



Planning and Land Use Committee Report For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 20, 2015
From: Marc Cittone, Senior Planner, Community Planning Division
Subject: OCP Amendments - Subdivision Exemptions and Administrative Amendments

RECOMMENDATION

Staff recommend that:

1. Committee provide any feedback and direction, as required.
2. Committee forward this report to Council for Council's consideration and approval.
3. Council consider consultation and determine, pursuant to section 879(1) and 879(2)(a) of the *Local Government Act*:
 - a. that the affected persons, organizations and authorities are property owners and occupiers within the City of Victoria; and,
 - b. that the appropriate consultation measures would include a newspaper advertisement and contacting the Urban Development Institute (UDI) and Community Association Land Use Committees (CALUCs), posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
4. Council consider consultation under section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
5. Council direct staff to initiate consultation as outlined in this report.
6. Council direct staff to return with a summary of that consultation and the proposed Official Community Plan Amendment Bylaw, for first and second reading and advancement to a Public Hearing.

LEGISLATIVE AUTHORITY

In accordance with Section 876 of the *Local Government Act*, Council may adopt one or more Official Community Plans. During the development or amendment of an Official Community Plan, Council must provide opportunities for consultation as set out in Section 879 of the *Local Government Act*. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

EXECUTIVE SUMMARY

This report presents Council with proposed amendments to the Official Community Plan (OCP) to clarify the conditions under which a Development Permit Application is required for subdivisions in Development Permit Areas and Heritage Conservation Areas, and to enact minor amendments correcting clerical and mapping errors in the OCP.

The proposed amendments implement the following motions approved by Council on January 30, 2014:

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- a. *Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas*

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

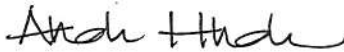
- b. *Correct clerical and mapping errors.*

In 2014, it was decided that when Council amends the OCP to change the urban place designation of a property, that amendment would be reflected in a table attached to the OCP as an Appendix rather than by amending Map 2: Urban Place Designations. Upon further consideration, staff recommends that Map 2 be amended to reflect these amendments, so that the OCP is more user friendly, and that Appendix C be repealed accordingly.

This report asks that Council turn their minds to consultation for these amendments, and direct staff to initiate that consultation.

Respectfully submitted,


 Marc Cittone
 Senior Planner
 Community Planning Division


 Andrea Hudson
 Assistant Director, Community Planning Division
 Sustainable Planning and Community Development
 Department

Report accepted and recommended by the City Manager:



 Jason Johnson

Date:

_____ *Feb. 26/15* _____

MC/ljm

W:\Community Planning Division\Projects\OCP Implementation\OCP Amendments\OCP Amendments 2014\DPA Amendments Design Guidelines and Subdivision\Subdivision and Minor Corrections 3.5.2105\DPA PLUC Report Subdivision and Minor Amendments 2.13.2014 (8).doc

List of Attachments

- Attachment 1 – Proposed Minor Amendments to the Official Community Plan
- Attachment 2 – Council Minutes, January 30, 2014

BACKGROUND

On January 30, 2014 Council approved the following motions:

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- a. *Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas*

Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

- b. *Correct clerical and mapping errors.*

ANALYSIS

Clarify the Subdivision Requirements in DPAs and HCAs

These proposed amendments would exempt most DPAs and HCAs from requiring a Development Permit for subdivision of land, except in DPA 15B: Intensive Residential – Panhandle Lot and in DPA 13: Core Songhees, as follows:

1. For DPA 13: Core Songhees, subdivision will require a Development Permit if proposed subdivision is not in accordance with the *Design Guidelines for the Dockside Area (2005)*, the *Railyards Development Guidelines (2002)*, the *Roundhouse Design Guidelines (2008)* or the *Policy Plan and Design Guidelines for the Songhees Area of Victoria West (2008)*, as applicable. As site layouts were proposed as part of master planning for a number of sites and reflected in design guidelines, deviations from these layouts would require a Development Permit.
2. For DPA 15B: Intensive Residential – Panhandle Lot, a Development Permit will continue to be required because the lot configuration created by subdivision may have impacts on the compatibility of future development with the surrounding neighbourhood.

A separate bylaw will also be considered by Council as part of the proposed Rezoning and OCP amendment related to the Capital Park project, exempting subdivision from application for a Development Permit in DPA 12: Legislative Precinct, within the portion of the South Block subject to the proposed *Capital Park Urban Design Guidelines*, only if the proposed subdivision is in accordance with the *Capital Park Urban Design Guidelines*.

Under section 920(1)(a) of the *Local Government Act*, land within a DPA or HCA must not be subdivided unless the owner obtains a Development Permit or the area is specifically exempted. As written, the current OCP does not exempt the subdivision of land in most DPAs. The proposed amendments would correct some unintended consequences and streamline the development review process, and are consistent with past practices.

Prior to the adoption of the 2012 OCP, a Development Permit was only obtained for subdivisions that created panhandle lots and for subdivisions within a few other site-specific DPAs. Because no guidelines have been created for the subdivision of land in any other

Development Permit Area, Council has no discretion to refuse a Development Permit, and its issuance and consideration become an unnecessary administrative act. From a development perspective, there is no need to regulate subdivisions other than for panhandle lots and certain site-specific DPAs for which guidelines for subdivision have been created. For all other DPAs, existing design guidelines allow for the regulation of buildings, structures and landscaping on a property. The jurisdiction of the Approving Officer provides additional oversight. Requiring Council to issue Development Permits for all types of subdivision is of limited additional value and is onerous on the applicant and City resources due to the associated administrative requirements.

Implement Minor Amendments to Correct Clerical and Mapping Errors

On January 30, 2014, Council directed staff to correct a number of clerical and mapping errors in the OCP, which will be implemented by the proposed bylaw. These corrections are outlined in Attachment 1.

Amendments to Urban Place Designations

Map 2 of the OCP identifies the Urban Place Designation for each property in the City. In 2014, it was decided that when Council amends the OCP to change the urban place designation of a property, that amendment would be reflected in a table attached to the OCP as an Appendix rather than by amending Map 2. Upon further consideration, staff recommends that Map reflect these amendments and that Appendix C be repealed accordingly. This method will allow for a more user-friendly and transparent OCP, given the Map is commonly referred to. The proposed amendment is administrative only and not a substantive amendment.

Waste Management Plan, Financial Plan and Statutory Consultation

As a result of the proposed OCP Amendment, the *Local Government Act* requires that Council consider Financial Plan Implications, Waste Management Plan Implications and statutory consultation requirements as part of any proposed OCP Amendments. The following sections outline details related to these considerations:

Waste Management Plans (the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan)

There are no waste management plan implications anticipated.

Financial Plan Implications

There are no potential financial plan implications anticipated with respect to the proposed amendments.

Consultation

The *Local Government Act* (LGA) Section 879(1) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Consistent with Section 879 (2) (a) of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements.

Staff propose that consultation be in the form of an announcement in the Times-Colonist newspaper, notice on the City's website inviting interested parties to comment, and direct notice

to Community Association and Land Use Committees (CALUCs) and to the Urban Development Institute (UDI). The consultation period would be Friday, March 6th through Monday, March 23rd.

In accordance with section 879(2)(b) of the *Local Government Act*, staff proposed that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.

Options and Impacts

Option A: Adopt the recommendations outlined above.

Impacts: As a result of the proposed bylaw, most subdivisions would no longer be subject to DP review, but would be considered by the Approving Officer as part of a subdivision application. Subdivision in DPA 13, Core Songhees and DPA 15B, Panhandle Lots would continue to be subject to DP review based upon existing guidelines. As a result, the development process would be streamlined in some cases. Other forms of exterior design-related development within the above DPAs would continue to be subject to Development Permit review pursuant to adopted guidelines. Identified clerical and mapping errors within the OCP would be corrected.

Option B: Provide staff with alternative direction.

OCP Consistency Statement

The proposed changes are consistent with direction contained in OCP Section 22: Adaptive Management to annually evaluate the OCP and make recommendations for amendments as needed.

ATTACHMENT 1: Proposed Minor Amendments to Official Community Plan (Bylaw 12-013)

Section	Page	Policy / Map	Description of change	Rationale
3- Vision, Values and Goals	17	Figure 3: Thirty Year Growth Management Concept	Confirm map boundaries of urban core	Slight inconsistencies among different OCP maps
6- Land Management and Development	34	Objective 6(d)	Change "energy district" to "district energy"	Incorrect word order
7- Transportation and Mobility	57	Map 5: Victoria Region 25 Year Transit Future Plan	Add sections to align with 25 Year Transit Future Plan	Missing sections on Wharf, Yates, Johnson and Fort Streets
Map 7 – Cycling Network	61	Map 7: Cycling Network	Align Vancouver St label to actual street (or label as Graham St) Update Map 7 to reflect the Bicycle Master Plan Bicycle Network Update	Labelling error Updated Bicycle Network
7 –Transportation and Mobility	62	Policy 7.26	Under 7.26, Renumber "7.25.1" to "7.26.1"	Incorrect numbering
8-Placemaking	70	Figure 13: Street and Public Space Enclosure	Add "face" after building in annotation of two graphics	Word omitted
10 – Parks and Recreation	82	10.13.1	Replace with [...] "Bowker Creek watershed and Cecilia Ravine Park".	Management Plan title referenced incorrectly
14 – Economy	101	Policy 14.8	Two policy 14.8 – renumber and adjust subsequent policy numbers	Incorrect numbering
16 – Arts and Culture	112	Policy 16.7	Two policy 16.7 – renumber and adjust subsequent policy numbers	Incorrect numbering
19- Plan Administration	129	19.10	Capitalize "City"	Typo
21 – Neighbourhood Directions	143	Policy 21.6.2	Change "complimentary" to "complementary"	Spelling error
Appendix A	233	Map 64: DPA 13: Core Songhees	Add dotted line to Map 64 to correspond to policy 2(b)(i)(3)	Mapping error
Appendix A	249	Applications and Exemptions 2(c)(i)	Delete 2(c)(i)(3) and renumber (4)-(9) to (3)-(8)	Duplication– house conversion covered in (4) and defined in glossary

4. **Wayne Hollohan, re: Dog Licenses:** He is not here representing a group or organization but to help coordinate some groups and individuals and to ask Council for their help. The topic is dog licences for the homeless and less fortunate. During a regular dog walk he ran into Kai and she informed him about her work at Our Place and some of the barriers, one of which is how to get dog licences. He has spoken with Ian Fraser, from Victoria Animal Control Services, and discussed the issues and he said that having homeless with dogs is very time consuming and it is hard to enforce as the money is not there to administer. In order to make a homeless person a responsible dog owner, you need to give them ability to be responsible. He contacted Our Place to get their support and they have agreed to administer the program his is proposing. Last year 6,439 dog licences were issued and he is asking that 100 dog licences or vouchers be given to Our Place at the cost of \$10 per licence and they will ensure they get to the homeless or those less fortunate. The applications and funds can be turned over to the City monthly and unused licences at the end of the year can also be turned over. People should not have to choose between possible food and clothing for their family and a dog licence. He would propose a pilot project for a year and if successful, carry it on.

5. **Caitlyn Vernon, Sierra Club of BC Foundation, re: Trans Mountain Pipeline Expansion Project Hearings:** It is an important issue on whether the City wants to intervene on the National Energy Board's review of the proposed Kinder Morgan pipeline and tanker project. She is here to make the case why it would be important to intervene. She is a Victoria resident who cares deeply the coast and the City. The City already has taken the position opposing the expansion of tankers in our waters. There are two recent federal government reports that are relevant. One highlights that these waters are already one of the highest risk for shipping in Canada, and that is before the proposed five-fold increase of Kinder Morgan tankers. The other report on diluted bitumen that would be in the tankers, when mixed with sediments in fresh water and wave action, sinks, thus making an already impossible response even more impossible. Why the City should choose to participate is because the federal government has changed the rules by making it harder for the public to participate in the review processes. Applications to participate opened on January 15th and have to be submitted before February 12th. The National Energy Board decides who has the right to participate or not, which is based on a narrow definition on who is directly affected. It is very difficult for the public to apply, but the City of Victoria can apply to represent their residents. Applying for intervenor status will allow access to the documents and you can decide later on how much you want to be involved. Being an intervenor in the process allows you to ask important questions, get the information and represent your citizens. If the City decides to apply, you will have to make the case for why we as a City would be directly affected. This would not be hard; direct impacts include things like parks and public areas along the shoreline and property values, jobs, the financial cost of emergency preparedness in a spill response and the health impacts to the residents and first responders if there is a spill.

REPORTS OF THE COMMITTEE

1. **Governance and Priorities Committee – December 12, 2013**
 1. **Official Community Plan Annual Review 2013**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Approve the *Official Community Plan Annual Review 2013*; and,
 2. Approve the footnote acknowledging the overlap of uses of indicators in the *Official Community Plan*, with the Library use as an example. Carried Unanimously

 2. **Proposed Amendments to the Official Community Plan Bylaw**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Instruct staff to prepare the necessary amendments to the *Official Community Plan Bylaw* to incorporate the changes as proposed in the report dated November 19, 2013, as follows:
 - b. Clarify the conditions under which a Development Permit application is required for subdivisions in Development Permit and Heritage Conservation Areas. Carried Unanimously

 3. **Proposed Amendments to the Official Community Plan Bylaw**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council:
 1. Instruct staff to prepare the necessary amendments to the *Official Community Plan Bylaw* to incorporate the changes as proposed in the report dated November 19, 2013, as follows:
 - c. Correct clerical and mapping errors. Carried Unanimously

 4. **To Create Taxpayer Impact Assessment**
It was moved by Councillor Helps, seconded by Councillor Alto, that Council approve the following motion:
Whereas the City sets utility rate increases, tax increases, and other fee increases at variable times in the calendar year;

And whereas residents and businesses would benefit from having real time and comprehensive information with regard to rate increases in order to budget for the year ahead;

Therefore be it resolved that Council direct staff to create a comprehensive "Ratepayer Impact Assessment" that lists the annual rate increases as soon as each, respectively, is determined on a designated page on the City's website. Carried Unanimously

Councillor Thornton-Joe withdrew from Council Chambers at 8:05 due to a non-pecuniary conflict of interest in the following item as her husband works for BC Transit.