

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, JUNE 25, 2015, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps (Chair); Councillors Coleman, Loveday, Lucas, Madoff and Thornton-Joe.

Absent: Councillors Alto, Isitt and Young.

Staff Present: J. Johnson – City Manager; J. Tinney – Director, Sustainable Planning & Community Development; T. Soulliere – Director, Parks & Recreation; S. Thompson – Director, Finance; K. Hamilton – Director, Citizen Engagement & Strategic Planning; B. Dellebuur – Acting Assistant Director, Transportation & Parking Services; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; S. Hutchinson – Transportation Planner; M. Wilson – Senior Planner; H. Cain – Senior Planner; M. Miller – Heritage Planner; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; T. Zworski – City Solicitor; C. Mycroft – Executive Assistant to the City Manager; A. Ferguson - Recording Secretary.

Mayor Helps introduced Jonathon Tinney, the new Director of the Sustainable Planning & Community Development Department.

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Agenda of the June 11, 2015, Planning & Land Use Committee meeting be approved.

Amendment: It was moved by Councillor Lucas, seconded by Councillor Coleman, that the Agenda of the June 11, 2015, Planning & Land Use Committee meeting be amended to include the following agenda items on the consent agenda:

- Item #1 Minutes from the meeting held June 11, 2015.
- Item #4 Development Permit with Variances Application No. 000388 for 80 Saghalie Road.
- Item #5 Heritage Alteration Permit Application Nos. 00198, 00199 and 00200 for 521, 539, and 545 Superior Street.
- Item #6 Heritage Alteration Permit Application No. 00196 for 1202/1208 Wharf Street.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC/137

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC/138

3. CONSENT AGENDA

It was moved by Councillor Lucas, seconded by Councillor Coleman, that the following items be approved without further debate:

3.1 Minutes from the meeting held June 11, 2015

Action: It was moved by Councillor Lucas, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held June 11, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC/139

3.2 Development Permit with Variances Application No. 000388 for 80 Saghalie Road

Committee received a report dated June 11, 2015 regarding a Development Permit with Variances Application for the property located at 80 Saghalie Road. The proposal is to permit an existing office building on-site and to subdivide the lands.

Action: It was moved by Councillor Lucas, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000388 for 80 Saghalie Road in accordance with:

1. Plans date stamped March 13, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 10.42.27 - Increase the allowable maximum floor area for Commercial use from 190.00m² to 938.40m²;
 - b. Part 10.42.31 - Reduce the minimum required open site space from 50% to 45%;
 - c. Part 10.42.32 - Allow commercial uses on all floors rather than only the ground floor;
 - d. Part 10.42.34 (a) - Allow required parking to be located on-site rather than being enclosed;

- e. Schedule C, Section C(5) - Reduce the required number of parking stalls from 14 to 8.
- 3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within 15 to 20 years to the satisfaction of staff.
- 4. Final plans in to be accordance with the plans identified above the satisfaction of the staff."

CARRIED UNANIMOUSLY 15/PLUC/140

3.3 Heritage Alteration Permit Application Nos. 00198, 00199 and 00200 for 521, 539, and 545 Superior Street

Committee received a report dated June 2, 2015, regarding three Heritage Alteration Permit Applications for the Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street, respectively.

Action: It was moved by Councillor Lucas, seconded by Councillor Coleman, that Committee recommends that Council consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Applications Nos. 00198, 00199 and 00200 for 521, 539 and 545 Superior Street, respectively, in accordance with:

- 1. Plans date stamped February 18, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements.
- 3. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of the Assistant Director, Community Planning, prior to the issuance of a Building Permit."

CARRIED UNANIMOUSLY 15/PLUC/141

3.4 Heritage Alteration Permit Application No. 00196 for 1202/1208 Wharf Street

Committee received a report dated June 5, 2015, from Community Planning, that presented Council with information, analysis and recommendations for a Heritage Alteration Permit Application for the property located at 1202 / 1208 Wharf Street. The proposal is to extend a lower level arbour from the existing deck to provide seasonal coverage to the patio.

Action: It was moved by Councillor Lucas, seconded by Councillor Coleman, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit Application No. 00196 for 1202 / 1208 Wharf Street, in accordance with:

- 1. Revised Plans date stamped June 4, 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 Assistant Director, Community Planning.

CARRIED UNANIMOUSLY 15/PLUC/142

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. 00476 for 1040 Moss Street (Art Gallery of Greater Victoria)

The Chair advised the Committee of two additional late items received for consideration as part of the application.

Committee received a report dated June 11, 2015 regarding a Rezoning Application for the property located at 1040 Moss Street. The proposal is to remove a Land Use Contract and to rezone the property from the PB Zone (Public Building District) to a new zone to increase density and to permit the expansion and exterior alteration of a cultural facility (the Art Gallery of Greater Victoria (AGGV) through a new three-storey addition to a Heritage-Registered property.

Committee discussed:

- The importance of monitoring the construction of the heritage building alterations.
- The possibility of securing legal agreements for soft parking measures.
- The desire to see the Spencer Mansion heritage designated.

Action:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee recommends that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00476 for 1040 Moss Street, 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. Applicant to further consider if refinements to the form and massing of the addition could improve visibility of the upper storey of Spencer Mansion, from Moss Street, while enabling the upper floor of the expanded gallery to function as exhibition space.
2. Further revisions to the proposed Statement of Significance for Spencer Mansion, to the satisfaction of staff.
3. Referral of Rezoning Application No. 00476 to the Advisory Design Panel and the Heritage Advisory Panel.
4. Removal of the existing Land Use Contract that is registered on the property title.
5. Registration of a Section 219 Covenant to secure the details for design and heritage alterations to the satisfaction of staff.
6. Applicant to explore the feasibility of securing access to surplus parking spaces on nearby properties and through legal agreements.

Committee discussed:

- The lack of clarity on the proposed mesh screen material proposed on the front entrance and the possibility of having the applicant present a sample at the public hearing.
- Having the applicant explore ways of mitigating the parking issues.
- The possibility of securing ancillary parking agreements with nearby parking areas.
- Appreciation for the artistic articulation of this building; however, further design refinement with consideration of the neighbouring heritage building would be encouraged.

4.2 Rezoning Application No. 00381 and Development Permit Application No. 0003851 for 1002, 1008-1012 Pandora Avenue (St. Andrew's School)

Committee received a report dated June 12, 2015 regarding new information that has been presented since Council's motion of September 11, 2014, which cancelled the Public Hearing at the applicant's request for Rezoning Application No.0038. for 1002, 1008-1012 Pandora Avenue.

Committee discussed:

- The reduced impact of shadowing on the Mason Street Farm with the buildings' lower height on Mason Street.
- Concerns that the only access to the building being off of Mason Street and the traffic volume it will create. As per the *Highway Access Bylaw*, Mason Street is the only option for access.
- Strong preference for the access to be off of Pandora Street as it currently is; however, as per the *Highway Access Bylaw* this is not permitted.
- Reducing the size of the traffic calming "bump outs" for more parking on Mason Street.
- Ensuring the proposed Community Room is included as this is a great amenity space.
- Accessibility of the units, in terms of disabled access and affordability.

Action:

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Committee recommends that Council:

1. Rescind third reading of Housing Agreement (1002-1008, 1012 Pandora Avenue) Bylaw No. 14-69.
2. Amend the Housing Agreement (1002-1008, 1012 Pandora Avenue) Bylaw No. 14-069 by replacing the amended Schedule A that secures 11 non-market rental units.
3. Give third reading of Housing Agreement (1002-1008, 1012 Pandora Avenue) Bylaw No. 14-069 with an amended Schedule A that secures 11 non-market rental units.
4. Refer the Rezoning Application No. 00381 for consideration at a Public Hearing.
5. Following consideration of Rezoning Application No. 00381, that Council approve a Development Permit for 1002, 1008-1012 Pandora Avenue, in accordance with:
 - a. Plans for Rezoning Application No. 00381 and Development Permit Application No. 000351, stamped June 8, 2015;
 - b. Development meeting all Zoning Regulation Bylaw requirements;
 - c. The Development Permit lapsing two years from the date of this resolution.
6. 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.

Committee discussed:

- Appreciation for the applicant's initiative in addressing the public's concerns.
- The supportability of the height reduction on Mason Street as well as the inclusion of 5% of the total units as affordable housing units offered in perpetuity.
- Giving the public opportunity to decide if the refinements to the proposal are adequate for approval.
- Directing traffic to the smaller street seems counter intuitive; preference to preclude access off Mason Street and have access off of Pandora.
- The extraordinary potential of the site and how the current proposal may be better suited in a different location.
- The proposal's strong street interfaces.
- Concerns of including a large retail space in this location.
- Regulating the left turn from Cook Street north bound onto Mason Street.
- The ten-year rental agreement and what will happen to the renters once the building is no longer required to provide rental units.
- Designing the intersection at Vancouver Street and Mason Street to fit with the landscape of the proposal and discourage the use of Mason Street as access from Cook Street.

CARRIED 15/PLUC/144

For: Mayor Helps; Councillors Coleman, Loveday, Lucas, and Thornton-Joe
Against: Councillor Madoff

Committee recessed at 10:29 a.m.

Councillor Coleman excused himself from the meeting at 10:29 a.m.

Committee reconvened at 10:34 a.m.

6. POLICY REPORT

6.1 Zoning Regulation Bylaw Improvement Project – Phase 2

Committee received a report dated June 11, 2015 from Development Services that updated Council on the results of the community consultation that took place regarding the *Zoning Regulation Bylaw* as it pertains to alteration of topography in low-density residential zones and to advance the proposed *Zoning Regulation Bylaw* amendments for consideration at a Public Hearing.

Committee discussed:

- Examples of grade issues from previous proposals.
- That blasting has become more common instead of working with the topography of the site.
- Concerns that some people are more concerned with maximizing the density on the site without consideration for the impact on neighbours.
- The City's authority to regulate retaining walls, and exploring ways to regulate the height of retaining walls.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Committee recommends that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set in order to:

1. Add definitions of “finished grade” and “natural grade”.
2. Amend the definitions of “site coverage” and “setbacks” and the applicable low density residential zones to include a requirement that raised-building features greater than 0.6m in height are subject to site coverage and setback regulations.

CARRIED UNANIMOUSLY 15/PLUC/145

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the Planning & Land Use Committee convene a Closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(g) Litigation or potential litigation affecting the City
- Section 12(3)(i) The receipt of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

CARRIED UNANIMOUSLY 15/PLUC/146

Committee recessed at 11:00 a.m. for a Special Governance and Priorities Committee Meeting.

Committee reconvened at 11:34 a.m.

7. CLOSED MEETING AT 11:34 A.M.

7.1 Approval of the Agenda

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Agenda of the Closed Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC/147

7.2 Adoption of minutes from the Closed Meeting held June 11, 2015

Action: It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the Minutes from the Closed Planning & Land Use Committee meeting held June 11, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC/148

7.2 Legal Advice

Committee received information from the City Solicitor regarding an agreement to transfer lands with the Province.

The discussion and motion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC/149

8. ADJOURNMENT

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Committee adjourn the Planning & Land Use Committee meeting of June 25, 2015, at 11:57 a.m.

CARRIED UNANIMOUSLY 15/PLUC/150

Mayor Helps, Chair