

**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, JANUARY 29, 2015, 9:00 A.M.**

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

**Committee Members Present:** Mayor Helps; Councillors Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

**Absent:** Councillor Alto

**Staff Present:** J. Johnson - City Manager; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; B. Sikstrom – Senior Planner; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

**2. APPROVAL OF THE AGENDA**

*Councillor Coleman advised Committee that he will be leaving the meeting at 10:30 a.m. due to an indirect pecuniary conflict of interest as his wife works for the Anglican Diocese who are the owners of the property involved in Item # 11 – 520 Niagara Street.*

**Action:** It was moved by Councillor Isitt, seconded by Councillor Coleman, that the Agenda of the January 29, 2015, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC009

**3. CONSENT AGENDA**

The Chair canvassed Committee who approved bringing forward the following items for approval:

Item # 10 - Rezoning Application # 00425 for 836-838 Broughton Street

Item # 12 - Development Variance Permit Application # 00145 for 1726 Albert Avenue

**3.1 Rezoning Application # 00425 for 836-838 Broughton**

Committee received a report regarding Rezoning Application # 00425 for 836-838 Broughton Street. The City-initiated proposal seeks to provide minor amendments to the RMD-1 Zone to clarify the wording related to amenity contributions to avoid ambiguity and to permit the projection of balconies into the front, rear and side yard setbacks.

**Action:** It was moved by Mayor Helps, seconded by Councillor Coleman, that Committee recommends:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment to the RMD-1 Zone (Residential Mixed Use Broughton Street District) to correct minor administrative drafting errors.
2. That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council.
3. That Council waive the requirement for a Public Hearing.

CARRIED UNANIMOUSLY 15/PLUC0010

### **3.2 Development Variance Permit # 00145 for 1726 Albert Avenue**

Committee received a report regarding Development Variance Permit Application # 00145 for 1726 Albert Street. The proposal is to allow the conversion of a single family dwelling to include a secondary suite. A variance is required to reduce the minimum required floor area to permit a secondary suite.

**Action:** It was moved by Mayor Helps, seconded by Councillor Coleman, that Committee recommends that Council:

Convene a Hearing for Development Variance Permit Application # 00145 for 1726 Albert Avenue, and following the Hearing, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application #00145 for 1726 Albert Avenue, in accordance with:

1. Plans date stamped November 13, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Schedule J, Secondary Suite Regulations, 1.a Minimum Required Floor Area reduced from 150m<sup>2</sup> to 140m<sup>2</sup>.
3. Final plans to be generally in accordance with the plans identified above, subject to final approval of the suite entrance features (landscaping and lighting) to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development.”

CARRIED UNANIMOUSLY 15/PLUC0011

## **4. ADOPTION OF MINUTES**

Minutes from the meeting held January 8, 2015.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Madoff, that the Minutes from the Planning & Land Use Committee meeting held January 8, 2015, be approved.

CARRIED UNANIMOUSLY 15/PLUC0012

## 5. COMBINED DEVELOPMENT APPLICATIONS

### 5.1 Rezoning Application # 00436 for 301 and 303 St. Lawrence Street

Committee received a report regarding Rezoning Application# 00436 for 301 and 303 St. Lawrence Street. The proposal is to zone the property to allow four townhouse units.

At the Council meeting held on November 27, 2014, the application was sent back to staff and the applicant for further refinement of the height and to address privacy concerns raised by neighbours. The new proposal is a good example of what can be achieved by working together to provide a better outcome for all who are concerned.

**Action:** It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee recommends:

1. That Council direct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application # 00436 for 301 and 303 St. Lawrence Street.
2. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading.

CARRIED UNANIMOUSLY 15/PLUC0013

### 5.2 Development Permit Application # 000389 for 301 and 303 St. Lawrence Street

Committee received a report regarding Development Permit Application # 000389 for 301 and 303 St. Lawrence Street. The proposal is to construct four townhouse units.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Madoff, that Committee recommends that following the Public Hearing for the Rezoning; that Council:

Authorize the issuance of Development Permit Application # 000389 for 301 and 303 St. Lawrence Street in accordance with:

1. Plans date stamped December 18, 2014.
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, Development Services Division, Sustainable Planning and Community Development Department.

CARRIED UNANIMOUSLY 15/PLUC0014

### 5.3 Rezoning Application # 00456 for 1330 Ivy Place

Committee received a report regarding Rezoning Application # 00456 for 1330 Ivy Place. The proposal is to rezone a portion of the property to authorize a small lot house and accessory building on the proposed small lot and retain the existing house on the remaining R1-B lot.

Committee discussed:

- That the required right-of-way easement is to ensure there is sufficient area to accommodate a boulevard or sidewalk.
- Concerns regarding the Garry Oak tree that is to be removed and if there is a mechanism in place to ensure two trees are to be re-planted on-site.

**Action:** It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Committee recommends:

1. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application # 00456 for 1330 Ivy Place.
2. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading.

Committee discussed:

- The tree removal and what the *Tree Preservation Bylaw* states regarding replacement of trees.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday that Committee table the motion until information regarding the replacement of the protected tree is made available.

CARRIED UNANIMOUSLY 15/PLUC0015

#### **5.4 Rezoning Application # 00459 for 2560 Quadra Street**

Committee received a report regarding Rezoning Application # 00459 for 2560 Quadra Street. The proposal is to permit the construction of a four-storey, 18-unit residential building with ground floor commercial within Quadra Village.

Committee discussed:

- Concerns regarding the north side staircase and if it is included in the calculated FSR.
- This is a site specific zone for the area defined as Quadra Village. If the development proposal is approved the property to the north would not have a reduced setback on its south boundary.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Madoff that Rezoning Application # 00459 for 2560 Quadra Street be referred back to staff to allow for additional discussion with the applicant and adjacent property owners with particular attention to the setbacks and siting in relation to the adjacent property.

CARRIED UNANIMOUSLY 15/PLUC0016

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Isitt that Rezoning Application # 00459 for 2560 Quadra Street be referred back to staff to allow for additional discussion with the applicant and ~~adjacent property owners~~ **community** with particular attention to the setbacks and siting in relation to the adjacent properties.

Committee discussed the Amendment:

- The previous application was very supportable but with the revised application neighbours have raised concerns that there is a sense that the density for the site is too high. The community is in favour of development but feel the density is too great for this property.

For: Councillors Coleman, Isitt, Madoff, Thornton-Joe and Young  
Against: Mayor Helps, Councillors Lucas, Loveday

On the amendment:  
On the main motion as amended:  
CARRIED 15/PLUC0017

#### **5.5 Development Permit with Variances Application # 000244 for 2560 Quadra Street**

**Action:** It was moved by Councillor Isitt, seconded by Councillor Coleman, that Committee refer Development Permit with Variances Application # 000244 for 2560 Quadra Street back to staff for further review with the applicant.

CARRIED UNANIMOUSLY 15/PLUC0018

#### **5.6 Rezoning Application # 00456 for 1330 Ivy Place**

The following motion was lifted from the table:

**Action:** It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Committee recommends:

1. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application # 00456 for 1330 Ivy Place.
2. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading.

Committee discussed:

- The Garry Oak tree that is to be removed is not considered a protected tree as it is within the proposed building envelope. The *Tree Preservation Bylaw*

which would require that two trees be planted to replace the Garry Oak, is not triggered when a tree is within the building envelope.

**Amendment:** It was moved by Councillor Isitt, that Committee amend the motion as follows:

1. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application # 00456 for 1330 Ivy Place.
2. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading.
4. **That two trees be planted on the site to replace the Garry Oak tree that is to be removed.**

Motion failed due to no seconder

Discussion of Main Motion:

Committee can request the applicant to provide two trees but they cannot require them to do so.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Isitt:

1. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application # 00456 for 1330 Ivy Place.
2. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading.
4. **That the applicant be requested to consider replacement of the Garry Oak tree that is to be removed, with two other trees.**

On the amendment:  
CARRIED UNANIMOUSLY 15/PLUC0019

On the main motion as amended:  
CARRIED UNANIMOUSLY 15/PLUC0020

#### **5.7 Development Permit with Variance Application # 00456 for 1330 Ivy Place**

Committee received a report regarding Development Permit with Variance Application # 00456 for 1330 Ivy Place. The proposal is to create one new small lot in order to permit construction of a new small lot house and accessory building.

**Action:** It was moved by Councillor Madoff , seconded by Councillor Coleman, that Committee recommends that following the Public Hearing for the Rezoning, that Council:

Authorize the issuance of Development Permit Application # 00456 for 1330 Ivy Place, in accordance with:

1. Plans date stamped November 4, 2014.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

Existing House:

- a. Part 1.2, Section 1.2.5(a): Reduce the front yard setback from 7.5m to 4.16m.
- b. Part 1.2, Section 1.2.5(b): Reduce the rear yard setback from 7.5m to 6.71m.
- c. Part 1.2, Section 1.2.5(c): Reduce the side yard (north east) setback from 3m to 1.51m.
- d. Part 1.2, Section 1.2.5(d): Reduce the combined side yard setback from 4.5m to 2.98m.

Small Lot House:

- a. Part 1.23, Section 8(a): Reduce the front yard setback from 6m to 4.6m.
  - b. Part 1.23, Section 8(b): Reduce the rear yard setback from 6m to 3.89m.
  - c. Part 1.23, Section 13(a): Reduce the front yard setback for an accessory building from 18m to 13.71m.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.

CARRIED UNANIMOUSLY 15/PLUC0021

*Councillor Young excused himself from the meeting at 10:02 a.m. due to a non-pecuniary conflict of interest as a member of his family owns a property within the notification area used when an amendment to the Official Community Plan is sought.*

**5.8 Rezoning Application # 00457 and concurrent Official Community Plan Application for 521-557 Superior Street and 524-584 Michigan Street**

Committee received a report regarding a Rezoning Application # 00457 and concurrent Official Community Plan Application for 521-527 Superior Street and 524-584 Michigan Street. The report provided an update on the applicant's progress on the preconditions for public hearing for the proposed Capital Park development.

Committee discussed:

- If Menzies Street has been identified as a cycling area and if not could it be in the future?
- Concerns about the affordable housing element and what is considered affordable for this type of rental.

- Affordable housing is defined in the Master Development Agreement (MDA) as no more than 30% of household income. The application provides a range of affordable housing but this definition has been added to aid Council in their decision. The intent was to provide housing in the first phase and not leave it to the last phase.

*Councillor Coleman left the meeting at 10:24 a.m.*

**Action:**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Committee recommends:

1. That Council consider giving first reading to the *Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11)*.
2. That Council consider Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11) in conjunction with the *City of Victoria 2014 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.
  - a. 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 immediately adjacent to the subject properties and determine that the appropriate consultation measures would include mailed notice of the proposed OCP Amendment to the affected persons and 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.
  - b. 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.
  - c. That Council consider consultation under Section 879(2) 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 amendments.
  - d. That Council consider giving second reading to the *Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11)*.
  - e. That Council consider referring the *Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11)* for consideration at a Public Hearing.
  - f. That Council consider giving first and second reading to the *Zoning Regulation Bylaw, Amendment Bylaw (No.11)*.
  - g. That Council consider referring *Zoning Regulation Bylaw, Amendment Bylaw (No. 1026)* for consideration at a Public Hearing.

Committee discussed:



- The proposal provides a good transition between James Bay, the Legislative Precinct and downtown.
- If the Menzies Street frontage could be reviewed by staff for cycling opportunities.

CARRIED UNANIMOUSLY 15/PLUC0022

**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday that staff report on options for the application of Complete Streets principles to the Menzies Street frontage of the Capital Park Development (521-557 Superior Street and 524-584 Michigan Street).

CARRIED UNANIMOUSLY 15/PLUC0023

**Action:** It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe that the Committee recommendation for Rezoning Application # 00457 and concurrent Official Community Plan Application for 521-557 Superior Street and 524-584 Michigan Street be Moved to the January 29<sup>th</sup>, 2015, Council Meeting.

CARRIED UNANIMOUSLY 15/PLUC0024

*Councillor Young returned to Committee at 10:40 a.m.*

## **6. OFFICIAL COMMUNITY PLAN APPLICATION REPORTS**

### **6.1 Official Community Plan Amendment (OCP) and Rezoning Application # 00453 for 1521-1531 Elford Street**

Committee received an updated report regarding Official Community Plan Amendment and Rezoning Application # 00453 for 1521-1531 Elford Street. The proposal is for a new four-storey, 32-unit apartment building with a floor space ratio (FSR) of 1.45 to 1.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Committee recommends:

1. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application #00453 for 1521-1531 Elford Street, subject to:
  - a. Referral to the Advisory Design Panel directing their attention to the transition of the adjacent house and park to the overall street appearance.
  - b. Completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 for that portion of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development.
  - c. Registration of the following:

- i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development,
  - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
  - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
  - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
  
- 2. That Council direct staff to prepare the necessary *Official Community Plan* Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
  - a. 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 immediately adjacent to the subject properties; 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.
  - b. 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.
  - c. 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 amendments.
  - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
  - e. 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.
  - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
  - g. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
  
- 3. Following consideration of the Official Community Plan Amendment Bylaw

and Rezoning Application #00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:

- a. Plans for Rezoning Application #00453 and Development Permit Application #000374, stamped July 30, 2014.
- b. Development meeting all *Zoning Regulation Bylaw* requirements;
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development;
- d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

Committee discussed:

- The notification area does not seem adequate when there is such a wide area of interest and has such a significant impact on people other than the direct neighbours.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Isitt:

1. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application #00453 for 1521-1531 Elford Street, subject to:
  - a. Referral to the Advisory Design Panel directing their attention to the transition of the adjacent house and park to the overall street appearance.
  - b. Completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 for that portion of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development.
  - c. Registration of the following:
    - i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development,
    - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
    - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
    - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council direct staff to prepare the necessary *Official Community Plan* Amendment Bylaw and that concurrent with the Rezoning Application

advance to a Public Hearing:

- a. 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 400m (immediately adjacent) to the subject properties**; 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.
  - b. 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.
  - c. 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 amendments.
  - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
  - e. 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.
  - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
  - g. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:
    - a. Plans for Rezoning Application #00453 and Development Permit Application #000374, stamped July 30, 2014.
    - b. Development meeting all *Zoning Regulation Bylaw* requirements;
    - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development;
    - d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

DEFEATED UNANIMOUSLY 15/PLUC0025

Committee discussed:

- That a 200m notification area is sufficient and would include neighbours that reside on Belmont Avenue.

**Amendment:** It was moved by Councillor Young, seconded by Councillor Thornton-Joe:

1. That Council direct staff to prepare the *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application #00453 for 1521-1531 Elford Street, subject to:
  - a. Referral to the Advisory Design Panel directing their attention to the transition of the adjacent house and park to the overall street appearance.
  - b. Completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 for that portion of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development.
  - c. Registration of the following:
    - i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development,
    - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
    - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
    - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council direct staff to prepare the necessary *Official Community Plan* Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
  - a. 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 200m (immediately adjacent) to the subject properties**; 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.
  - b. 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.

- c. 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 amendments.
  - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
  - e. 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.
  - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
  - g. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application #00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:
    - a. Plans for Rezoning Application #00453 and Development Permit Application #000374, stamped July 30, 2014.
    - b. Development meeting all *Zoning Regulation Bylaw* requirements;
    - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development;
    - d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit.

On the amendment:

CARRIED UNANIMOUSLY 15/PLUC0026

On the main motion as amended:

CARRIED UNANIMOUSLY 15/PLUC0027

**Action:** It was moved by Mayor Helps, seconded by Councillor Loveday that Committee forward Official Community Plan Amendment (OCP) and Rezoning Application # 00453 for 1521-1531 Elford Street to the Council meeting of January 29, 2015.

CARRIED UNANIMOUSLY 15/PLUC0028

## **7. REZONING APPLICATIONS**

### **7.1 Rezoning Application # 00470 for 520 Niagara Street**

Committee received a report regarding Rezoning Application # 00470 for 520 Niagara Street. The City has initiated the rezoning with direction from Council, given a previous application to demolish an existing Heritage-Registered building on the property (Cathedral School). The proposal is to provide a zoning incentive for the designation of the Heritage-Registered Cathedral School, currently listed on the *City of Victoria Register of Heritage Properties*.

**Action:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Committee recommends:

1. That Council instruct staff to prepare an amendment to the *Zoning Regulation Bylaw* to develop a new zone based on the existing R-2 Zone and include a bonus density provision consistent with the *Official Community Plan (OCP)* that would permit opportunities for bonus density up to 1:1 (maximum) Floor Space Ratio (FSR) conditional on Heritage Designation of the Cathedral School at 520 Niagara Street.
2. That Council consider first and second reading of the amendment to the *Zoning Regulation Bylaw* at the March 12, 2015 Public Hearing.

Committee discussed:

- Many neighbours have concerns about what will ultimately be built on the property.
  - The rezoning is to create the conditions for what the development will be that comes forward.

CARRIED UNANIMOUSLY 15/PLUC0029

## 8. POLICY REPORT

### 8.1 Burnside-Gorge / Douglas Area Plan Project Charter

Committee received a report regarding the Burnside-Gorge / Douglas Area Plan Project Charter. The proposed project charter will guide the plan's completion and initial implementation activities following the plans approval.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee recommends that:

1. Committee forward this report as amended to the January 29<sup>th</sup>, 2015, Council meeting for Council's consideration and approval, and that Council instruct staff to proceed with the *Burnside-Gorge/Douglas Local Area Plan* outlined in the Project Charter as amended.
2. Council direct staff to commence the recruitment process for the Engagement Advisory Group and report back in-camera to the March 12, 2015, Governance and Priorities Committee meeting for Council's consideration.

*Councillor Isitt left the meeting at 11:36 a.m.*

Committee discussed:

- Concerns regarding a lack of single family dwellings in the area and how and where housing is funded. It was noted that 80% of affordable housing

has been placed in the Burnside-Gorge Area. Although there is a desire to provide affordable housing Council would like to see a more diverse mix of housing and amenities such as a grocery store that is within walking distance.

- First Nations should have a voice and will be a significant player moving forward and the Engagement Committee should include representatives from the Songhees and Esquimalt nations.

**Amendment:** It was moved by Councillor Young, seconded by Councillor Loveday, that Committee recommends:

1. **That Council amend the Project Charter (Terms of Reference for the Burnside-Gorge/Douglas Area Plan Engagement Advisory Group) by increasing the size of the Engagement Advisory Group from nine members to eleven members, and that two of those positions be First Nations representatives.**
2. Committee forward this report as amended to the January 29<sup>th</sup>, 2015, Council meeting for Council's consideration and approval, and that Council instruct staff to proceed with the *Burnside-Gorge/Douglas Local Area Plan* outlined in the Project Charter as amended.
3. Council direct staff to commence the recruitment process for the Engagement Advisory Group and report back in-camera to the March 12, 2015, Governance and Priorities Committee meeting for Council's consideration.

On the Amendment:

CARRIED UNANIMOUSLY 15/PLUC0030

On the main motion as Amended:

CARRIED UNANIMOUSLY 15/PLUC0031

## 9. ADJOURNMENT

**Action:** It was moved by Councillor Loveday, seconded by Councillor Madoff, that Committee adjourn the Planning & Land Use Committee meeting of January 29, 2015, at 11:49 a.m.

CARRIED UNANIMOUSLY 15/PLUC0032

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Mayor Helps, Chair