Recommendation:

That Council direct staff to prepare the draft bylaw to amend the Official Community Plan and the Zoning Bylaw for the land use and subdivision associated with the proposed Homewood Health mental health and addictions treatment facility at 1515 McTavish Road.

Strategic Plan Implications:

- Protect and Enhance Rural, Agricultural, Heritage, Marine, and Environmental Resources
- Maintain a Safe and Healthy Community
- Build a Strong and Vibrant Community
- Ensure Strong Leadership, Fiscal Responsibility, and Transparent Government

Purpose:

To introduce Council to the proposed OCP Amendment and Rezoning application for the Dunsmuir Lodge located at 1515 McTavish Road and to request Council’s direction on advancing the OCP & Rezoning amendments.

Site Particulars:

Owners: University of Victoria (Uvic)
Applicant: Dave Smith, McElhanney Consulting Services Ltd.
Civic Addresses: 1515 McTavish Road

Parcel #1
Legal Description: That Part of Lot 4, Section 5, Range 1 East, North Saanich District, Plan 2347, Lying to the East of a Boundary Parallel to and Perpendicularly Distant 100 feet from the Easterly Boundary of Said Lot, Except that Part in Plan 1128 RW
Parcel Identifier (PID): 002-825-732
Existing Lot Size: 2.94 acres
Existing Zoning: RA-3 Rural Agricultural 3
The subject lands consist of two lots located in the Central Area of North Saanich approximately 350m south of McTavish Road backing onto John Dean Provincial Park. The total area of the parcels is approximately 41.2 hectares (101.8 acres).

The original structure was built in 1974 as a treatment centre for people with alcohol and drug addictions, the Dunsmuir property was donated to the University of Victoria (UVic) in 1985 by the late George Poole and operated as an educational conference centre until its closure in 2009.
Discussion:

Proposal

Homewood Health, a mental health and addiction services provider has entered into an arrangement with UVic to re-open the Dunsmuir Lodge to the original treatment centre use. The proponents are seeking Council’s approval for rezoning and OCP amendment for a part of the subject lands from P-3 Education and Research Facility and RA-3 Rural Agricultural 3 to a new zone to accommodate the re-opening of the facility. A part of the process is the subdivision of the lands in order to facilitate a potential land sale with the neighbouring Pauquachin First Nation.

Due to the pre-existing structures on the property, no additional site works are proposed. Interior renovations made up of carpeting, painting, refinishing and furnishing will be undertaken. Due to the non-continuous use of the property, some life and safety upgrade requirements of the BC Building Code may be required through the Building Permit process.

CRD Regional Growth Strategy

Under the Growth Management Concept Plan, the Dunsmuir property falls within the Unprotected Green Space Policy Area. This designation proposes the protection of ecological values through a variety of means. The site is already guided by several Development Permit Areas and the proposed works are internal improvements only. In addition, this designation does not carry land use policies associated with it meaning the proposed treatment facility is in compliance with the RGS.

Official Community Plan

Land Use

The OCP designates the subject lands as Educational Commercial. This designation falls under the “land-based” category of commercial and is site specific to the Dunsmuir Lodge property due to its unique uses and location. OCP Policy 7.8 expands on this designation and states the following:

Permitted uses on Education Commercial designated lands include, but are not limited to the following:

a) Hotel
b) Restaurant
c) Training Centre.

While the definition above does not limit the uses to the list provided, the OCP does not expand beyond either. Staff have considered these definitions against the Zoning Bylaw and the title of the land use designation and for the objective of providing clarity and lasting land use assurances, a new designation will be proposed that is more comprehensive and more accurately reflects the stated intent of Homewood’s care facility operations.

Land Dedication

When the OCP was crafted, under Section 9.0: Parkland Dedication, the authors, approved by Council, put their minds specifically to OCP Policy 9.5 which states:

If the Dunsmuir property is proposed for redevelopment, dedication of the south-west corner of the property adjacent to John Dean Park, including the ecologically sensitive wetland area, will be required.
This policy is not prescriptive on what the delineation of the ecologically sensitive wetland area is nor does the language limit the dedication to this ecological area. This is important as the applicants have provided a biological report stating that there is no environmentally sensitive wetland area but it does state that the creek is present and that the Riparian Area Regulations would apply. Given that the policy is in the OCP, there could be some leeway in determining the precise area to be included in any dedication and how it is protected.

Redevelopment

The OCP does not define what is meant by ‘redevelopment’. Staff considered the larger intent of the policy and the legal mechanisms available to achieve the intent. The municipality has limited opportunities to achieve dedications of land and in this particular application, there are three processes that the applicant must undertake: rezoning, subdivision, and building permit. By their nature, building permits are a limited discretion approval and the District cannot require land dedication as a condition of a building permit. Subdivisions do contain a provision under s.510 of the Local Government Act that allows parkland dedication but it cannot exceed 5% of the land proposed for subdivision. However, this parkland dedication provision does not apply as s.510(3)(a) requires that more than 3 additional lots are created. This results in only one potential process to achieve the intent of the OCP, an application to amend the Zoning Bylaw. Even if Council determines that a zoning amendment is not ‘redevelopment’, it would be prudent for the District to address the dedication requirement at the rezoning stage as later on, the District may not have the tools to do so. If Council does not wish to address the issue at this time, a s.219 covenant prohibiting development could be utilized that would contain conditions related to dedication in order to satisfy the covenant. The owners have agreed to register a s.219 covenant to stipulate that the lands will be protected from development.

Dedication

The OCP does not define what is meant by ‘dedication’ however ‘dedication’ is the action that is triggered by ‘redevelopment’. Staff undertook a review of the OCP and found four instances of the word “redevelopment” and “redevelop”, in all cases the word is associated with a policy that requires something (land) to be extracted through dedication. While there is some uncertainty as the specific meaning of ‘dedication’, the four other policies in the OCP all contemplate the dedication of land for the purpose of parkland or public use. OCP Policy 9.5 (Dunsmuir) does not have specifics related to the purpose of the dedication and legal advice sought by the District believes that the contemplation of the policy is for dedication as park and likely means transfer of land to the District. As an alternative, Council may request a restrictive covenant over the lands that would contain conditions in order to satisfy the intent of the OCP policy. This approach has been agreed to by the owner.

Zoning Bylaw Alignment

Section 478(2) of the Local Government Act requires that “all bylaws enacted” must be “consistent with the relevant plan”. Consideration must be given to whether or not adopting a Zoning Bylaw amendment that does not address OCP Policy 9.5 could be inconsistent with the OCP. There are two avenues to consider. One is that if the proposed Dunsmuir works is not deemed to trigger redevelopment, then the provisions of the OCP Policy 9.5 do not apply and the Zoning Bylaw amendment could proceed. Two, if the proposed works do trigger OCP Policy 9.5 and the policy is not addresses by Council, there could be a risk that the Zoning Bylaw amendment could be challenged by somebody and a Court could rule the Zoning Bylaw inconsistent with the OCP. In summary, it would be advisable for Council to address OCP Policy 9.5 in some manner which could include the s.219 proposed by the owner.
Zoning Bylaw

Land Use

The property is currently zoned P-3 which carries the description: “This zone is intended to provide land for education and research”. The intended zone classification and OCP designation carry an institutional focus whereas the new owners are a private for profit corporation. Staff propose a new zone that reflects the current and future intended uses of the Homewood Health parcel:

- Residential facilities
- Therapeutic treatment for mental health, addiction and concurrent (mental health and addiction) disorders
- Medical treatment
- Counselling services
- Outpatient treatment/clinic services
- Administrative/office services
- Therapeutic recreation services
- Research
- Education

If Council directs staff to proceed with amending bylaws, a new descriptive definition will also be included in the Zoning Bylaw.

Parking

As per section 306.1 of the Zoning Bylaw, the applicant is required to provide the following parking requirements:

1. 1 stall per employee
2. 1 stall per 5 beds
3. 1 stall per 50m² of education/research space

Based on information supplied by the applicant, this results in the requirement for 154 parking stalls. The applicant has provided a parking plan that shows that the main upper parking lot has 142 stalls, the main building entrance has 7 stalls, and the lower parking lot has 57 stalls for a grand total of 206 stalls available to the Homewood Health Facility operations.

The site is heavily used for recreation both on the Dunsmuir property for trails and for the nearby access to John Dean Provincial Park. During winter months, BC Parks closes access to John Dean Park for road safety reasons. In recent times, this has led to parking conflicts on Carmanah Terrace which resulted in signage being placed restricting non-resident street parking. Staff has requested that the applicant provide for parking on the Dunsmuir property via the 57 stall lower parking lot which is near the fire access off Carmanah Terrace. Homewood Health has concerns related to the unencumbered access to the premises which may conflict with their intended health use which requires safety, security, and respite. Homewood Health has proposed a “Friends of Homewood Health” program that would secure 20 parking stalls via Statutory Right of Way (SRW). This program would require users of the parking to register with the program and would contain certain program conditions relating to no smoking, hours of access, behavior, pets, and offences. Homewood Health security staff would carry out enforcement of the program to ensure compliance. There would be a small administrative cost, subject to North Saanich approval, paid for by the users and a tag would be required to be displayed in a visible location.
Trip Generation

A trip generation report has been prepared by Boulevard Transportation. The report compares the previous land use in order to establish a baseline for comparing the new proposed land use. Previously, the land use was split between two types of trip generation, hotel with conference facilities and a quality restaurant. Using the 9th Edition of the ITE Trip Generation Manual, an estimated 1174 total daily trips would be generated. In comparison, the new proposed land use falls within an addiction/rehabilitation facility centre with 80 beds and 70 employees which would generate approximately 219-275 total trips per day.

Other Items

Development Permits

The Dunsmuir Lodge property falls within three Development Permit Areas (DPA). These DPA’s are most often triggered by construction, site alternations, and subdivision as defined by section 489 of the Local Government Act. Under section 14.2 of the OCP, there are exemptions for interior renovations and subdivisions provided that no site alteration takes place. The Dunsmuir Lodge proposal qualifies for both exemptions and therefore the following DPA’s do not apply:

- DPA 2: Creeks, Wetlands, Riparian Areas, and Significant Water Resources
- DPA 3: Identified Sensitive Ecosystems
- DPA 4: Steep Slopes

Subdivision

The applicants are proposing to subdivide the property and it should be noted that no new additional parcels are being created. Currently, the Dunsmuir property is made up of two legal parcels, the main parcel (P-3 zoning) and the access road (RA-3 parcel) which is actually its own parcel of land. In terms of process, a consolidation plan will be deposited at the Land Title Office and immediately after a new plan of subdivision will be deposited that subdivides the properties into two parcels, the Homewood Health parcel (28 ac) and the Pauquachin First Nation (74 ac) parcel which will be a hooked parcel across the access road.

Beyond the land division for the different user groups, this new plan of subdivision accomplishes two key tasks. Firstly, the access road will now form a part of the contiguous land base thereby creating a panhandle lot which will require Council’s approval. Secondly, in 1979 when the subdivision of Plans 32947 (Tumbo Place) and 34248 (Pacific Park Terrace) were surveyed, a land surveyor accepted the wrong iron post as the section corner post which in turn created some significant encroachments east of the Dunsmuir Lodge property after the subdivision. These encroachments are largely landscaping and fencing with no permanent structures in place. This correction will also affect the Cresswell Drive road right of way and fire access on Creswell Drive. Uvic is still in discussion with the affected parties but the matter will be resolved through the subdivision process at no cost to the homeowners.

There has been discussion regarding the closing of the gazette road at the western property line in exchange for a trail right of way along the northern property line. It is recommended that if the District raises title to the road for the purpose of transfer, the existing right of way on the western side of the western property line also be transferred.

Remainder Parcel

As discussed further in the subdivision section, the remainder parcel, Lot 2 (74 ac), will remain as a P-3 zoned property.
**Project Benefits**

The application for rezoning is not intended for any increases in site density and therefore do not trigger the more traditional forms of site amenities or contributions under the District’s Community Amenity Contribution Policy. The other forms of project benefits are the increased tax revenues and the social benefit to a need based service being offered. Of note is the intended closure of many of the trails throughout the property. Correspondence with the applicant has indicated cultural sensitivities to the lands and the desire of the Pauquachin First Nation to see many of the current trails on the property closed to public use. As an alternative, the applicant is proposing two new trail connections. Firstly, a 3.65m dedication will be provided along the northern property boundary. Secondly, a 3.65m trail dedication will be provided along the road access alignment to connect to the lower parking lot and John Dean Park. Staff will review the proposal to ensure the dedications are within the District’s trail design requirements and are practical and useable alignments prior to going to Public Hearing.

**Archaeological**

There are no registered areas of archaeological significance on or near the site. Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. An Archaeological Overview Assessment, prepared by I.R. Wilson Consultants Ltd. (September 2006), was conducted for the University in order to determine whether an Archaeological Impact Assessment is required. While proximity to the Pauquachin First Nation (Cole Bay 3) was noted, the report ultimately found no evidence on the property and few, if any, areas suitable for the presence of buried cultural materials. Therefore, no impact assessment was recommended. That said, due to the possibility of ceremonial and ritual significance, the report recommended consultation with both the Pauquachin and Tseycum First Nations.

**Site Profile**

Under Section 40 of the Environmental Management Act, an applicant is required to provide a Site Profile when applying for a rezoning or subdivision for a property where a commercial use has taken place. The site profile in conjunction with a Phase 1 Environmental Site Assessment revealed the presence of above and below ground fuel and/or chemical storage tanks and the presence of some forms of asbestos. The identification of storage tanks has triggered the recommendation for a Phase 2 Environmental Site Assessment which was completed in April 2016.

Staff are required under the Environmental Management Act to send Site Profiles, collected through the municipal application process, to the Ministry of Environment (MOE). On April 26, 2016 MOE issued a freeze on municipal approvals until such a time that the applicants have obtained a Certificate of Compliance or other approval from MOE. Due to the requirements surrounding the introduction of information into the approval process, Staff recommend that the application not advance to Public Hearing until such a time as the conditions set by MOE have been satisfied.

**Sustainability Checklist**

A completed sustainability checklist has been submitted to staff as part of the applicant’s application. Staff has reviewed the information provided and is in general agreement with much of what is proposed. It should be noted that many of the items on the checklist do not apply to this type of application.
**Next Steps**

Should Council endorse the proposal in principle, the following sequence of events would be necessary:

1. Give 1st and 2nd readings of the amending bylaws
2. Wait until the Ministry of Environment releases the project
3. Schedule a Public Hearing and send out required statutory notifications
4. Refer amending bylaws to the MoTI for approval
5. Direct staff to prepare any required section 219 covenants and right of way documents
6. Securing the construction of the new trails
7. Registration of any covenants or other charges
8. Adoption of the amending bylaws

**Options:**

Council can:

1. Direct Staff to draft the amending Zoning and Official Community Plan bylaw and to advance to 1st/2nd reading;
2. Postpone further consideration until items required of Council are clarified; or
3. Deny the application for rezoning and OCP amendment for the subject property.

**Financial Implications:**

For 2016, the lands were assessed in Class 6 at $12,203,000 and the improvements at $3,341,900. At these assessed values, the annual municipal property taxes would be $151,411. There is an exemption on property taxes for this property which would no longer be in effect should the Homewood Health proposal advance.

**Legal Implications:**

The proposal is inconsistent with the current Zoning Bylaw and could be considered inconsistent with the District OCP land use designation and amendments to the Zoning Bylaw and OCP are required. OCP Policy 9.5 requires land dedication and it is recommended that this be addressed by accepting a s.219 covenant.

**Consultations:**

**Applicant Efforts**

Uvic has had several meetings regarding the property with various stakeholders and groups dating back to 2009. More recently, this past year meetings have taken place between the Pauquachin, Tseycum, and Tsartlip First Nations. In addition to this, the proponents have met with the Dean Park Community Association executive and at the AGM (March/April 2016). On June 28, 2016, a community meeting is scheduled to take place at the Saanich Peninsula Presbyterian Church which will provide an opportunity for the larger community to find out more information on the proposal.
**District Commissions**

On April 27, 2016 at separate meetings, both the Community Planning Commission (CPC) and the Community Stewardship Commission (CSC) discussed the proposal for the Dunsmuir property. The applicant was on hand to give a presentation and answer questions that were raised. Neither commission adopted a formal resolution but discussions indicated a support for the property to be activated again and not left to fall into derelict condition.

**External Referrals**

Staff referred the application to the following external referrals:

- Archaeological Branch: No response
- BC Parks: Comments received
- Ministry of Transportation and Infrastructure: No concern
- Capital Regional District: No concern
- Central Saanich: No concern
- Sidney: No concern
- Pauquachin First Nation: No response

Of the responses received, only BC Parks had some comments related to their desire to see additional trail access and parking reserved for user access to John Dean Provincial Park.

All application materials presented to Council must be available to the public prior to a Public Hearing of any amending bylaws.

**Interdepartmental Involvement/Implications:**

**Infrastructure Services**

Infrastructure Services has provided initial comments to the Planning department. It has noted that there will be servicing requirements which will require further interdepartmental discussions which will be held as part of the rezoning, OCP amendment, subdivision approvals processes.

**Fire Department**

The application was referred to the Fire Department for review and comments were received relating to land clearing and water pressure. In past years, the land surrounding the lodge has been cleared to reduce fire hazard and the Fire Department would like this practice to continue. Fire staff are available to attend the site in order to provide an assessment. In addition to this, there is a fire pump system on the property for fire suppression services (hydrant & sprinklers) due to the low water pressure of the area. The automatic feature of the pump system is currently broken and therefore it is only operation on manual mode. The Fire Department would require that the automatic feature of the pump system be fixed prior to final occupancy. The existing secondary fire access routes off Creswell and Carmanah would need to be retained.
Summary:

The owners of the subject property have applied for OCP amendments & Zoning Bylaw in order to accommodate the re-opening of the Dunsmuir Lodge back to its original use. The proposal is inconsistent with current OCP/ZBL designations and therefore requires an amending bylaw in order to facilitate the proposal. Staff is seeking Council’s direction to advance the application by directing staff to draft the necessary OCP/ZBL amending bylaw.

Recommendation:

That Council direct staff to prepare the draft bylaw to amend the Official Community Plan and the Zoning Bylaw for the land use and subdivision associated with the proposed Homewood Health mental health and addictions treatment facility at 1515 McTavish Road.

Respectfully submitted,

___________________________________________
Luke Mari
Planner

Concurrences:

___________________________________________
Rob Buchan
Chief Administrative Officer

___________________________________________
Anne Berry
Director of Planning and Community Services

Concurrence:

___________________________________________
Curt Kingsley, Director of Corporate Services

___________________________________________
Gary Wilton, Director of Emergency Services

___________________________________________
Fymond Toupin, Director of Infrastructure Services

___________________________________________
Theresa Flynn, Director of Financial Services

Attachments:

- Site Plan (May 31, 2016)
- Trail Changes Map
New Traits to be created
Informal Trails
Trail to be closed
Wetland