



## Committee of the Whole Report For the Meeting of June 6, 2019

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**To:** Committee of the Whole **Date:** May 23, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Food Bearing, Pollinator and Native Plant Landscape Design Guidelines

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### RECOMMENDATION

That Council:

1. Direct staff to amend the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* and the *Design Guidelines for Attached Residential Development* to include the following landscape design guideline:
  - *A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food bearing plants or plants that provide pollinator habitats.*
2. Direct staff to bring forward an Official Community Plan Amendment Bylaw to amend:
  - a. Development Permit Areas 4, 5, 6A, 7A, 10A, 10B, 13 and 16 with an updated reference to the revised *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial*.
  - b. Development Permit Area 15F: Intensive Residential - Attached Residential Development with an updated reference to the revised *Design Guidelines for Attached Residential Development*.
3. Consider consultation under Section 475(2)(b) of the *Local Government Act* and direct staff that no referrals of the Official Community Plan Amendment Bylaw are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, provincial or federal governments, Township of Esquimalt, District of Saanich and the District of Oak Bay.
4. Consider consultation under Sections 475(1) and 475(2) of the *Local Government Act* and direct staff to undertake consultation with the community including Community Association Land Use Committees and the development industry on the proposed amendments to the *Official Community Plan* through online consultation and direct email correspondence.
5. Refer the proposed *Official Community Plan* amendments to the Accessibility Working Group and the Urban Food Table for comments.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with a proposed landscape design guideline that advances an ongoing action from the *2019-2022 Strategic Plan* that seeks to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development. This action is captured under Strategic Objective #6: Climate Leadership and Environmental Stewardship. The proposed guideline would be incorporated within the existing *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* (Attachment A) and the *Design Guidelines for Attached Residential Development* (Attachment B). Once this additional guideline is incorporated into the two design guideline documents, staff and Council will be able to require that a minimum of 30% of the plants provided through the landscape design for common areas on multi-residential, attached residential, commercial and industrial development should be native vegetation, adapted (non-invasive) plants, food bearing plants or plants that provide pollinator habitats. This landscape requirement will be reviewed and evaluated by the City through a development permit and associated landscape plans. The 30% target allows flexibility with plant types and species to ensure year-round visual interest.

To implement the new landscape design guideline, staff are also seeking direction to prepare an Official Community Plan (OCP) Amendment Bylaw to reference the updated *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* and the *Design Guidelines for Attached Residential Development* within the OCP. The OCP Amendment Bylaw and proposed landscape design guideline will be subject to focused consultation using the City website and direct correspondence with community associations and the development industry prior to a public hearing and Council's final decision. The proposed OCP Amendment Bylaw will also be referred to the City of Victoria Accessibility Working Group and the Urban Food Table for comments.

## PURPOSE

The purpose of this report is to present Council with a proposed landscape design guideline that advances an action from the *2019-2022 Strategic Plan* to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development.

## BACKGROUND

In March 2019 the City published the guide *Growing Food and Gardening on Mixed-Use, Multi-Use, Multi-Unit Residential Developments* which is a guide that seeks to encourage and raise awareness of urban gardening and food production in multi-residential development by providing tips, resources and examples of best practices and appropriate approaches for gardening. The guide was developed as part of the Growing in the City project charter and helps to increase awareness and opportunities to better support food production through innovative building design. Since this guide helps to 'encourage' food production, staff have developed an additional landscape design guideline that can be used to 'mandate' or 'require' food bearing plants, pollinator habitats and native species within common landscaped areas on private property for new multi-residential, attached residential, commercial and industrial development.

The new landscape design guideline is proposed for inclusion within the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* which generally apply City-wide as well as within the *Design Guidelines for Attached Residential Development*, which apply within portions of the Victoria West neighbourhood that are contained in Development Permit Area 15F: Intensive Residential - Attached Residential Development.

## ISSUES AND ANALYSIS

### 1. Application within Development Permit Areas and Heritage Conservation Areas

Appendix A of the *Official Community Plan* (OCP, 2012) identifies areas of the City that are designated as Development Permit Areas (DPA) and Heritage Conservation Areas (HCA). Each DPA and HCA contains a list of guidelines with which development applications must be consistent. The *Design Guidelines for Attached Residential Development* are referenced within DPA 15F: Intensive Residential – Attached Residential Development, while the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* are referenced within the following Development Permit Areas:

- DPA 4: Town Centres
- DPA 5: Large Urban Villages
- DPA 6A: Small Urban Villages
- DPA 7A: Corridors
- DPA 10A: Rock Bay
- DPA 10B (HC): Rock Bay Heritage
- DPA 13: Core Songhees
- DPA 16: General Form and Character (City-wide).

This means that all new multi-unit residential, attached residential, commercial and industrial buildings (where applicable) within these areas will be reviewed against the updated guidelines, including the new landscaping requirements. Since these design guideline documents are identified in the OCP, the proposed updates will also require an amendment to the *Official Community Plan* to reference and enact the updated guidelines.

In addition, each DPA or HCA is generally established to achieve a specific purpose as outlined in the Local Government Act (LGA). The LGA also identifies the level of detail that can be provided through design guidelines for each DPA or HCA. For example, the LGA does not permit a detailed level of prescriptiveness through design guidelines for DPA 16; rather the design guidelines are limited to general guidance on form and character. This means that the design guidelines for DPA 16 cannot mandate specific plant species. However, the other development permit areas identified above do allow for greater levels of detail through design guidelines. The proposed landscape design guideline has been developed to provide general guidance for landscape design while still providing a certain level of flexibility with plant choices that are suitable for the location and that provide year-round visual interest.

### 2. Application Review

Staff from Sustainable Planning and Community Development and Parks, Recreation and Facilities will continue to collaborate at the Technical Review Group meetings to review and evaluate landscape plans for alignment with the guidelines, as well as confirming during occupancy inspections that the required plant species are provided.

### 3. Proposed Approach

Most landscape designs for common areas are generally composed of 60%-70% evergreens (broadleaf and conifer) and 30%-40% deciduous plants. Therefore, the proposed landscape design guideline provides a target (30%) that should be achievable and implementable across the City and allows for diversity of vegetation types and species to provide year-round visual interest. In consideration of climate change and best practices for sustainable landscaping, staff have also included the ability to provide adapted (non-invasive) species in addition to native species. Adapted plants are species of plants originally native to other regions of the world that have become acclimated and established in a

new area. These plants tend to thrive in the new location without being harmful to existing native plants or wildlife and can grow and reproduce without human intervention.

#### 4. Consultation on OCP Amendment Bylaw

In accordance with the *Local Government Act*, when an amendment is proposed to the OCP, the local government (Council) must, in addition to the public hearing, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Specifically, Council must:

- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing; and
- (b) specifically consider whether consultation is required with the following:
  - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
  - (ii) the board of any regional district that is adjacent to the area covered by the plan;
  - (iii) the council of any municipality that is adjacent to the area covered by the plan;
  - (iv) first nations;
  - (v) boards of education, greater boards and improvement district boards; and
  - (vi) the provincial and federal governments and their agencies.

Given that staff are proposing to amend existing design guideline documents with a single additional guideline, staff recommend that Council consider “persons affected” by the proposed OCP amendments to encompass property owners, community associations and the development industry.

Staff also recommend that the consultation opportunity consist of the proposed design guidelines and OCP Amendment Bylaw being made available on the City of Victoria website for a period of two weeks; and in addition, sending electronic copies of the proposed guidelines and the bylaw to each Community Association Land Use Committee, the Urban Food Table, Accessibility Working Group and the Urban Development Institute.

A report on the results of this consultation, including any resulting changes to the proposed landscape design guidelines, will be provided to Council at the time the OCP Amendment Bylaw is presented for first reading.

Given the limited scope of the proposed landscape design guideline, and in consideration of section 475(2)(b) of the *Local Government Act*, staff do not recommend additional consultation with the Capital Regional District, First Nations, Island Health, adjacent municipalities, school boards or other levels of government.

## **OPTIONS AND IMPACTS**

### **Option 1 (Recommended)**

Direct staff to amend the OCP to include guidelines that require a minimum of 30% of plants provided in landscape designs be native vegetation, adapted (non-invasive) species, food bearing plants or plants that provide pollinator habitats, and seek feedback through the City website and electronic correspondence prior to advancing the OCP Amendment Bylaw to Council for first and second reading and a Public Hearing.

This option will allow an opportunity for comments and consideration at a Public Hearing in a timely manner, so that the guidelines can take effect.

## **Option 2**

Council could direct additional consultation opportunities beyond what is recommended in Option 1. This could include focus group meetings with key stakeholder groups, such as the Urban Development Institute, Community Association Land Use Committees, Urban Food Table and other interested members of the public.

### **Accessibility Impact Statement**

The proposed landscape design guidelines provide additional direction on the type and general variety of plants that are provided within the portions of private property that are required to be landscaped as per the *Zoning Regulation Bylaw*. These guidelines do not alter site access or the provision of hardscaped surfaces. Staff acknowledge that the presence of some common landscaping plants can have adverse impacts on individuals with asthma and plant-related allergies. Lower-allergenic species can be planted without detracting from desired objectives; however, the ability to require or mandate specific low-allergen plant species varies between each development permit area and the rationale for their establishment as outlined in the *Local Government Act*.

### **2019-2022 Strategic Plan**

This project supports ongoing Action 23 from the *2019-2022 Strategic Plan* that seeks to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development. This action is captured under Strategic Objective #6: Climate Leadership and Environmental Stewardship.

### **Impacts to Financial Plan**

The proposed landscape design guideline will not have any impacts to the *Financial Plan*.

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

This project is consistent with the *Official Community Plan*, which supports enhancing the adaptive capacity of ecosystems and the urban forest by increasing the use and diversity of native and climate change adapted species on both public and private lands (policy 10.5). The OCP also includes several policies that support food production on private land (policies 17.10 - 17.14).

## **CONCLUSIONS**

The proposed landscape design guideline has been developed to advance an ongoing action from the *2019-2022 Strategic Plan* that seeks to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development. Reporting back to Council with the related Official Community Plan Amendment Bylaw, following a focused consultation process, allows Council to consider additional feedback prior to first and second reading of the bylaw and a subsequent Public Hearing.

Respectfully submitted,



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Senior Planner  
Community Planning Division



Andrea Hudson  
Acting Director, Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

May 29, 2019

#### List of Attachments

- Attachment A: *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* (2012)
- Attachment B: *Design Guidelines for Attached Residential Development* (2018).