside Gorge: Avery Stetski, Land Use Committee Chair  
Downtown/Harris Green: Ian Sutherland, Land Use Committee Chair  
Hillside-Quadra: Jon Munn, Land Use Committee Co-Chair  
Fairfield/Gonzales: Don Monsour, Planning & Zoning Committee President  
James Bay: Marg Gardiner, James Bay Neighbourhood Association  
President  
North Jubilee: Jean Johnson, Land Use Committee Co-Chair  
North Park: Harold Stanley, North Park Board  
Rockland: Bob June, Land Use Committee Co-Chair  
South Jubilee: Ben Ziegler, Land Use Committee Co-Chair

**Not Present:**

Fernwood Community Association  
Oaklands Community Association  
Victoria West Community Association

**Urban Development Institute (UDI) Representatives:**

Kathy Whitcher, UDI Executive Director  
Adam Cooper, UDI Director  
Jordan Milne, UDI Chair

**City Staff:**

Rob Bateman, Senior Process Planner (Meeting Chair)  
Alison Meyer, Assistant Director of Development Services  
Karen Hoese, Director of Sustainable Planning and Community  
Development  
Bill Eisenhauer, Head of Engagement  
Matt Green, Business Solutions Manager, Information Technology  
Bridget Frewer, Engagement Advisor  
Andrea Walker Collins, Planning Secretary

**2. INTRODUCTIONS**

- Rob Bateman thanked attendees for their time and effort during strange and hard times for everyone.

### 3. REVIEW OF AGENDA

### 4. BACKGROUND ON COVID-19

- Rob Bateman acknowledged the value in the CALUC process to date and the importance of gathering community input early in the development application process. The City wants to maintain this early input and continue to foster a dialogue between the applicant, CALUC, public and the City. To this end, the purpose of this meeting is to receive feedback regarding the CALUC role in the development application process during the COVID-19 pandemic. The goal is to find temporary solutions, although we may also find tools that are useful in the long-term as well.
- Karen Hoese, Director, expressed thanks to participants for taking the time to join the meeting. A couple of weeks ago staff went to Council with a report to look at development processes including community meetings. Expressed importance of working together to find ways to continue process. Thanks to those who wrote letters to Mayor and Council with helpful suggestions for digital platforms.
- Alison Meyer, Assistant Director, expressed that 15 years ago when the process began it was based on the philosophy that the greatest value came from allowing the community to inform and help shape a development proposal rather than having the developer simply inform the community about a proposal . It was meant to capture those early comments to incorporate before developers had invested a lot into plans and drawings.
- Participant Questions and Comments:
  - Marg Gardiner asked how comments in this meeting can contribute to Committee of the Whole discussion tomorrow?
    - Rob Bateman noted that staff would collect all feedback and prepare a report to bring to a future Committee meeting.

### 5. ROUNDTABLE

***How can the City continue to process development applications during the COVID-19 pandemic while providing options for public comment early in the process and helping to foster a dialogue between the applicant, CALUC, and the public?***

### IDEA SHARE

- Avery Stetski (Burnside / Gorge)
  - The Burnside-Gorge CALUC will continue to hold meetings using electronic plans and collecting feedback online.

- Depending on the scope of a proposal, the CALUC will determine if community meeting is necessary
  - The developer may do a presentation online for public input. A [digital?] bulletin board could be used to collect comments
  - Anticipate minimal changes, using technology. Recommend shorten processes by having concurrent processes in place.
- Ian Sutherland (Downtown/Harris Green)
    - The BC Assessment appeal process is a good model for ADP, HAP or Board of Variance, not CALUCs.
    - Not in any way promoting the conducting of CALUC meetings electronically because of the potential for significant numbers of people who may be disenfranchised by the electronic meeting process.
    - Happy to conduct pre-CALUCs electronically and as the wait for Committee of the Whole can take up to a year it would be appropriate to allow the application to be processed through planning circulation. Then depending on the length of the pandemic, up to, but not including, the Committee of the Whole, or the lifting of the ban on public gatherings, whichever comes first.
    - Affordable housing (that meets the City's strict definition of affordable) can go forward beyond this point if the application is "clean". That means no variances and 100% adherence to LAP and OCP.
- Jon Munn (Hillside-Quadra)
    - Important process for public input
    - The City should consider electronic notices as well as hardcopy mail out
    - Letters from neighbours are rarely referenced by Council
    - The pandemic shouldn't have an impact on Strata issues.
- Don Monsour (Fairfield-Gonzales)
    - Hope to continue the same meeting operation, but electronically. Public will be invited to attend electronic meeting going forward (possibly with Zoom).
    - The Mayor had extended an invitation to the CALUCs which had to be cancelled due to COVID-19. Can staff comment on what this was going to be related to?
      - Karen Hoese, Director, noted that there would be no change to CALUCs as a part of this process. The City sees value in the work that the CALUCs do. If something does change, it will be through a Council process.
    - Do we know how many applications go through in a year and how many are successful?
      - Alison Meyer, Assistant Director, 30 to 40 rezoning applications go to CALUCs every year. Additional Variance applications also referred to CALUCs for the 30-day comment period, but it is a different process than rezonings.

- Marg Gardiner (James Bay)
  - Concerned about a lack of evidence-based decision-making. Need to know how many proposals are being impacted by COVID-19 pandemic. No evidence presented that there would be any delays due to COVID-19.
  - Meetings fluctuate with seasons.
  - the CALUC has requested full-sized drawings from applicants to review as they were not able to view on a large screen.
  - Do not want to go fully electronic for our public meeting, because a large portion of the James Bay community is over 60 years of age. Worried about disenfranchising a large group of our population.
  - Would object to any expansion giving more power to staff regarding variances. The CALUC has expressed concerns about previous rezoning applications in neighbourhood.
  - JBNA had done a Zoom pre-meeting with a developer, and had written letters to the City on two development proposals with the intent of the City technical review being undertaken while we await opportunity for a CALUC Community Meeting.
  
- Jean Johnson (North Jubilee)
  - North Jubilee is a very small neighbourhood, and does not host regular community meetings. North Jubilee doesn't have a community centre, park, or school, making it difficult to get neighbours together. This process is one way.
  - Expressed feelings of being overwhelmed with electronic process for public meetings, and would like support.
  - Hope to learn from the other CALUCs who have more applications to review currently.
  
- Harold Stanley (North Park)
  - The City should maintain opportunity to comment on Development Proposals that impact neighbourhoods.
  - Concur with concerns regarding moving to an online platform, given the demographic in their neighbourhood.
  - Could record for other neighbours to watch at a later time or tune in live.
  - Many seniors may not be able to participate with Zoom meetings.
  - Community members could send letters or submit comments using a designated drop box. This may slow down the process.
  - Suggested a time limit on when to review alternative processes. Suggest June 30<sup>th</sup> to hold another meeting like this to see if CALUCs should continue on with the agreed upon process.
  
- Bob June (Rockland)
  - Held a preliminary Zoom meeting with a developer.
  - Electronic plans are not suitable for everyone as several members don't have large screen computers. Developers may need to distribute paper plans.

- Could consider moving community meeting to after the staff Technical Review Group (TRG) review. Would like to see a Planner's report as well.
  - Should have no meetings through summer season (post-COVID pandemic). Looking for more support from City, including having staff attend CALUC to provide support.
  - Requests that the city support/facilitate online public meetings. The expertise could be developed there given the likely frequency of meetings.
  - Has asked in the past that the planner be available to attend the CALUC community meeting and they sometimes are.
- Ben Ziegler (South Jubilee)
    - Hope that the City is respectful of the timeline that community associations are working with, given that everyone is working from a distance. Not used to communicating this way.
    - Neighbours need to all have access to a platform where they can hold a dialogue to discuss applications.
    - Non-verbal cues are gone during an electronic process therefore we need to increase the ways that we collect feedback and number of interactions to compensate.
- Kathy Witcher (UDI)
    - Allow feedback from TRG prior to community meetings.
    - Having feedback through email and letters would enable collecting from a larger spectrum of people. Historically people who have children (etc.) are not able to attend evening meetings, so this would enable other members to participate.
    - PlaceSpeak is a great platform. Because we have a housing crisis we hope the ball will keep rolling.
- Adam Cooper (UDI)
    - Thank you for allowing the feedback.
    - Recommend not having the community meeting as a prerequisite to beginning an application to the City.
    - Also recommends using PlaceSpeak. This online tool was created for this exact purpose.
- Jordan Milne (UDI)
    - Have regular check-ins to monitor process during this period
    - The City should pick a unified platform and get a master account
    - Recording meetings offers a strategic advantage
    - UDI has been advocating to have a staff person attend CALUC Community Meetings
    - There could be a silver-lining to all this as changes may enable a greater degree of diversity of who can participate
    - Would prefer to not define these changes as strictly temporary. There may be things that can be valuable post-pandemic for public engagement.

## 6. QUESTIONS AND COMMENTS

- Marg Gardiner: Did not like working with PlaceSpeak platform. Disenfranchised people cannot attend a digital public meeting. By going digital we are dominated by special interests groups. City Hall can be scary for people just as electronic platforms can be. Two members of our committee could not participate in a pre-meeting because they did not have access to an electronic device. James Bay CALUC meetings can get 40-100 people. The Community Meeting Notice can go to 1000 people.
- Jon Munn: For those people who don't have access to a computer, Hillside-Quadra has a significant poor population, can the participation methods be combined? People could meet in person and on a screen to facilitate access. Childcare is another issue.
- Matt Green (Business Solutions Manager, City of Victoria IT Department): Heartened to hear that there is a desire for multiple platform approach. Staff will support the decision that comes out of this process. There are tools and supports at the City's disposal, and IT is eager to work with staff to develop that for CALUCs.
- Bob June: Disturbed by the comment that the CALUC meeting should take place just before the COTW. There is a lot of dialogue after the CALUC meeting and ideas could be lost. Are there statistics on how many people don't have access to a computer or internet? Some background on this information would be good. Don't know how many public meetings are going forward right now. Zoom worked well at a preliminary meeting, but remain concerned about how long we'll have free access to it. Want to maintain full input into applications.

## 7. NEXT STEPS

- Rob Bateman: Staff will compile notes from this meeting to ensure everything is captured.
- Please provide additional email based comments by April 22, 2020.
- Staff will produce a report for the Committee of the Whole. At this stage, staff do not have a date set for the report to go to Committee.

## 8. FURTHER COMMENTS

- Don Monsour: Everyone has access via phone as well.
- Bill Eisenhauer, Head of Engagement, noted that there are a number of digital options in addition to PlaceSpeak that could assist. Staff are looking at various tools for other City engagement activities as well so may be some synergy to apply here.

## **9. ADJOURNMENT**

The CALUC and UDI COVID-19 meeting held April 15, 2020 was adjourned at 5:18 pm.

April 4, 2020

Mayor & Council  
#1 Centennial Square  
Victoria, BC

Dear Mayor Helps and Council,

### **Temporary CALUC Review Process during Covid-19 Crisis**

The BGLUC would like to provide the following input for consideration at the April 5<sup>th</sup> COTW meeting regarding stream-lining development application processes during the Covid-19 crisis.

The BGLUC supports and understands the importance of allowing for the unhindered continuation of the development process. We agree with the revised review process with these possible scenario's:

- The CALUC pre-meeting still be held using electronic distribution of proposals for comment followed with either a meeting in safe conditions or an electronic meeting (eg. ZOOM).
- The CALUC would decide whether the applicants proposal warranted community input or if it had only minor variances to the OCP and Neighbourhood Plan and did not require a community meeting.
- As an alternative to meetings have a mailout to neighbouring properties but with a form change asking for email feedback within a week back to the specific CALUC in lieu of a meeting. These inputs would be collated, like a typical meeting, by the CALUC in a feedback letter back to planning and Council.
- For the required public hearing the applicants proposal could be presented online after a notice was posted with the public given a week to respond via a word length restricted email to planning.
- Keep the existing fees in place to pay for the extra workload by City Staff and CALUC members.

The BGLUC fully supports the required modifications to the development process but is insistent in being involved in reviewing all applications even those requiring simple signoffs of proposals.

Respectfully,



Avery Stetski  
Land Use Committee Chair  
Burnside Gorge Community Association



## Rob Bateman

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**From:** Lucas De Amaral  
**Sent:** Tuesday, April 14, 2020 2:33 PM  
**To:** Karen Hoese  
**Subject:** Fw: Development Application Processes- Considerations to Address Covid-19 Pandemic

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**From:** Lucas De Amaral <LDeAmaral@victoria.ca>  
**Sent:** April 3, 2020 11:30 AM  
**To:** Ian Sutherland [REDACTED]  
**Subject:** Re: Development Application Processes- Considerations to Address Covid-19 Pandemic

Dear Ian,

Thank you for your email, it has been shared with Mayor and Council.

At the April 2 Council Meeting, the following motion carried:

**Development Application Processes - Considerations to Address COVID-19 Pandemic**

That Council direct staff to report back on modifications to development application processes, as detailed in this report and including consideration of electronic participation of the public, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.

Thank you for sharing your thoughts with Mayor, Council and the City of Victoria.

Sincerely,

Lucas de Amaral  
Correspondence Coordinator

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**From:** Ian Sutherland <iangsutherland@gmail.com>  
**Sent:** April 1, 2020 10:21 PM  
**To:** Lisa Helps (Mayor) <LHelps@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; Charlayne Thornton-Joe (Councillor) <cth Thornton-joe@victoria.ca>; Geoff Young (Councillor) <gyoung@victoria.ca>; Jeremy Loveday (Councillor)

<jloveday@victoria.ca>; Marianne Alto (Councillor) <MAlto@victoria.ca>; Sharmarke Dubow (Councillor) <sdubow@victoria.ca>; Sarah Potts (Councillor) <spotts@victoria.ca>; Victoria Mayor and Council <mayorandcouncil@victoria.ca>

**Subject:** Development Application Processes- Considerations to Address Covid-19 Pandemic

Dear Mayor Helps and Council,

Further to the report to Council to consider changes to the development application process due to the Covid-19 Pandemic, we offer the following comments:

**1. *Pre-application requirements for CALUC Community Meetings:*** The DRA LUC has had no enquiries regarding the need for any CALUC meetings for new applications for several months. If the need for a CALUC meeting were to arise, the DRA LUC is prepared to conduct pre-CALUC meetings electronically and postpone the public CALUC meeting until after application has been submitted to the Planning Department and the applicant has received the first plan review from staff. This would allow applications to be processed for several months prior to the required public meeting. Under no circumstance should any application progress to Committee of the Whole without the opportunity for public input.

**2. *Referral to advisory committees:*** Council is able to conduct its meetings through the pandemic and it would appear that advisory committees, including the Board of Variance, should be able to continue to conduct business in the same fashion.

**3. *Opportunity for Public Comment requirement associated with variance applications:*** While development variances do not carry the same weight as rezonings, the DRA feels strongly that public input for Development Variances form an essential and integral part of the public process and the public's ability to exercise their rights as citizens in expressing themselves in the public forum must be maintained.

**4. *Delegated authority:*** It appears that the Board of Variance can be operated remotely and safely. As an example, the BC Assessment Appeal process is managed remotely and serves as a practical example of a simple and workable solution that can be easily adapted for Board of Variance business. There is no compelling rationale to delegate this form of authority to staff.

**5. *Public Hearing requirement associated with rezoning applications:*** The DRA feels strongly that public input for the granting of development rights through the rezoning process, form an essential and integral part of the public process and that diminishing or suspending the public's ability to exercise their rights as citizens to express themselves in the public forum should not be compromised under any circumstances. The gravity of the current circumstances are duly recognized, but do not justify the undermining of the public process.

Construction activity in Downtown Harris Green has in fact been suspended or slowed due to the current conditions. The reality of the development application process is that it takes up to a year or more once submitted to City Hall to get to Council. The potential for delay to the process from the current pandemic is minor in comparison to the potential for damage to the public trust this initiative proposes.

Sincerely  
Ian Sutherland  
Chair DRALUC

## Rob Bateman

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**From:** Lucas De Amaral  
**Sent:** Tuesday, April 14, 2020 2:35 PM  
**To:** Karen Hoese  
**Subject:** Fw: Hillside Quadra Response to Development Application Processes - Considerations to Address COVID-19

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**From:** Lucas De Amaral <LDeAmaral@victoria.ca>  
**Sent:** April 3, 2020 11:31 AM  
**To:** nag@quadravillagecc.com [REDACTED]  
**Subject:** Re: Hillside Quadra Response to Development Application Processes - Considerations to Address COVID-19

Good morning,

Thank you for your email, it has been shared with Mayor and Council.

At the April 2 Council Meeting, the following motion carried:

**Development Application Processes - Considerations to Address COVID-19 Pandemic**

That Council direct staff to report back on modifications to development application processes, as detailed in this report and including consideration of electronic participation of the public, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.

Thank you for sharing your thoughts with Mayor, Council and the City of Victoria.

Sincerely,

Lucas de Amaral  
Correspondence Coordinator

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**From:** nag@quadravillagecc.com <nag@quadravillagecc.com>  
**Sent:** April 1, 2020 11:06 PM

**To:** Councillors <Councillors@victoria.ca>

**Cc:** Ben Isitt (Councillor) <BIsitt@victoria.ca>; Jon Munn <munathon@gmail.com>; kelly@quadravillagecc.com <kelly@quadravillagecc.com>

**Subject:** Hillside Quadra Response to Development Application Processes - Considerations to Address COVID-19

Dear Councillors,

Re: Development Application Processes - Considerations to Address COVID-19

Several executive members of the Neighbourhood Action Committee (NAC) and co-chairs of the Hillside Quadra Land Use Committee (CALUC) reviewed the report posted late today, April 1, 2020 for discussion at tomorrow's 9am April 2nd COTW meeting. This is less than 24 hours prior to the meeting.

We understand that the City of Victoria is addressing many COVID 19 related issues such as a response to homelessness, small business concerns and many operational changes. As such, we understand that the City of Victoria is operating under the Emergency Measures Act Ministerial Order M083, which waives requirements for public attendance. While these are unprecedented times that require creativity and flexibility to continue with city and other business, we have several concerns outlined with this preliminary report outlined below.

*There is no mention of the proposed land use review changes being temporary and no mention of a return date to normal CALUC procedures in lieu of actions of the province.*

*Electronic Public Hearings not highlighted as an option.*

Order M083 notes that the nature of electronic meetings (re: Community Charter s.128) is at the discretion of the local government. Minimal public access via a carrier such as Zoom, which permits up to 100 attendees, and broadcast to YouTube are still viable alternatives.

Having a robust CALUC process is of benefit not just to communities, but also to developers. The result is improvement to development proposals and useful feedback from the community. The Hillside Quadra CALUC has provided useful information regarding use, density, design and unit size mix that may or may not be a good fit for the neighbourhood. As well, with our knowledge of roads and works, we have provided useful information to developers regarding improved street access.

*Will the City of Victoria issue notice, as per the Local Government Act, for public hearings? How does the legal principle of a **reasonable opportunity to be heard** apply under M083?*

The City of Victoria has instituted many changes such as webcasting of meetings and public hearings. If City of Victoria can conduct online participatory budget meetings, I would expect that other public meetings could be conducted electronically. We would like to see a legal opinion regarding electronic public hearings. Notification could be sent by mail as always with a link to the meeting and contact options for those who can't attend on-line.

*Consider the natural consequence of damaging public trust.*

The city can choose to expedite certain developments by waiving the requirement for a public hearing. However, severely curtailing public input during the COVID 19 crisis may well result in damaging public trust once the crisis is over and people find out that many decisions unrelated to COVID 19 were made without adequate notification or input.





jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)  
April 1st, 2020

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Process during the COVID-19 Pandemic**

We are aware of the discussion tomorrow at Committee of the Whole regarding the CALUC process during the COVID-19 pandemic isolation period.

It is difficult to provide input since the agenda states “*Report to Follow*”. Given the information letters distributed by the Urban Development Institute, we understand that the City has been in consultation with the development community regarding processes for approval while the City has not been in consultation with the CALUC Chairs concerning the impact of the pandemic, or interim changes to land-use processes.

JBNA has facilitated the application process through parallel reviews, with City consideration beginning before completion of the CALUC public meeting. Council received a March 30, 2020, letter detailing this process with the 430 Powell Street proposal. Further, JBNA has also scheduled a mid-April pre-meeting for a major development in our neighbourhood via ZOOM.

To summarise, the approach JBNA has taken, with encouragement from CoV Planning in the past, is as follows:

- JBNA agrees to the City review process going forward during the next few months with the following understanding:
  - In collaboration with a development team, JBNA and a proponent would schedule the CALUC **pre-meeting** at the earliest opportunity; such meeting would follow distribution of plans to the JBNA Development Review Committee members and the pre-meeting would occur via ZOOM.
  - Any/all proposals would be considered at a JBNA regular CALUC scheduled meeting at the earliest opportunity in the months ahead.
  - The application will be presented to Committee of the Whole or Council only after completion of the CALUC Community Meeting process.

Again, I must emphasize that the F.2 Staff Report has not yet been made available to the general public, and we have not had the opportunity to fully consult with the community. However, ***now is not the time to minimize community voices.***

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board, VCAN



jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)  
April 1st, 2020

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Process during the COVID-19 Pandemic and Staff Recommendation**

Further to the JBNA submission provided to Council earlier today, we have read the “*Development Application Processes – Considerations to Address COVID-19 Pandemic*” document. The following comments/questions relate directly to the staff document and rezoning applications:

- The document refers to the development application process and identifies ‘features’ which “require modification”, yet the staff report does not provide detail which describes the depth of the assertion. For evidence-based decision-making, Council needs the details, specifics on the impacts;
  - How many proposals are in the process, between the CALUC review and the Public Hearing? How many of these are in each neighbourhood?
  - What is the usual City Planning process period (mean and range of months)? Given that the Pandemic may last into the fall period, and given that City Hall does not normally meet in August, how many applications might be impacted?
  - How many proposals does the City expect to come forward to the neighbourhood CALUC committees in the next 6 months?
- JBNA routinely responds to requests for pre-meetings on a timely basis with meetings arranged 1 and 6 weeks following contact by a proponent, the scheduling being dependent on availability of proponents and the pre-meeting committee.
- JBNA is aware of only two applications which will be ready for the CALUC public meeting in the months ahead. Given the state of the economy, the general slow-down of applications over the past 6 months, and the COVID-19 pandemic, we do not foresee many, if any, proposals coming forward before fall.
- The City review process which can take many months, would be more of a delay than the current CALUC process for any new applications.

In conclusion, the changes, as presented in the JBNA process detailed in the submission made earlier today provide sufficient procedural change to facilitate the processing of e applications which have not yet been presented to the public through open CALUC Community Meetings. **We ask that Council avoid overreach which would erode citizen participation in, and oversight of, land-use and development decisions.**

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board, VCAN



jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)  
April 21<sup>st</sup>, 2020

Ms Karen Hoese,  
CoV Director, Planning, City of Victoria

Dear Ms Hoese,

**Re: CALUC Process during the COVID-19 Pandemic**

On April 1<sup>st</sup>, JBNA forwarded two pieces of correspondence to Mayor and Council regarding that day's Committee of the Whole consideration of the CALUC process during the COVID-19 pandemic isolation period. In the second letter, we asked for specific information which might support the assertions made in the staff report to Council as to the necessity for an altered CALUC process.

On March 30<sup>th</sup> and April 19<sup>th</sup>, letters concerning the rezoning applications related to proposals for 430 Powell Street and Village Green (110/114/122 Menzies & 450/456/458 Niagara) were forwarded to Mayor and Council for consideration. These letters contain statements acknowledging the need to facilitate the development process during the pandemic isolation period and the need for CoV staff to begin technical assessment of proposals prior to the CALUC Community Meeting. The letters also detailed the JBNA pre-meeting process adapted for the period of the pandemic, and expectations regarding the resumption of the CALUC process following the end of the pandemic isolation.

On April 15<sup>th</sup>, on behalf of the JBNA, I participated in the CALUC/UDI/CoV meeting hosted by Rob Bateman, Development Services. As an outcome of that meeting, JBNA has modified our earlier suggested process.

The JBNA approach mirrors in part the process the City requested JBNA to follow for the Capital Park project before its CALUC Community Meeting:

- Upon being approached by a development team, JBNA would schedule the CALUC **pre-meeting** at the earliest opportunity; such meeting would follow distribution of plans to the JBNA Development Review Committee members and would occur via ZOOM.
- Any/all proposals would be considered at a JBNA regular CALUC scheduled meeting at the earliest opportunity in the months ahead.
  - The revised City-reviewed proposal will be brought forward to the JBNA DRC to ensure readiness for the CALUC Community Meeting (a second ZOOM meeting).
  - An interim "technical report" would be provided by CoV Planning staff to provide context to the CALUC Public Meeting.
  - Following the Community Meeting, JBNA would submit the CALUC report/letter.
- The application will be presented to Committee of the Whole or Council only after completion of the CALUC Community Meeting process.

... 2



JBNA routinely responds to requests for pre-meetings on a timely basis with meetings arranged 1-6 weeks following contact by a proponent, the scheduling being dependent on the level of preparedness, and availability of proponents and the pre-meeting committee. Normally, the pre-meeting occurs within 2 weeks of initial contact.

From September 2019 through March 2020, JBNA held five CALUC Community Meetings and three courtesy, or MOU, development presentations. Two of the courtesy meetings involved the only two development proposals which await a CALUC Community Meeting, the proposals identified in the previously mentioned letters of March 30 and April 15.

JBNA does not anticipate any other proposals coming forward in the next few months.

Regarding “virtual” meetings, JBNA proposes that such meetings occur for the pre-meetings. Virtual meetings could also augment “physical” Community Meetings if the technology is made available to the CALUC group and to residents.


JBNA believes that a “physically present” Community Meeting is essential at this point in time. Over the past several years, we have learned that our neighbourhood is generally not responsive to surveys, albeit due to demographics or economic situation. There is also a real concern that a “virtual” process could be captured by special interest groups. Residents have seen this with *Biketoria* and other initiatives.

The CALUC process has never been intended as an “engagement” exercise. Rather, it is a mode of consultation. It provides the opportunity for residents to participate in discussions of developments which may impact them in their neighbourhood. In James Bay, with our high proportion of elderly and with many who do not have ready access to computers, the imposition of a “virtual” meeting process would disenfranchise many of our residents.

We understand that there are 30-40 applications per year; however, other information needed for evidence-based decision-making, has not been disclosed. We request the following:

- How many proposals are in the process, between the CALUC review and the Public Hearing? How many of these are in each neighbourhood?
- What is the usual City Planning process period (mean and range of months)? Given that the Pandemic may last into the fall period, and given that City Hall does not normally meet in August, how many applications might be impacted?
- How many proposals does the City expect to come forward to the neighbourhood CALUC committees in the next 6 months? (Note: JBNA has had no enquiries from development community since last fall.)

For your consideration,



Marg Gardiner  
President, JBNA

Cc: JBNA Board, VCAN



jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

April 22<sup>nd</sup>, 2020

Ms Karen Hoese,  
CoV Director, Planning, City of Victoria

Dear Ms Hoese,

**Re: CALUC Process during the COVID-19 Pandemic - Addendum**

Further to the JBNA response of April 21<sup>st</sup> to the City's request for input to the CALUC process during the COVID-19 pandemic, we have additional comment.

Regarding the suggestion that staff delegated authority be increased, we are in strong opposition to increased delegation involving either development permit areas or any variance process.

Our opposition arises due to observations over the past years:

- Variances, either related to development permit areas or on behalf of the variance board, can sometimes create a greater impact on a neighbourhood than some rezonings.
- James Bay has significant parcels/areas of our land base which fall under development permit areas. Discretionary changes can, *de facto*, diminish a MasterPlan or LAP process and/or the integrity of the actual plans. As an example, we have seen several "incremental" approvals for operations on Ogden Point which were outside the MasterPlan development process and which countered even the December 2016 "Final MasterPlan" for the area.
- As requested in correspondence over the past several years, JBNA believes that the CALUC should be informed of all variances, and provided the opportunity to request a public review.

The opportunity for public input into land-use matters that may impact quality of life should not be lessened. This tenet should be respected; this is how public trust will be maintained.

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
CoV Planning staff  
VCAN

## Rob Bateman

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**From:** Lucas De Amaral  
**Sent:** Tuesday, April 14, 2020 2:40 PM  
**To:** Karen Hoese  
**Subject:** Fw: Development Application Processes - Considerations to Address COVID-19 Pandemic

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**From:** Eleni Gibson [REDACTED]  
**Sent:** April 8, 2020 7:18 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Cc:** Board <board@npna.ca>  
**Subject:** Development Application Processes - Considerations to Address COVID-19 Pandemic

Dear Mayor and Councillors,

The Board of the North Park Neighbourhood Association (NPNA) would like to comment on the March 31 Staff Report regarding changes to the development application process and public engagement during the COVID-19 pandemic.

The NPNA feels strongly that the City should maintain ample opportunities for the public to comment on developments that may impact their community. We suggest that CALUC meetings (and other forms of public engagement such as public comment on variances, rezoning applications, etc.) be moved to an online platform, using Zoom, GoToMeeting, or another program that allows people to meet virtually. These platforms also allow recording of the meeting, which could then be shared with community members unable to tune in live. Additionally, we believe it would be of value to offer alternative avenues for people to provide input. For those who are unable to access online video calling platforms, the opportunity to provide comment via email or mail, either before or after the CALUC meeting, would ensure all community members have a chance to comment.

We would also appreciate clarity on how long these measures will be in place for. We suggest setting an end date (i.e. – June 30), which could then be extended as the public health/COVID-19 situation develops. This will allow a return to normal as soon as possible after public gatherings are allowed again.

The current events are totally unprecedented, but it is important to continue in rigorous public processes and technology allows us to do so effectively. This may even be an opportunity to improve on the City's consultation process; experimenting with online engagement and offering multiple platforms of engagement could provide more opportunities for a diversity of community members to participate. Please consider maintaining the current high level of opportunity for public input on the development process.

Sincerely,

Eleni Gibson, NPNA Land Use Planning Advisor  
On behalf of  
The North Park Neighbourhood Association Board

## Rob Bateman

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**From:** Lucas De Amaral  
**Sent:** Tuesday, April 14, 2020 2:32 PM  
**To:** Karen Hoese  
**Subject:** Fw: South Jubilee - thoughts on streamlined development process.

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**From:** Lucas De Amaral <LDeAmaral@victoria.ca>  
**Sent:** April 3, 2020 11:28 AM  
**To:** Matt Dell [REDACTED]  
**Subject:** Re: South Jubilee - thoughts on streamlined development process.

Dear Matt,

Thank you for your email, it has been shared with Mayor and Council.

At the April 2 Council Meeting, the following motion carried:

### **Development Application Processes - Considerations to Address COVID-19 Pandemic**

That Council direct staff to report back on modifications to development application processes, as detailed in this report and including consideration of electronic participation of the public, 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:

- the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, particularly regarding the pre-submission requirement for CALUC Community Meetings
- processes and referrals to advisory committees
- processes related to the requirement for an Opportunity for Public Comment (OPC) that is linked with variance applications
- opportunities to expand delegated authority to staff to deal with minor variances and some subsets of development, particularly in relation to affordable housing
- opportunities to reconsider the requirement for public hearings associated with rezoning applications both in terms of the form they take and when they are required.

Thank you for sharing your thoughts with Mayor, Council and the City of Victoria.

Sincerely,

Lucas de Amaral  
Correspondence Coordinator

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**From:** Matt Dell [REDACTED]  
**Sent:** April 1, 2020 4:23 PM  
**To:** Councillors <Councillors@victoria.ca>

**Cc:** Marg Gardner <marg.jbna@telus.net>; don monsour <monsour@shaw.ca>

**Subject:** South Jubilee - thoughts on streamlined development process.

Hello Councillors,

I hope you are all doing well and thank you for your leadership during this strange time.

We understand you will be discussing a streamlined development process this week. I just want to quickly acknowledge that the South Jubilee community is still very interested in being involved in developments in our community, and providing feedback on any proposals. I know CALUC cannot meet in person, but we have a very good system to contact community members through our e-mail list, our SJNA Facebook page, and our bi-monthly newsletter that is delivered to every home in the neighborhood.

We understand the process may need to change, but please do not limit the community input. I'd be happy to discuss alternative ways of engaging community members. We could even do large notice boards in public areas, or something like that.

Thanks again, keep up the great work.

-Matt Dell  
SJNA President  
1525 Fell Street  
250-532-6276

## Rob Bateman

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**From:** Sean Dance [REDACTED]  
**Sent:** Tuesday, April 21, 2020 2:26 PM  
**To:** Rob Bateman; Justine Semmens; Andrew Gow  
**Subject:** CALUC process during Pandemic

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Robert,

I trust this email finds you well, and it was great to speak with you last Thursday (April 16th), regarding the CALUC process during the pandemic. As mentioned during our phone call, the Vic-West CALUC has been operational and has had correspondence with each other and the community in regards to a proposal within the neighborhood. In early March of this year, a community meeting was planned and a notice was sent to neighbors within the community. However, due to the pandemic and physical restrictions, that meeting was postponed/cancelled at the last minute. In response to the meeting be cancelled, the Vic-West CALUC arranged with the applicant to send the proposal and presentation out to the neighbors and the community via an email mailing list. We also encouraged those email recipients to share the proposal with other neighbors, and asked for any feedback to be sent to the CALUC email and my email. The CALUC will then compile the comments and feedback into a formal letter for Council and City Planning to review.

At the time of writing this message, the process thus far has proven effective. We have been provided with feedback from many neighbors and residents, who were very pleased to provide their thoughts to the CALUC and do so on there own time/schedule. As a result, we will be drafting a formal letter compiling these comments/feedback for the proposed project in the next few days.

Best regards,

Sean



April 22, 2020

Mayor and Council  
City of Victoria  
One Centennial Square  
Victoria, BC V8W 1P6

Re: CALUC Process

Dear Mayor and Council,

As we maneuver through the COVID-19 crisis we are all experiencing profound and rapid changes to our lives. Like other organizations, the Urban Development Institute and its members are trying to take the necessary steps to adapt our businesses to actively practice social distancing and the other required measures to stay safe, with the goal of protecting the health and safety of the public, while maintaining some semblance of business as usual. The municipal processes that developers rely on is heavily weighted with public engagement, which must also adapt to these changing times.

UDI Capital Region would like to thank the City of Victoria staff for including us in your CALUC Process meeting that took place on Wednesday, April 15<sup>th</sup>. We appreciate having the opportunity to provide our comments and suggestions as to how best address the required CALUC meeting prior to submitting a development application to the City of Victoria.

The Provincial government has deemed construction an essential service, meaning construction activity can still occur, as long it meets the provincial health protocols. In addition to maintaining momentum on active construction, it is imperative that developers can continue to make development applications to ensure that an adequate supply of new housing inventory continues to be released to the market. After all, we entered this health crisis in the midst of a housing crisis, and we must continue all efforts to address the lack of housing that we are faced with today. Delaying development processes now will lead to delays in future supply - a prolonging of our current housing crisis - which has the potential to make our situation worse.

The development industry recognizes the importance of the CALUC process for the role it plays in informing residents about proposed development projects. However, with the ability to meet in person - as we once did - now removed, we offer the following suggestions to allow developers to continue making applications, while also upholding the requirement to engage with local residents about proposed developments.

- To avoid applications stalling UDI recommends that development applications be allowed to be submitted to the City prior to hosting a formal CALUC meeting. This would allow the application to be circulated through staff who would then provide their technical review – which is needed by the applicant. This advancement of the application in the approval process, would have a stipulation that it go before the CALUC prior to proceeding to a Committee of the Whole meeting.

- Online platforms are one tool that could help to facilitate engagement with residents prior to a Committee of the Whole meeting. There are a number of these platforms available (Zoom, Microsoft Teams etc.) that can be used to conference in people who wish to contribute their comments/concerns/options. For those people who are not connected with technology for conferencing, email and paper submissions should also be allowed.
- We recommend that the City implement a timeframe for the introduction of virtual public CALUC meetings so that applications can proceed to COTW which have been unable to hold an in-person public meeting. Our suggestion is for this to be an option for applicants after September 30, 2020. This would assume that the provincial state of emergency and social distancing protocols that limit in-person gatherings are still in effect as of that date.

A change to the historic format of the CALUC meeting to allow participation by other means than attending in person on a certain day at a certain time will likely result in a broader range of people providing feedback on development proposals. By making it easier to participate in CALUC meetings, the City has an opportunity to create a more inclusive and fair process that serves all residents, rather than simply amplifying the voices of residents who have historically had the time and resources to allow them to participate. People with younger children or people with mobility challenges could now have the option to participate in discussions that impact their community. This approach could also allow those who do not feel comfortable speaking in public, or who may feel intimidated by the process to express their opinions.

For all of these reasons mentioned above the UDI supports the opportunity to find new ways to allow residents to participate in the CALUC process. Again, we would like to thank the City for including us in the consultation and allowing us to provide our feedback. We look forward to future collaboration.

Kind Regards,



Kathy Whitcher (Executive Director)  
(on behalf of the UDI Capital Region Board of Directors)

*CC: Karen Hoese and Rob Bateman*



NO. 20-076

**LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 12)**

## A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Land Use Procedures Bylaw* to permit an alternate process to in-person pre-application community meetings during emergencies or extraordinary circumstances. :

**Contents**

1. Title
2. Amendments
- 3.. Effective Date

Under its statutory powers, including Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

**Title**

1. This Bylaw may be cited as the “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 12)”.

**Amendments**

2. The Land Use Procedures Bylaw No. 16-028, 2016 is amended as follows:

- (a) by striking out section 6 and replacing it with:

**“Pre-application requirements**

6. Before submitting an application to initiate changes to the OCP or the zoning bylaw, the applicant must, subject to Section 6A, pay to the City the pre-application notification fee as calculated in accordance with Schedule A of this Bylaw, and:

- (a) arrange and participate in a Community Meeting not more than six months in advance of the application submission date; or
- (b) submit plans for the proposed development to the City to post online for public comment to the applicable CALUC not less than 30 days and not more than six months in advance of the application submission date where an alternate process is required pursuant to section 8A.”

- (b) by inserting the following section immediately after section 6:

“6A. Section 6 does not apply where the Community Meeting has been waived pursuant to section 8.”

(c) by striking out section 7 and replacing it with:

**“Notification Distance**

7. The City will provide owners and occupiers within the areas specified in Section 7A with notification of:

- (a) the date of the scheduled Community Meeting, if applicable; or
- (b) how the public can provide comments to the CALUC where an alternate process is required pursuant to Section 8A.”

(d) by inserting the following section immediately after section 7:

“7A. The notification under section 7 will be provided to the owners and occupiers of properties located within:

- (a) 100 metres of the property that is the subject of the application (the “subject property”) if the application is for one of the matters listed in Section 27 of this Bylaw;
- (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
- (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.”

(e) By inserting the following sections immediately after section 8:

**“Alternate Process to In-Person Community Meeting during Emergencies**

8A Where a Community Meeting is required and has not been waived under Section 8, an alternate process may be used in accordance with the following circumstances:

- (a) If a state of local or provincial emergency has been declared in the City and in-person participation in a Community Meeting is inconsistent with the declaration or impractical, Council or the Director may require the applicant to submit plans for the proposed development to the City to post online for public comment to the





June 10, 2020

Mayor and Council  
City of Victoria  
One Centennial Square  
Victoria, BC V8W 1P6

Re: CALUC Process

Dear Mayor and Council –

The Urban Development Institute (UDI) Capital Region would like to acknowledge the continued efforts staff are making in keeping the development approvals process moving. During this unprecedented time of the COVID-19 pandemic, on top of an already strained housing market, ensuring that applications continue to flow smoothly should be of paramount importance.

Our provincial government recognized the importance of our industry by deeming construction an essential service. Of the hundreds of thousands of people in BC who have been unable to work, our industry was able to maintain a safe and robust work environment. Now more than ever, to help build back our economy, and ensuring that not just housing but all forms of development continue to be built, it is important to keep the approvals process in motion.

As stated in previous correspondence to the City, the development industry recognizes the importance of the CALUC process for the role it plays in informing residents about proposed development projects. In recognition of that, UDI supports staff's recommendations to adapt a new form of CALUC community meetings by posting application plans on the City's Development Tracker with an online comment form to allow the public to provide input.

UDI would like to emphasize that the new adaptation to the process will broaden the accessibility of CALUC meetings for people who are unable to attend in person due to childcare issues, work requirements, mobility challenges, etc. To that end, we would like to suggest that this change remain a permanent part of the process going forward once we emerge out of the pandemic.

UDI would like to again thank staff for including us in the City's engagement process. We look forward to collaborating further to ensure our built environment maintains momentum to assist our economy in rebounding back from this global crisis.

Kind Regards,

Kathy Witcher (Executive Director)  
(on behalf of the UDI Capital Region Board of Directors)

*CC: Karen Hoese and Rob Bateman*

- ii. This grant agreement covers a conversion of funds remaining from those dispersed in December 2017 and no cash payment shall be issued to Pacifica;
- iii. Any further requests for funding should be directed to appropriate funding bodies such as BC Housing;
- iv. The grant is provided to cover such costs as:
  - 1. Operational costs at the Fairfield Hotel until such time as Pacifica ceases operation at the building;
  - 2. Relocation costs, including moving costs, furnishing, household goods and food for tenants currently residing at the Fairfield Hotel;
  - 3. Temporary rental supplements for tenants moving to new self contained housing units;
- v. A project budget shall be provided;
- vi. Any funding deficits will not be covered by the City under any circumstances;
- vii. A final report will be required, including the provision of audited financial statements, no later than June 15, 2021;
- viii. Any grant funds indicated on these financial statements as not spent or earmarked for rental supplements by June 15, 2021 shall be repaid to the City by September 15, 2021;
- 3. Direct staff to release all funds held in trust for the Fairfield Hotel back into the Victoria Housing Fund for use in other affordable housing projects.

FOR (5): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Dubow

**CARRIED (5 to 2)**

Councillor Loveday returned to the meeting at 2:45 pm.

**Moved By** Councillor Dubow  
**Seconded By** Councillor Alto

That the meeting be extended until 3:30 p.m.

**CARRIED UNANIMOUSLY**

**E.3 CALUC Community Meetings during COVID-19 Pandemic**

Committee received a report dated May 28, 2020 from the Director of Sustainable Planning and Community Development regarding alternate means of gathering public input on Rezoning and Official Community Plan Amendment Applications to satisfy the current requirement of a Community Meeting.

*Committee discussed:*

- *Whether the City would be assuming risk for in person CALUC meetings if they would be mandated by the City.*

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

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.

FOR (7): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, and Councillor Young  
OPPOSED (1): Councillor Isitt

**CARRIED (7 to 1)**

## **I. STAFF REPORTS**

### **I.2 COVID-19 Update (Verbal)**

Committee received a verbal update from the City Manager regarding the Phase 1 operations as City Hall.

*Committee discussed:*

- *whether city hall would open in July for people to pay property taxes.*
- *whether the Emergency Operations Centre is still meeting*

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Young

That Council receive the verbal report from the City Manager.

**CARRIED UNANIMOUSLY**

### **I.3 Parks and Recreation COVID-19 Recovery Plan**

Committee received a report dated June 5, 2020 from the Director of Parks, Recreation and Facilities regarding a proposed plan for the re-opening of parks and recreations services during the COVID-19 pandemic.

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

That Council approve the Parks and Recreation COVID-19 Recovery Plan (Attachment A), with implementation commencing on June 12, 2020.

**CARRIED UNANIMOUSLY**