G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the April 5, 2018 COTW Meeting

Moved By Councillor Loveday Seconded By Councillor Alto

Rezoning Application No. 00619 & Development Permit Application No.000520 for 356 Harbour Road

Rezoning Application No. 00619

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00619 for 356 Harbour Road, that first and second reading of the Zoning Regulation Bylaw amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

 Registration of reciprocal access easements on title to the satisfaction of the City Solicitor.

Development Permit Application No.000520

That Council, after the Public Hearing for Rezoning Application No. 00619, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000520 for 356 Harbour Road, in accordance with:

- 1. Plans date stamped January 25, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Thornton-Joe returned to the meeting at 10:23 a.m.

F. LAND USE MATTERS

F.2 <u>356 Harbour Road - Rezoning Application No. 00619 and</u> Development Permit Application No. 000520 (Vic West)

Council received a report dated March 22, 2018, from the Director of Sustainable Planning and Community Development regarding an application to add brewery, distillery, and liquor retail store as an accessory use to the permitted land uses to the property at 356 Harbour Road.

Moved By Councillor Madoff Seconded By Councillor Lucas

Rezoning Application No. 00619 for 356 Harbour Road

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00619 for 356 Harbour Road, that first and second reading of the Zoning Regulation Bylaw amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

 Registration of reciprocal access easements on title to the satisfaction of the City Solicitor.

Development Permit Application No. 000520 for 356 Harbour Road

That Council, after the Public Hearing for Rezoning Application No. 00619, if it is approved consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000520 for 356 Harbour Road, in accordance with:

- 1. Plans date stamped January 25, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of April 5, 2018

To:

Committee of the Whole

Date: March 22, 2018

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00619 for 356 Harbour Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00619 for 356 Harbour Road, that first and second reading of the Zoning Regulation Bylaw amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

 Registration of reciprocal access easements on title to the satisfaction of the City Solicitor.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures; the density of the use of the land, buildings and other structures; the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 356 Harbour Road. The proposal is to amend the CD-9 Zone, Dockside District, to add brewery, distillery and liquor retail store as an accessory use to the permitted land uses outlined in Development Area DA-D, sub-area D2 of the zone

The following points were considered in assessing this application:

- the application is consistent with Official Community Plan, 2012 (OCP), Core Songhees
 Urban Place Designation, which supports commercial and mixed-use buildings from
 three to six-storeys, and the revitalization of the former railyards and heavy industrial
 sites for this purpose
- the application is consistent with intent of the recent rezoning, approved by Council in January, 2017.

BACKGROUND

Description of Proposal

This Rezoning Application is to add brewery, distillery and liquor retail store as an accessory use to the permitted land uses within Development Area DA-2, sub-area D2 of the CD-9 Zone, Dockside District.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application (No. 000520) for this property.

Active Transportation Impacts

Active transportation impacts are reviewed with the concurrent Development Permit Application (No. 000520) for this property.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by mixed commercial uses along the Harbour Road frontage and mixed residential uses to the rear (West) of the subject property. The subject property is on Harbour Road, the immediate neighbours include:

- North: Farmer Construction
- South: Biomass facility for Dockside Green
- East: Harbour Road and the Point Hope Ship Yard
- West: Vacant (envisioned as two to three-storey residential forming the "Greenway Mews" in the Dockside Green Urban Design Guidelines (2016).

Existing Site Development and Development Potential

The site is currently in the CD-9 Zone, Dockside District, Development Area DA-D, sub-area D2 and is currently vacant. Under the current CD-9 Zone, the property could be developed with residential, commercial and light industrial uses up to a maximum height of 26.51m; however, development must also be consistent with the mandatory requirements outlined in the *Dockside Green Urban Design Guidelines* which stipulates low-rise commercial or light industrial buildings for this area.

Data Table

The following data table compares the proposal with the existing CD-9 Zone, Dockside District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CD-9 (DA-D, D2)
Total floor area (m²) - maximum	1121.70	16570
Office Floor Area (m²) - maximum	188	11800
Retail Floor Area (m²) - maximum	25.06	300
Production Area (m²) - maximum	454*	n/a
Geodetic Height (m) - maximum	13.63	26.51
Parking - minimum	22	21
Bicycle parking stalls (minimum)	3 x Class 1 (secure and enclosed) 14 x Class 2 (bicycle racks)	2 x Class 1 (secure and enclosed) 1 x Class 2 (bicycle racks) (+ additional 10 per MDA, total 11)

Relevant History

As indicated in the applicant's letter dated October 31, 2017, it was the intent of the Zoning Regulation Bylaw amendment, approved by Council in January, 2017, to permit brewery, distillery and liquor retail uses for both of the newly created sub areas within development area DA-D; however, this was not captured in the subsequent Zoning Regulation Bylaw amendment. Instead the new uses were only attributed to the D1 sub-area and not the D2 sub-area which contains the subject property.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Victoria West CALUC which waived its requirement to review the Rezoning Application as indicated in their letter dated September 28, 2017.

ANALYSIS

The subject lands are identified in the OCP as being located within the Core Songhees Urban Place Designation. Land uses consistent with this designation include residential, commercial (office, retail, visitor accommodation), institutional and light industrial. As previously indicated during the 2017 rezoning for the undeveloped Dockside Green lands, the proposed additional permitted uses are consistent with the uses contemplated for the Core Songhees area. It was noted that light industrial uses were contemplated in this location and, therefore, regulations would be included in the amended CD-9 Zone to limit the size of any manufacturing component associated with a distillery or brewery to ensure that they remain small-scale in nature, and compatible with the neighbourhood. The regulations developed as part of the previous Zoning Regulation Bylaw amendment are not subject to change as part of the current Rezoning Application. Instead, only the addition of brewery, distillery and liquor retail store uses to

Development Area DA-D, sub-area D2, as defined and regulated in the previous Bylaw amendment, is proposed. For this reason, Staff recommend for Council's consideration that this Rezoning Application be supported.

Registered Easements

Many of the accesses throughout Dockside Green are shared amongst neighbouring properties. This arrangement helps to minimize paved surfaces and reduce conflicts between pedestrian and vehicular traffic. Additionally, shared access efficiently utilizes infrastructure and promotes a pedestrian and human scaled environment over vehicle priority. Should Council consider approving the concurrent Development Permit Application, a reciprocal access agreement must be registered on title to the satisfaction of City Staff to ensure access to this and neighbouring properties. Appropriate language has been provided in the motion to achieve this requirement.

CONCLUSIONS

The addition of brewery, distillery and liquor retail store uses to Development Area DA-D, subarea D2, in the CD-9 Zone, Dockside District, is in line with the intentions of the previous rezoning for the Dockside Green lands (January, 2017), and the objectives of the OCP. As such, Staff recommend for Council's consideration that the proposed Zoning Regulation Bylaw amendment be supported.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00619 for the property located at 356 Harbour Road.

Respectfully submitted,

Miko Betanzo, Senior Planner Urban Design

Sustainable Planning and Community

Development Department

Jonathan Tinney, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager

List of Attachments:

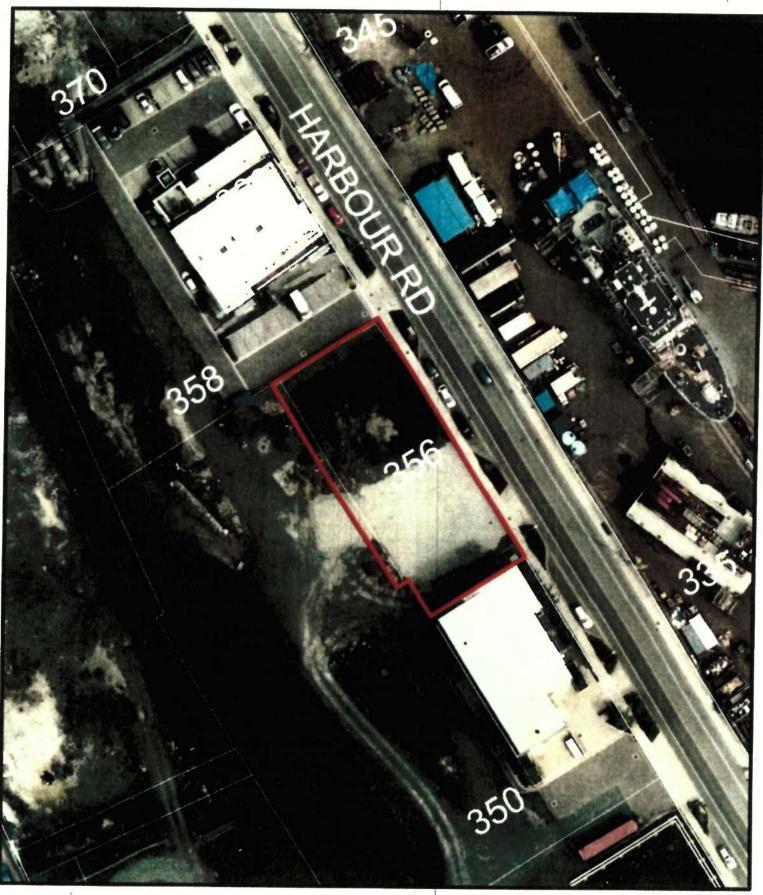
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 25, 2018
- Attachment D: Letter from applicant to Mayor and Council dated October 31, 2017
- Attachment E: Community Association Land Use Committee Comments dated September 28, 2017





Rezoning No.00619 &







356 Harbour Road Rezoning No.00619 & Development Permit No.000520



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BUILDING D-2: MERRIDALE DISTILLERY & BREWHOUSE

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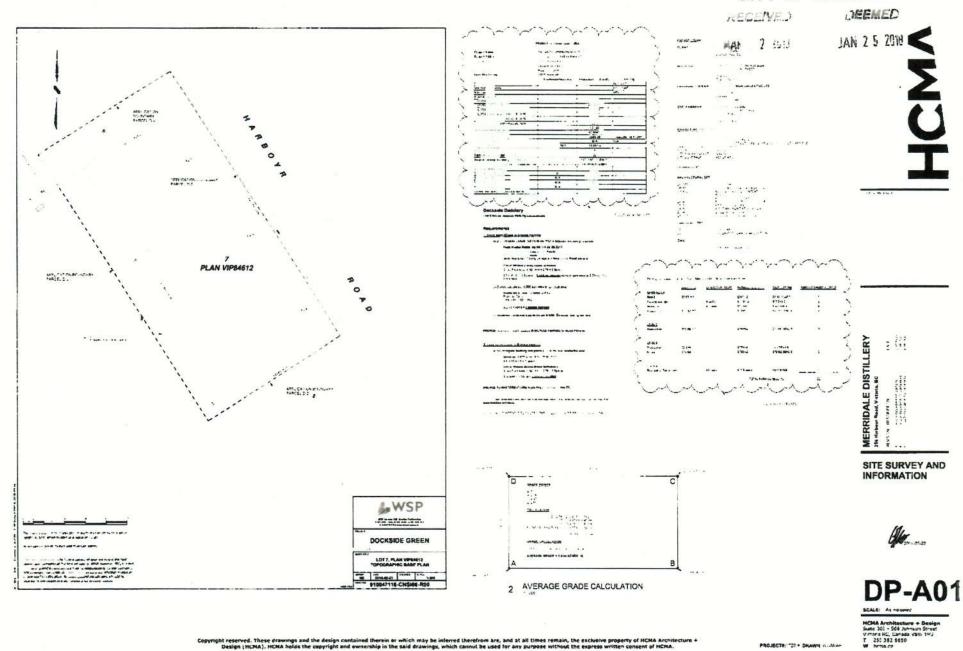
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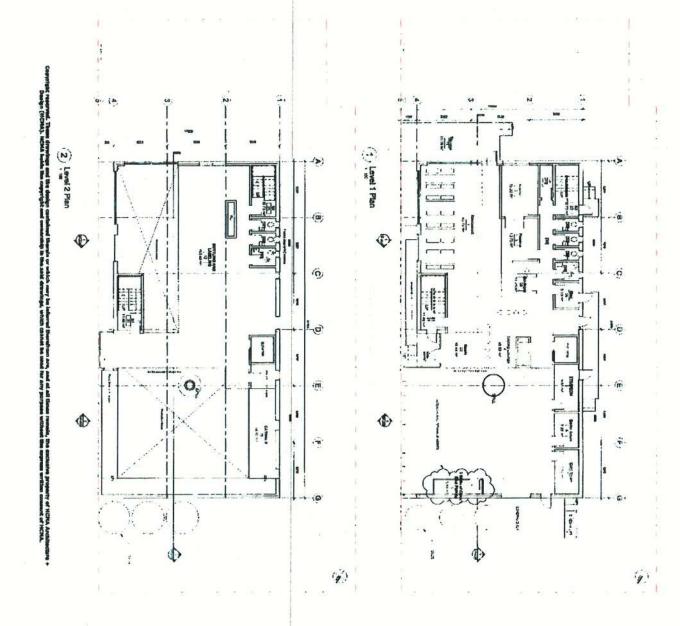
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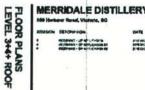
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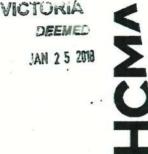
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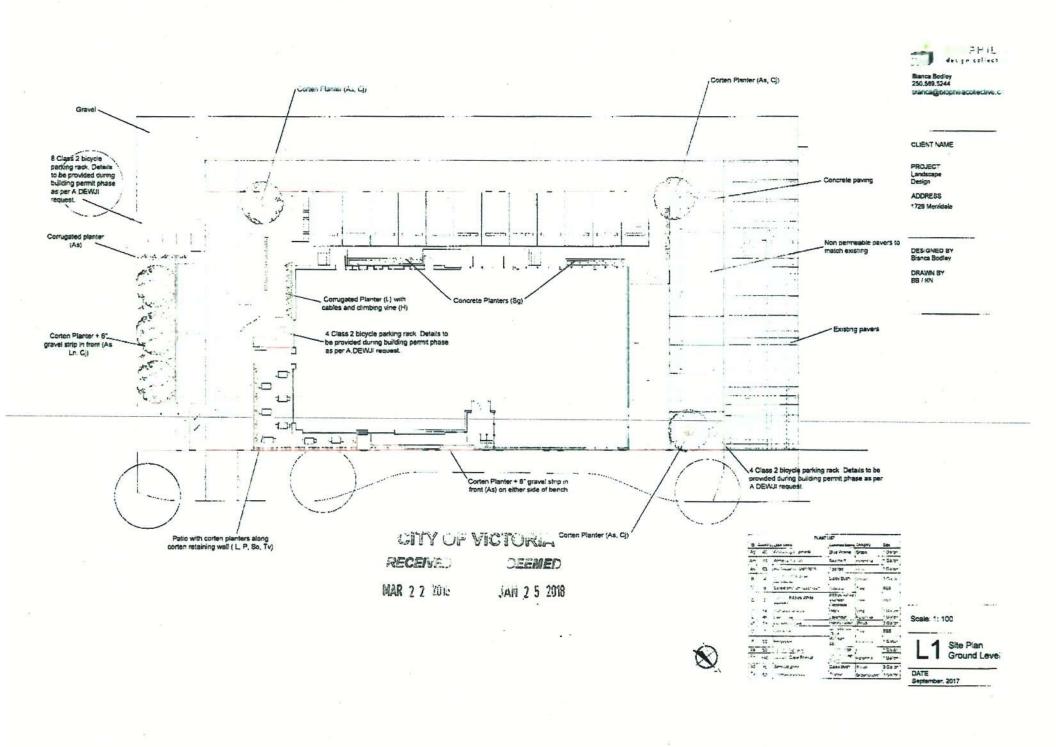
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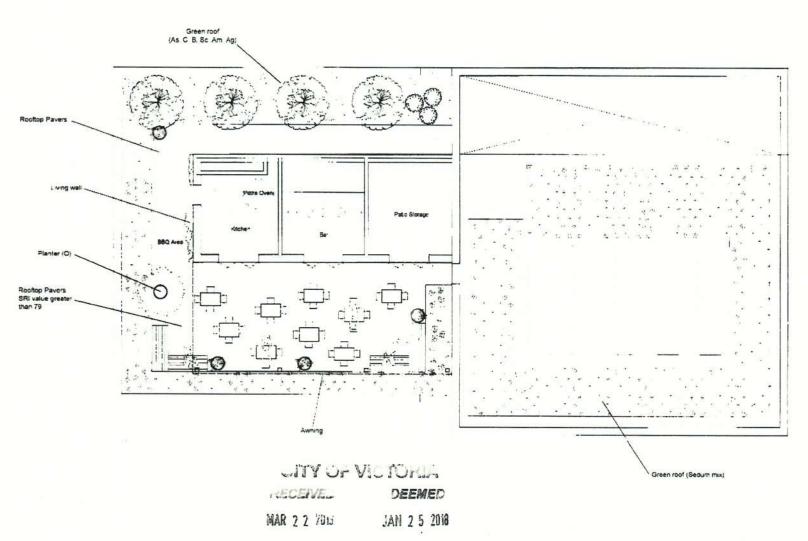
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Bianca Bodiey 250 589 8244

CLIENT NAME

PROJECT Landscape Design

ADDRESS 1729 Merridale

DESIGNED BY Bianca Bodley

DRAWN BY

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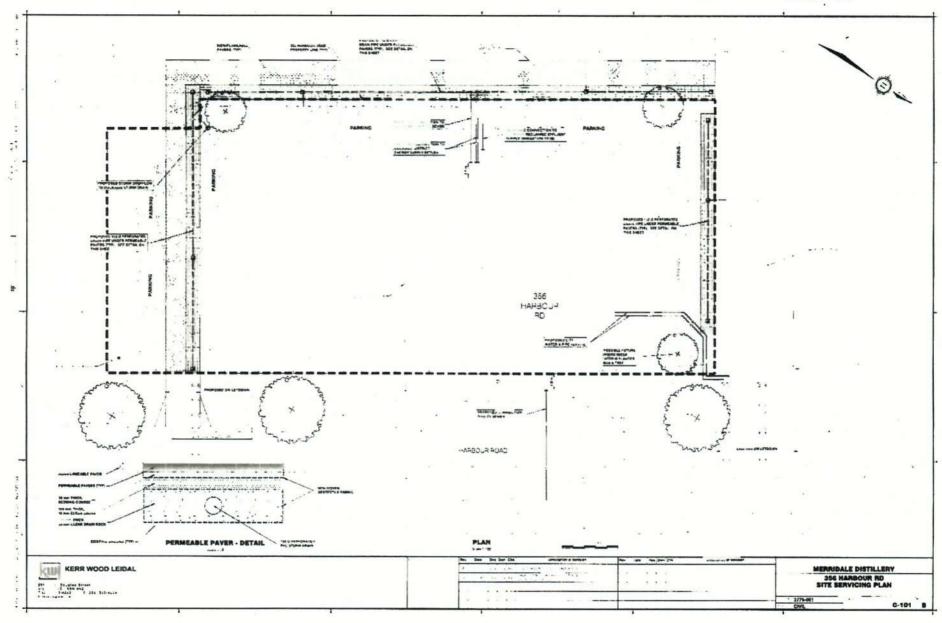
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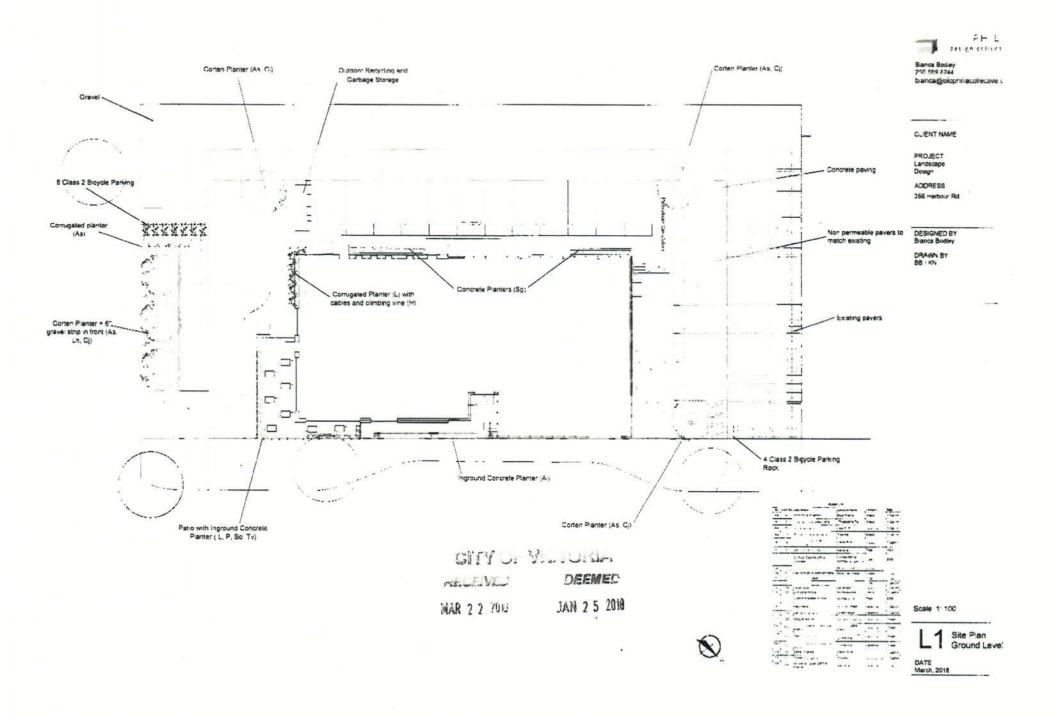
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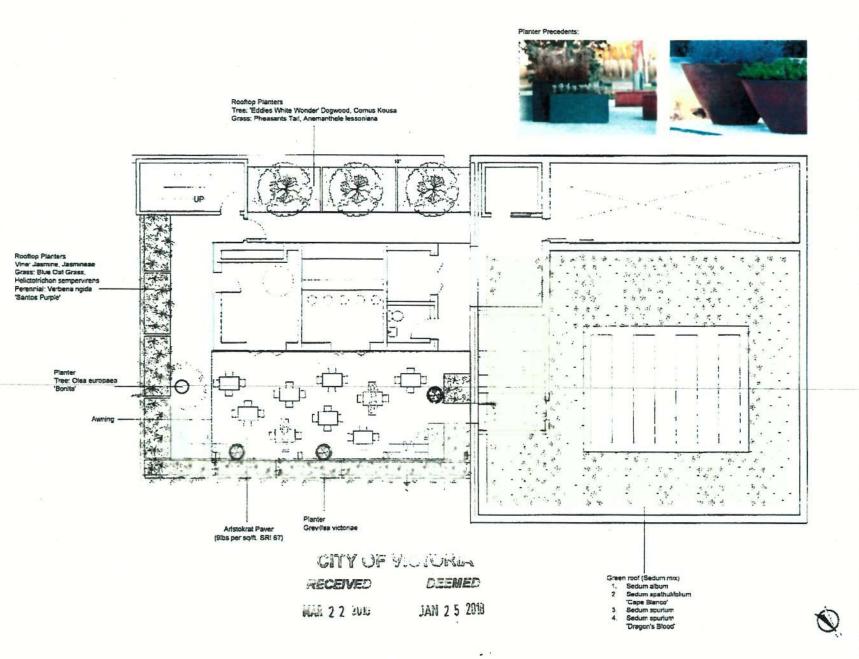


Blanca Bodley 250.589.8244 bianca@biophiliacoflective.ca

PROJECT 356 Harbour Rd Landscape Design

DATE: March 2018





Die:

Bianca Bodley 290,589,8244 bianca@biophiliacollective

CLIENT NAME

PROJECT Landscape Design

ADDRESS 356 Harbour Rd

DESIGNED BY Branca Bodley

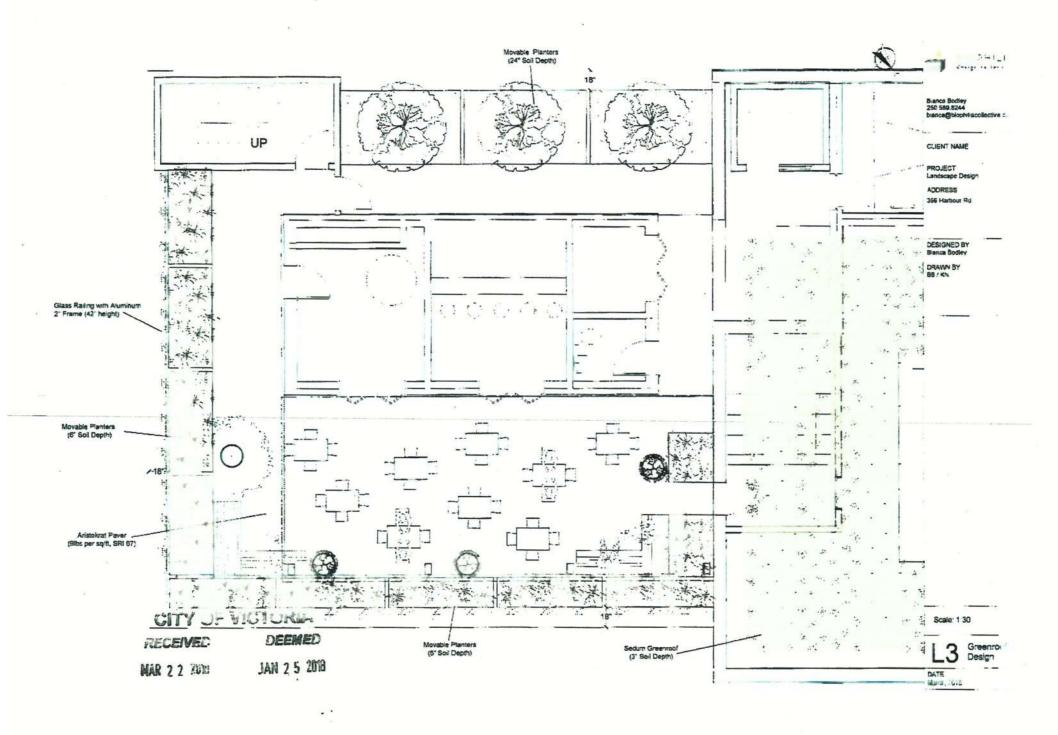
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DOCKSIDEGREEN

355 Type Road Victoria, British Co., mbia Canada V9A 3S3 www.docksidegreen.com



Monday October 30th, 2017

City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Dear Mayor Helps and City of Victoria Council,

RE: Dockside Green D-2 Rezoning Application (356 Harbour Road)

Please find enclosed our rezoning application for the purpose of correcting a bylaw drafting error for the recently completed Dockside Green rezoning. The enclosed application seeks to address Development Area Sub Area D2 so as it includes the same uses as Sub Area D1 as was intended by our original rezoning application approved in 2017.

As a bit of background, in the Rezoning Submission presented to Council in October 2015 Dockside Green applied to add a number of new uses to the Dockside Green lands. As detailed on page 95 of our application booklet, Dockside Green applied to add the following uses to Development Areas D and E:

- Child Care
- Cultural Facility, including museums, theatres and art galleries
- Distillery
- Brewery
- Liquor Retail stores as an accessory to a brewery or distillery
- Seniors Housing Assisted Living
- Seniors Housing Independent Living
- Parks and their accessory uses
- Public Markets
- Festivals and associated structures
- Urban Agriculture

This component of the application was summarized for Council on page 12 the staff report presented to Committee of the Whole in October 2015. Shortly following the Committee of the Whole meeting, staff and Dockside Green crafted revisions to the CD-9 Zone such that the proposed zoning changes would only apply to those lands yet to be developed within the project. An outcome of those updates included the creation of a series of Development Area Sub Areas within the Zone.

With regards to Development Area D, the final draft of the Zone created two Development Area Sub-Areas – D1 and D2. While the previous draft zones authored by Staff included the new uses in both D1 and D2, the final draft (clause 13.1.2) only added these uses to D1 and not both D1 and D2. The result of this drafting error is that no new uses were applied to Development Area Sub-Area D2. This drafting error is made particularly apparent when viewed with other parts of the Zone such as the Parking section 7, which applies parking regulations for the new permitted uses to both D1 and D2.

353 Tyee Road Victoria, British Columbia Canada v9A 553 vivivi docksidegicen com



Unfortunately this drafting error was not noticed by either staff or Dockside Green until recently. Regrettably, at no time did any party involved in this process notice that the new use applied for in 2014 were omitted in the final zone for this one portion of the Dockside Lands.

We acknowledge that there is shared responsibility for this drafting error, but trust that staff will work to correct this error in conjunction or separately with the Development Permit Application submitted by Merridale for this site. Dockside Green is excited to have the Merridale project as part of the Dockside Green project and broader VicWest neighbourhood and with Councils support we look forward to this becoming a reality.

Sincerely.

Ally Dewji, Director of Development

Dockside Green Limited



Victoria Silver Springs Distillery Inc. dba Merridale @ Dockside

October 31, 2017

Mayor and Council City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Your Worship and Council,

Merridale Ciderworks Corp.

1230 Merridale Road

Cobble Hill, BC Vor ILo

† 250 743 4293

F 250 743 9310

1 800 998 9908

Merridale is pleased to provide this letter as part of our Development Permit application for our proposed Brewery and Distillery at Dockside Green. As local business owners in the Cowichan Region for over 17 years, we are excited to begin the next chapter in growth of our local business by creating an inspiring and sustainable brewery and distillery right here in Victoria.

At Merridale, we are a team of people who are passionate about what we do and how we do it. We believe that we are custodians of environment for future generations, with a focus on enhancing each community in which we work in with all we do. In selecting a site for our brewery and distillery we sought to find a location and neighbourhood that shared these same values and we could not be happier to locate our proposed along Harbour Road at Dockside Green.

Project Overview

The project will be comprised of 4 stories with a total floor area of approximately 1122 square metres (12,077 square feet), with parking as required but a keen focus on providing bicycle parking and infrastructure. We believe the project meets all design guidelines and zoning requirements for the site while meeting and exceeding with environmental sensitivities of the site.

Project Design

Merridale has retained HCMA Architects to design the building for the Development Permit application. This design meets the criteria for the Dockside Green Harbour Road Precinct reflecting the marine industrial character of the neighbourhood. The simple massing of the building reflects the industrial character while still providing an anticipation of the use and function of the building within. The colour choices reflect the predominant colours of the distilling and brewing equipment being copper colour and stainless steel. The building brings life to the sidewalk with streetside seating and lots of glazing to allow the pedestrian and bicycle traffic to see in. The interior design and layout give the visitors and guests a proximity to the production area. This is a building for patrons to experience the distilling and brewing process. We have included an number of measures to insure that our project fits into the overall Dockside Green Neighbourhood and further strives to be a good neighbour by incorporating new process to reduce odours, meet all parking requirements and provide landscaping and entrances that minimize operational impacts to surrounding buildings.

Community Consultation

Have a strong connection and hearing from the community is a core importance to our organization. We were please to have the opportunity along with Dockside Green and our design team to present our proposal to the Dockside Green Residents and the Victoria West Community Association at a general information meeting in July. The meeting was well attended and the response was positive. We were encouraged by the level of interest and support for the project and we are thankful for their time and efforts for those that attend the meeting. During the meeting we responded to questions related to

Page 2
 October 31, 2017

noise, smell abatement and parking. The plans as provided have ensured we have addressed the comments received to date.

Contributing to a Sustainable City

This project is designed to achieve LEED Gold (the first in Canada) and to contribute to the LEED ND Platinum standards for the Dockside Green Neighbourhood as a whole. We envision the project to not only meet the highest green building standards but further help grow our local economy and provide opportunism to grow the social and educations elements within the City.

In summary, we believe this is a positive and attractive project that will be a complimentary addition to the neighbourhood.

Best Regards,

Rick Pipes, Director Victoria Silver Springs Distillery Inc





September 28, 2017

Building & Planning Dept. City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Attention: Building & Planning Dept.

Dear Building & Planning Dept.

There has been a recent discovery regarding the zoning amendments for CD 9 Zone, Dockside District, of the Dockside Green Development. A drafting error, which means that the site chosen for the new brewery and distillery, that was presented at a public meeting at the Vic West Community Association in July, is not actually zoned for this use. This is a drafting error that originated with Consultants, City staff, legal representatives - who worked on updating the CD 9 Zone, Dockside District which was approved by Council in January, 2017

The Vic West Community Association Land-Use Committee agrees to waive a Community Meeting for the rezoning of the D-2 site at Dockside Green provided the rezoning is only for the housekeeping purpose of allowing the same uses for D-2 as is allowed on the D-1 site as per the existing CD-9 Zone, Dockside District. We understand that the Dockside Green rezoning, that was completed in January 2017, and added additional uses to D-1 through a drafting error, were the same uses not also added to D-2 at the same time. The Vic West Community Association Land-Use Committee would like a meeting regarding the site, to provide an update, prior to the buildings construction.

Sincerely,

Sean Dance, Chair

Vic West Land Use Committee

Application for a Rezoning and Development Permit Application for: 356 Harbour Road



