



Council Report For the Meeting of October 24, 2019

To: Council **Date:** October 3, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Food-Bearing, Pollinator and Native Plant Landscape Design Guidelines

RECOMMENDATION

That Council:

1. Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development and the Design Guidelines for Attached Residential Development as follows:
 - a. To insert the following landscape design guideline in place of the guideline approved by Council on June 13, 2019:

"A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats."
 - b. To remove from s.5.5 the requirement that landscape design should use plant species suited to the local climate and site-specific conditions.
2. Give the following bylaw first and second readings:
 - a. Official Community Plan Bylaw, 2012, Amendment Bylaw No. 33 (No. 19-079).

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-079 (Attachment A).

The issue came before Council on June 13, 2019 where the following resolution was approved:

Food-Bearing, Pollinator and Native Plant Species Landscape Design Guidelines

"That Council:

1. *Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development 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.*

1. *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.*
2. *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.*
3. *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.*
4. *Refer the proposed Official Community Plan amendments to the Accessibility Working Group and the Urban Food Table for comments."*

Response to Council Motion and Public Feedback

Consultation and Updated Guideline

In accordance with the Council motion from June 13, 2019, the draft landscape design guideline and a copy of the related COTW staff report were emailed directly to the Urban Development Institute, community associations (CALUCs), Urban Food Table and the Accessibility Working Group. Staff were also invited to attend a meeting of the Urban Food Table. The general public also had the opportunity to review and provide feedback on the proposed guideline through the City website (Have Your Say). The consultation process occurred over a four-week period and resulted in limited number of comments that are included in Attachment B. Staff reviewed all comments received and have made minor revisions to the draft landscape design guideline. Outlined below is the original landscape design guideline along with the revised guideline.

Original (draft) 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.

Revised (proposed) landscape design guideline:

- A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats.

Number of Plants Provided versus Landscaped Area

A comment was received recommending that the proposed landscape design guideline should apply to 30% of the common landscaped area rather than to 30% of the plants provided, as the latter approach may result in less plants being provided or the isolated location of native and pollinator plants within an overall landscaped area. Staff have revised the guideline to apply the 30% requirement to the required common landscaped areas as suggested.

Defined Terms

A suggestion to include definitions of native plants, adapted species and pollinator habitats was received. Staff have identified that the existing design guideline documents and other high level documents such as the *Official Community Plan* already use terms such as native plants and pollinator habitats without having to define these as they are common terms. In addition, most new multi residential, commercial and industrial buildings include landscape plans that are prepared by registered professional landscape architects, who are also very familiar with these terms and their local application. Therefore, staff have not included definitions within the subject design guidelines.

Administration of Design Guidelines

A comment was received questioning how the guidelines will be enforced and administered. As explained in the original staff report from June 6, 2019, staff from Sustainable Planning and Community Development along with staff from 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 within the landscaped areas. The current development permit application process requires applicants to provide a detailed landscape plan that outlines a broad range of information including all existing and proposed planting types and their location. A landscape security deposit is also generally required for new buildings to ensure that the approved landscape design is provided prior to occupancy. Therefore, the introduction of the proposed landscape design guideline can be administered through the existing development review process. Once approved, the development permit, including landscape plans, continues to apply for the life of the development or until such time as they are replaced by other Council-approved or delegated development permits.

Identification of Specific Plant Species

A comment was received suggesting that the guideline should include more prescriptive and specific guidance; however, as noted in the previous staff report, staff have endeavoured to ensure that the design guideline results in the provision of native vegetation, adapted (non-invasive) species, food-bearing plants or plants that provide pollinator habitats without including specific species. The need for flexibility with plant species is required as many local native plant species are not always available through plant nurseries; therefore, achieving a landscaped area with a blend of native, adapted, food-bearing and pollinator plants is viewed as the key objective rather than focusing on specific plant species that may not be available from year to year.

Impacts on Accessibility

Several comments were received outlining the potential health and liveability impacts that may arise from the planted environment especially for individuals with allergies, asthma or other environmental health conditions. The proposed guideline provides an initial step toward achieving a healthier ecosystem through more sustainable landscaping that also supports food production and food security as outlined in the City's *Official Community Plan* and the 2019-2022 Strategic Plan. The City is also currently in the process of collaborating with the Accessibility Working Group

and other stakeholders to develop an accessibility framework that is intended to inspire and establish a high standard of accessibility across municipal policies, programs, and projects in order to enhance barrier-free access and social inclusion for people with disabilities. Therefore, once the accessibility framework is complete, staff and Council will be able to determine if further refinements are required to existing policies, guidelines and regulations.

Food-Bearing Plants

A suggestion was received to better clarify that food-bearing plants should refer to plants that provide food for human consumption. This clarification has been included in the revised guideline.

Native Vegetation

A suggestion was received to better clarify that the proposed native plants should be native to the local geographic context. Staff have revised the proposed landscape guideline to reference vegetation that is native to southern Vancouver Island.

Soil Conditions

A comment was received to that the guideline should also require landscape soil to be free of heavy metals and toxins. Staff have not amended the design guideline as City staff are not able to undertake soil analysis to ensure that there are no toxins or heavy metals. This level of prescriptiveness is also beyond the role of design guidelines.

Overlap with Existing Landscape Design Guideline

To avoid overlap with the proposed landscape design guideline, staff have proposed to amend section 5.5 of the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial* by deleting the second half of the existing guideline as the new landscape design guideline provides greater detail than the current guideline and the current guideline also provides the opportunity to replace existing native plant species with other non-native species which is contrary to the intent of the proposed landscape guideline:

- 5.5 Landscape design should preserve existing native vegetation where possible. ~~or use plant species suited to the local climate and site-specific conditions.~~

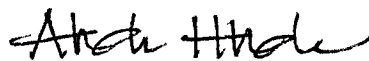
CONCLUSION

The proposed landscape design guideline has been refined based on feedback received through the consultation process and the related Official Community Plan Amendment Bylaw No. 33 (19-079) is ready for first and second readings.

Respectfully submitted,




Robert Batallas,
Senior Planner
Community Planning Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.


Date: Oct 17, 2019

List of Attachments

- Attachment A: OCP Amendment Bylaw No. 19-079
- Attachment B: Summary of public feedback.