



Planning and Land Use Committee Report

For the Meeting of January 28, 2016

To: Planning and Land Use Committee **Date:** January 14, 2016

From: Johnathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Review of Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications and Terms of Reference**

RECOMMENDATION

That Council direct staff to undertake further consultation with the Community Association Land Use Committee (CALUC) chairs (or their designates as assigned by the Community Association) and the Urban Development Institute regarding the CALUC Procedures for Processing Rezoning and Variance Applications as well as the CALUC Terms of Reference on the topics outlined in this report and report back to Council with a summary of the consultation as well as recommendations for improvements by May 2016.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council direction to proceed with upcoming plans to consult and review the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications as well as the CALUC Terms of Reference. This work advances key recommendations and actions identified at the 2015 Development Summit related to providing more support for the Community Association Land Use Committee process as well as "fine-tuning" the processes and supporting administrative streamlining.

The main theme areas, that staff have learned through previous consultation efforts, which would benefit from a review at this time, include: (A detailed list is included in the body of the report.)

- review how to better support CALUCs
- review range of applications that are currently referred to CALUCs
- consider overall process and timing of referrals
- clarify roles and responsibilities of CALUCs and developers and consider whether a more standardized approach to "Preliminary Meetings", "Community Meetings" and the process in general would be of benefit.

Undertaking consultation and a review of the CALUC procedures as well as the CALUC Terms of Reference is an important step towards improving the development application review process. Staff recommend for Council's consideration that once this phase is complete, staff will report back with a summary of the input as well as recommendations for improvement.

PURPOSE

The purpose of this report is to seek Council direction to proceed with upcoming plans, later this winter, to undertake consultation and a review of the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications (the procedures) as well as the CALUC Terms of Reference.

BACKGROUND

The original CALUC procedures as well as the Terms of Reference for CALUCs were approved by Council in 2005 in order to provide clarity regarding the roles, responsibilities and expectations of the CALUCs, developers, staff and Council during the development application review process. The procedures were subsequently evaluated two years later in 2007 and some minor changes were made to them. In 2009 and 2010 as part of the Development Business Process Review, undertaken by Results Management Services, a more substantive reconsideration of the CALUC procedures was completed in association with the development industry and the CALUC chairs of the day. The basic framework remained unchanged; however, Council approved some small refinements which are outlined in the following motion passed by Council on June 2, 2011:

...that Council confirms the ongoing use of the CALUC Procedures for Processing Rezoning and Variance Applications and directs staff to:

1. *Amend the CALUC Procedures for Processing Rezoning and Variance Applications and the City of Victoria Land Use Procedures Bylaw to require applicants for Official Community Plan Amendments related to Land Use Designation or Development Permit Area and Heritage Conservation Area Designations as they pertain to changes to guidelines to:*
 - a) *engage in an expanded public consultation exercise, which will be developed and implemented after consultation with the CALUC*
 - b) *undertake a Community Meeting Notice Mail-out to an expanded area extending 200 metres from the subject site*
 - c) *pay a fee of \$800 to cover the cost of the Community Meeting Notice Mail-out.*
2. *Amend the CALUC Terms of Reference to clarify that the Councillor Liaison role, in relation to the CALUCs review of land use applications, is that of an observer, to provide information and answer questions as needed and who may provide information back to other Council members regarding observations made at meetings where they were in attendance.*
3. *Continue efforts to post "bubbled plans" conveying changes to the application drawings on the City's website.*

Since 2011, other than an "education session" which was held with the CALUCs and other interested parties in 2013, there has been no substantive work or consideration of the effectiveness of the procedures, Terms of Reference or overall functioning of the processes. The attached graphic representations of the CALUC procedures as well as the Terms of Reference are based on the updates which were approved by Council in 2011.

Although there has not been a recent formal review of the CALUC procedures or Terms of Reference, input has been received from a number of events and meetings, including:

- both Development Summits that were held in 2014 and 2015
- recommendations from the Mayor's Housing Affordability Task Force in 2015 (specific to the timing of the pre-application meeting)

- focus groups with the CALUCs which were held in late 2014
- outreach sessions that occurred with each Community Association during the fall of 2015
- the Mayor's session with the CALUCs which was held on October 1, 2015.

The 2015 Development Summit Action Plan in particular identified a 2016 action to work with CALUCs to fine-tune the CALUC process to support any administrative streamlining while maintaining meaningful consultation, and consider instituting early-concept meetings between applicants, City staff and neighbourhood representatives.

The input received via these events as well as through day-to-day use provides a good basis for initiating a more substantive review that would be further informed by discussions with Council, the CALUCs and the development industry. The feedback received to date, is summarized in the next section of this report.

ISSUES AND ANALYSIS

The primary issues that have been identified to date and which are recommended as forming the basis for further consultation, review and consideration, are noted below:

Process Improvements

- review range of applications that are currently referred to CALUCs (Rezoning, Development Permits with Variances, Development Variance Permits and Heritage Alteration Permits with Variances) and determine if changes are required
- consider overall process and timing of referrals to determine if there is a more efficient and effective way to take advantage of the CALUCs and neighbourhood input in the development application review process
- consider whether a set format needs to be established for the "Preliminary Meeting." Currently this meeting is mandatory; however, the format is left up to the CALUC to determine. For example, some CALUCs hold a meeting with the CALUC executive and the proponent, others have site visit meetings and still others simply have a telephone conversation
- review how to better support CALUCs and provide them with relevant information as applications progress from idea inception, through the review and Council consideration process
- make better use of the Development Tracker to disseminate information.

Terms of Reference (attached)

- clarify CALUCs role and confirm that it is not one of an approval body
- clarify roles and responsibilities of CALUCs and developers (e.g. clarify meeting location selection, notification and "polling" procedures as well as when the use of open houses and other forms of consultation would be appropriate)
- revisit membership best practices and determine if there is a way to support and/or augment the CALUCs in their role as part of the City's community engagement and development application review processes.

OPTIONS & IMPACTS

There are numerous ways the CALUC procedures and Terms of Reference can be refined; however, at this stage staff are recommending that only the initial review and consultation be

undertaken. Later, when staff report back to Council on possible improvements and changes to the procedures and Terms of Reference, any options and impacts will be outlined for Council's consideration. This initiative is consistent with the City's *Strategic Plan*, *Financial Plan* and the *Official Community Plan*.

2015 - 2018 Strategic Plan

Objective 3: Strive for Excellence in Planning and Land Use; 2016 Outcomes: Reduced processing times for all types of applications from building permits to rezoning.

Impacts to the 2015 - 2018 Financial Plan

This initiative proposes a number of short-term operational and administrative initiatives that will be incorporated into existing departmental work plans and budgets. After the proposed review is completed, changes to the fees collected for mailing Community Meeting notices may be required.

Official Community Plan Consistency Statement

Continued residential and employment growth is central to achieving the vision and objectives of the *Official Community Plan* (OCP). This initiative aims to reduce barriers to investment and development in Victoria by making development application processes more effective and efficient. It also advances a goal included in the "Plan Administration" section which states, "Victorians are interested, informed, empowered and involved in their communities and the process of democratic governance."

CONCLUSIONS

Undertaking consultation and a review of the CALUC procedures as well as the CALUC Terms of Reference is an important step towards improving the development application review process. Significant insights have been gained through a number of consultative activities that have occurred over the last two years and can be used as a basis for this current review and consultation initiative. Staff recommend for Council's consideration that once this phase is complete, staff will report back with a summary of the input as well as recommendations for improvement.

ALTERNATE MOTION

That Council direct staff to not undertake any further work on the CALUC procedures or Terms of Reference.

Respectfully submitted,



Alison Meyer, Assistant Director
Development Services



Jonathan Timney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: January 20, 2016

List of Attachments

- Rezoning Process Graphic Representation
- Variance Process Graphic Representation
- CALUC Terms of Reference.



REZONING AND OFFICIAL COMMUNITY PLAN AMENDMENT PROCESSES



Applicant



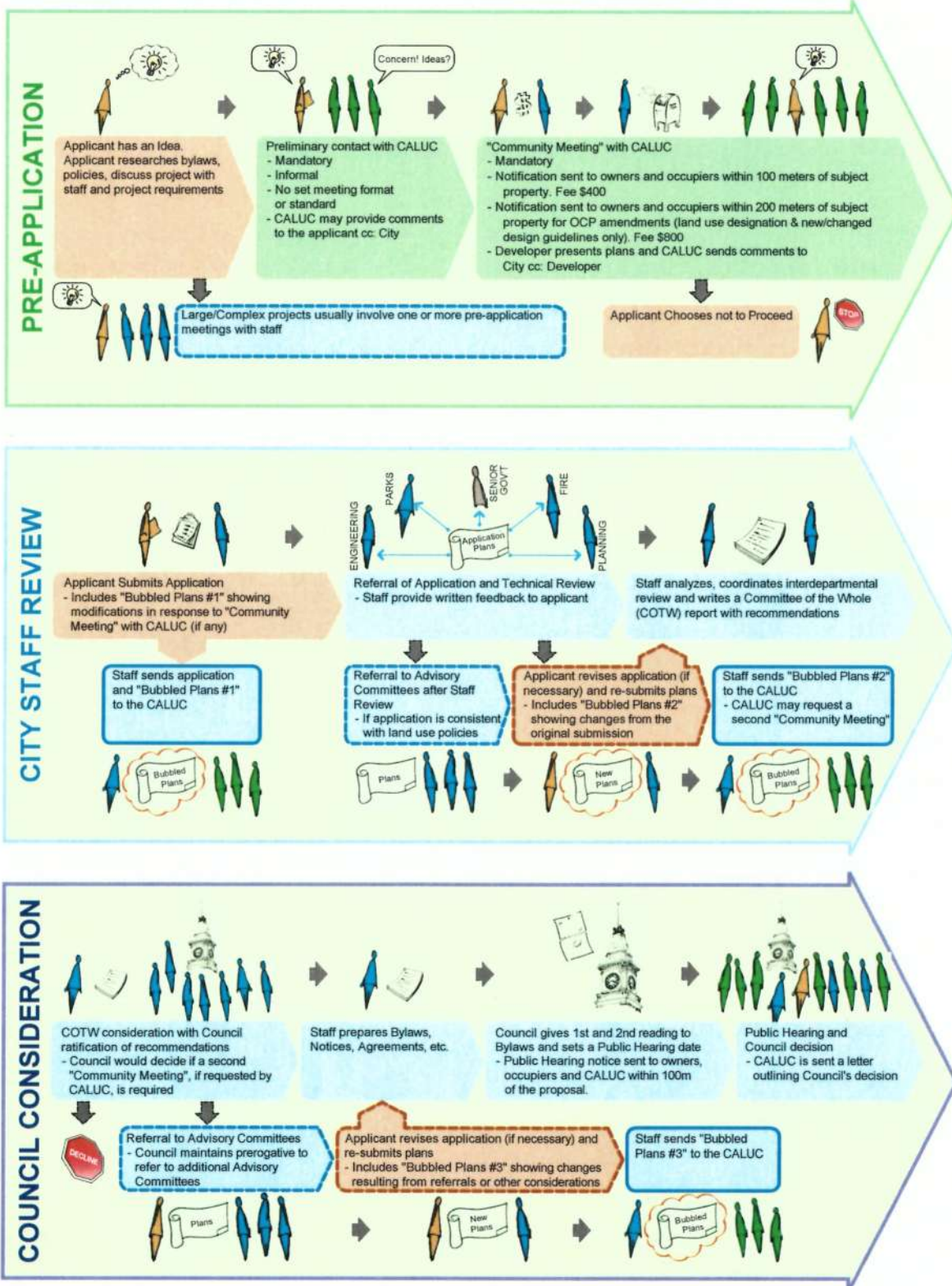
CALUC



City



Steps outlined with a dashed line may or may not occur depending on circumstances



DEVELOPMENT VARIANCE PROCESS

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



Applicant



CALUC



City



Steps outlined with a dashed line may or may not occur depending on circumstances

PRE-APPLICATION



Applicant has an Idea. Applicant researches bylaws, policies, discuss project with staff and project requirements

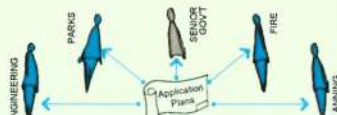


Large/Complex projects usually involve one or more pre-application meetings with staff
- Staff encourages applicant to meet with CALUC, but this is not mandatory

CITY STAFF REVIEW



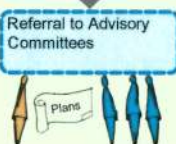
Applicant Submits Application



Referral of Application and Technical Review
- Staff provide feedback to applicant



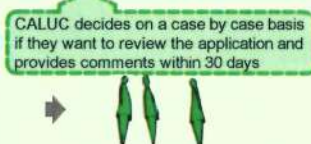
Staff analyzes, coordinates interdepartmental review and writes a Committee of the Whole (COTW) report with recommendations



Referral to Advisory Committees



Staff sends a copy of application and list of variances to CALUC



CALUC decides on a case by case basis if they want to review the application and provides comments within 30 days

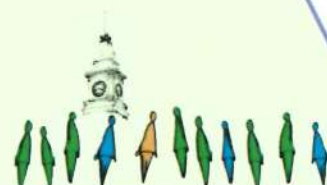
COUNCIL CONSIDERATION



Council ratification of COTW recommendations



Council sets a date for opportunity for Public comment
- Notice sent to adjacent neighbours and CALUC



Opportunity for public comment and Council decision
- CALUC is sent a letter outlining Council's decision



Community Association Land Use Committee (CALUC) Terms of Reference

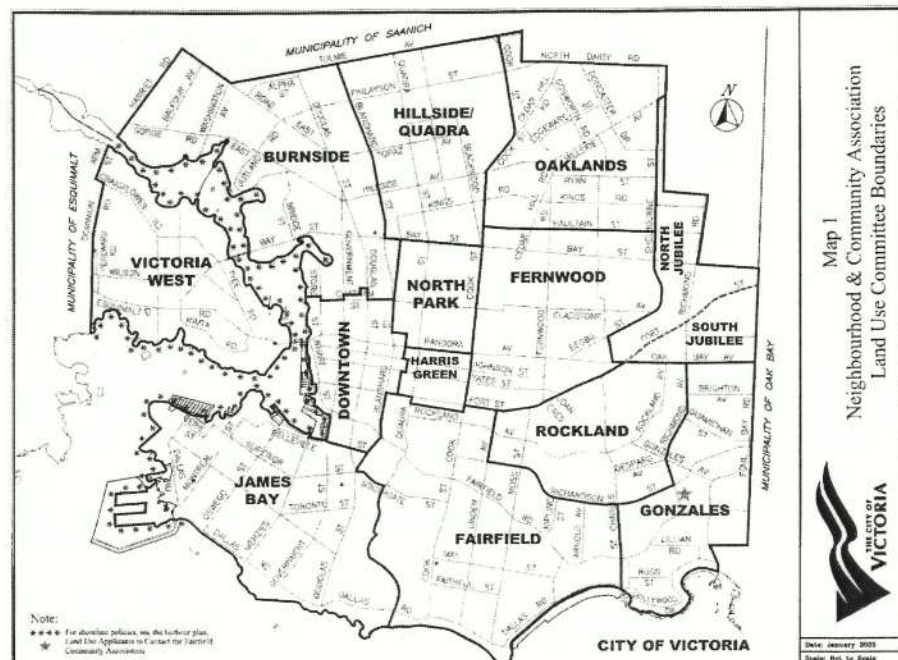
1. Endorsement

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 Community Land Use Committee
Downtown & Harris Green	Downtown Residents Association
Hillside / Quadra	Hillside-Quadra Neighbourhood Action Group
Fairfield & Gonzales	Planning & Zoning Committee of the Fairfield Community Association
Fernwood	Fernwood Community Association
James Bay	James Bay Neighbourhood Environment Association
North Jubilee	North Jubilee Neighbourhood Association
North Park	North Park Neighbourhood Association
Oaklands	Oaklands Community Association
Rockland	Rockland Neighbourhood Association
South Jubilee	South Jubilee Neighbourhood Association
Victoria West	Victoria West Community Association

2. Boundaries

CALUC boundaries must correspond with City Neighbourhood Boundaries. Map 1 illustrates the boundaries of these neighbourhoods. Boundaries do not overlap and where an application is on a boundary, CALUCs responsible for reviewing the application should notify the neighbouring CALUC(s.)



3. The purpose of Community Association Land Use Committees is to:

- Facilitate dialogue between land use applicants and the community to identify issues (both positive and negative) regarding land use applications.
- Be knowledgeable about the Neighbourhood and Precinct Plan(s.) CALUCs may also wish to comment on the interpretation of the relevancy of the policies and whether development applications fit with the spirit and intent of the Neighbourhood Plan.¹
- Communicate to everyone involved regarding:
 - issues identified with development applications
 - the adequacy of the community consultation.
- Inform and be involved in the updating of Neighbourhood Plans and other land use issues as referred by Council.

4. Membership Best Practice² for CALUCs:

- 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.
- Size: 3 members or more.
- Representation: It would be useful to have people with experience reading plans (e.g. architects, developers, and builders.) It would also be useful to have people on the CALUC from a variety of backgrounds, consistent with the demographics of the neighbourhood (e.g. youth, senior, renters, owners, minorities, business, school representation.)

5. Conflict of Interest:

In the case of a "Conflict of Interest," a member of a Community Association Land Use Committee (CALUC) will step down from their position on the CALUC, during any review or discussion of the land use application. However, they may still participate, in the agenda item, as a community member. The following situations are considered "Conflicts of Interest:"

- The CALUC member lives, works or owns property within 100 metres of the land use application. (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.

6. Involvement in Neighbourhood and City Wide Land Use Policy:

Community Associations and their Land Use Committees play a vital role in the development of civic policy. The following guidelines will be used by City Staff to engage CALUCs in neighbourhood and City wide land use policy initiatives:

(a) Neighbourhood / Local Area Plans:

When a neighbourhood planning exercise is about to begin, the CALUC as well as other stakeholder groups, should be consulted about the process which will be used before the planning process is finalized. This can occur through a publicly advertised meeting or other inclusive mechanisms. Ultimately, Staff will present a recommended planning process to Council and Council will make the final decision whether it is suitable.

(b) City Wide Policy Issues:

CALUCs can be involved in City Wide Land Use Policy in a variety of ways. Regardless of the approach, guiding principles are:

- involve CALUCs early
- provide at least 2 weeks notice about meetings
- provide reports that summarize the issue(s) at least 10 days before meetings/open houses so participants can get up to speed ahead of time
- allow 30 days for CALUCs to reflect (consult constituents) and provide a response (This may be shortened, after discussion with the CALUC Chair, depending on the issue.)
- ideally, a model of consulting CALUCs and other stakeholders as the policy evolves will be used (e.g. provide preliminary, interim and final drafts for review).

¹ Ultimately it is City staff's role to provide Council with a full interpretation of applicable City policy as it applies to each application.

² Membership Best Practices are voluntary.