



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

---

File #: 24-466, Version: 1

---

### TOWNSHIP OF ESQUIMALT STAFF REPORT

**MEETING DATE:** October 21, 2024

Report No. DEV-24-052

**TO:** Committee of the Whole

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:** Review Options for the Official Community Plan

#### RECOMMENDATION:

That the Committee of the Whole recommends to Council that staff be directed to initiate Official Community Plan Review Options 1, 2, and 3 (as outlined in staff report DEV-24-052) in 2025.

#### EXECUTIVE SUMMARY:

At the September 23, 2024, Committee of the Whole discussion about Council Priorities Mid-Year Refresh, staff was directed to schedule an additional opportunity for Council to discuss potential changes to the Official Community Plan (OCP). Based on recent changes to Provincial legislation, the Township has a statutory obligation to amend its Official Community Plan by December 31, 2025, to incorporate any 5-year and 20-year housing needs identified in an updated Housing Needs Report. This updated Housing Needs Report needs to be prepared and accepted by Council before December 31, 2024. In addition to the statutory requirements, there are other amendments that the Committee of the Whole may wish Council to consider as part of the Official Community Plan statutory update. These include:

- Incorporating any “recalibration” amendments that staff was working on but were deferred by Council to a Future Projects list in the Council Priorities Plan.
- Introduce and adopt a policy related to 12-storey height limits in the Commercial/Commercial Mixed-Use section of the Official Community Plan.
- Doing a comprehensive review of the Official Community Plan including a new vision for Esquimalt Road.

Each of these packages of amendments have different timelines and require different resources as outlined in the staff report. With the exception of the statutory obligation related to the Housing Needs Reports, none of the additional projects or initiatives are required. They are included for Council consideration because they may reflect Council’s direction in the coming years.

#### BACKGROUND:

An Official Community Plan is a “statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of a local government” (*Local Government Act* Sec 471). The plan must include maps and statements, related to the approximate location, type, and density of residential development for a period of at least 20-years; the approximate location and type of industrial, institutional, agricultural, recreational, and utility land uses; and the approximate location of public facilities including schools and parks. In addition, the Official Community Plan must include targets for the reduction of greenhouse gas emissions and must provide for at least the 20-year total number of housing units required to meet anticipated housing needs identified in the Housing Needs Report.

The recent changes to the *Local Government Act* require that the OCP be amended by December 31, 2025, incorporating the housing requirements identified in the Housing Needs Report. In addition to this statutory requirement, there are additional amendments that could concurrently be made to the Official Community Plan. These include:

- 1) Incorporating several “recalibration amendments” that staff was working on prior to the announcement of the amendments that would be required as part of Bill 44. Council directed (via the Council Priorities Plan) that staff focus efforts on the Zoning Bylaw changes associated with Bill 44. Further work on OCP recalibration amendments were to be deferred and likely incorporated into a larger review of the Official Community Plan associated with the requirements of Bill 44.
- 2) Introduce and adopt a policy to 12-storey height in the Commercial/Commercial Mixed-Use section of the Official Community Plan.
- 3) Do a major review of the Official Community Plan incorporating the results of a new Comprehensive Complete Streets Urban Design Study for Esquimalt Road including an economic analysis of various built environment scenarios to ascertain a range of economically viable built forms incorporating a mix of land uses.
- 4) Reviewing other sections of the Official Community Plan as identified by Council.

### **Chronology:**

- November 30, 2023 - Bill 44 Housing Statutes (Residential Development Act) receives Royal Assent
- September 23, 2024 - As part of the Council Priorities Plan mid-term refresh, Council instructs staff to arrange for further in-depth discussion of the Official Community Plan.
- December 31, 2024 - Housing Needs Report must be completed.
- December 31, 2025 - Official Community Plan must be amended to incorporate statements, policies, and maps to implement the results of the Housing Needs Report.

### **ANALYSIS:**

At the September 23, 2024, Committee of the Whole meeting, Council discussed several potential initiatives related to amendments to the Official Community Plan. Council was cognizant of the need and desires for amendments but at the same time expressed a desire to avoid a situation where the scope and level of effort of an OCP review would extend the project into 2026. In order to allow for a more fulsome discussion of potential amendments and implications, Council instructed staff to schedule time for a discussion at the October or November 2024 Committee of the Whole meeting. This discussion would focus on the following:

- What are the priorities for each member of Council?
- What does the project look like?
- What can and cannot be done by December 31, 2025?
- Finding the right scope - What is in and what is out?
- What does the communications plan look like to make sure the community is heard given that there are now fewer public hearings.

Council has a few options for Official Community Plan amendments in the coming years. These options are outlined below.

**Option 1** - Amend the Official Community Plan to meet the new requirements of Section 473.1 of the *Local Government Act*. The Official Community Plan must now do the following:

- Provide the 5-year and 20-year total number of housing units required to meet anticipated housing needs, as outlined in a 2024 Housing Needs Report.
- Include housing policies of the local government respecting each class of housing needs required to be addressed in the most recent Housing Needs Report.

#### Option 1 - Background

With the recent amendments to the *Local Government Act*, the Township has a statutory obligation to amend its Official Community Plan to comply with Section 473.1 of the *Local Government Act*. Using the online calculator specifically designed to calculate the number of housing units required, the preliminary estimates are that Esquimalt will require 1,403 new units in the next 5-years and 4,426 units in the next 20-years. These numbers will be confirmed in the updated Housing Needs Report to be presented to Council before December 31, 2024. The Official Community Plan must be amended to allow for this number of net new housing units. It is noted that there are currently over 3,000 housing units going through various planning processes or under construction in Esquimalt, so the current Official Community Plan already contains capacity for the 5-year housing need.

#### Option 1 - Project Scope

This option requires the Official Community Plan to be amended so that it contains policies that support the most recent Housing Needs Report.

#### Option 1 - Project Schedule

The Official Community Plan must be amended to comply with Section 473.1 of the *Local Government Act* by December 31, 2025.

#### Option 1 - Staff Impact

This can be done with existing staff resources, however, due to the statutory nature of this amendment, it will take priority over all other work including Council priorities and processing of applications.

The Communications Officer will also be required to commit time to preparing and disseminating various notices related to opportunities to review and comment on the proposed amendments.

#### Option 1 - Stakeholders/Potential Participants or Dependencies

As an amendment to the Official Community Plan, there are many stakeholders including: residents, business owners, First Nations, Department of National Defense, school districts, adjacent municipalities, the Capital Regional District, provincial and federal government agencies, and local organizations. A communications plan will be developed to disseminate information to these stakeholders. The proposed amendments will be available for inspection at the Municipal Hall and posted on the Township's website. Municipal bulletin boards and municipally controlled digital media platforms will be used to provide residents with details about how to access and provide comments related to the proposed amendments. As this is an amendment to the Official Community Plan, a public hearing will be required.

#### Option 1 - Project Risk Management.

This is a low-risk project. Staff anticipate some schedule challenges related to processing incoming land use applications and as well as capacity restrictions for any further Council priorities.

#### Option 1 - Financial Impact

As this Option will be completed with existing resources, no significant financial impact is anticipated.

Option 1 (OCP Amendments in accordance with *Local Government Act Section 473.1*) must be considered mandatory for inclusion in the Council Priorities Plan.

**Option 2** - Official Community Plan Recalibration, consisting of work to improve the quality and accuracy of the Plan, including any changes necessary because of the findings of the Development Capacity Study. This work is optional and would be done in addition to the mandatory work outlined in Option 1 above.

#### Option 2 - Background

Prior to the introduction of Bill 44 last fall staff was working on a number of "recalibration" amendments that would have updated the Official Community Plan but would not result in any significant changes in policy direction.

#### Option 2 - Project Scope

The scope of the proposed recalibration amendments includes:

- Fix grammatical errors.
- Update photos and illustrations.
- Update statistical tables based on the 2021 Census.
- Update the Regional Context Statement.

- Update Indigenous names.
- Incorporate information from the Housing Needs Report as per the statutory requirements of the *Local Government Act*.
- Review the list of bonus density amenities (e.g. add “provide dedicated space for the offices of doctors and other medical professionals”).
- Add a new section that allows bonus densities for Townhouse Residential.
- Delete policy regarding electric vehicle charging - this is required in the Parking Bylaw.
- Revise some terms such as changing “Age-Friendly” to “Multi-Generational”.
- Update policies related to the location of the Emergency Operations Centre.
- Add “zero carbon” to policies dealing with energy.
- Revise Low Density land use designation to incorporate Small Scale Multi-Unit Housing.
- Add policy to clarify that the applicable development permit designation accords to the Land Use Designation Map and ensure that the Development Permit Area map corresponds to the appropriate Land Use Designation Map.
- Update the list of development permit exemptions.
- Add new development permit guidelines related to bird friendly buildings.
- Update the present Land Use Designation map to reflect recent developments.
- Incorporating all amendments into a consolidated version of the Official Community Plan.

In addition, this option would incorporate any changes required as a result of the findings for the Development Capacity Study

#### Option 2 - Project Schedule

This option is a little more complicated than Option 1, however, because much of the work related to the recalibration is already done, it can be completed internally with the help of a public engagement consultant. The work for Option 2 can be done within the required statutory deadline of December 31, 2025, for Option 1.

#### Option 2 - Staff Impact

Most of the work can be done with staff resources, however, because of the number and breadth of proposed amendments, additional community consultation and graphic presentation will be required. This will require the hiring of an outside consultant.

#### Option 2 - Stakeholders/Potential Participants or Dependencies

While the stakeholders are similar for all options (see Option 1 for a list), greater public engagement is required for this option because of the number and breadth of amendments associated with the recalibration. Although the recalibration amendments primarily update the Official Community Plan and do not fundamentally alter policy, there are numerous amendments required and it is important for the public to understand the nature of the amendments.

#### Option 2 - Project Risk Management.

This is a low-risk project. Staff anticipate some schedule challenges related to processing incoming land use applications and as well as capacity restrictions for any further Council priorities.

### Option 2 - Financial Impact

Hiring a consultant to produce graphic materials and assist with community engagement is estimated to cost between \$5,000 and \$10,000.

**Option 3** - Consists of a policy change to incorporate 12-storey height guidance into the Commercial/Commercial Mixed-Use policy section.

### Option 3 - Background

On April 8, 2024, Council passed a motion that states, "That Council direct staff to prepare a report that outlines the implications of amending the OCP to apply an interim limit of 12 storeys to the residential portion of the Commercial/Commercial Mixed-Use designation until there is an OCP review conducted in 2025". The key implications are that the staff work required to complete Options 1 and 2 outlined above would also be required to complete a policy change for 12-storeys in Commercial/Commercial Mixed-Use designation. From an efficiency and effectiveness perspective, it is recommended that should Council wish to enact such a policy, that this work be completed concurrently with the work required to complete Options 1 and 2.

### Option 3 - Project Scope

This option requires providing Council with a background report related to adding a policy related to a 12-storey height in the Commercial/Commercial Mixed-Use land use. Official Community Plans cannot directly regulate height, since height is regulated by the Zoning Bylaw. If this Option is selected in isolation of Options 1 and 2 listed above, the following work would need to be independently organized: staff report outlining proposed amendments and confirmation of Council's desired list of referral agencies/organizations/governments; 30-day referral period waiting for feedback; review by the Advisory Planning Committee; preparation of bylaw amendments; a report for first and second readings with Council; a public hearing; third reading of the bylaw and then adoption.

### Option 3 - Project Schedule

If this option is selected in addition to Options 1 and 2 outlined above, then Options 1, 2 and 3 can be completed before December 31, 2025. If it is Council's desire to complete Option 3 independently of Options 1 and 2, staff will require more specific direction about expected outcomes and timelines before providing an impact assessment.

### Option 3 - Staff Impact

This can be done with existing staff resources, however, due to the statutory nature of the Option 1 portion of this work, it will take priority over all other work including Council priorities and processing of applications.

The Manager of Communications will also be required to commit time to preparing and disseminating various notices related to opportunities to review and comment on the proposed amendments.

### Option 3 - Stakeholders/Potential Participants or Dependencies

While the stakeholders are similar for all options (see Option 1 for a list), this option is likely to have a greater degree of public interest since building height is something many members of the community are interested in. There is also a need to disseminate information related to the purpose of the Official Community Plan vis a vis the Zoning Bylaw in terms of regulating building height.

### Option 3 - Project Risk Management.

The Options 1 and 2 project risks are outlined above. There are scheduling risks related to Option 3, as building heights within the Commercial/Commercial Mixed Use designation could initiate significant community feedback and discussion.

### Option 3 - Financial Impact

As this Option can be completed with existing resources, no significant financial impact is anticipated.

## **Option 4 - Major Review of the Official Community Plan.**

### Option 4 - Background

The Official Community Plan has not had a major review for over 10-years. The previous review that resulted in the 2018 Official Community Plan carried over many of the policies of the previous Official Community Plan and was best considered as a major recalibration rather than a new Plan. A major review of the Official Community Plan would incorporate the findings of a new Comprehensive Complete Streets Urban Design Study for Esquimalt Road including an economic analysis of various built environment scenarios to ascertain a range of economically viable built forms incorporating a mix of land uses.

### Option 4 - Project Scope

This option involves a complete review of the Official Community Plan.

### Option 4 - Project Schedule

This option would need to be done in two phases - phase one would meet the requirements of Section 473.1 of the *Local Government Act* and be completed by December 31, 2025. Phase

two would involve completion of the Esquimalt Road Urban Design Study noted above, significant policy analysis, land use assessment, and significant public consultation. It could take up to 2 or 3 years to complete phase 2 given the need to complete at least one major study and perhaps several others to help inform the review.

#### Option 4 - Staff Impact

This would require significant use of both staff and consultants.

#### Option 4 - Stakeholders/Potential Participants or Dependencies

While the stakeholders are similar for all options (see Option 1 for a list), due to the nature of this review there would need to be many more opportunities for engagement including open houses, an on-line presence, use of software to gather public comments, and ultimately a public hearing. A detailed communications plan would be required.

#### Option 4 - Project Risk Management.

Due to the nature of the potential changes, there is likely to be significant community discussion due to alternative visions for Esquimalt. It will therefore be necessary to back up all proposed major amendments with robust studies to support the amendments.

#### Option 4 - Financial Impact

Since this option would require the completion of at least one major study and extensive use of consultants, a specific budget package would be required. It is estimated that a consulting budget of approximately \$200,000 will be required.

### **OPTIONS:**

- I) That the Committee of the Whole recommends to Council that staff be directed to initiate Official Community Plan Options 1, 2, and 3 (as outlined in staff report DEV-24-052) in 2025. (Recommended)
- II) That the Committee of the Whole recommends to Council that staff be directed to prepare to initiate Official Community Plan Option 1 (as outlined in staff report DEV-24-052) in 2025.
- III) That the Committee of the Whole recommends Council that staff be directed to initiate Official Community Plan Options 1 and 2 (as outlined in staff report DEV-24-052) in 2025 subject to



budget approval for consultant support.

IV) That the Committee of the Whole recommends to Council that Council direct staff to initiate Official Community Plan Options 1 and 3 (as outlined in staff report DEV-24-052) in 2025 subject to budget approval for consultant support.

**COUNCIL PRIORITY:**

Housing

**FINANCIAL IMPACT:**

Preliminary estimates are:

- Option 1 - No significant impact.
- Option 2 - \$5,000 - \$10,000 budget request for consulting
- Option 3 - No significant impact
- Option 4 - A minimum budget request of \$200,000 for consulting.

**COMMUNICATIONS/ENGAGEMENT:**

The Communications requirements for each option are outlined above.

**TIMELINES & NEXT STEPS:**

The timelines and next steps for each option are outlined above.

**REPORT REVIEWED BY:**

1. Deb Hopkins, Director of Corporate Services, Reviewed
2. Ian Irvine, Director of Finance, Reviewed
3. Dan Horan, Chief Administrative Officer, Concurrence

**LIST OF ATTACHMENTS:**

There are no attachments to this report.