

PLANNING & LAND USE COMMITTEE REPORT
FROM THE MEETING HELD OCTOBER 15, 2015

For the Council Meeting of October 15, 2015, the Committee recommends the following:

1. **2015 Development Summit Action Plan and Final Report:** That Council:
 1. Approve the *2015 Development Summit Action Plan* outlined in the report dated September 25, 2015.
 2. Direct staff to provide an update to Council on the status of the action items outlined in the Action Plan in February 2016 and as part of the ongoing Quarterly Updates.
2. **Rezoning Application No. 00488 for 59 Cook Street:** That Council instruct staff to prepare the necessary:
 1. *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00488 for 59 Cook Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.
 2. *Heritage Designation Bylaw* that would designate the property as a Municipal Heritage Property, that first and second reading of the *Heritage Designation Bylaw* be considered by Council and a Public Hearing date be set.
3. **Development Permit Application No. for 59 Cook Street:** That after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00488 for 59 Cook Street, in accordance with:

 1. Plans date stamped September 15, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. The Development Permit lapsing two years from the date of this resolution.”
4. **Development Variance Permit No. 00156 for 59 Cook Street:** That after giving notice, allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00156 for 59 Cook Street, in accordance with:

 1. Plans date stamped September 15, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances for the existing parcel remainder:
 - a. Part 1.2.5 (b): Reduce the rear yard setback from 7.55m to 4.6m;
 - b. Schedule "C" (9): Reduce the parking aisle width from 7m to 3.6m;
 - c. Schedule "G" (5)(a): Reduce the rear yard landscaping minimum from 33% to 24.5%;
 - d. Schedule "G" (5)(c): Reduce the rear lot line landscaping for unenclosed parking from 1.5m wide and 1.8m high to 0m for both.
 3. The Development Permit lapsing two years from the date of this resolution.”

5. **Rezoning Application No. 00484 for 1510 Clawthorpe Avenue:** That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00484 for 1510 Clawthorpe Avenue, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.
6. **Development Permit Application No. 00484 for 1510 Clawthorpe Avenue:** That after the Public Hearing for Rezoning Application No. 00484, that Council consider the following motion:
- “That Council authorize the issuance of Development Permit Application No. 00484 for 1510 Clawthorpe Avenue, in accordance with:
1. Plans date stamped September 8, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. The Development Permit lapsing two years from the date of this resolution.”
7. **Rezoning Application No. 00482 for 2542 Fernwood Road:** That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00482 for 2542 Fernwood Road, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.
8. **Development Permit Application No. 000428 for 2542 Fernwood Road:** That after the Public Hearing for Rezoning Application No. 00482, that Council consider the following motion:
- “That Council authorize the issuance of Development Permit Application No. 00428 for 2542 Fernwood Road, in accordance with:
1. Plans date stamped October 1, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. Plan revisions to remove the portion of the upper storey deck on the existing duplex overhanging the proposed garage and resubmit revised elevation drawings to the satisfaction of staff.
 4. The Development Permit lapsing two years from the date of this resolution.”
9. **Rezoning Application No. 00473 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road:** That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act*, the necessary *Zoning Regulation Bylaw Amendment*, the necessary Land Use Procedures Bylaw Amendment and amendment to the Master Development Agreement that would authorize the proposed development outlined in Rezoning Application No. 00473 for the easterly 300 block of Tyee Road and the westerly 300 block of Harbour Road (Dockside Green), 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:
1. 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 a 200m radius of the subject property; 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.

2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
3. That Council consider consultation under Section 879(2)(b) 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 nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 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.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
8. That Council give first and second readings to the Land Use Procedures Bylaw Amendment.
9. That Council refer the Land Use Procedures Bylaw Amendment for consideration at a Public Hearing.
10. That the applicant provide the following information to support their proposed amendments to the Master Development Agreement (MDA):
 - a. LEED ND Platinum performance targets for each phase of development and a reporting out structure to ensure that performance targets are being met potentially including some form of guarantee. The reporting structure must establish key topics and indicators to be discussed and a set timeline for submitting these update reports to Council;
 - b. An alternative amenity to the Sustainability Centre that demonstrates similar environmental, community and educational value and that if the Developer is unable to find a satisfactory alternate solution, that the applicable cash-in-lieu payment be secured in order to provide other amenities that benefit the Dockside Lands and that are agreeable to Council and the Developer;
 - c. 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;
 - d. A Subdivision Concept Plan, consistent with a Phasing Plan.
11. That Council direct staff to prepare an amended MDA detailing new requirements for:
 - a. The sale of individual development parcels;
 - b. New LEED ND requirements;
 - c. LEED NC 2009 Gold standards for new commercial buildings;
 - d. Delivering the remaining amenities in conjunction with development phases;
 - e. Providing a revised amenity package;

- f. An amenity or contribution in lieu of the Sustainability Centre;
 - g. A process for receiving a monetary security to ensure the construction of the public amenities;
 - h. A Transportation Demand Management Strategy;
 - i. Site remediation;
 - j. Other amendments as deemed necessary by City staff.
12. That staff report back to Planning and Land Use Committee with a draft of the MDA amendments prior to a Public Hearing date being set.
 13. That Council direct staff to review the proposed dedication of the amenity referred to as the "Mutt Strutt" in conjunction with the review of facilities located in Vic West Park and the potential resource impacts associated with the proposal and report back to Council with further information for consideration.
 14. A Statutory Right-of-Way being registered on title, to the satisfaction of staff, to secure each of the following:
 - a. A bus bay on Esquimalt Road;
 - b. A bus bay on Tyee Road;
 - c. Widening Esquimalt Road to improve westbound cycling safety.
 15. Referral of the proposed revisions to the *Design Guidelines for the Dockside Area* to the Advisory Design Panel for a comprehensive review.
 16. Referral of the proposed *Design Guidelines for Dockside Beta* to the Advisory Design Panel for a comprehensive review.
 17. That Council authorize staff to proceed with a City-initiated Rezoning Application for all lands located within the CD-9 Zone, Dockside District, that are not subject to Rezoning Application No. 00473 and that the applicant (Dockside Green Ltd.) be responsible for undertaking the necessary consultation with the Community Association Land Use Committee (CALUC), and that staff explore whether an alternate approach allowing the two applications to proceed independently would be viable and if so, that staff be directed to proceed accordingly.

10. Development Permit with Variances Application No. 000386 for 353 Tyee Road:

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. 000386 for 353 Tyee Road, in accordance with:

1. Plans date stamped September 16, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.29(6)(a): reduce the setback from Tyee Road from 3m to 0.50m;
 - b. Part 1.29, 8.4(d): increase the allowable building frontage for office use facing Tyee Road from 50% to 100%.
3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within five years to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution."

11. **Development Permit Application No. 000436 for 553, 545 , 549 Herald Street:** That Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000436 for 543, 545 and 549 Herald Street, in accordance with:

1. Plans date stamped September 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

12. **Temporary Use Permit Application No. for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue:** That after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00481 for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue in accordance with:

1. Plans date stamped August 21, 2015 with revisions to the landscape screening to the satisfaction of staff.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - a. Schedule C, Section 7.2 (d) – permit gravel instead of asphalt, concrete or permeable surface.
3. Delivery of vehicles to and from the site meeting Motor Vehicle Act Regulations and City bylaw requirements.
4. The Temporary Use Permit lapsing two years from the date of this resolution."

13. **Heritage Alteration Permit Application No. 00207 for 138 Dallas Road:** That Council consider the following motion:

"That Council authorize the issuance of the Heritage Alteration Permit Application No. 00207 for 138 Dallas Road in accordance with:

1. Revised Plans dated September 1, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Heritage Alteration Permit lapsing two years from the date of this resolution.
4. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development."

14. **Liquor License Application – Yuk Yuk's Club at 665 Douglas Street:** That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Yuk Yuk's Victoria**, located at 665 Douglas Street, and in accordance with the City's *Liquor Licensing Fee Bylaw* and Liquor Licensing Policy, approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; with the notification to include the applicants' amendment to the requested hours of liquor licence.

2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.
15. **Royal Jubilee Hospital Master Campus Plan:** That after allowing an opportunity for public comment in an open Council meeting, with notice being posted on site, advertised in the newspaper, sent to all adjoining neighbours and sent to all of the partners in the Royal Jubilee Hospital Good Neighbour Agreement, that Council consider the following motion:
1. That Council approves Island Health's *Royal Jubilee Hospital Master Campus Plan* as the principle guiding document for the planning and development of the Royal Jubilee Hospital site; and
 2. That Council direct staff to work with Island Health to investigate a process for allowing the City to review future development proposals against the Design Guidelines outlined in Master Plan and that this work take place concurrently with the submission of a Rezoning Application by Island Health for the Royal Jubilee Hospital site.
16. **Royal Jubilee Hospital Master Campus Plan:** That Council refer any accessibility concerns regarding future development of the Royal Jubilee Campus to the Accessibility Working Group.