



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 18-111, Version: 1

REQUEST FOR DIRECTION

DATE: March 6, 2018

Report No. DEV-18-014

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Review of the first draft of the Official Community Plan

ESSENTIAL QUESTION:

Does Council have any concerns about the content of the Draft Official Community Plan?

Does Council wish to have staff revisit any of the material in the Draft Plan?

Does Council wish to have the Draft Plan referred to the APC for review?

Does Council wish to have any further public consultation based on the Draft Plan?

RECOMMENDATION:

That the COTW receive Staff Report No. DEV-18-014 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration along with a Bylaw for first and second readings.

BACKGROUND:

On September 28, 2015, Council approved the Project Charter for the Review of the Official Community Plan. From the time the project began until now staff have guided the review process through numerous public consultation phases involving a variety of means and methods (open houses, surveys (online and paper), public workshops, Council workshops, Facebook®, studies (e.g. Esquimalt Age-friendly Assessment), stakeholder consultations (e.g. School Districts number 61 and 93), statutory referrals, booth at Buccaneer Days, and interdepartmental consultation). The following timeline provides a chronological overview of the process to date:

September 28, 2015	Council authorizes the commencement of the review of the Official Community Plan.
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October 13, 2015	Council reviews the draft Official Community Plan survey.
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January 11, 2016	Staff presents the Official Community Plan survey results to Council.
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February 15, 2016 Council approves the Phase 2 consultation plan.

April 1, 2016 Council reviews the Township's Vision statement.

May 4, 2016 Looking Forward Forum held at the Recreation Centre.

December 12, 2016 Staff gives Council an Official Community Plan update.

February 20, 2018 Staff gives Council an Official Community Plan update.

May 5, 2017 Affordable Housing Workshop held at the Archie Browning Sports Centre.

June 7, 2017 Official Community Plan Open House held at the Archie Browning Sports Centre.

June 19, 2017 Staff present the Affordable Housing Workshop report to Council.

July 10, 2017 Staff present the Open House Report to Council.

October 3, 2017 Council holds a Special Committee of the Whole meeting to discuss housing policy.

September 2017 to February 2018 Staff draft policies and development permit guidelines.

For the past several months, the information that has been collected throughout the process has been collated and analyzed to develop the Draft Official Community Plan policies and Design Guidelines (Draft Plan) attached as Schedule "A".

The intent of the review process was not to rewrite the entire Official Community Plan but rather to update it to reflect emerging community values, changes to the law, and changes or new interpretations of the law. To this end, a fair amount of the 2007 Official Community Plan has been carried forward into the Draft Official Community Plan. On the other hand, the 2007 Official Community Plan also contained material that was either difficult to understand and interpret or should not have been in the Official Community Plan. These portions have been either removed from the Draft Plan or revised. There has also been substantial content added to the Draft Plan based on information received during the review process as well as changes to legislation. An overview of the major changes to the Draft Plan is outlined below:

- 1) The look and feel of the Plan has been updated to reflect contemporary legislative drafting practices and graphic design.
- 2) The introduction has been revised and updated, and now contains the Township's Vision, Mission, and Values statements.
- 3) The community profile has been updated using the results of the 2016 Federal Census. This section will be enhanced in the version of the Draft Plan that is presented to Council for first and second readings.
- 4) This Draft Plan follows the requirements of the Local Government Act in a more precise manner. This is manifested in a number of ways including the addition of another land use

designation map. As per the requirements of the Local Government Act, there are now two land use designation maps, one for the “Present” and one for the “Proposed” land use designations. Only a few changes to the land use designation map are proposed in the new Draft Plan. They are shown on the four maps in Schedule “B”. It should be noted that the relative distribution of building heights remains similar to those in the existing plan. Recently, staff and Council have received a number of submissions requesting to have the maximum heights lowered from 12-storeys to 6-storeys. There have also been some submissions requesting that the heights remain the same. Correspondence that has been received to date related to this matter is found in Schedule “C”. It should also be noted that the Draft Plan is a policy document as opposed to a regulatory document. The building heights in the plan are guidelines only; Council is not bound to follow them with the same rigor as heights in the Zoning Bylaw.

- 5) The Temporary Use Permit section has been made more robust and brought into line with the existing legislation. Under the 2007 Plan, Temporary Use Permits could only be issued for up to two years. Under the new Plan, they can be issued for up to three years in accordance with amendments made to the Local Government Act since the 2007 Plan was adopted.
- 6) The Development Approval Information Area section has also been significantly enhanced in order to better comply with the enabling provisions of the Local Government Act and recent case law. Further modifications to this section are likely to be made in the version of the Plan that is presented to Council for first and second readings in response to a more thorough review of recent court cases.
- 7) The Housing and Residential Land Use Section has been significantly revised with the addition of a quantitative analysis of trends in housing based on data from recent Federal Censuses. The analysis concludes that the municipality has sufficient land to accommodate its housing needs for the next five years.
- 8) Policy has been added that would allow Council to amend the Zoning Bylaw to allow suites in duplexes.
- 9) Policy has been added that would allow Council to amend the Zoning Bylaw to allow “Detached Accessory Dwelling Units” (aka laneway houses, granny flats, garden suites, coach houses) in low density residential areas.
- 10) Policy has been added that would allow Council to amend the Zoning Bylaw in order to allow short-term accommodation in residential areas (e.g. Airbnb®).
- 11) A section has been added on “Age-friendly Housing”.
- 12) Rather than differentiate multi-family housing based primarily on height as is the case in the 2007 Plan, the Draft Plan differentiates it based on density by referring to two classes of multi-family housing as either medium density with a floor area ratio of up to 2.0 and a height of up to 6-storeys, or a high density with a floor area ratio of up to 3.0 and a height of up to 12-storeys. Note that in the 2007 Plan, “Multi-Unit Low Rise Residential” was considered to be buildings up to 4-storeys with a floor area ratio of up to 1.5. Since the 2007 Plan was adopted, the BC Building Code has been amended in order to allow wood frame buildings up to 6-storeys. In order to ensure concurrence between the Draft Plan and the BC Building Code, the height of medium density buildings has been set at 6-storeys. In addition, the floor area ratio has been set at 2.0 in concert with the Plan’s overall goal of allowing for a moderate increase in density.
- 13) Policy has been added that encourages the use of the Revitalization Tax Exemption as an incentive for new or renovated purpose-built multi-unit rental buildings.
- 14) Policy has been added related to encouraging housing agreements that ensure that all

strata units have the opportunity to be used as long-term rental.

- 15) The Parks, Recreation, and Trails section has been updated based on discussions with the Parks and Recreation Department's senior management team.
- 16) The Transportation and Infrastructure sections have been updated based on discussions with the Engineering and Public Works senior management team.
- 17) A number of seminal policies are carried forward from the 2007 Plan into the Draft Plan. These include the policy to pursue the acquisition of dedicated parkland along Esquimalt's waterfronts at the time of subdivision.
- 18) The target for the reduction of the community's greenhouse gas by 38% has been moved from 2020 (less than two years from now) to 2030.
- 19) The greenhouse gas emissions target for 2050 has been increased from a reduction of 83% to a target of "zero net community greenhouse gas emissions". This target would be consistent with targets set by the City of Victoria and the District of Saanich.
- 20) An Urban Food Production section has been added to the Draft Plan.
- 21) The Economic Development section has been updated to reflect the Economic Development Strategy and recent Economic Development initiatives. Specific policies have been added related to the "clean technology" sector and encouraging an advanced educational institute to locate in Esquimalt.
- 22) The Regional Context Statement has not been included in the Draft Plan as staff are waiting for guidance from the Capital Regional District. A Regional Context Statement will be included in the Plan that is presented to Council for first and second readings.
- 23) The Development Permit Areas section of the Draft Plan has been significantly updated by both removing material that was outside of the realm of development permit guidelines and adding new material in response to amendments to the Local Government Act.
- 24) The following five new "environmental" Development Permit Areas have been added to the Plan:
 - a. Protection of the Natural Environment;
 - b. Protection of development from hazardous conditions;
 - c. Establishment of objectives to promote energy conservation;
 - d. Establishment of objectives to promote water conservation; and
 - e. Establishment of objectives to promote the reduction of greenhouse gas emissions.

All areas except for the "protection of development from hazardous conditions" encompass the entire municipality. This means that many properties will be subject to four or more development permit areas. There are provisions in the Plan to ensure that only one development permit application will be required even if a property is subject to more than one development permit area.

- 25) Also new to this section is the West Bay development permit area. It is based on the West Bay Neighbourhood Design Guidelines that were completed several years ago. It was always envisioned that the guidelines in the West Bay Neighbourhood Design Guidelines would be incorporated into the Official Community Plan when it was updated. Although the West Bay Neighbourhood Design Guidelines appear as an appendix in the Draft Plan, they will be slotted into their appropriate position in the Plan that is submitted to Council for first and second readings.

Overall, the Draft Plan represents a significant updating of the 2007 Plan as well as a clean up and

partial reorganization in order to make it more user-friendly. Changes have also been made in order to comply with existing legislation and recent case law. Most importantly, the Draft Plan incorporates the results of an extensive community consultation process. It is imperative that an Official Community Plan reflects the dreams and aspirations of its residents, employers, and business owners. In addition, the Plan incorporates the latest information available including: data from the 2016 Federal Census, the results of numerous studies and reports (e.g. Age Friendly Assessment, Healthy Housing Workshop, Affordability Housing Workshop, Economic Development round tables and resulting strategy, greenhouse gas emissions data, and published literature.) It is imperative that Council is comfortable with the content of the Draft Plan since it is the statutory document that will guide Council's land use decision making processes for the next five to ten years.

ISSUES:

Council is faced with a myriad of issues which are addressed in the Draft Plan. These include: providing both for-profit and not-for-profit developers with opportunities to provide housing, commercial, industrial, and urban amenities; building height and density; protection of the environment; provision of quality parks and recreational facilities; provision of quality municipal infrastructure; economic development; protecting land that generates jobs and wealth; and challenges in transportation. It is therefore imperative that Council is comfortable with the contents of the Draft Plan prior to staff bringing the Plan forward for first and second readings.

ALTERNATIVES:

1. That the COTW receive Staff Report No. DEV-18-014 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration along with a Bylaw for first and second readings.
2. That the COTW provide alternative direction to staff.
3. That the COTW request further information from staff.