

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

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 application 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. Applicants are required to engage in community consultation before they formally submit a rezoning or OCP amendment application to the City.

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 consultation phase.”

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 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 conversations between the CALUC and developer; however, these meetings may include other participants as well. In some instances, with the agreement of the CALUC, a phone call or site visit may satisfy the requirement for the preliminary consultation phase. This phase is different from the community consultation phase which is characterized by a sign posted on site, plans posted to the Development Tracker and a community meeting.

Purpose

Besides providing an opportunity for the developer and CALUC 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 community consultation phase and discuss timelines
- educate participants regarding process and empower / encourage involvement
- 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 time
- discussing the CALUC's 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
- **ensuring plans and a summary letter have been prepared to be posted to the Development Tracker and presented at a community meeting**
- preparing for the 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 with the community consultation phase for when (if) the developer wishes to proceed.

Community Consultation Phase

The main purpose of the community consultation phase is to provide an opportunity for owners and occupiers of properties located within 100 or 200 metres to learn about the proposal, ask questions and provide feedback (the notification distance depends on whether an OCP Amendment is required or not.) Detailed instructions for applicants can be found on the [Pre-Application Community Consultation Notice & Instructions for Applicants webpage](#).

The community consultation phase has three parts:

1. **Posting a sign on site notifying that proposal information is available on the Development Tracker and there is an opportunity to fill out an online comment form.**

2. Posting plans and a project summary to the [Development Tracker](#):

- An online comment form is available on the Development Tracker. All of the feedback from the online comment form will be provided to the applicant, CALUC, and City.
- The applicant's, CALUC's, and City's contact information is also available on the Development Tracker so that individuals can reach out to discuss the proposal.
- The proposal must be posted for a period of 30 days before the applicant can submit their rezoning application to the City.

3. A community meeting:

- Organizing, determining the meeting format, and running the community meeting is the responsibility of the CALUC. The applicant must attend to present the proposal and be available to answer questions.
- The community meeting may be in any of the following formats, so long as all of the participants can hear and speak with each other:
 - Electronic meeting
 - In-person meeting
 - Combined or both an electronic and an in-person meeting
- The CALUC may also waive the requirement for the community meeting (the sign and Development Tracker requirements would still be in place.)

Although the notification distance is set, anyone with an interest in the proposal may attend and participate in the meeting and/or submit an online comment form. The spirit of the community consultation 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.

Note: If Provincial guidance or orders are in place the CALUCs must follow them. For example, physical distancing and masks may be required in response to a pandemic. If maximum participant standards are in place, then an in-person community meeting cannot be held in order to potentially avoid having to refuse public admittance if capacity is reached. In that case, a CALUC may hold an electronic community meeting instead.

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

Purpose

The primary purposes/objectives associated with the community consultation phase 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 consultation phase, the CALUC's primary role is to:

- **organize and run meeting(s)**
- 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 it to the 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 consultation phase:

- 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.
- **online comment forms provided to the applicant, CALUC, and City**
- **the comment forms and any other written feedback will be included with the Committee of the Whole report regarding the proposal.**

Supporting Resources

The following resources are intended to assist and help establish a more standardized approach to the community consultation phase:

- Rezoning Process Flow Chart
- Community Consultation 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
- Form to Record Feedback / Meeting Proceedings

Criteria for a Second Community Consultation Phase

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 pre-application consultation and formal submission with the City. If changes are made that fall into the following categories, a second community consultation phase 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 consultation phase is triggered.

A second community consultation phase is not required if:

- there are no changes from the first community consultation phase
- 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 consultation phase 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 consultation phase 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 Notice form and arrange and pay for a second mail out. Plans and a summary letter will also be required.
- if a second community consultation phase 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 the Community Consultation Phase

A CALUC may waive or postpone the requirement for the community consultation phase 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 the community consultation phase 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 consultation phase.

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 "Pre-Application Community Consultation Notice & Instructions for Applicants" webpage (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, the CALUC is not required to participate in such developer-led events.

VARIANCE, TEMPORARY USE PERMIT AND LIQUOR LICENSE APPLICATION PROCESS

The variance process is used in instances when a temporary new use is being proposed or there are changes to other zoning regulations such as height, setbacks, site coverage or parking (and no changes to use or density). 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):

- Variance and TUP Process Flow Chart
- Form to Record Feedback / Meeting Proceedings

REFERENCES

- City of Victoria Zoning Regulation Bylaw, Bylaw No. 80-159
- Land Use Procedures Bylaw, Bylaw No. 16-028

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 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.
- **Members of the public may submit an online comment form which can be found on the Development Tracker along with information about the proposal.**

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 entire 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.

- An online comment form is available for a limited time period on the City's Development Tracker. Completed forms will be included in the staff report that is presented to COTW.

Please note that City meetings may be either in-person or online. Please contact the City for more information.