



Council Report

For the Meeting of September 10, 2015

To:	Council	Date:	August 27, 2015
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	Bylaw No. 15-065, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16) - Subdivision Exemptions and Administrative Amendments		

RECOMMENDATIONS

That Council:

- Consider the summary of consultation included in this report and provide any direction to staff, as necessary.
- Give first reading to Bylaw No. 15-065, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16).
- Consider the Official Community Plan Amendment Bylaw in conjunction with the *City of Victoria 2015 Financial Plan*, the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- Consider consultation under Section 879(2) 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.
- Give second reading to Bylaw No. 15-065, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 16).
- Refer Bylaw No. 15-065, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 16), for consideration at 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

The purpose of this report is to provide a summary of consultation to Council and to bring forward an Official Community Plan (OCP) Amendment Bylaw for first and second reading, as directed by Council's motion of March 19, 2015 (attached). This Official Community Plan Amendment Bylaw (attached) serves to:

- a. clarify the conditions under which a Development Permit Application is required for subdivisions in Development Permit Areas and Heritage Conservation Areas;
- b. correct clerical and mapping errors.

The primary purpose of the proposed amendment is to exempt most subdivisions of land from the requirement for a Development Permit (DP), with two exceptions: subdivision of panhandle lots and subdivision that is not in accordance with subdivision plans within an approved Master Development Agreement. In these two cases, there are design guidelines which Council may use to approve or deny a Development Permit. In other cases, no guidelines have been adopted for the subdivision of land. Therefore, Council has no discretion to refuse a Development Permit, and its issuance and consideration become an unnecessary administrative act.

In all cases, a subdivision must be consistent with the *Zoning Regulation Bylaw*, the *Subdivision and Development Servicing Bylaw* and related requirements of the *Local Government Act*.

During public engagement, two comments were received recommending creation of a process to ensure public notification and input even where a proposed subdivision meets the existing zoning regulations for a property.

Currently, public notification would occur only if a subdivision requires a variance for lot width or if subdivision first requires a rezoning. A simple Development Permit (without variance or rezoning) does not trigger public consultation. Therefore, staff conclude that the recommended Development Permit exemptions would not reduce public notice and consultation opportunities and would simplify the process for most subdivisions of land, where such subdivision is consistent with existing zoning.

In addition to the proposed substantive amendments, the proposed Bylaw corrects minor clerical and mapping errors which were presented to Council on March 19, 2015.

BACKGROUND

The 2012 OCP carried forward previous design guidelines from the 1995 OCP, with the addition of the new Development Permit Area 16. As a result, a Development Permit continues to be required for the subdivision of land. However, except with regard to panhandle lots and certain areas subject to Master Development Agreements, no guidelines have been adopted for the subdivision of land. Therefore, Council has no discretion to refuse a Development Permit, and its issuance and consideration become an unnecessary administrative act.

The proposed Bylaw would exempt proposed subdivisions from requiring a Development Permit, with two exceptions:

1. In DPA 12 (HC): Legislative Precinct and DPA 13: Core Songhees, subdivision would continue to require a development permit. However, subdivision consistent with specific guidelines for areas subject to a Master Development Agreement would be exempt only if the proposed subdivision is consistent with specific guidelines developed through the Master Development Agreements. These guidelines are the *Capital Park Urban Design Guidelines* (2015), the *Railyards Development Guidelines* (2002), the *Roundhouse Design Guidelines* (2008) and the *Songhees Hillside Urban Design Guidelines* (2005). Because 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.

CONSULTATION

Two comments were received from the Community Association Land Use Committees (CALUCs) concerning public notification and public process related to the subdivision of land:

- The Chair of the Fairfield Gonzales Community Association's Planning and Zoning Committee expressed the concern that if the Development Permit requirement is removed, there will be no public notification when a subdivision consistent with existing zoning occurs. In this case, the community may not be informed of future development until an application for development requires either a Development Permit or a rezoning, or when construction commences. For this reason, it was suggested that there be some process to advise the affected neighbourhood when a subdivision consistent with the existing zoning occurs, if the Development Permit requirement is removed.
- The James Bay CALUC suggested that in all cases, including those concerning subdivision or development under the *Capital Park Master Development Agreement*, the City create a procedural requirement allowing neighbourhood associations, by request, to require a full public process for any variance, Development Permit Application, Heritage Alteration Permit Application or Subdivision Application.

Consultation on the proposed OCP amendments occurred from March 19, 2015, through April 24, 2015. Outreach included a newspaper advertisement, a dedicated webpage, reference on the City's main website, social media, direct contact with the Community Association Land Use Committees (CALUCs) and the Urban Development Institute (UDI). As a result of direct communication, two comments were received from the CALUCs. Two additional CALUCs had clarifying questions which were answered in person or by email. The comments received are attached in their entirety.

ANALYSIS

After considering the public input, staff found that the proposed amendments do not reduce the level of public consultation, because a simple Development Permit Application (not connected with a variance or rezoning) does not require consultation. The Development Permit process provides limited discretion: if a proposal is consistent with the guidelines, a Development Permit must be issued. Therefore, public comment would be unlikely to affect the outcome of the Subdivision Application and soliciting such comment may be misleading to the public.

Staff continue to find that the subdivision of land, except in the two exceptions identified above, should not require a Development Permit, for the following reasons:

- Subdivision consistent with existing zoning is a straightforward application: subdivision is governed by the existing zoning (which specifies minimum lot size and dimensions), the *Subdivision and Development Servicing Bylaw* and related requirements of the *Local Government Act*.
- The current requirement for a Development Permit for a subdivision does not trigger public notice if the proposed subdivision is consistent with zoning regulations. Therefore, removing the Development Permit requirement does not reduce public consultation.
- If a proposed subdivision requires a rezoning (e.g. for small lot homes) or variance (e.g. to vary lot width), this is accompanied by its own public notification and process, providing an opportunity for public input. This assures that a proposed subdivision that does not strictly meet the zoning regulations will include a public process.
- There are currently no Development Permit guidelines upon which Council may base a denial of a Development Permit for subdivision, except with regard to panhandle lots and certain areas subject to Master Development Agreements.
- Subdivision consistent with an approved Master Development Agreement simply implements a development plan which has already received public input and Council consideration.
- In all cases, the design of proposed buildings, structures and landscaping would be subject to any applicable Development Permit requirements.

CONCLUSIONS

After consideration of public input received, staff continue to find that requiring Council to issue Development Permits for all types of subdivision is of limited value and is onerous on the applicant and City resources due to the associated administrative requirements.

Respectfully submitted,



Marc Cifone
Senior Planner
Community Planning Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

Sept. 2, 2015

List of Attachments

- Bylaw No. 15-065, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 16)
- Comments received from Fairfield Gonzales Community Association and James Bay Neighbourhood Association
- Report from March 5, 2015 PLUC meeting
- Minutes from March 12, 2015 Council meeting.

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Official Community Plan for the City of Victoria to exempt the subdivision of land in specific Development Permit Areas and Heritage Conservation Areas from the requirement to obtain a development permit or heritage alteration permit, and to correct typographical and clerical errors.

Under its statutory powers, including sections 875 to 878, and 919.1 to 920 of the *Local Government Act*, the Council of the Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 16)".
- 2 Schedule A of Bylaw No. 12-013, The Official Community Plan Bylaw, 2012, is amended by:
 - (a) repealing Figure 3 of section 3 and replacing it with the Figure 3 attached to this Bylaw as Schedule I;
 - (b) striking out from Broad Objective 6(a) of section 6 the words "energy district" and substituting the words "district energy";
 - (c) striking out from policy 6.1 of section 6 the words "as amended from time to time as shown in Appendix C,";
 - (d) repealing Map 2 of section 6 and replacing it with the Map 2 attached to this bylaw as Schedule II;
 - (e) repealing Map 5 of section 7 and replacing it with the Map 5 attached to this bylaw as Schedule III;
 - (f) striking out from Policy 7.26 of section 7 the reference number "7.25.1" and substituting it with the reference number "7.26.1";
 - (g) inserting the word "face" in Figure 13 of section 8 immediately after the words "eg. 2:1 width of street to building";
 - (h) inserting the word "face" in Figure 13 of section 8 immediately after the words "eg. 3:1 width of public space to building";
 - (i) striking out from policy 10.13.1 of section 10 the words "Bowker Creek and Cecelia Creek watersheds" and substituting the words "Bowker Creek watershed and Cecilia Ravine Park";
 - (j) immediately after the heading "Community Economic Development" in section 14, renumbering
 - (i) policies 14.8 to 14.55 as policies 14.9 to 14.56 respectively, and

- (ii) any sub-paragraphs contained within the policies set out in section 2(k)(i) to maintain internal consistency;
- (k) immediately after the heading "Cultural Planning" in section 16, renumbering
 - (i) policies 16.7 to 16.26 as policies 16.8 to 16.27 respectively, and
 - (ii) any sub-paragraphs contained within the policies set out in section 2(l)(i) to maintain internal consistency;
- (l) striking out from policy 19.10 of section 19 the word "city" and substituting the word "City";
- (m) repealing Map 19 of section 21 and replacing it with the Map 19 attached to this bylaw as Schedule IV;
- (n) repealing Map 22 of section 21 and replacing it with the Map 22 attached to this bylaw as Schedule V;
- (o) striking out from policy 21.6.2 of section 21 the word "complimentary" and substituting the word "complementary";
- (p) in Appendix A, Overview,
 - (i) repealing section 2(a)(i)(2) and replacing it with the following:
 - "(2) where a Development Permit is exempted or not required for the construction of a new building or other structure, or part thereof, a Building Permit has been obtained for the construction of a new building or other structure, or part thereof, which may include conditions (including the provision of security) that the property be fully and suitably landscaped; or"
 - (ii) striking out the period at the end of section 2(a)(iv) and substituting the following: "; and"
 - (iii) inserting the following section 2(a)(v) immediately after section 2(a)(iv)
 - "(v) the subdivision of land, provided that:
 - (1) it does not create or otherwise involve a panhandle lot; and
 - (2) it is not located in DPA 12(HC), Legislative Precinct or DPA 13, Core Songhees, subject to the exceptions provided in those DPAs."
 - (iv) striking out the period at the end of section 2(b)(iii)(2) and substituting the following: "; and"

- (v) inserting the following section 2(b)(iv) immediately after section 2(b)(iii):
“the subdivision of land, provided it does not create or otherwise involve a panhandle lot.”;
- (q) in Appendix A, DPA 13: Core Songhees,
 - (i) repealing Map 64 and replacing it with the Map 64 attached to this bylaw as Schedule VI,
 - (ii) striking out the period at the end of section 2(b)(i)(3) and substituting a semi-colon immediately followed by the word “or”, and
 - (iii) inserting the following sections 2(b)(i)(4) and 2(b)(i)(5) immediately after section 2(b)(i)(3):
 - “(4) the subdivision of lands within the area marked “Railyards” in Map 64, provided the subdivision is in accordance with the Site Plan set out in the *Railyards Development Guidelines (2002)*;
 - (5) the subdivision of lands within the areas marked “Songhees Lime Pt” in Map 64, provided the subdivision is in accordance with the Lot Requirements set out in the *Songhees Hillside Urban Design Guidelines (2005)*.”;
- (r) in Appendix A, DPA 15A: Intensive Residential – Small Lot, repealing section 2(a) and replacing it with the following section 2(a):
 - “(a) In this area,
 “Small Lot Zone” means any of the following zones:
 - (i) R1-G2 Zone, Gonzales Small Lot District;
 - (ii) R1-S Zone, Single Family Dwelling (Small Lot) District;
 - (iii) R1-S1 Zone, Restricted Small Lot (One Storey) District;
 - (iv) R1-S2 Zone, Restricted Small Lot (Two Storey) District;
 - (v) R1-S-G Zone, Grant Street Small Lot District;
 - (vi) Any zone that specifically cross-references the regulations of any of the above zones; or
 - (vii) Any zone with the phrase “small lot” included in its zone name or title.
 - “Intensive Residential – Small Lot Development” means the construction of, addition to or alteration of a building or other structures on a lot with an area of less than 460 square metres in a Small Lot Zone.”;
- (s) in Appendix A, DPA 15C: Intensive Residential – Rockland, repealing section 2(c)(i)(9);
- (t) in Appendix A, DPA 16: General Form and Character,
 - (i) renumbering section 2(b)(i)(1)(a) as section 2(b)(i)(1)(A),

- (ii) renumbering section 2(b)(i)(1)(b) as section 2(b)(i)(1)(B),
- (iii) striking out the period at the end of section 2(b)(i)(1)(B) and substituting a semi-colon;
- (u) repealing Appendix C.

READ A FIRST TIME the day of 2015.

READ A SECOND TIME the _____ day of _____ 2015.

Public hearing held on the _____ day of _____ 2015.

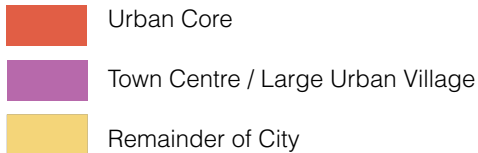
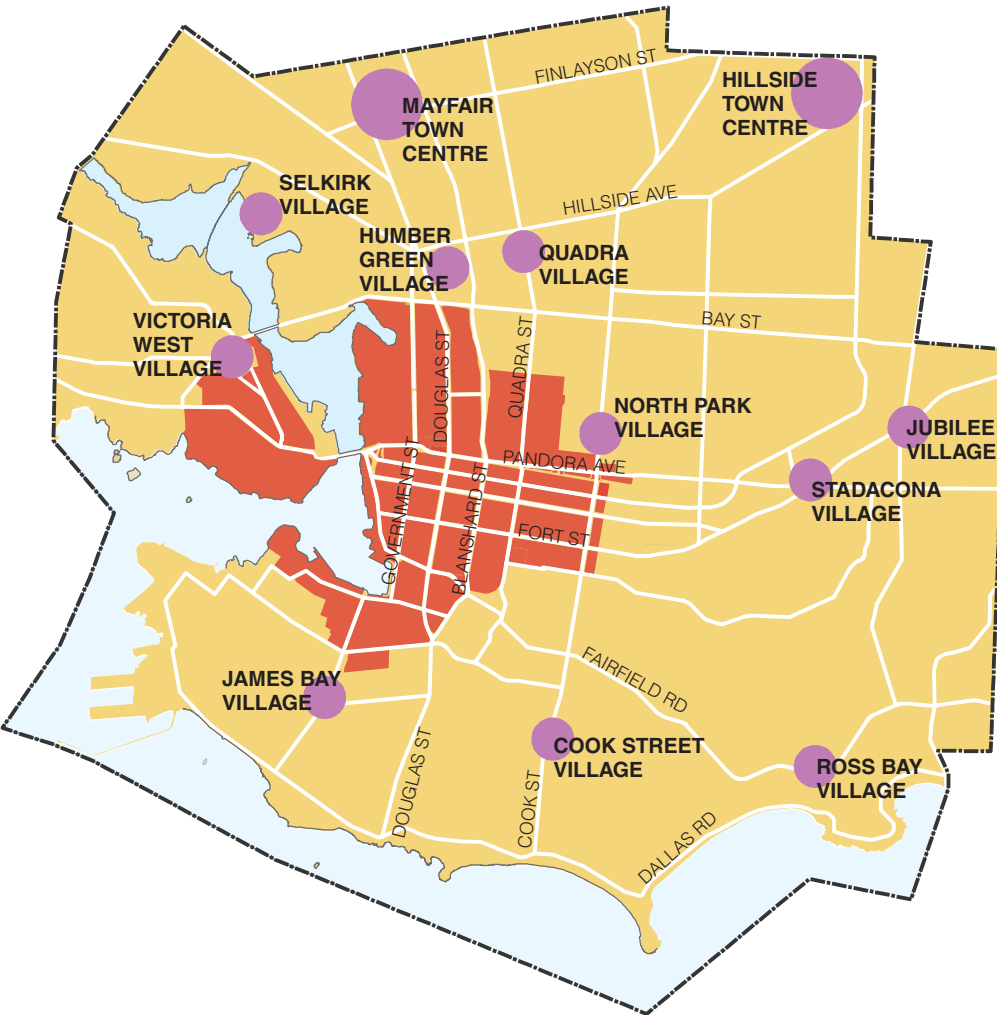
READ A THIRD TIME the _____ day of _____ 2015.

ADOPTED on the _____ day of _____ 2015.

CORPORATE ADMINISTRATOR

MAYOR

Figure 3: 30 year Growth Management Concept



Urban Core

- > 50% of population growth
- > approximately 10,000 new people by 2041

Town Centres and Large Urban Villages

- (including areas within close walking distance)
- > 40% of population growth
- > approximately 8,000 new people by 2041

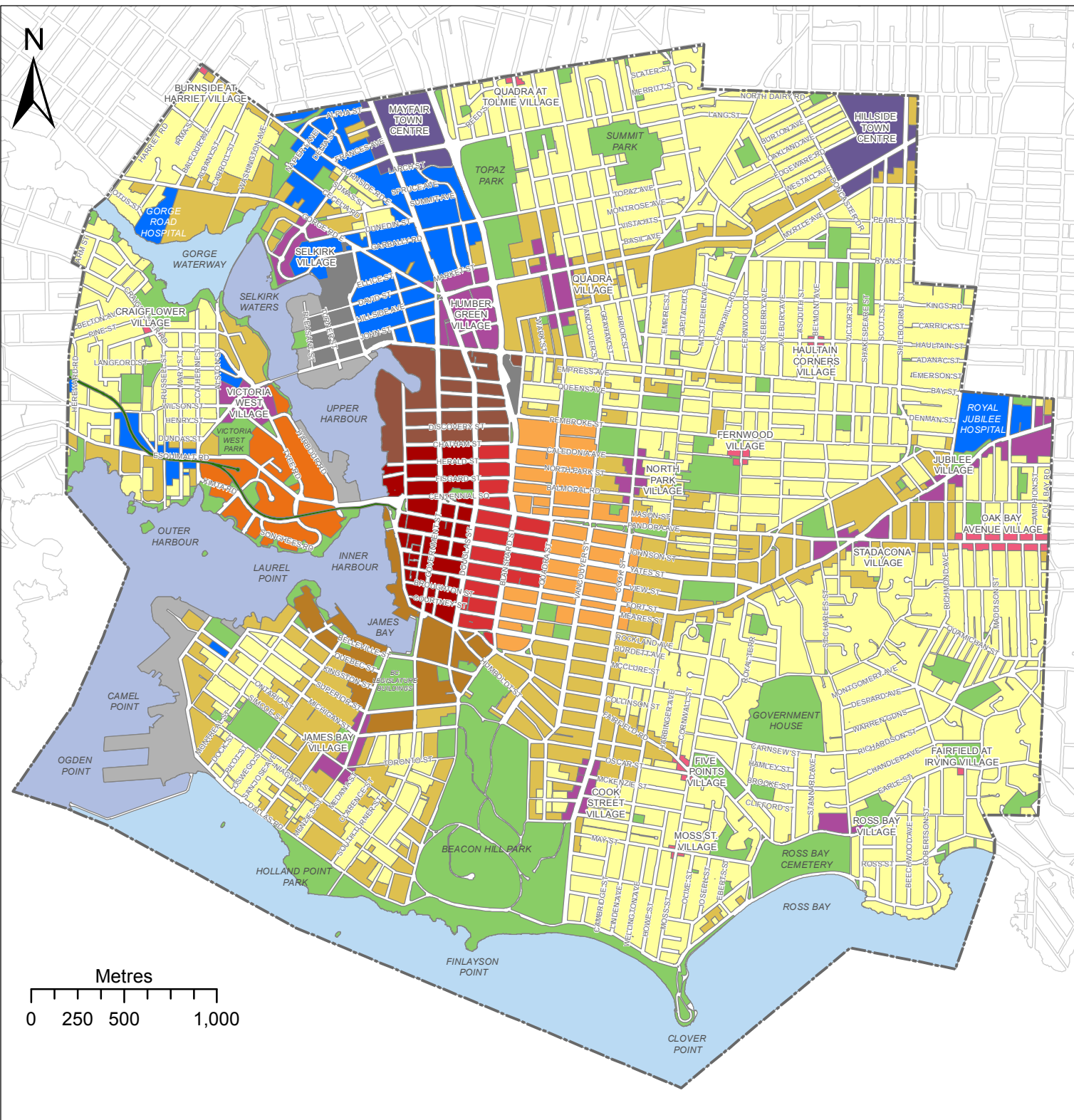
Remainder of City

- > 10% of population growth
- > approximately 2,000 new people by 2041

= 200 People

MAP 2

Urban Place Designations



- Core Historic
- Core Business
- Core Employment
- Core Inner Harbour/Legislative
- Core Songhees
- Core Residential
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Rail Corridor
- Working Harbour
- Marine

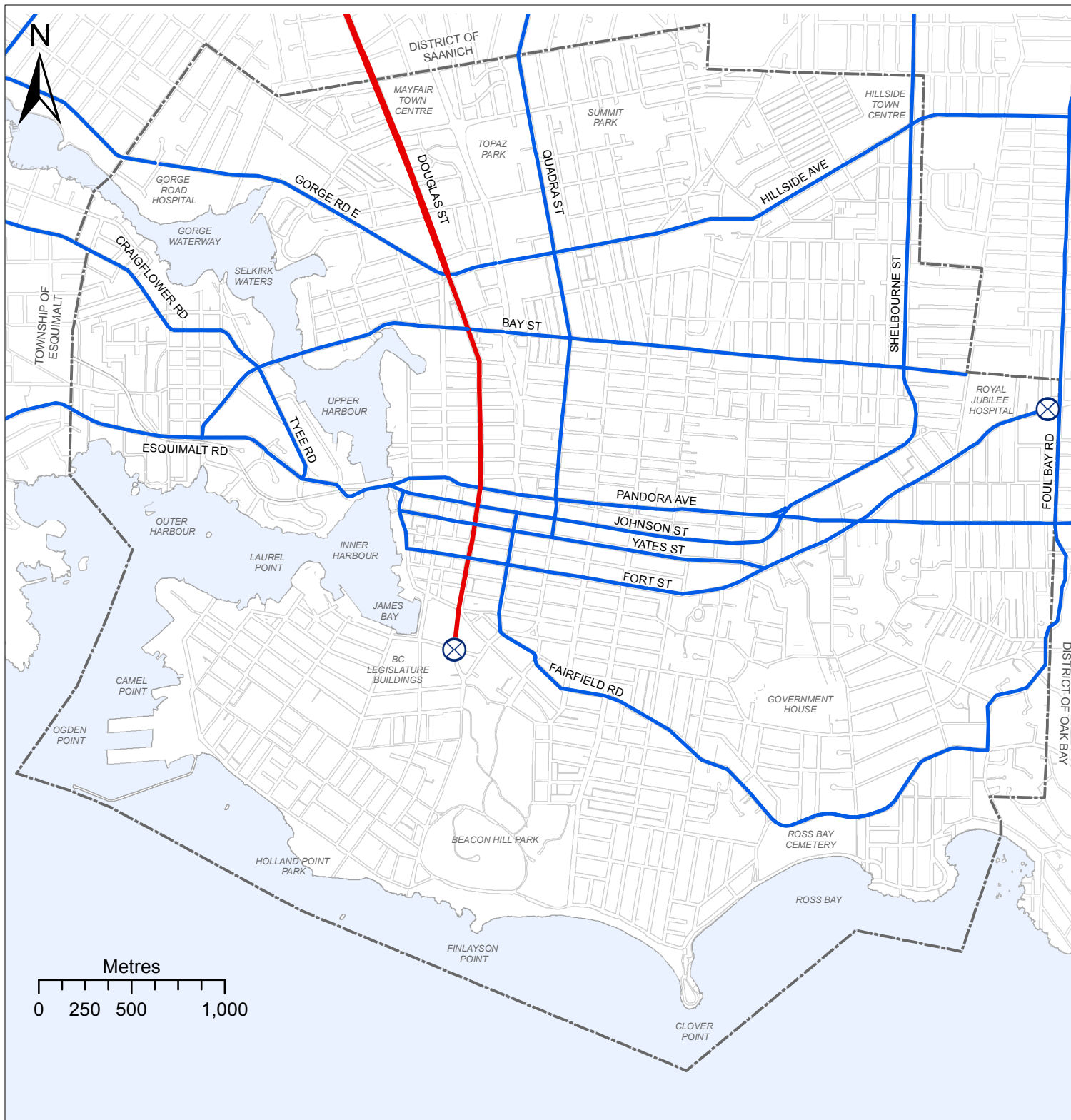
Urban Place Designations extend to the centerlines of adjacent streets.

MAP 5

Victoria Region 25 Year Transit Future Plan

Proposed Transit Network by 2035*

- Rapid Transit
- Frequent Transit
- ⊗ Potential Major Transit Exchange



*The "Victoria Region 25 Year Transit Future Plan" is administered by BC Transit and may be subject to change.

MAP 19

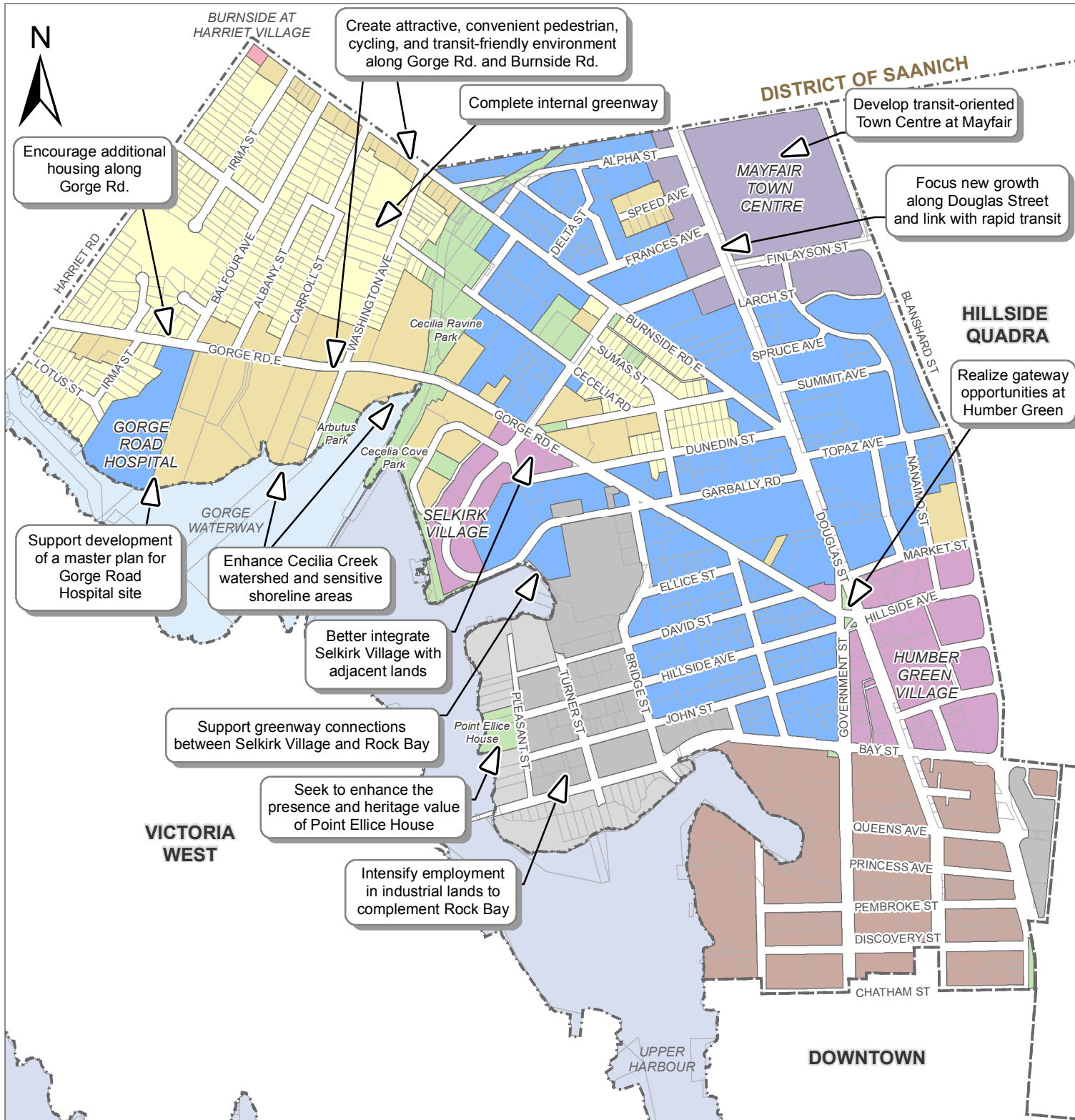
Burnside Strategic Directions

Urban Place Designations*

- Core Employment
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Working Harbour
- Marine

Public Facilities

- Proposed Park (approximate location)
- Community Centre



*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

MAP 22

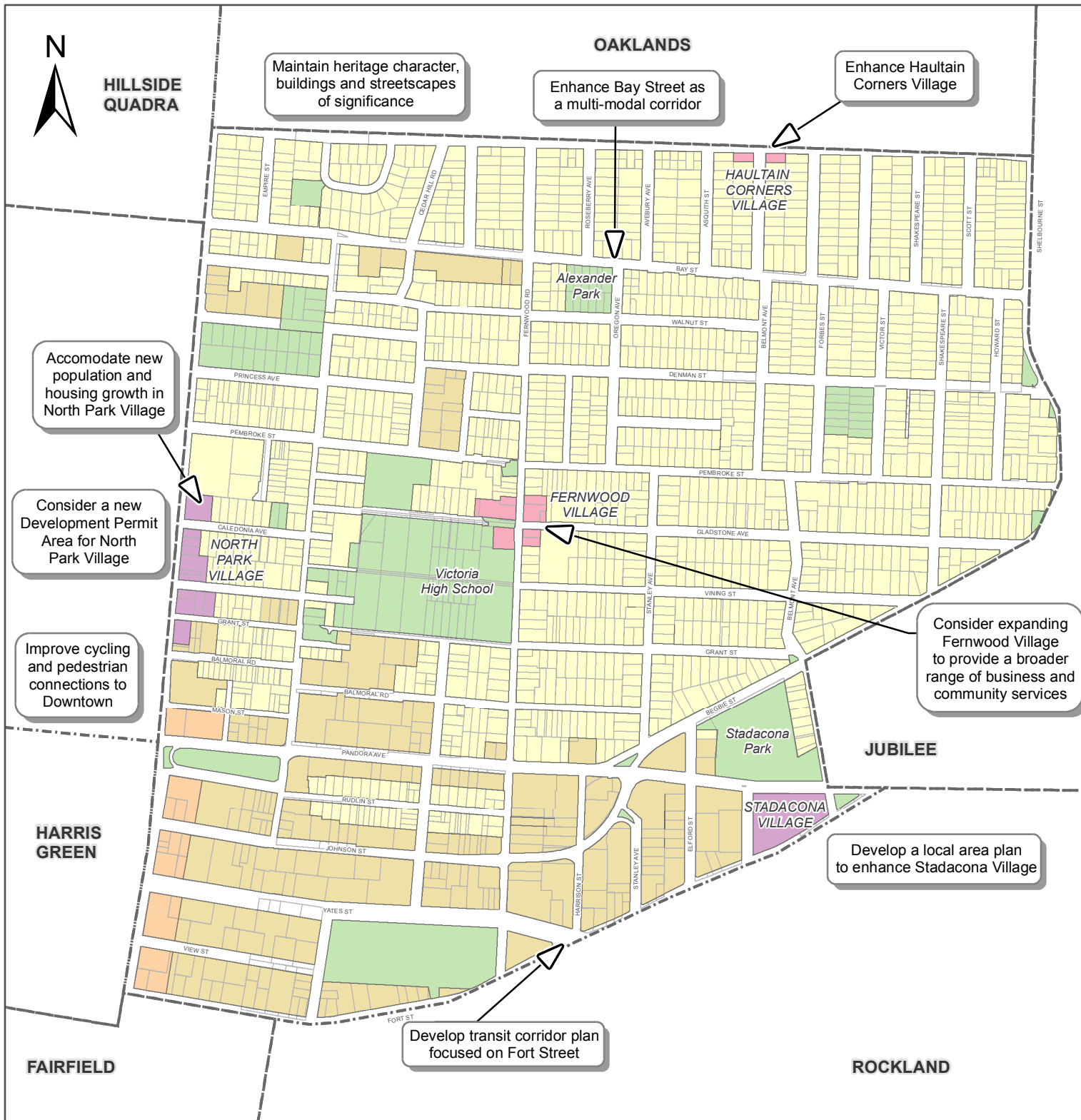
Fernwood Strategic Directions

Urban Place Designations*

- Core Residential
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space

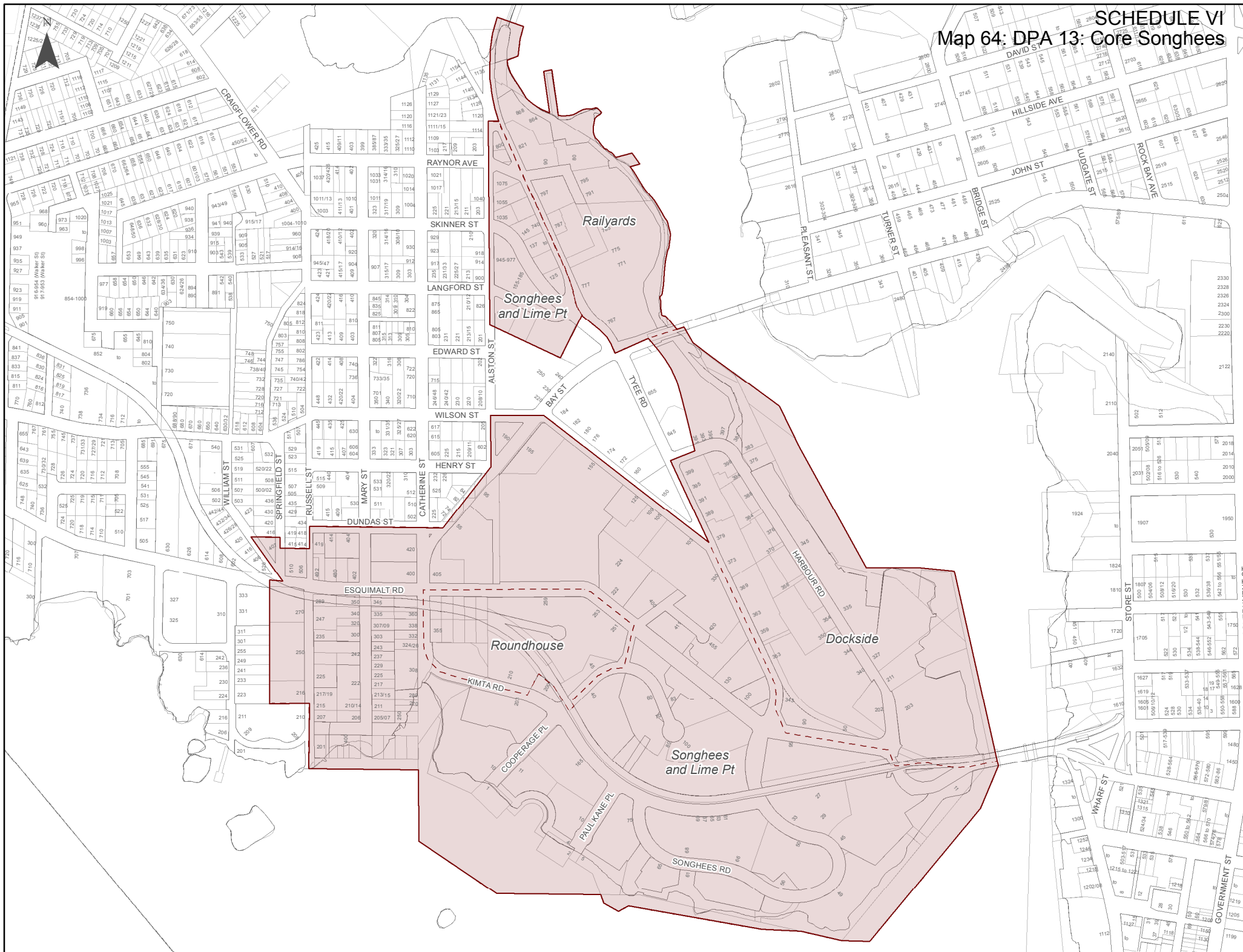
Public Facilities

- Existing Public School
- Community Centre



*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

SCHEDULE VI
Map 64: DPA 13: Core Songhees



From: George Zador, Planning and Zoning Chair, Fairfield Gonzales Community Association
To: Feedback@Victoria.ca
Date: Monday, Mar 31
Re: Exempting certain subdivision applications

It is reasonable to consider that when a piece of property meets all the requirements of subdivision, the development permit process for that reason alone is unnecessary, especially since there is still a need for a development permit for construction.

However, based on previous CALUC Community Meetings where property subdivision was the issue, it was often contentious since most residents tended to oppose the ensuing increase in density and reduction in their privacy.

I would suggest that if property subdivision (however rightful and within guidelines) occur without neighbourhood knowledge, and the first time neighbours find out about it is when the development permit for *construction* is under way, the resulting accusations of “the City is pushing it on us without consultation” would be very loud!

There must be some replacement process of direct advice to the affected neighbourhood when property is allowed to be subdivided, if the development permit route is abandoned.

Sincerely

George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca



James Bay Neighbourhood Association

234 Menzies St
Victoria, B.C.
V8V 2G7

www.jbna.org

April 22nd, 2015

Mayor and Council
City of Victoria

Dear Mayor and Councilors,

Re: CALUC: Development/Heritage Alteration Permit Applications & Subdivisions

Although this letter was triggered by the March 20th, 2015 communication from Community Planning inviting comment on proposed changes to the OCP to exempt most subdivision applications from requiring a development permit, this submission goes further and addresses community consultation gaps with regard to both Development and Heritage Alteration Permit Applications and to subdivisions.

Council will be aware that James Bay is associated with several new developments, permits, and variance applications each year. We are well aware of the work and tracking required for these applications. At the same time, we realize that for **a neighbour to a property for which there is an application for DPA/HAP/Variance, the impact of such a proposal may have more of an impact on the neighbour than a rezoning proposal.**

Subdivisions could be very important and have significant impacts on our community. As you see from the James Bay section of Map 32 (attached), a large part of James Bay falls within Development Permit Areas. Furthermore, much of this Development Permit Area is currently under review and/or development. Harbour properties, the RBCMuseum and Crystal Court properties, and the Menzies corridor are development permit areas.

With regards to Capital Park, we fully expect subdivision applications coming forward in the years ahead. Through discussions with the developers, we expect DP and subdivision applications to be reviewed at open JBNA meetings prior to City Public Hearings. However, we realize that other developers may not be as respectful of the need for public consultation as the Concert/Jawl consortium.

With regular scheduled meetings and the JBNA Development Review Committee (DRC) process, JBNA has proven to be an efficient facilitator of public consultation meetings. This predictability of process has been appreciated by developers as the "unknown" is more difficult to work with than the known.

JBNA communications, regarding recent rezonings and variance applications, including the 520 Niagara rezoning, have identified the gap that exists with review of these applications. The gap being that sending a letter to CALUC does not constitute a public community consultation process. (See attached excerpts of City statements.)

In 2012, JBNA received a letter referring to a variance application for a development at 408 Dallas (DVP 00110). Members of the JBNA Board reviewed the situation with a visit to the property and became aware of resident concerns. JBNA Board sent a letter of response, dated April 15th, to Council requesting that the variance proposal come forward to the community. No response was received, no community meeting occurred.

We ask Council to DIRECT staff to create a procedural requirement to provide neighborhood associations with the right to hold a full CALUC public process for any Variance, Development Permit, Heritage Alteration, and subdivision application process, upon request. This would be in keeping with Council's public commitment to consultation. Given the many DPA/HAP/Variations associated with James Bay, there have only been two over the past 5 years for which the JBNA Board would have requested the CALUC process.

The Public Hearing is properly where decisions are made, not where solutions are found and consultation occurs. The open neighbourhood association public meeting is the place for developers and neighbours to have open discussions to determine sensitivities and explore solutions.

Sincerely,



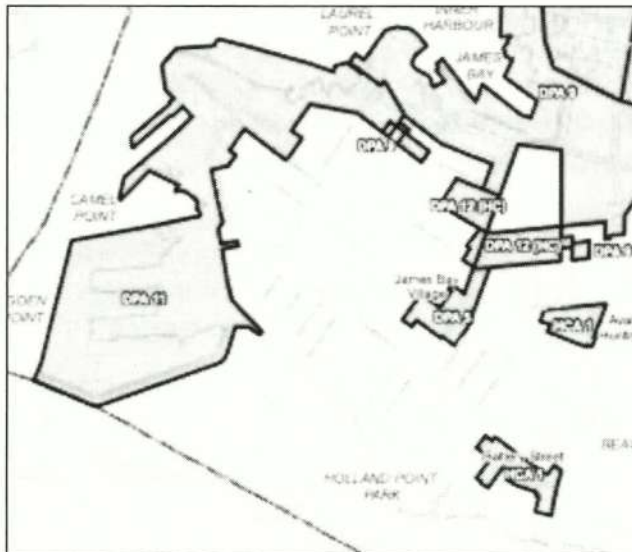
Marg Gardiner
President, JBNA

Cc: Marc Cittone, Planning
JBNA Board

JBNA ~ honouring our history, building our future

Attach:
Segment of MAP 32

Composite Map of
Development Permit Areas
and Heritage Conservation
Areas



Attachment to April 7th letter to Council re CALUC Process & Public Comment

Excerpt: March 18th letter re Capital Park Development permit (Felicia Ferguson)
"Generally Development permits with no variances are not submitted tot hen community Association . . . Note that comments are not required"

Excerpts: March 12th, 2015, Public Hearing for Capital Park

Q/A exchange between Councilor Isitt and Senior Planner Sikstrom (see video @ 2:23:40)

Q: Would development permit require Public Hearing?

A: **"it will not require public Hearing"** if guidelines met. Would go to PLUC and Council.

Q: What would process be for Phase 3.

A: **"the CALUC process invoked is one where a letter is sent to CALUC with the plans and if there are any comments from the community they are sent back by a letter to Council with a development permit without variances."**

Q: What are mechanisms for public?

A: **"Council can get letters. The public can write letters on any project, but there would be no formal notification, however."**

Toward the end of Public Hearing during Councilors' comments re decision/vote:

Councilor Isitt: **"nature of process is that the Public hearing is the last phase"**

E-mail exchange re January 29th, 2015, PLUC meeting comments

Date: February 11, 2015 8:48:54 AM PST

Subject: RE: 520 Niagara and PLUC

Hello Marg,

A future Heritage Alteration Permit application (or Development Permit) would only be referred to the CALUC if there were zoning variances proposed as part of the application. In that case, we would follow the City's CALUC process for variances where we would send the plans to the CALUC for comment when the application is received, and we would notify the adjacent property owners and occupiers of the Council meeting at which a hearing on the variances would be held.

The bylaw that Council has directed staff to prepare for 520 Niagara is focused on amendments to zoning regulations only, so it will not contain procedural requirements. Application procedures (including the CALUC process) are within the Land Use Procedures Bylaw. A full CALUC process (re: a pre-application community meeting associated with a rezoning application) would not be required for a HAP or DP with variances. However, as part of a variance application process, staff would strongly encourage the applicant to consult with the CALUC and the immediate neighbours. **Anything beyond what I've described would need to be directed by Council.**

I hope that clarifies things. Feel free to call if you would like to discuss further.

Thanks, Andrea

Andrea Hudson, MCIP RPP

Assistant Director - Community Planning Sustainable Planning and Community Development Department

Sent: Monday, Feb 9, 2015 4:36 PM

Subject: 520 Niagara and PLUC

Hi Andrea,

I have a question about . . . the January 29th PLUC meeting at which 520 Niagara was discussed.

In response to a question from Councillor Isitt, you had mentioned that if there were a Development Permit Application or a Heritage Alteration Application, the proposal at that stage would go to CALUC and neighbours would have an opportunity to comment.

We seek clarification since we have experienced situations when a notice is sent to JBNA and to neighbours for public hearings without going through the CALUC process with the usual notifications and call of a CALUC meeting.

Will there be a clause/requirement in the bylaw to ensure that there will be a **full CALUC process** with regards to any development on the site? Thanks for your clarification, Marg Gardiner, 250-360-0300



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*

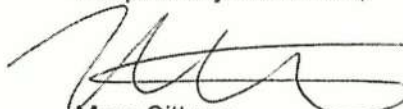
Instruct staff to prepare the necessary amendments to the Official Community Plan Bylaw to incorporate the changes as proposed in the report dated November 19, 2013, as follows:

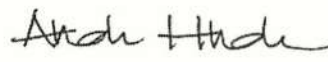
- b. *Correct clerical and mapping errors.*

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.

3. Planning and Land Use Committee – March 5, 2015

1. Development Variance Permit No. 00146 for 1486 Dallas Road

It was moved by Councillor Alto, seconded by Councillor Coleman, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00146 for 1486 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances.
 - a. Section 2.13.d – Increase in the maximum combined floor area from 380m² to 393.35m².
 - b. Section 2.1.4.a – Increase in the maximum number of storeys for a building with a basement from one and a half to two."

Carried Unanimously

2. OCP Amendments – Subdivision Exemptions and Administrative Amendments It was moved by Councillor Alto, seconded by Councillor Coleman,

1. That Council consider consultation and determine, pursuant to Section 979(1) and 979(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.
 - 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.
2. That 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.
3. That Council direct staff to initiate consultation as outlined in the report with the consultation period beginning on Friday, March 6, 2015, to Friday, April 10, 2015.
4. That 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.

Carried Unanimously

Councillor Isitt withdrew from the meeting at 11:08 p.m. due to a direct pecuniary conflict of interest as he is on the Board of the Greater Victoria Harbour Authority

3. Heritage Alteration Permit Application No. 00190 for 470 Belleville Street (CPR Steamship Terminal):

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application No. 00190 for the property at 470 Belleville Street, in accordance with:

1. Plans date stamped February 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Community Planning Division, Sustainable Planning and Community Development Department.

Carried Unanimously

Councillor Isitt returned to the meeting at 11:09 p.m.

MOTIONS

1. Notice of Public Hearings for the Council Meeting of Thursday, March 26, 2015

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, MARCH 26, 2015, at 7:00 p.m.:**

1. Rezoning Application No. 00456 for property known as 1330 Ivy Place
2. Rezoning Application No. 00436 for property known as 301 and 303 St. Lawrence Street
3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1023) to better define the regulations related to site area required for single family dwellings on small lots and panhandle lots.

Carried Unanimously

Councillor Isitt withdrew from the meeting at 11:09 p.m. due to a non-pecuniary conflict of interest with the following item as he has a personal relationship with the applicant.

Councillor Loveday withdrew from the meeting at 11:09 p.m. due to a pecuniary conflict of interest with the following item as he is working for the applicant.