



Planning and Land Use Committee Report

For the meeting on October 29, 2015

To: Planning and Land Use Committee **Date:** October 14, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Update on Rezoning Application No. 00301 and concurrent Development Permit Application No. 000302 for 605-629 Speed Avenue and 606-618 Frances Avenue**

RECOMMENDATIONS

Staff recommend that Committee forward this report to Council and that Council consider the updated motion related to consultation requirements pertaining to the proposed Official Community Plan Amendment, the Development Permit Application and the community amenity contribution:

1. That Council consider giving first reading to Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 14).
2. That Council consider the Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 14) in conjunction with the *City of Victoria 2014 Financial Plan* and 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.
 - a. That Council determine pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within 200m of the subject properties and determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; 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;
 - b. That Council determine pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the holding of the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation;
 - c. That Council 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 site specific nature of the proposed amendment;
 - d. That Council consider giving second reading to the Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 14);
 - e. That Council consider referring the Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No.14) for consideration at a Public Hearing;

- f. That Council consider giving first and second reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1036);
- g. That Council consider referring Zoning Regulation Bylaw, Amendment Bylaw (No. 1036) for consideration at a Public Hearing.
3. Following the Public Hearing and subject to the adoption of the OCP and Zoning Regulation Bylaw Amendments for 605-629 Speed Avenue and 606-618 Frances Avenue, that Council consider the following motion:
 - "That Council authorize the issuance of Development Permit Application No. 000302 in accordance with:
 - a. plans date stamped July 8, 2013;
 - b. development meeting all *Zoning Regulation Bylaw* requirements;
 - c. the Development Permit lapsing two years from the date of this resolution."
4. That Council endorse the recommendations in the community amenity contribution analysis dated September 13, 2013, and that the monetary contribution be allocated to the Victoria Housing Fund.

LEGISLATIVE AUTHORITY

In accordance with Section 876 of the *Local Government Act*, Council may adopt one or more Official Community Plans. Pursuant to Section 137(1) (b) of the *Community Charter*, the power to amend an Official Community Plan 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 present Council with updated information, analysis and recommendations regarding a request for an Official Community Plan (OCP) Amendment Application, a Rezoning Application and a concurrent Development Permit Application for the properties at 605-629 Speed Avenue and 606-618 Frances Avenue.

On September 20, 2012, the Planning and Land Use Committee (PLUC) reviewed a revised Application for the site and recommended that the Advisory Design Panel (ADP) review it with attention to building massing, height and green space as well as the streetscape and landscaping treatments on the Frances Avenue frontage. The Committee's recommendations also included a requirement that the applicant undertake further public consultation through the Burnside-Gorge Community Association and that staff report back to PLUC prior to the Public Hearing.

Following the review by the ADP on May 15, 2013, staff provided an update report to PLUC on August 22, 2013, providing information from the ADP review and a recommendation that the Development Permit be issued, should approval of the Rezoning Application be given.

The applicant has now met, after a lengthy passage of time, the remaining conditions for the Application to proceed to a Public Hearing and the Zoning Regulation Bylaw and Official Community Plan Amendment Bylaw have been drafted.

Updated information on the status of these conditions is summarized as follows:

- The community amenity contribution analysis undertaken by an independent third party consultant shows an increase in land value of \$1.3 million due to the proposed lift in

density. Based on recovering 75% of this value to support and advance the City's objectives and policies, the provision of an amenity or monetary contribution of \$975,000 is required at the time of construction. In this instance, it is recommended for Council's consideration that the monetary contribution be made to the Victoria Housing Fund since the proposal originally included a significant component of non-market, affordable housing.

- The applicant contacted the Burnside-Gorge Community Association regarding further consultation in 2014. The Association advised that an additional Community Meeting was not required as no substantive design changes had been made to the proposal following a Community Meeting held August 7, 2012.
- The Housing Agreement ensuring that the rental of units is not prohibited, a public walkway linking Speed Avenue and Frances Avenue, a covenant ensuring sewage attenuation and plans for streetscape improvements on Frances Avenue have all been finalized.

The previous City Council, Governance and Planning Committee, Planning and Land Use Committee minutes and staff reports are attached for background information. Also attached is a letter from the applicant with staff and consultant responses regarding the community amenity contribution analysis as well as the summary of the community amenity contribution analysis provided by the consultant. The Housing Agreement, Statutory Right-of-Way Covenant and Sewage Attenuation Covenant are also attached

BACKGROUND

Description of Proposal

The proposal is to construct a commercial/residential complex consisting of two residential towers of 12 storeys each. The residential component is comprised of 176 units including 10 ground-oriented townhouses along Speed Avenue. The commercial component consists of 2438m² of commercial floor space on the Frances Avenue side of the site as well as surface parking for 39 vehicles. In addition, 195 spaces of vehicle parking are proposed in two underground levels of parking accessed from Speed Avenue and Frances Avenue.

Updated Information

Land Lift Analysis

The third-party land lift analysis, undertaken by Rollo & Associates, was prepared and submitted to the City in September 2013 (attached). The land lift was taken from an average base density of 1.5:1 for the site, which has an Urban Residential land-use designation on Speed Avenue and General Employment on Frances Avenue. The residual land value analysis resulted in a lift of \$1.3 million. Council's current practice for properties outside Downtown is to recover 75% of the land lift value (\$975,000) either as a monetary contribution or through the provision of a public amenity identified by the City to support and advance objectives and policies. In the absence of public amenities identified by the City, it is recommended for Council's consideration that the monetary contribution be made to the Victoria Housing Fund as the original proposal included a significant component of non-market, affordable housing.

In a letter dated February 12, 2014, the applicant has raised objections to the findings of the land lift analysis and stated a willingness to pay an amenity contribution of \$200,000.00. The applicant has not provided a supporting analysis or rationale for this figure.

Further Public Consultation

In response to the PLUC's motion that the applicant undertake further public consultation through the Burnside-Gorge Community Association, the applicant contacted the Burnside-Gorge Community Association. In an email dated August 26, 2014 (attached), the Association advised that an additional Community Meeting was not required as no substantive design changes were made to the proposal following a Community Meeting held August 7, 2012.

Housing Agreement

A Housing Agreement to be adopted by bylaw and registered on title ensures there will be no rules or regulations that would restrict an owner of a dwelling unit from renting it to a non-owner.

Public Walkway Easement

The applicant has registered an Easement (Statutory Right-of-Way) for a public walkway between Speed Avenue and Frances Avenue.

Sewage Attenuation

The applicant has registered a Covenant ensuring sewage attenuation measures are implemented should the development proceed to construction.

Streetscape Improvements

The proposed streetscape improvements to the Frances Avenue frontage, including the replacement of boulevard trees, will be installed to the City's Right-of-Way standards and specifications.

Statutory 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. In this instance, staff recommend for Council's consideration, that appropriate notice would include mailing a notice to the owners and occupiers of property within 200m of the subject site and posting 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.


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. In this instance, staff recommend to Council that there are no Financial Plan or Waste Management Plan implications anticipated.

Respectfully submitted,

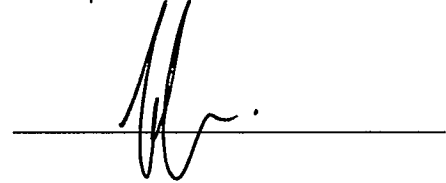


Brian Sikstrom
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

October 23, 2015

List of Attachments

- Minutes of the Planning and Land Use Committee Meeting of August 22, 2013
- Staff report with attachments dated August 1, 2013
- Email dated August 26, 2014, from Burnside-Gorge Community Association Chair waiving an additional Community Meeting
- Letter dated September 12, 2013, from Rollo & Associates outlining the amenity contribution analysis
- Letter dated February 12, 2014, from M.H. Johnston & Associates Inc. regarding the amenity contribution analysis
- Draft Official Community Amendment Bylaw
- Draft Zoning Regulation Amendment Bylaw
- Draft Housing Agreement Bylaw
- Housing Agreement
- Covenant securing Statutory Right-of-Way
- Covenant securing sewage attenuation
- Council minute of October 11, 2012, and GPC minute of September 20, 2012, with September 6, 2012, staff report with attachments
- Council minute of April 14, 2011, GPC minute of April 7, 2011, and PLUSC minute of February 3, 2011, staff reports of March 24, 2011, and January 27, 2011.