

G. STAFF REPORTS

G.1 Pre-Application Community Consultation During the COVID-19 Pandemic

Committee received a report dated January 28, 2021 from the Director of Sustainable Planning and Community Development regarding an update and initiative improvements to the pre-application community consultation phase required for rezoning and Official Community Plan (OCP) amendment applications that is currently in place in response to the pandemic.

Committee discussed the following:

- *Additional consultation as proposed by the applicant*
- *Challenges to hosting online CALUC meetings*
- *Applicant's participation in CALUC meeting*
- *Potential for participating via telephone instead of online*

Moved By Councillor Isitt
Seconded By Councillor Young

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

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Young

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to require applicants to post development application signs on site **and to be available for a virtual community meeting where the Community Association Land Use Committee is able to host a virtual meeting** in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

Committee discussed the following:

- *Requiring developer participation where it is possible with the CALUC*

Amendment to the amendment:

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to require applicants to post development application signs on site **and to be available for a virtual community meeting where the Community Association Land Use Committee is able and desires to host a virtual meeting** in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

CARRIED UNANIMOUSLY

On the amendment:

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to require applicants to post development application signs on site **and to be available for a virtual community meeting where the Community Association Land Use Committee is able and desires to host a virtual meeting** in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

Committee discussed the following:

- *Feasibility of including the amendment in the bylaw*
- *Extra requirements proposed to the CALUC*
- *Expectation for high level of engagement with the applicant and neighbours*
- *Ordinary provisions prior to the onset of the pandemic*

FOR (6): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Andrew, Councillor Alto

CARRIED (6 to 2)

On the main motion as amended:

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to require applicants to post development application signs on site and to be available for a virtual community meeting where the Community Association Land Use Committee is able and desires to host a virtual meeting in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

CARRIED UNANIMOUSLY



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

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

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

Although not providing the same in-person discourse as the Community Meeting, the alternate approach is performing as anticipated by gathering feedback from neighbours early in the development application planning process when there is a greater ability for applicants to make changes to their proposals. The existing practices around providing notification to the public have been maintained but adapted to direct people to project information on the Development Tracker and to an online comment form. The applicant's contact information is also provided so that the public can contact them directly to ask questions and discuss the proposal.

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

This alternate approach follows the intent of the CALUC process by initiating communication and enabling development applications to be submitted with the benefit of receiving early comments from the public while maintaining physical distancing and complying with the Provincial Health Officer's Order prohibiting mass gatherings.

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

PURPOSE

The purpose of this report is to present Council with an update on the alternate means of gathering early public input on Rezoning and *Official Community Plan (OCP)* amendment applications as a substitute for the current requirement of a Community Meeting during COVID-19 and recommend adjustments to improve the process.

BACKGROUND

On June 11, 2020, Council passed a motion at a Committee of the Whole Meeting directing staff to bring forward amendments to the *Land Use Procedures Bylaw* to enable posting of development application plans on the Development Tracker while maintaining current notification requirements, as a substitute for the current Community Association Land Use Committee Community Meeting, in response to the COVID-19 pandemic (see attached staff report and Council motion).

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

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

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

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

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

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

ISSUES AND ANALYSIS

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

1. Provincial Guidance and Orders
2. Pre-Applications Proposals to Date

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

1. Provincial Guidance and Orders

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

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

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

2. Pre-Application Proposals to Date

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

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

A list of the proposals is attached to this report.

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

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

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

Electronic Meetings

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

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

Online Forum

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

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

Posting Signs on Site

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

Increasing Mail Out Radius

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

Additional Process Improvements

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

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

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

OPTIONS AND IMPACTS

Options

Option One (Recommendation)

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

Option Two (Leave as is)

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

Accessibility

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

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

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

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

2019 – 2022 Strategic Plan

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

Impacts to Financial Plan and Staff Resources

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

CONCLUSIONS

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

Respectfully submitted,

Rob Bateman
Senior Process Planner
Development Services

Karen Hoese, Director
Sustainable Planning Community Development
Department

Report accepted and recommended by the City Manager.

List of Attachments

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



Committee of the Whole Report For the Meeting of June 11, 2020

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**

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) 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*

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.

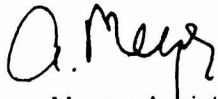
Option Three

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,

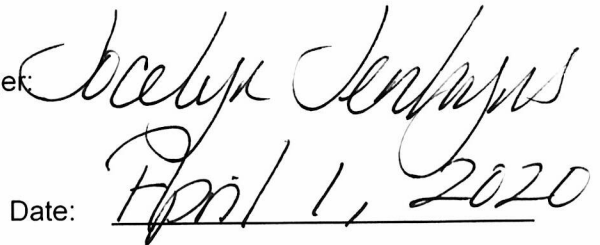


Alison Meyer, Assistant Director
Development Services



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

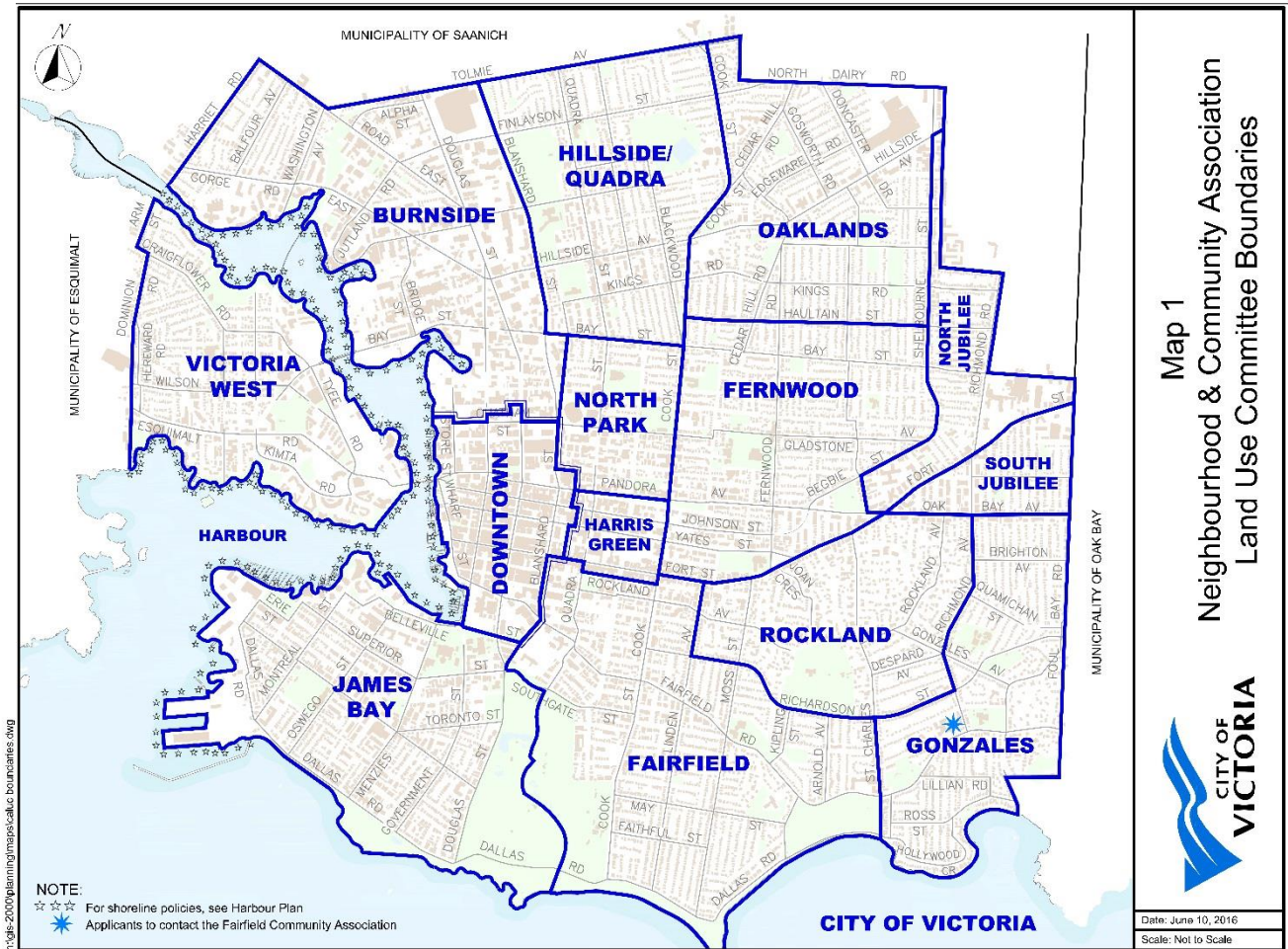
1. Council Endorsement

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:

NEIGHBOURHOOD	Community Association Land Use Committee
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, variance¹ 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.²
- 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 committee³ 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:

¹ Includes: Development Variance Permits, Development Permits with Variances and Heritage Alteration Permits with Variances.

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

³ 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 30th 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 5th 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

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

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

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

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

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

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.

Hillside Quadra Neighbourhood Action Committee Executive



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

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
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
April 21st, 2020

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

Dear Ms Hoese,

Re: CALUC Process during the COVID-19 Pandemic

On April 1st, 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 30th and April 19th, 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 15th, 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

April 22nd, 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 21st 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

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

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

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

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

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

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 15th. 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

List of Pre-Application Proposals on Development Tracker			
	Address	Status as of January 28, 2021	Application Date
1	1042-1044 Richardson Street	COMPLETED	August 7, 2020
2	1244 Wharf Street	COMPLETED	August 14, 2020
3	1908-1920 Oak Bay Avenue	COMPLETED	August 10, 2020
4	1475 Fort Street	COMPLETED	August 10, 2020
5	1737 Rockland Avenue	COMPLETED	August 25, 2020
6	1025 Kings Road	COMPLETED	August 27, 2020
7	1840 Crescent Road	COMPLETED	September 4, 2020
8	3005, 3019 - 3023 Shakespeare Street	COMPLETED	September 18, 2020
9	767 Douglas (Telus Ocean)	COMPLETED	October 2, 2020
10	933 and 935 Convent Place	COMPLETED	October 8, 2020
11	1120 Hillside Avenue	COMPLETED	October 9, 2020
12	557 Simcoe Street	COMPLETED	October 29, 2020
13	3150 Somerset Street	COMPLETED	November 4, 2020
14	902 Foul Bay Road	COMPLETED	December 7, 2020
15	550-558 Pandora Avenue	COMPLETED	December 7, 2020
16	422 Edward & 448 Wilson Street	COMPLETED	December 7, 2020
17	1514 & 1520 Foul Bay Road	COMPLETED	December 7, 2020
18	1326 Pandora Avenue	COMPLETED	December 10, 2020
19	1693 Fort Street	COMPLETED	December 17, 2020
20	2848 & 2852 Shelbourne Street	ACTIVE	January 6, 2021

G. **BYLAWS**

G.1 **Bylaw for Land Use Procedures Bylaw Amendment**

Moved By Councillor Loveday

Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Land Use Procedures Bylaw, Amendment Bylaw (No. 12) No. 20-076

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

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)



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*

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*];



December 10, 2020

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

Re: COVID Adapted CALUC Process

Dear Mayor and Council –

The Urban Development Institute (UDI) – Capital Region, as a representative of the development industry has been asked by City staff to provide comments regarding the adapted pre-application community consultation (CALUC) process that was put in place to adhere to COVID-19 restrictions. Over the past 9 months COVID-19 has forced us to adapt to a new, temporary normal for how we live, work, and operate our businesses. Change of any kind can be difficult, however it is because of City staff's diligence and thoughtful navigation of this uncharted technology territory that has allowed us to continue the development application process bringing forward the much-needed housing for our community.

The development industry recognizes, and would like to emphasize, the importance of high-quality community input in the early stages of a project. For years, the CALUC has acted as the voice of the community to provide input when developments are taking place in their neighbourhood. However, the CALUC process is widely viewed by the development industry as a flawed procedure; CALUC's do not reflect the diversity in our neighbourhoods and are easily influenced by the biases of the few that hold power over the committees. For the development industry, a silver lining that has emerged from COVID-19 is the ability to expand opportunities for citizens to engage with developers without having to attend a meeting in person. We would like to see this continue post-COVID-19 as we see value engaging both in-person and online. This is not to say that the current online COVID-19 CALUC process is working well, it too has its challenges, and we acknowledge that the process put in place during COVID requires some refining.



Current COVID-19 Adaptation Process:

Below are suggested refinements to the current CALUC process for the period in which we are still adhering to the restrictions set out by our Provincial Health Officer:

- Signage: signs should be posted on the development property that would provide information about the proposed project, direct people to the development tracker website for further information and provide the contact information of the developer. The posting and creation of the signage would be the responsibility of the developer.
- Increased Area for Mailout Notifications: mailed out information about the proposed development should be sent to a greater proportion of the neighbouring properties. The mailout costs are the responsibility of the developer.

Post-COVID-19:

Post -COVID-19 and once the gathering restrictions have been lifted the development industry feels that a hybrid model of the CALUC process would be beneficial. The hybrid model would allow a meeting to be held in person as well as allowing people to partake online, which in turn would open up the meeting to a broader base – creating more inclusivity and higher quality community engagement. Some suggestions as to how to create a robust dialogue and clear, transparent guidelines are set out below:

- The applicant should be allowed to record the meeting to allow referencing of discussion points after the meeting. This ensures that the developer is capturing all relevant community feedback.
- Have a City staff member attend the meeting to assist in explaining municipal policy such as current zoning, Local Area Plan (LAP) and Official Community Plan (OCP) policies that apply to the site. This would set the framework for the meeting, provide clarity on LAP and OCP policies and would foster a safer and more respectful environment from which to garner community input. Further, staff could collect comments from people who attend the meeting to be part of their staff report. Staff comments could replace the letter from the CALUC, providing necessary objectivity into the community engagement process. The development community is in favour of paying the cost to have a staff member present at the meeting.
- The CALUC Terms of Reference should be reviewed and standardized across the City of Victoria. Different CALUCs view their role differently, which results in significantly different community engagement processes across the City. UDI's position is that the CALUC's role in a development application should be to facilitate robust, inclusive, and comprehensive community feedback.
- Feedback from the CALUC meeting must be submitted to the developer within 30 days of the meeting. Without timely reporting the developer is unable to respond to community feedback, leading to lower quality outcomes for the City.
- Term limits for CALUC leadership should also be introduced much like is standard for most non-profit boards of directors. We would suggest a term limit of 2 years for CALUC leadership positions.



Revisiting the CALUC model:

UDI feels that the City should reconsider the CALUC process and whether it is the most equitable, fair, and transparent way to garner community feedback on development applications. The majority of developers working on projects of a significant scale do substantially more community engagement than is required by the CALUC process. Most jurisdictions throughout the Province do not have official community groups that are given the weight of authority as our CALUCs hold but require some form of engagement. It would be prudent of the City to perhaps look at other systems whereby the developer holds neighbourhood open houses run by a third-party facilitator who monitors and collects all comments which are then presented to Council. The municipalities could maintain a list of approved third-party facilitators from which the developer can choose who conducts the meeting. All costs from these meetings are the responsibility of the developer.

The end goal of these community meetings is to ensure that a fair representation of the neighbourhood is engaged and made aware of what projects are proposed and that they are able to provide comments regarding the proposed developments. As stated above, the development industry values the input from the community when proposing projects. It is through community engagement that developers are able to generate new ideas that can improve their projects and build support for change that addresses our need for housing in the region.

UDI would like to again thank Mayor, Council and Staff for the opportunity to submit comments regarding the COVID-19 adapted CALUC process. We look forward to collaborating further on this topic. Our goal is to ensure that our City and our region delivers the housing we need to support a vibrant economy and our recovery from this global crisis.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Kathy Whitcher', followed by a long horizontal flourish.

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

CC – Karen Hoese and Rob Bateman



FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

December 7, 2020

Joanna Fox, Chair

Fairfield Gonzales Community Association Land Use Committee

1330 Fairfield Road

Victoria, BC V8S 5J1

Rob Bateman, Senior Process Planner

City of Victoria

By Email: rbateman@victoria.ca

Dear Mr. Bateman:

The Fairfield Gonzales Community Association Land Use Committee (FGCALUC) appreciates the opportunity to respond to the City of Victoria's (CoV) request for feedback on the amendments made to the zoning variance community engagement process in response to the COVID-19 impacts.

The FGCALUC firmly believes that community engagement on proposed zoning and Official Community Plan (OCP) variances is a foundation to maintaining the health and wellbeing of the community. Moreover, the transparency of the process and the ability of community members' views to be considered in decision making increases the likelihood that proposed projects will be widely accepted, create more effective solutions using local knowledge, empower and integrate people from different backgrounds and increase trust in the process and its decisions.

As a committee of the Fairfield Gonzales Community Association, FGCALUC is a volunteer committee with the mandate to assist our neighbours engage in community



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planning by providing opportunities and processes to exchange, collect and forward residents' comments to the CoV Planning Department and City Council. FGALUC is often the first opportunity for community members to learn about proposed rezoning and provide feedback directly to project proponents. This has typically been accomplished through FGALUC-hosted community meetings and submitting reports to the CoV to supplement the approval process.

FGALUC recognized early that COVID-19 would impact our ability to deliver in-person public meetings to achieve our mandate. After a brief suspension of meetings, FGALUC resumed providing opportunities for community members to participate in community planning through a combination of COVID-19 compliant in-person and online meetings. Since that time, FGALUC has demonstrated that it can and does manage online meetings effectively on a routine basis.

In July 2020, CoV created an alternate approach to undertaking community consultation for rezoning and OCP amendments in recognition of the challenges some CALUC's faced in adopting new processes to ensure compliance with COVID-19 requirements. The new approach allows proponents to decide between using the existing CALUC process or posting the proposal on the CoV Development Tracker. Proposals posted to the Development Tracker provide community members with an opportunity to submit comments to the proposal, which are not made public but are shared with the relevant CALUC.

Over the approximate six months, FGALUC has had the opportunity to observe how well the alternate process has functioned. FGALUC would like to provide you with its observations on the alternate process:

- FGALUC's overall view is that although the alternative process may be assisting proposals to continue moving through the decision-making process, it is simply not working to provide community members with a transparent and robust opportunity for participation in the community planning process. This is particularly frustrating for FGALUC and community members when we have worked hard to ensure that effective FGALUC-hosted community meetings are available for proponents and community members.
- The alternate process limits the type of community engagement that community members of Fairfield Gonzales have been provided through FGALUC, which is face-to-



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face engagement (virtual or in-person) and which provides a transparent opportunity for direct information sharing and discussion between proponents and community members.

- It is not clear to community members that comments being made through the portal are either being reviewed or considered within the CoV decision making process.
- Community members have expressed confusion and exasperation that proponents are no longer required to participate in a community meeting, despite the fact that the FGALUC is willing, able and has a proven track-record conducting such meetings.
- The alternate process has created a perception that proponents can avoid a community meeting to discuss the application and possibly work out, if not understand, different viewpoints on the proposal. One such proponent has transferred from the FGALUC process to the alternative process in mid-stream, creating a perception that proponents are able to “game” the process.
- While community members are encouraged to contact the applicant directly, there is no record of this discussion for either the rest of the community to share, or for the CoV to consider in its decision making. This is a significantly less transparent process to being able to ask proponents in FGALUC-hosted community meeting.
- CoV stipulated when the bylaw was adopted that both the CALUC and the applicant may choose to go beyond this new process (i.e. host a virtual meeting). Despite the FGALUC offering to facilitate a virtual meeting, all the applicants have chosen the easiest route, which is a comment box on the development tracker. None of the current applicants chose this additional step, and as a result, the feedback from the community is very one-sided as answers can't be given from the applicant and a fruitful discussion cannot take place
- Many of the Development Tracker comments show that community members are well versed in planning processes; however, the Development Tracker does not make their comments visible to the broader community.

Given the above observations, FGALUC would like to make the recommended amendment to the alternate process:

- Where a CALUC has indicated it is willing and capable to deliver a community meeting via in-person COVID-19 compliant meetings, an on-line meeting or a hybrid approach, proponents are required to participate in the CALUC process. This will ensure that community members will have certainty about the process and their opportunity to participate.



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FGCALUC once again appreciates the opportunity to provide feedback on our experience working with the CoV alternative process. We would be happy to discuss these in more detail.

Sincerely,

Joanna Fox

Chair, FGCALUC

Cc: Lisa Helps

Mayor, City of Victoria

Don Monsour

Chair, Fairfield Gonzales Community Association



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By email to: Rob Bateman, Senior Process Planner,
City of Victoria
rbateman@victoria.ca

08 December 2020

Dear Rob Bateman:

Re: CALUC Pre-Application Community Consultation during COVID-19

The Hillside Quadra Neighbourhood Action Committee's Land Use Committee (HQ CALUC)¹ appreciates the opportunity to respond to the City of Victoria's latest request for feedback on the CALUC development review process during the time of COVID-19. The Hillside-Quadra (DBAC) Board strongly believes in resident participation in the land use and development process and knows that improved neighbourhood environments result from this participation. Both developers and community members benefit from this process.

The HQ CALUC, along with fellow Victoria Community Association Network (VCAN) members, commented in Spring 2020 on proposed changes to the CALUC process in light of the effect of provincial health orders on group meetings. After Victoria City Council passed a bylaw to temporarily amend the CALUC process, there was some dialogue with you as a staff representative and additional comments were forwarded to you. The main concerns expressed were regarding meaningful participation of development application neighbours. The neighbourhood associations believe meaningful participation is achieved through group dialogue with development proponents so all parties can learn and understand the motivations and technical details involved with a proposal. It is experience of the associations that this dialogue and facilitated learning can't take place by asking individuals unfamiliar with interpreting technical drawings to provide comments alone. Even those experienced with interpreting drawings need the benefit of exchanging ideas with others. The COVID-19 time CALUC process has taken the dialogue out of the process which has substantially reduced its effectiveness.

There has been some debate over the ability and effectiveness of online (e.g. Zoom) meetings for the CALUC process. A hybrid of in-person and online has also been discussed. The COVID CALUC process does not acknowledge online meetings, although many have been held successfully. The biggest downside for online participation is the need for computer access. In Hillside-Quadra many people are computer 'disenfranchised' through lack of computer hardware, software or internet affordability. One advantage of the Zoom platform is that participants can dial in by mobile or land line telephone. Access to drawings/ visuals can also be achieved with prior notice via mail if needed.

An important aspect of the COVID time process to emphasize is the nature of the notification form which is sent to neighbours. The form is confusing because it acknowledges CALUCs, but indicates that

¹ The Downtown Blanshard Advisory Committee (DBAC) Board oversees the Quadra Village Community Centre, which also acts as a Hillside-Quadra neighbourhood association. The Neighbourhood Action Committee (NAC) facilitates land use and other neighbourhood association meetings.

there is a substitute process. It then indicates that people can contact the CALUC for more information, yet the CALUC role remains unclear. It does not indicate that there may be an online CALUC meeting, and for those without computer access it provides no mail contact and one general telephone contact. Things may have changed, but for a long time phones at city hall went directly to voicemail, so the chances anyone would navigate further is likely low. For the average resident who has never been involved in a land use process and for the many who are not computer savvy, the form is a barrier to involvement and unclear at best.

The CALUC process was never perfect, but it has provided the opportunity to bring developers and residents together in the interests of creating a better built environment. In the best case, the CALUC process could decrease staff and Council time devoted to contentious issues. The COVID CALUC process is not working well and needs to be more effective. The HQ NAC is willing to provide some time to assist.

Thank you

Jon Munn
CALUC Co-Chair
Hillside Quadra Neighbourhood Action Committee

cc. Hillside Quadra NAC, Victoria Community Association Network (VCAN)



Dear Rob Bateman and City of Victoria staff,

The North Park Neighbourhood Association (NPNA) is writing in response to your request for input on the temporary process for Pre-Application Community Consultation during COVID-19. Thank you for the opportunity to provide feedback.

Since the pandemic began in March, there have been no new development proposals in North Park, and therefore the NPNA has not had a chance to test the online commenting system. However, based on discussion of the CALUC process in general, as well as the comments from other neighbourhood associations, we have the following comments:

- Having an online platform increases accessibility for many members of the community who may not have the time or capacity to attend in-person meetings, who may feel intimidated attending in-person meetings, or who may not want to speak in public at such meetings. It is a highly flexible system that people can access at their leisure. It is important to note, however, that some community members may find this system inaccessible due to the technology requirements; this has been discussed in previous emails between the City of Victoria and Victoria's community associations.
- However, the current system provides no support or requirements for virtual meetings. Dialogue should remain an important part of consultation, and can benefit both the proponent and the community. Questions/concerns from the community can be expressed and directly addressed by proponents early in the process.
- The current comment form, while has some value, has some drawbacks. Proponents, City staff, and the CALUCs all have access to the comments submitted, but it offers the proponent no way to directly address questions or concerns from the community.
- We suggest either requiring or strongly suggesting to proponents that they reach out to the CALUC to offer the chance for a virtual meeting. Not all CALUC's may have the capacity to organize one, but it gives CALUCs who do a chance to hear directly from the proponent their vision for the site and have more of an open dialogue.

Thank you again for the opportunity to provide comments.

Eleni Gibson
Land Use Planning Advisor
on behalf of the NPNA LUC and Board

North Park Neighbourhood Association
Box 661, 185-911 Yates Street
Victoria, BC
V8Y 4Y9
landuse@npna.ca



jbna@jbna.org

Victoria, B.C., Canada

www.jbna.org

December 8th, 2020

Rob Bateman,
Senior process Planner,
City of Victoria

Dear Rob,

Thank you for providing an opportunity for comment on the “interim” CALUC process which the city put in place during the pandemic. With a vaccine soon to be available, it is timely to review the interim process and look forward.

Enclosed with the JBNA letter is the Fairfield Gonzales Community Association, signed off by Joanna Fox, Chair of the FGCA CALUC. The FGCA response articulates the need for broader consultation beyond the “interim” process. We agree with, and support consideration of, all points raised in the FGCA submission. JBNA has hosted a few ZOOM consultations and would **add complementary comments** to the FGCA submission as well as suggestions for immediate changes to the “interim” process.

JBNA has hosted three ZOOM development discussions in the past few months. The participation rate would have been about half of that we would expect at an in-person meeting. We attribute the lower participation to the inability of many residents to either access computers or to otherwise use ZOOM.

We believe the low participation is related to various factors including demographics and income. Please note that over 2,000 James Bay residents are over 75 years of age; approximately 500 of these residents live in care complexes. One elderly resident, who lives in a house and participated in the JBNA pre-review committee, could no longer be involved as he does not use a smart-phone and does not have a computer. Those without computer systems able to access the City’s Development Tracker system have lost their right to hear public comment and to comment themselves.

On the more positive note, a couple younger residents with mobility limitations have been able to participate, to ZOOM-in.

At a recent development ZOOM meeting, the resident exchange was effective in that clarification was sought during and following the meeting. CALUC members understand the root of questions and can often bring clarity.

We understand and support the need for a development review process to continue during emergency situations. However, the “interim” process as designed and implemented has created undue administrative loads on neighbourhoods and diminished community input (as detailed in the FGCA submission).

... 2

There are specific administrative steps that could be taken immediately to lighten the load placed on CALUC committees and to partially close the consultation gap created by the “interim” process. We offer the following:

- Auto-Notifications of comments provided to the city’s system were headed with the word “Microsoft”. With the number of e-mails received by me and Tim Van Alstine, JBNA CALUC Co-Chairs, the initial notifications weren’t even opened. I try to avoid opening anything that could appear as spam or that is sent from e-mail addresses I do not recognize.
 - Upon request, the City began to group and summarise the comments. This is a much better system for JBNA and welcomed.
 - We ask that an interim (15 days through the 30-day period) and final summary be provided to JBNA and that we NOT receive the notifications as they arrive in the City system.
- Correspondence and notifications related to a specific development should be forwarded by the City to a CALUC by one planner. Receiving e-mails from more than one planner confuses communications.
- Proponents have told us that staff advised them that they did not have to take proposals through a neighbourhood’s CALUC process. This has confused proponents as JBNA does not support the view that neighbourhood CALUC reviews can be side-stepped.
 - We ask that staff be instructed to direct proponents to the relevant CALUC to discuss the “interim” process adopted by the specific CALUC.

Going forward, we suggest that you (Planning staff) hold discussions with the CALUC Chairs to discuss how we might be able to enhance the established CALUC process to capture the benefits of new technology while providing in-person consultative meetings

Best wishes to you, other CoV staff, and the rest of us for 2021; may COVID-19 be vanquished!

Sincerely,



Marg Gardiner,
President, JBNA
marg.jbna@telus.net

cc: JBNA Board
VCAN members
FGCACALUC Chair



FAIRFIELD GONZALES
COMMUNITY ASSOCIATION

the place to connect

December 7, 2020

Joanna Fox, Chair

Fairfield Gonzales Community Association Land Use Committee

1330 Fairfield Road

Victoria, BC V8S 5J1

Rob Bateman, Senior Process Planner

City of Victoria

By Email: rbateman@victoria.ca

Dear Mr. Bateman:

The Fairfield Gonzales Community Association Land Use Committee (FGCALUC) appreciates the opportunity to respond to the City of Victoria's (CoV) request for feedback on the amendments made to the zoning variance community engagement process in response to the COVID-19 impacts.

The FGCALUC firmly believes that community engagement on proposed zoning and Official Community Plan (OCP) variances is a foundation to maintaining the health and wellbeing of the community. Moreover, the transparency of the process and the ability of community members' views to be considered in decision making increases the likelihood that proposed projects will be widely accepted, create more effective solutions using local knowledge, empower and integrate people from different backgrounds and increase trust in the process and its decisions.

As a committee of the Fairfield Gonzales Community Association, FGCALUC is a volunteer committee with the mandate to assist our neighbours engage in community



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FGICALUC recognized early that COVID-19 would impact our ability to deliver in-person public meetings to achieve our mandate. After a brief suspension of meetings, FGICALUC resumed providing opportunities for community members to participate in community planning through a combination of COVID-19 compliant in-person and online meetings. Since that time, FGICALUC has demonstrated that it can and does manage online meetings effectively on a routine basis.

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- The alternate process limits the type of community engagement that community members of Fairfield Gonzales have been provided through FGICALUC, which is face-to-


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face engagement (virtual or in-person) and which provides a transparent opportunity for direct information sharing and discussion between proponents and community members.

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- While community members are encouraged to contact the applicant directly, there is no record of this discussion for either the rest of the community to share, or for the CoV to consider in its decision making. This is a significantly less transparent process to being able to ask proponents in FGALUC-hosted community meeting.
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- Where a CALUC has indicated it is willing and capable to deliver a community meeting via in-person COVID-19 compliant meetings, an on-line meeting or a hybrid approach, proponents are required to participate in the CALUC process. This will ensure that community members will have certainty about the process and their opportunity to participate.



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FGCALUC once again appreciates the opportunity to provide feedback on our experience working with the CoV alternative process. We would be happy to discuss these in more detail.

Sincerely,

Joanna Fox
Chair, FGALUC

Cc: Lisa Helps
Mayor, City of Victoria

Don Monsour
Chair, Fairfield Gonzales Community Association


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From: Ben Ziegler <bnzglr@gmail.com>
Sent: November 24, 2020 9:36 PM
To: Rob Bateman
Cc: SJNA Land Use Committee
Subject: Re: Pre-Application Community Consultation during COVID-19
Attachments: image001.gif; image002.png; image003.gif; image004.gif; image005.gif

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rob,

Thanks for the notes.

I would like to see the city sponsor/require use of an online meeting platform for community meetings, to hear and respond to developer plans, and collect community feedback. At minimum - an online, real-time, q&a with developer, is required. There is certainly no technical reason this all can't be done.

The city should enable the above. It's not fair to expect volunteers (ie neighbourhood residents) to manage the feedback process, to the extent they are being asked to, pandemic or no pandemic.

The lack of a formal community meeting (online) disadvantages the neighbourhood more than it does the developer or city. There is nothing like reading the room (even if its Zoom) to gauge sentiment.

Let's level the playing field a bit more.

My 2 cents.

Ben
SJN CALUC co-chair

On Tue, Nov 24, 2020, 3:23 PM Rob Bateman, <rbateman@victoria.ca> wrote:

Hi CALUCs,

Thank you for the work you are doing to continue the CALUC process through the COVID-19 pandemic! Since the bylaw amendments were adopted in July, we have sent notices and posted plans for 13 proposals. Of those, 11 have closed and two are currently active.

We will be preparing an update report to bring to COTW in the new year and we would appreciate your input. If you can provide me with a letter by **December 7, 2020** it would give us some time to consider your comments as prepare the report. We will also attach your letters to the staff report when it goes forward. We are interested to hear what you think is working well, what could be improved, and any

specific suggestions for improvements that you may have. Feel free to give me a call to talk this through if that would help (250-361-0292). Thank you for putting your thoughts to this!

Background:

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

- The alternative (current) approach follows the intent of the original CALUC process by initiating communication with surrounding neighbours and by enabling applicants to receive comments from the public early in the process when there is a greater ability to make changes to their development proposals, noting that:
 - The development tracker is the base requirement for pre-application consultation and, with the City's assistance of posting the information on-line, is achievable regardless of the capacity of the CALUC and/or applicant.
 - While this process does not require in-person meetings during the pandemic, it does not limit conversations between the CALUC and applicants, nor does it restrict other engagement from occurring. Neighbourhood consultation may include additional activities which would be arranged on a case-by-case basis between the applicant and the CALUC and tailored to their unique capacity and circumstances.
 - The ultimate planning and implementation of any additional consultation beyond the base requirement would be at the discretion of the applicant.
- The existing requirements under the *Land Use Procedures Bylaw* around providing notification on behalf of the CALUC has been maintained but adapted to direct people to information on the City's development tracker (rather than to an in-person open house). If additional consultation has been arranged at the time of notification, reference to this may be included.
- The development tracker includes the following information:
 - A letter and set of plans that outline what is being proposed.
 - Contact information for the applicant so that the public can initiate a dialogue and pose questions directly to them.
- The development tracker includes a link to an online comment form which provides comments directly to the CALUC, as well as to the applicant and the City.

- The opportunity remains for the CALUC to provide a summary of comments of what they heard, based on development tracker comments and any additional consultation results, to the applicant and the City.
- All correspondence including the CALUC letters, online comment forms, and any other correspondence received will be attached to the staff report when the application moves forward to a COTW meeting.
- The online comment form remains open for 30 days from when the proposal is posted to the Development Tracker and the notice is sent to neighbours.
 - This ensures that there is time for the public to reach out with questions and comments and for the applicant to potentially make revisions before submission.
 - The comment forms are closed after 30 days to provide consistency between applications and certainty regarding timelines for the CALUC and the applicant.
 - While the on-line comment form is intended for early feedback, the public may still submit correspondence to the City after the comment form period has closed, through to the time of Public Hearing.
- The current process complies with the Provincial Health Officer's Order prohibiting mass gatherings by:
 - Addressing challenges related to managing the potential number of attendees at an in-person meeting.
 - Providing an opportunity for those who prefer not to meet in person or who may be more vulnerable to COVID-19 to access information and provide feedback.

Regards,

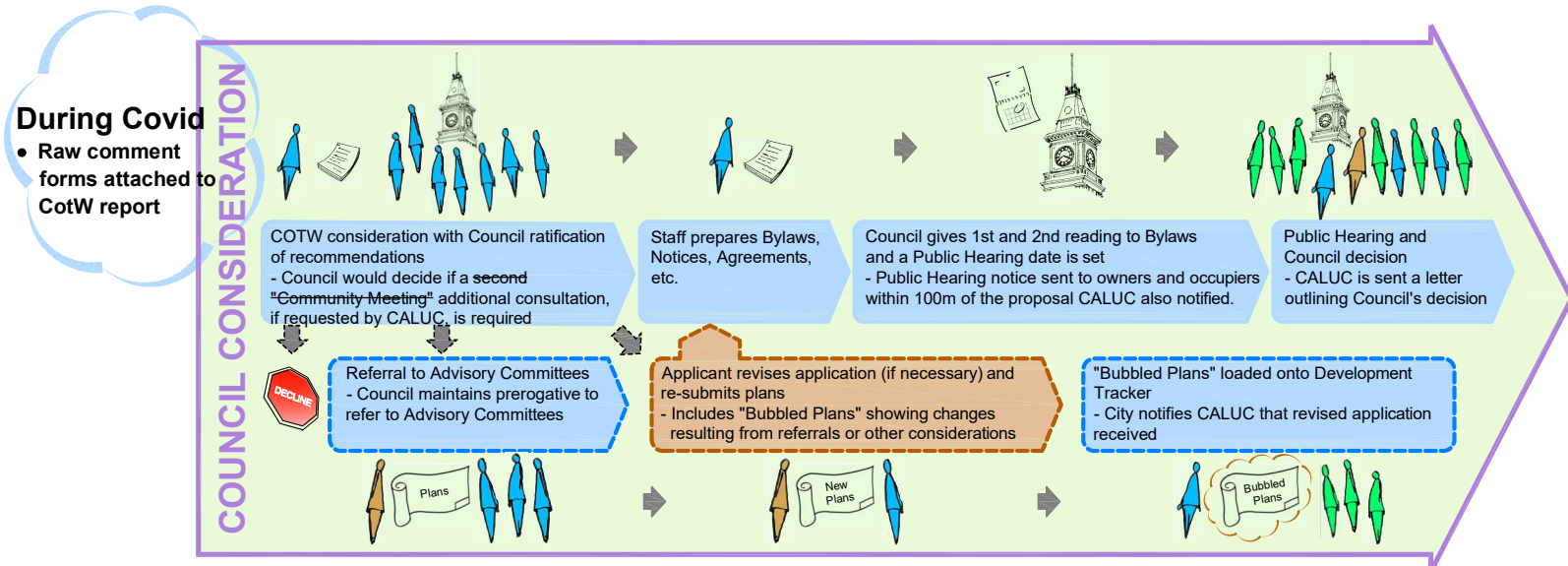
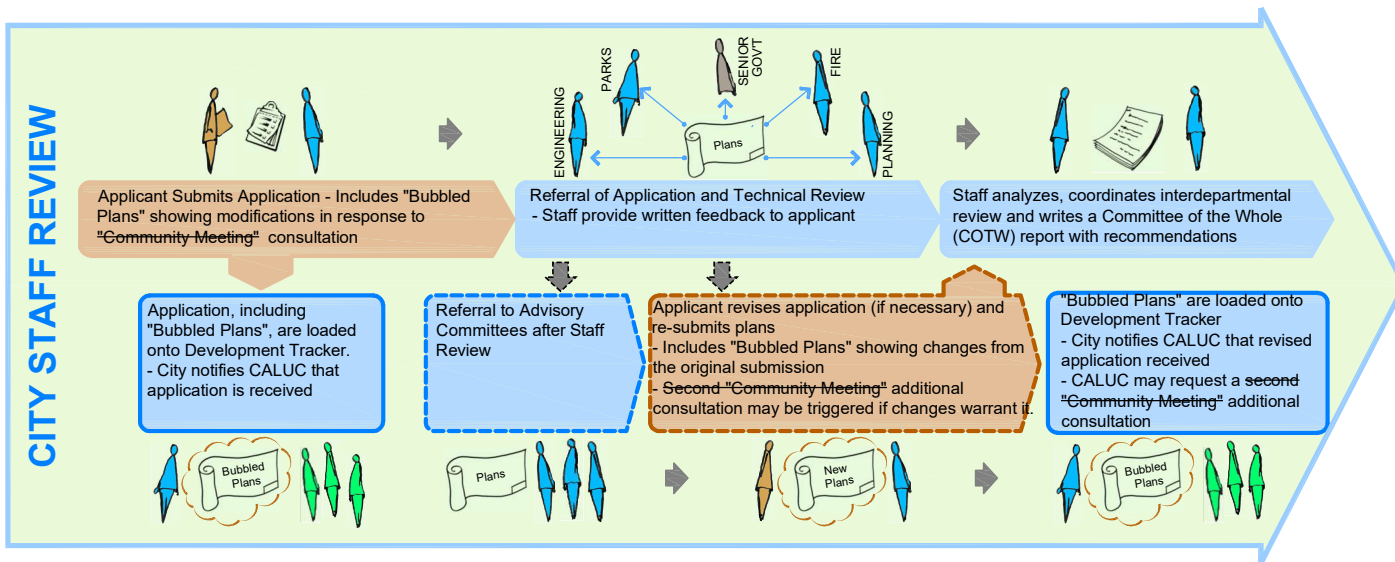
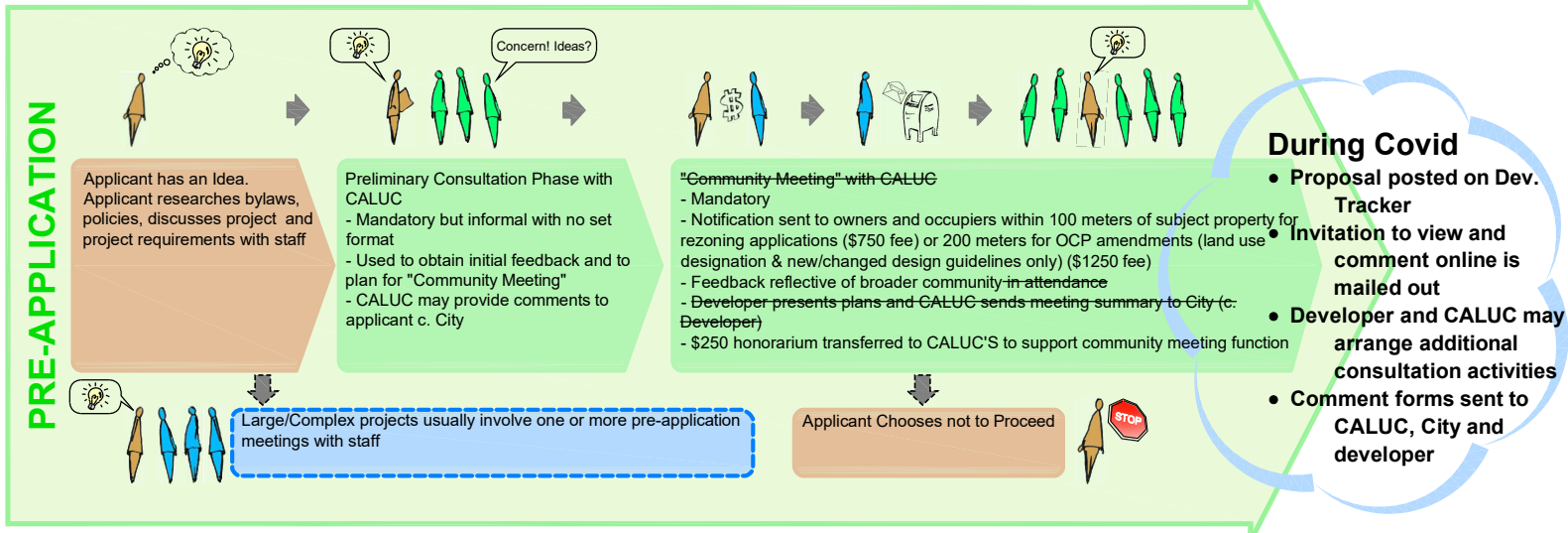
Rob Bateman, MCIP, RPP

Senior Process Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0292 F 250.361.0557



REZONING AND OFFICIAL COMMUNITY PLAN AMENDMENT PROCESS



VARIANCE AND TEMPORARY USE PERMIT PROCESSES

(Development Variance Permits, Development Permits with Variances and Heritage Alteration Permits with Variances)

