
Request for Recommendation



To: Peter de Verteuil, CAO **File No:** 3900
C/W Meeting Date: February 19th, 2018 **Submission Date:** February 13th, 2018
From: Michelle Geneau, Manager of Planning
Reviewed By:
Subject: OCP Amendment Bylaw No. 3178, 2018

RECOMMENDATION:

That Council give first and second readings to Official Community Plan Amendment Bylaw No. 3178, 2018, a bylaw to modify Section 6.4 Temporary Use Permit Policies, Section 12.1 Development Permit Policies, Section 12.2 DPA-1 Multi-Family Residential Development Permit Area Guidelines, and Section 12.3 DPA-2 Downtown Development Permit Area Guidelines.

And That Council set a Public Hearing date for March 19th, 2018 for Bylaw No. 3178.

BACKGROUND:

The proposed Official Community Plan Amendment Bylaw No. 3178, 2018 will provide updates to Development Permit Policies and Guidelines that were reviewed and recommended by the Advisory Design Panel. In addition, the Temporary Use Permit Policy section will be amended to expand the types of uses that may be permitted through the issuance of Temporary Use Permits, an issue which was raised through Council's recent consideration of emergency shelter uses. Emergency shelter use is discussed in the staff report on the new Zoning Bylaw No. 3166, 2017, also on the February 19, 2018 agenda.

Minor Development Permit Exemptions

A majority of applications for Development Permits (DPs) are submitted for minor aesthetic improvements, such as: exterior paint colour and the installation, replacement, or removal of awnings/canopies, fences, or landscaping. The effect is twofold:

- Staff devote an inordinate amount of time to the review of minor DP application materials, the creation and organization of paper and computer files, and final review and approval by the Director of Corporate Services and the CAO. Once approved, a Development Permit must be filed with the Land Titles Office by Financial Services staff.
- Property owners/applicants are required to pay a minor DP fee of \$50, as well as a \$10 fee in place of supplying a current Land Title, in addition to undergoing the application approval process.

The proposed OCP amendment seeks to streamline the Downtown DP process, while simultaneously making it easier for property owners to make exterior changes to existing development by simply providing advance written notice to the Development Services Department with any relevant colour swatches, drawings, precedent images, and other materials displaying the type of works they intend to perform.

As long as the proposed works follow the Downtown DPA guidelines for paint, awnings/canopies, fencing, and landscaping, the property owners/applicants will be waived the fees and application process. Only proposals with clear and obvious variations will be subject to the Development Permit application process.

The proposed OCP amendment (Appendix A) will add an exemption policy targeted toward Downtown development, which has been reviewed by a lawyer.

At January 2018, the ADP reviewed the proposed DPA exemption policy and passed a motion to support the amendment without changes.

Development Permit Area Design Guidelines

The review and update of the OCP design guidelines forms part of the City's Strategic Plan:

Priority #2: Ensure zoning and policies are consistent with the Strategic Plan & OCP

2.1 Update and review the Official Community Plan (2017-2018)

2.2 Review Development Permit Guidelines (2017-2018)

Priority #5: Encourage a business & development friendly environment

5.1 Review development approval processes and requirements for efficiency and attractiveness (2017-2018)

The design guidelines are being reviewed and updated in numerical order, starting with DPA-1 (Multi-Family) and DPA-2 (Downtown). It is expected that a new OCP amendment will be brought forward later in 2018 with the remaining DPA Guidelines. A full OCP review is also necessary, but improvements to the DPA guidelines in the meantime will assist with providing clarity on desired design objectives for DP applicants.

In May 2017, the Acting Manager of Planning, Dave Pady, presented draft Multi-Family DPA Guideline revisions to the Advisory Design Panel (ADP) who had several suggestions for improvements. In June 2017, the ADP reviewed further changes made by staff and passed a motion to support the proposed guidelines.

In October 2017, the Manager of Planning, Michelle Geneau, presented draft Downtown DPA Guideline revisions to the ADP. The ADP made suggestions for further improvements, which they reviewed in November 2017 and passed a motion to support the proposed guidelines provided that more visual representations are included prior to Council approval of the OCP amendment.

ANALYSIS:

The proposed OCP amendment will revise Section 6.4 Temporary Commercial Use Permits and a portion of Section 12 – Development Permit Areas (Appendix B).

6.4 Temporary Commercial Use Permits

Council has directed staff to develop policies to require public consultation prior to the approval of emergency shelter locations. Definitions and regulations have been proposed for the new Zoning Bylaw to implement this Council direction. It is also recommended that Council utilize Temporary Use Permits as a tool to authorize and require public consultation in the consideration of emergency shelter location proposals. The *Local Government Act* authorizes local governments to use Temporary Use Permits and requires public notification to surrounding properties, as well a Public Hearing prior to issuance of a permit. The current Section 6.4 only contemplates the issuance of Temporary Use Permits for commercial uses otherwise prohibited in the Zoning Bylaw. Therefore this section of the bylaw must be updated to broaden the types of uses.

The section states that permits may be issued for a period of up to two years, and may, upon application, be renewed for up to a further two years. If the use is intended to occur for a longer period of time, a rezoning would be necessary.

It is recommended that "Commercial" be removed from the section heading and within the body of the section.

The section currently includes the following policies:

- 6.4.1 Issue temporary commercial use permits within commercial areas if Council is satisfied that:
- the temporary use is on a trial/ interim basis or a seasonal or occasional use, and where the use does not qualify as a home based business;
 - the temporary use does not adversely affect adjacent or surrounding properties in terms of pollution, odour, noise, light, traffic generation, parking or loading; and,
 - issuance of the permit will not establish a competitive advantage to the detriment of businesses operating in locations where the use is permitted.
- 6.4.2 Discontinue the temporary use permit upon expiry of the time period authorized. The use of land, buildings or structures permitted by the permit shall cease to exist and shall not be considered as a non-conforming use.

It is recommended that a new policy be added after 6.4.1:

Issue Temporary Use Permits for emergency shelters, as defined in the Zoning Bylaw, provided that Council is satisfied that:

- *the applicant has undertaken public consultation in accordance with Section 11.1 of the OCP; and*
- *the applicant has provided detailed implementation information, including a description of measures that will mitigate any negative impacts that operation of the emergency shelter may have on the surrounding commercial and residential neighbourhoods (e.g. hours of operation, cleanup plans for the area, supporting agencies, etc.).*

Section 11.1 Public Involvement is included in Appendix B for information. Council also has the ability to set conditions (including the requirement of security deposits) for the issuance of Temporary Use Permits, but the bylaw does not need to include information on the conditions.

12.1 Development Permit Area Policies

The introductory paragraphs of Section 12.1 outline the legal rationale for designating Development Permit Areas (DPAs) in the City and the general Development Permit (DP) process. Subsection 12.1.2 establishes the circumstances that may be exempted from obtaining a DP. Under this exemption section, two changes are sought in the proposed Bylaw Amendment.

1. Subsection 12.1.2(e) currently states that “minor alterations to the exterior of a building or structure that do not change the form or character of the development, e.g. minor changes to design, exterior finish, or landscaping” will be exempted from obtaining a DP. The proposed amendment will specify the form and character DPAs in which this statement applies (Multi-Family DPA-1, Trans Canada Highway Corridor DPA-3, and Other Commercial Areas DPA-4).
2. Following subsection 12.1.2(t) a new subsection (u) is proposed to specify DP exemptions specifically in the Downtown DPA (DPA-2):

Within the Downtown DPA (DPA 2), an owner shall be exempted from the requirement for a development permit, provided the owner supplies advance written notice to the City showing how their impending works conform to the applicable development permit guidelines and furnishes sufficient swatches, pictures, and drawings displaying the proposed works. Exemptions shall apply to the following:

1. *Install or replace canopies and awnings, as specified in the ‘Canopy Design’ section.*
2. *Paint the exterior of an existing building in any colour contained in the following, as specified in the ‘Building Materials – Colours’ section:*
 - a) *the Benjamin Moore ‘Historical Colours’ Palette*
 - b) *the Cloverdate Paint ‘Artisan Canadian’ Palette*
 - c) *the General Paint ‘Color Directions Exteriors’ Palette*
 - d) *the Sherwin Williams ‘Exterior Historic Colors’ Palette*

3. *Install, replace, or remove fencing using the same fencing materials and finishes or replacing fencing with fencing that meets the Downtown DPA guidelines (fencing regulations within the Zoning Bylaw still apply).*
4. *Install, replace, or remove landscaping, as specified in the ‘Landscaping and Screening’ section and the Zoning Bylaw, as long as the net area of landscaping on the parcel is not reduced.*

12.2 DPA-1 – Multi-Family Residential Areas Guidelines

In the initial presentation of draft amendments to the DPA Guidelines to the ADP, staff explained that many of the existing guidelines are:

- already captured by the new proposed zoning bylaw;
- are not realistic given the rapidly changing context of multi-family areas and non-conforming single family dwellings contained within the multi-family zones;
- are not specific to the City of Duncan in any identifiable way; and
- should be amended or completely repealed/replaced in order to make them consistent with, and augment, the proposed Zoning Bylaw.

In response to the initial review by the ADP and staff, changes to the DPA-1 guidelines were made as follows:

- added “creating visual delight” in the Objectives section;
- added “new development on a corner site should be designed to contribute to both streetscapes”;
- eliminated repetitive guidelines or similar guidelines contained in more than one section;
- combined some guidelines where two guidelines discuss related topics;
- changed the description of finishing materials and adding “locally derived or inspired” materials;
- removed references to complementing existing residential development; attempted to shift focus to OCP goals for development; and
- increased focus on accessibility.

12.3 DPA-2 – Downtown Guidelines

The review of the Downtown Development Permit Area Guidelines yielded a large amount of changes and restructuring. Key changes include:

- reorganize the section headers and delete redundant guidelines;
- create subheadings and numbering to organize the Objectives category;
- add guidelines pertaining to maximizing land efficiency;
- promote a mix of commercial and residential uses through the addition of specific mixed use guidelines within some categories;
- add images throughout the guidelines to visually represent desired outcomes;
- increase accessibility and walkability; and
- encourage environmentally-minded development.

In order to somewhat expand the colour selection, while maintaining a heritage colour theme downtown, three new suggested historical colour palettes were added to the Colours category (in addition to the existing example of the Benjamin Moore ‘Historical Colours’ Palette): Sherwin Williams ‘Exterior Historic Colours’, Cloverdale Paint ‘Artisan Canadian’ Palette, or General Paint ‘Color Directions Exteriors’ Palette.

Staff pointed out to the ADP that Council has been concerned over the past several years with the covering of existing ground floor windows with solid (sometimes permanent) materials or vinyl graphics. The ADP reviewed related guidelines from several other local governments and supported

the following modifications:

Existing:

- Mirrored glass or other opaque materials should be avoided at street level.

Proposed:

- Mirrored glass or other opaque materials at street level should be discouraged.
- Window displays and visibility into the store are encouraged.

IMPLICATIONS:

- Financial:** By exempting minor exterior changes from the DP process and therefore the \$50 fee, the City will take in less money from DPs. However, the staff time involved in reviewing and processing these applications far outweighs the cost of the application itself. So, streamlining the development process is expected to be cost-saving in the long term.
- Policy/Legislation:** The OCP will require a new consolidation.
- Strategic Priority:** Relates to Strategic Priority 2.1 (Update and review the Official Community Plan), 2.2 (Review Development Permit Guidelines), and 5.1 (Review development approval processes and requirements for efficiency and attractiveness).
- Sustainability:** Sustainable development measures have been infused throughout the design guidelines.
- Communication:** An OCP amendment requires a Public Hearing in accordance with the *Local Government Act*.
- Staffing Implications:** By exempting many minor DPs from formal review and processing, it is expected that staff will be able to focus on other important tasks, such as responding to public enquiries and developing land use and development policy.

ALTERNATIVE OPTIONS

1. **That Council recommend changes to Official Community Plan Amendment Bylaw No. 3178, 2018, prior to giving first and second readings.**

APPENDICES:

Appendix A: OCP Amendment Bylaw No. 3178, 2018

Appendix B: Existing OCP Sections