



Council Report

For the Meeting of January 12, 2017

To: Council **Date:** December 29, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00473 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road (Undeveloped Lands at Dockside Green)**

RECOMMENDATION

1. That Council give first and second reading and direct staff to set the Public Hearing for attached Official Community Plan Amendment Bylaw No. 17-007 and Zoning Regulation Bylaw Amendment Bylaw No. 17-005 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road.
2. That concurrent with first and second reading for Official Community Plan Amendment Bylaw No. 17-007 and Zoning Regulation Bylaw Amendment Bylaw No. 17-005 that Council give the necessary readings to Land Use Procedures Bylaw Amendment Bylaw No. 17-006 and that Council consider enacting the Land Use Procedures Bylaw Amendment Bylaw No. 17-006 if Official Community Plan Amendment Bylaw No. 17-007 and Zoning Regulation Bylaw Amendment Bylaw No. 17-005 are approved.
3. That Council require the following prior to the adoption of Official Community Plan Amendment Bylaw No. 17-007 and Zoning Regulation Bylaw Amendment Bylaw No. 17-005 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road:
 - a. the new Dockside Green Master Development Agreement being registered on title of the lands to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. legal agreements, in a form satisfactory of staff, being registered on title of the lands that requires Dockside Green Ltd. to be responsible for all site remediation and completion and fulfilment of all conditions outlined in the Certificates of Compliance issued by the Ministry of Environment.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the Council conditions set out in the following motion moved by Council on November 10, 2016:

1. That Council give first and second reading and direct staff to set the Public Hearing for attached Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation

Bylaw Amendment Bylaw No. 16-086 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road, subject to:

- a. the provision of a satisfactory Phasing Plan, identifying which public amenities, on-site services, off-site services, vehicular driveways and access points would be provided with each phase of development all to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. receipt of accurate, updated plans that ensure consistency between the proposed Zoning Regulation Bylaw, Master Development Agreement and design guidelines to the satisfaction of Director of Sustainable Planning and Community Development and direct staff to develop policies specific to articulating building heights along Tyee Road;
 - c. a copy of the new Dockside Green Master Development Agreement executed by the applicant to the satisfaction of Director of Sustainable Planning and Community Development;
 - d. a legal agreement, in a form satisfactory to the City Solicitor, executed by the applicant that requires Dockside Green Ltd. to be responsible for all site remediation and completion and fulfilment of all conditions outlined in the Certificates of Compliance issued by the Ministry of Environment.
2. That Council require the following prior to the adoption of Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road:
 - a. the new Dockside Green Master Development Agreement being registered on title of the lands to the satisfaction of Director of Sustainable Planning and Community Development;
 - b. a legal agreement, in a form satisfactory to the City Solicitor, being registered on title of the lands that requires Dockside Green Ltd. to be responsible for all site remediation and completion and fulfilment of all conditions outlined in the Certificates of Compliance issued by the Ministry of Environment.
 3. That concurrent with first and second reading for Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 that Council give the necessary readings to Land Use Procedures Bylaw Amendment Bylaw No. 16-087 and that Council consider enacting the Land Use Procedures Bylaw Amendment Bylaw No. 16-087 if Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 are approved.
 4. Direct staff to discuss the potential for improvements along Harbour Road using the funds earmarked for the Galloping Goose Trail improvements.
 5. That staff bring forward that the bylaws to reflect a revised definition of transient accommodation to prevent short term vacation rentals

The application has been updated in response to the conditions set out by Council. Staff recommend for Council's consideration that the proposal is ready to proceed to a Public Hearing.

Amenity Delivery Plan

An Amenity Delivery Plan has been submitted outlining the phases of development, the sequences in which they could occur and identifying when and where the amenities and Transportation Demand Management (TDM) measures will be delivered. The Amenity Delivery

Plan is attached as Schedule B to the proposed new Dockside Green Master Development Agreement (MDA). Some minor refinements to the MDA have been made to ensure the language in the Agreement is consistent with the content of the Amenity Delivery Plan.

Articulation of Building Heights

In response to Council's motion, the applicant has amended the building heights to provide greater variation between individual building phases and also included updated language in the proposed design guidelines that sets out a minimum difference in building heights between phases. Staff have summarised the proposed changes in the following table. All heights are expressed as meters above Canadian Geodetic Datum, 1928.

Parcel	Heights proposed in October 2016	Approximate Number of Storeys	Height as per proposed Zone	Proposed Change vs. November 2016
A1-1	50.5	12	48	-2.5
A1-2	57.5	14	51	-6.5
A1-3	60.5	16	54.5	-6.0
A2-1	63.0	18	60	-3.0
A2-2	66.0	20	66	0.0
A2-3	49.0	13	52.5	+3.5
A3	33.5	8	33.5	0.0

In general, the proposed building heights have been reduced and indicate a greater degree variation between phases which has improved the skyline views by providing greater stepping of building heights from north to south on Tyee Road. Staff recommend that Council consider supporting the revised building heights as provided in the draft *Zoning Regulation Bylaw Amendment*.

Funds for Bike Lane Infrastructure

In response to the Council motion the applicant has agreed to advance the financial contribution of \$85,500 towards bike lane infrastructure improvements on Harbour Road so that payment will be made with the first Building Permit Application associated with the project. The MDA has been amended accordingly to reflect the timing of this amenity contribution. Depending on the timing of this payment to the City, it may be subject to a financial uplift based on Consumer Price Index (CPI).

Revisions to Zoning Regulation Bylaw Amendment to Prevent Short Term Vacation Rentals

As per Council's direction, staff have added wording to the draft *Zoning Regulation Bylaw Amendment* that prohibits transient accommodation uses from taking place within a self-contained dwelling unit. This amendment ensures that a hotel use is still viable for the site; however, short term vacation rentals would be prohibited in individual residential units.

Public Consultation

The applicant has consulted with the community beyond the minimum requirements required by the standard Rezoning Application process. The applicant has provided a summary of their consultation efforts in a letter that is attached to this report.

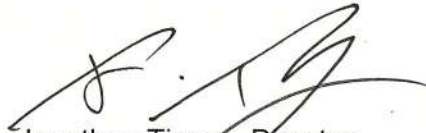
Conclusion

The application has been updated in response to the conditions set out by Council. Staff recommend for Council's consideration that the proposal is ready to proceed to a Public Hearing.

Respectfully submitted,



Mike Wilson, Senior Planner – Urban Design
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development



Jim Handy, Senior Planner – Development Agreements
Development Services

Report accepted and recommended by the City Manager:



Date: December 30, 2016

List of Attachments

- Appendix A: Master Development Agreement
- Appendix B: Environmental Remediation Covenants
- Appendix C: Updated Dockside Green Urban Design Guidelines
- Appendix D: BETA at Dockside Green Design Guidelines
- Appendix E: Letter from Dockside Green Ltd. dated December 14, 2016