

PLANNING & LAND USE COMMITTEE REPORT
FROM THE MEETING HELD JANUARY 28, 2016

For the Council Meeting of January 28, 2016, the Committee recommends the following:

1. Update on Rezoning Application No. 00472 and Development Permit Application with Variance No. 000402 for 1041 Oliphant Avenue and 212-220 Cook Street:

That Council postpone consideration of the Rezoning Application until receipt of the Advisory Design Panel recommendations.

(Rezoning Application)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00472 for 1041 Oliphant Avenue and 212-220 Cook Street, securing 75% of the value of the identified land lift to be contributed to and divided equally between the Parks and Greenways Acquisition Reserve Fund and the Victoria Housing Reserve Fund, 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 (previous conditions that have been satisfied have been removed):

1. Registration of the following:
 - a. Housing Agreement to secure the rental of nine units for a minimum of 20 years at a minimum rental rate at least 10% below market rental, if not more, and that future strata bylaws cannot prohibit strata owners from renting residential strata units;
 - b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;
 - c. Section 219 Covenant for sewage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City staff;
 - d. Section 219 Covenant for the public realm improvements associated with the sidewalk widening along Cook Street and the paving/widening of the rear lane, to the satisfaction of City staff.

(Development Permit)

That Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to:

- the transition to the buildings along Oliphant Avenue
- opportunities to soften the visual appearance of the rear surface parking courtyard
- overall massing and finishes in relation to the neighbourhood context
- setbacks of upper stories
- pedestrian facilities in the public realm
- appropriateness of the commercial extension from Oliphant to Park Boulevard
- Cook Street guidelines and appropriateness of architecture expressions

Following this referral, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00472, if it is approved, that Council consider the following motion:

That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped September 28, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.A.12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. The Development Permit lapsing two years from the date of this resolution.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
4. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m2 of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure at the property line.

That Council refer the Development Permit Application to the Advisory Design Panel and have recommendations brought back to Council.

2. **Rezoning Application No. 00485 for 2330 Richmond Road:**

That Council postpone the Rezoning Application for two weeks for further discussion.

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, and 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 condition is met:

- Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.

3. **Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue:** That Council:

- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
- consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
- set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

4. **Development Permit Application No. 000454 for 1006 Wharf Street:** That Council authorize the issuance of Development Permit Application No. 000454 for 1006 Wharf Street in accordance with:

1. Plans date stamped December 14, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

5. **Development Permit Application No. 00456 for 430, 468, and 470 Belleville Street:** That Council authorize the issuance of Development Permit Application No. 00456 for 430, 468, and 470 Belleville Street in accordance with:
 1. Plans date stamped January 19, 2016.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. The Development Permit lapsing two years from the date of this resolution.

6. **Development Variance Permit Application No. 00169 for 534 Pandora Avenue (Lum Sam and Look Den Building):** That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, considers the following motion:

Authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:

 1. Plans date stamped December 11, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance: Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
 3. The Development Variance Permit lapsing two years from the date of this resolution.

7. **Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street:** That after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

That Council authorize the issuance of Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street, in accordance with:

 1. Plans date stamped December 31, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule C, Section 16.C.12: reduce the required number of parking spaces from 48 to 10;
 - ii. Schedule C, Section 7.2(b): reduce the setback of parking spaces from the street from 1m to 0.62m.
 3. The Development Permit lapsing two years from the date of this resolution.
 4. That this application be forwarded to the Council meeting of January 28, 2016 to set a Hearing Date for February 11, 2016.

8. **Heritage Alteration Permit No. 00212 for 560 Johnson Street (Market Square):** That Council authorize the issuance of Heritage Alteration Permit Application No. 00212 for the property at 560 Johnson Street, in accordance with:
 1. Plans date stamped December 14, 2015
 2. Development meeting all *Zoning Regulation Bylaw* requirements
 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.

That the applicant be encouraged on appropriate use of timbers, particularly in a heritage manner.

9. **Victoria Housing Reserve Fund Grant: Capital Region Housing Corporation:** That Council cancel a \$460,000 Victoria Housing Reserve Fund grant, which was approved on April 30, 2009, to assist the Capital Region Housing Corporation (CRHC) to create non-market rental housing at Dockside Green, as the grant is no longer needed.

10. **Review of Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications and Terms of Reference:** That Council direct staff to undertake further consultation with the Community Association Land Use Committee (CALUC) chairs (or their designates as assigned by the Community Association) and the Urban Development Institute regarding the CALUC Procedures for Processing Rezoning and Variance Applications as well as the CALUC Terms of Reference on the topics outlined in this report and report back to Council with a summary of the consultation as well as recommendations for improvements by May 2016.

That Council direct staff to work with the Neighbourhood Associations, the Community Associations Land Use Committees and the Urban Development Institute and report back to Council with recommendations on potential improvements to the CALUC process, considering, but not limited to the following items (recognizing that more issues and ideas will arise during discussions):

1. Create a process to ensure that for large/complex/significant projects there is an opportunity for the developer to convene neighbourhood residents and business owners early in the process to canvas neighbourhood hopes, dreams and aspirations that might be included in the development.
 2. Contemplate a role for City staff (from the Sustainable Planning and Community Development Department, the Neighbourhood Unit or both) as facilitators of the CALUC process for complex applications. The role of the facilitator is to convene the conversation as well as to provide pertinent, fact-based information relating to City policy as
 3. it relates to the proposed development and/or surrounding land use context.
 4. Create a cohesive, transparent process that each neighbourhood must follow in order to create ease and information sharing between neighbourhoods and predictability for the development community.
 5. Ensure that each CALUC has a process for inviting neighbourhood residents on an annual basis to consider participating on the CALUC and a fair, transparent and inclusive for selecting members.
 6. Review the current referrals to CALUC and then make clear and transparent which items, if any in addition to development applications, are required to be referred to a CALUC meeting and which are not.
11. **Update on Public Realm Concept Development and Engagement Materials for the Johnson Street Bridge:** That Council receive this report for information and direct staff to report out to the Charrette group for further input prior to proceeding with steps recommended in the staff report, and report back to Council.