

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, DECEMBER 11, 2014, 9:00 A.M.**

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

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

Absent: Councillor Young

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

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the December 11, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC0300

3. CONSENT AGENDA

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

Item #10 - Development Variance Permit Application # 00144 for 605-607 Marifield Avenue

3.1 Development Variance Permit # 00144 for 605-607 Marifield Avenue

Committee received a report regarding a Development Variance Permit for 605-607 Marifield Avenue. The proposal is for a parking variance to allow a parking space in the front yard of the dwelling unit as a result of a garage being converted to living space.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman that Committee recommends that Council convene a Hearing for Development

Variance Permit Application # 00144 for 605-607 Marifield Avenue and following the Hearing, that Council consider the following motion:

That Council authorize the issuance of Development Variance Permit # 00144 for 605-607 Marifield Avenue, in accordance with:

1. Plans date stamped November 12, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule "C" Section 3 – Relaxation to permit one parking space to be located in the front yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services.

CARRIED UNANIMOUSLY 14/PLUC0301

4. ADOPTION OF MINUTES

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Minutes from the Planning & Land Use Committee meeting held November 6, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC0302

5. DEVELOPMENT APPLICATION REPORTS

5.1 Rezoning Application # 00427, Official Community Plan Amendment and Development Permit Application # 000340 for 1515 Douglas Street and 750 Pandora Avenue

Committee received a report regarding a Rezoning Application, Official Community Plan Amendment and a Development Permit Application for 1515 Douglas Street and 750 Pandora Avenue. The proposal is to rezone the property to authorize a two-phase Commercial / Office building in the Downtown with a concurrent Development Permit. Phase One is a six-storey tower facing Douglas Street and Phase-Two is a thirteen storey tower facing Pandora and Cormorant Street. A Public Hearing is required prior to Council making a final decision on the application.

Committee discussed concerns regarding the provision of streetscape improvements notably the separated bike lane on Pandora Avenue and how to make the street safe for both cyclists and pedestrians.

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

1. That Council consider giving first reading to the *Official Community Plan Amendment Bylaw*.
 - a. That Council consider the *Official Community Plan Amendment Bylaw* 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 determine there is no impact.
- b. That Council consider consultation under Section 879(1) and (2) of the *Local Government Act* and determine that no persons, organizations or authorities are affected by the proposed OCP amendment and 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.
 - c. That Council consider giving second reading to the *Official Community Plan Amendment Bylaw*.
2. That Council consider giving first and second reading to the *Zoning Regulation Bylaw Amendment*.
 - a. That Council consider referring the *Zoning Regulation Amendment Bylaw* for consideration at a Public Hearing, subject to the provision of a letter of authorization from the Ministry of Environment confirming that the requirements of the *Environmental Management Act* have been satisfied.
 3. Following consideration of the *Official Community Plan Amendment Bylaw* and *Zoning Regulation Amendment Bylaw* and if it is approved, that Council consider the following motion:
 - “a. That Council authorize the Corporate Administrator and the Mayor to execute the proposed Master Development Agreement (including all Schedules thereto) for 1515 Douglas Street and 750 Pandora Avenue.
 - b. That Council authorize the issuance of Development Permit Application # 00340 for 1515 Douglas Street and 750 Pandora Avenue, in accordance with:
 - i. Plans for Rezoning Application # 00427 and Development Permit Application # 00340, stamped November 18, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Development Services, Sustainable Planning and Community Development.”

Committee discussed that the desired outcome is to ensure a high quality cycle track will be built and whether Council should have the final approval.

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee amend the motion:

1. That Council consider giving first reading to the *Official Community Plan Amendment Bylaw*.
 - a. That Council consider the *Official Community Plan Amendment Bylaw* 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 determine there is no impact.
 - b. That Council consider consultation under Section 879(1) and (2) of the *Local Government Act* and determine that no persons, organizations or authorities are affected by the proposed OCP amendment and 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.

- c. That Council consider giving second reading to the *Official Community Plan Amendment Bylaw*.
2. That Council consider giving first and second reading to the *Zoning Regulation Bylaw Amendment*.
 - a. That Council consider referring the *Zoning Regulation Amendment Bylaw* for consideration at a Public Hearing, subject to the provision of a letter of authorization from the Ministry of Environment confirming that the requirements of the *Environmental Management Act* have been satisfied.
3. Following consideration of the *Official Community Plan Amendment Bylaw* and *Zoning Regulation Amendment Bylaw* and if it is approved, that Council consider the following motion:
 - “a. That Council authorize the Corporate Administrator and the Mayor to execute the proposed Master Development Agreement (including all Schedules thereto) for 1515 Douglas Street and 750 Pandora Avenue.
 - b. That Council authorize the issuance of Development Permit Application # 00340 for 1515 Douglas Street and 750 Pandora Avenue, in accordance with:
 - i. Plans for Rezoning Application # 00427 and Development Permit Application # 00340, stamped November 18, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Development Services, Sustainable Planning and Community Development.
 - iv. **Subject to Council’s approval of the design of the Cycle Track on Pandora Avenue.”**

A discussion of the amendment raised concerns that the design of the cycle track should not be tied to the application and that in doing so would possibly delay the project and should be dealt with in a separate motion. Staff advised that any plans attached to the Master Development Agreement regarding this item may be refined to accommodate changes to the design as the plan moves forward.

On the amendment:
FAILED UNANIMOUSLY 14/PLUC0303

Discussion on main motion:

Committee discussed the process of removing a Heritage-Registered building from the list of properties (1515 Douglas Street). Heritage-Registered status does not provide formal protection to a site and is not the same as Heritage Designation. The Heritage Advisory Panel have conveyed their concerns that in these instances they have not been requested to provide input.

On main motion:
CARRIED UNANIMOUSLY 14/PLUC0304

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee recommends that Council direct staff to consult with the cycling

community regarding the design of the proposed cycling track on Pandora Avenue, particularly the portion fronting the 700 Block, and report back to Council on its recommended design.

CARRIED UNANIMOUSLY 14/PLUC0305

5.2 Rezoning Application # 00444 for 1745 Rockland Avenue

Committee received a report regarding a Rezoning Application for the property located at 1745 Rockland Avenue. The proposal is to rezone the property to retain a Heritage-Designated house and permit five new self-contained dwelling units including one single family dwelling and two duplexes. The Planning and Land Use Committee (PLUC) reviewed an earlier proposal for the property on September 18, 2014, and based on comments received at that meeting, the applicant resubmitted the Application with one less unit as previously proposed and increased the side yard setback along the south property line.

Committee discussed:

- The revised proposal had been presented to the Rockland Neighbourhood Association (RNA) on December 3, 2014 and the report does not include feedback received at that meeting.
- The landscaping and if there is a legal mechanism which could ensure that the hydro pole would be moved and fencing provided.
- The panhandle lot is a unique property. The applicant was asked to make changes and has provided those in the revised application.
- If the proposal moves forward to Public Hearing the public would be able to provide input regarding their concerns.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends that Council refer the report and application back to staff to consider all material including information received at the Rockland Neighbourhood Association meeting held on December 3, 2014.

CARRIED 14/PLUC0306

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

Against: Councillor Alto

5.3 Rezoning Application # 00464 for 1001 Blanshard Avenue

Committee received a report regarding a Rezoning Application for 1001 Blanshard Street. The proposal is to rezone the property to allow a broader range of commercial uses. The current zone is quite restrictive in terms of permitted uses and the intention is to enhance the owner's ability to lease the existing building, as an interim measure, until an overall redevelopment scheme is established. The maximum height and density are proposed to be maintained, and are consistent with the current Zone at 22.5m and 2:1 floor space ratio (FSR).

Action: It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendments* that would authorize the proposed development outlined in Rezoning Application # 00464 for 1001 Blanshard Street, that the first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 14/PLUC0307

5.4 Development Permit with Variances Application # 000387 for 595 Pandora Avenue

Committee received a report regarding a Development Permit with Variances Application for 595 Pandora Avenue. The proposal is to repurpose the existing building to allow commercial uses on the ground floor facing Pandora Avenue and residential uses at the rear and above. The variances are related to an increase in building height from 15.2m to 18.2m to allow for a new step backed fifth floor addition.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that Council:

1. Convene a Hearing for the proposed variances associated with Development Permit Application # 000387 for 595 Pandora Avenue subject to referral to the Advisory Design Panel, with specific attention to the exterior finishes and materials for the proposed additions.
2. Following the Hearing, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application # 000387 for 595 Pandora Avenue, in accordance with:

- a. Plans date stamped November 21, 2014.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Section 6.18.4(1) – increase the maximum height from 15.2m to 18.2m and increase the number of storeys from 4 (maximum) to 5 storeys.
 - ii. Part 6.8 Section 1(e) - relaxation to allow residential use on the first storey.
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development.”

Committee discussed:

- The site is located in a prominent Heritage Conservation Area. Special care and attention will need to be given to the quality and finishes to complement existing structures.

- If the application should have been forwarded to the Heritage Advisory Panel for comments and if reports of this nature include concerns from staff regarding the heritage viewpoint.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee amend the motion:

1. That Council convene a Hearing for the proposed variances associated with Development Permit Application # 000387 for 595 Pandora Avenue subject to referral to the Advisory Design Panel and **Heritage Advisory Panel**, with specific attention to the exterior finishes and materials for the proposed additions.
2. Following the Hearing, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application # 000387 for 595 Pandora Avenue, in accordance with:

- a. Plans date stamped November 21, 2014.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 6.18.4(1) – increase the maximum height from 15.2m to 18.2m and increase the number of storeys from 4 (maximum) to 5 storeys.
 - ii. Part 6.8 Section 1(e) - relaxation to allow residential use on the first storey.
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development.”

CARRIED UNANIMOUSLY 14/PLUC0308

Committee recessed at 10:33 a.m.

Committee reconvened at 10:39 a.m.

5.5 Development Variance Permit # 00143 for 1637 Hollywood Crescent

Committee received a report regarding a Development Variance Permit for 1637 Hollywood Crescent. The proposal is to replace an existing single family detached dwelling with a new single family detached dwelling having a total floor area of 359.3m² on all levels. A variance is required for the floor area which is above the maximum permitted total floor area of 300m².

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

1. Convene a Hearing for the proposed variances associated with Development Variance Permit Application # 00143 for 1637 Hollywood Crescent.
2. Following the Hearing, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application # 000143 for 1637 Hollywood Crescent, in accordance with:

- a. Plans date stamped September 8, 2014.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 1.6, Section 1.6.3.c.: Floor area of all floor levels combined (maximum) varied from 300m² to 359m².
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development.”

CARRIED UNANIMOUSLY 14/PLUC0309

5.6 Development Permit Application # 000371 for 1 Dallas Road

Committee received a report regarding a Development Permit Application for 1 Dallas Road (Fisherman’s Wharf). The proposal is to construct a storage shed which would support the maintenance and upkeep of Fisherman’s Wharf.

Action: It was moved by Councillor Alto, seconded by Councillor Madoff, that Committee recommends that Council authorize the issuance of Development Permit Application # 000371 for 1 Dallas Road, in accordance with:

1. Plans date stamped May 29, 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.

CARRIED UNANIMOUSLY 14/PLUC0310

5.7 Request to amend Section 219 Covenant for 189 Dallas Road (Ogden Point)

Committee received a reported regarding request to from the Greater Victoria Harbour Authority (GVHA) to amend a Section 219 Covenant to allow a temporary building at 189 Dallas Road (Ogden Point) to remain in place until November 8, 2019.

On January 27, 2011, Council approved a Development Permit allowing a temporary building at Ogden Point, subject to a Section 219 Covenant being registered on the property’s title requiring that the building be removed from the site by January 20, 2016. The GVHA has indicated that the temporary building is currently being used by the Victoria Marine Rescue Society (VMRS) to support their vessels moored at Ogden Point.

Committee discussed concerns from James Bay Neighbourhood Association (JBNA) regarding plans for the proposed building.

- The GVHA have indicated they have been working on a report and will be preparing a timeline to implement the master plan and will advise Council at that time.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends that Council approve the Greater Victoria Harbour Authority's request to amend the Section 219 Covenant to allow the temporary building to remain in place until November 8, 2019, and direct staff to execute an amendment to the Section 219 Covenant to reflect the new timeline, to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0311

5.8 Heritage Designation Application # 000143 for 612 Fisgard Street (Lee's Association Building)

Committee received a report regarding an owner request to designate the Heritage-Registered property located at 612 Fisgard Street as a Municipal Heritage Site.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Committee recommends that Council pursuant to Section 967 of the *Local Government Act*, designate 612 Fisgard Street as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 14/PLUC0312

5.9 Heritage Alteration Permit Application # 00194 for 805 Gordon Street (Union Club)

Committee received a report regarding a Heritage Alteration Permit Application for 805 Gordon Street. The proposal is to undertake exterior envelope rehabilitation on the Gordon and Humboldt Street façades.

Action: It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit Application # 00194 for 805 Gordon Street in accordance with:

1. Plans date stamped November 3, 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, Community Planning.

CARRIED UNANIMOUSLY 14/PLUC0313

5.10 Heritage Alteration Permit with Variance Application # 00193 for 23 Paddon Avenue

Committee received a report regarding a report a Heritage Alteration Permit with Variance Application for the property located at 23 Paddon Avenue. The proposal is to add a dormer to the section of the roof facing the rear yard in order to allow enough headspace above an existing staircase to meet the *British Columbia Building Code* (BC Building Code).

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

1. Convene a Hearing for the proposed variance associated with Heritage Alteration Permit Application # 00193 for 23 Paddon Avenue.
2. Following the Hearing, that Council consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with Variance Application # 00193 for 23 Paddon Avenue, in accordance with:

- a. Revised plans date stamped November 27, 2014.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 1.2.5 Section (b): Relaxation of the minimum rear yard setback from 8.43m to 6.8m for the rear dormer.
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Community Planning, Sustainable Planning and Community Development.”

CARRIED UNANIMOUSLY 14/PLUC0314

Committee recessed at 11:02 a.m.

Committee reconvened at 11:07 a.m.

5.11 1205 Wharf Street / 10 Bastion Square (The Local)

Committee received a report and background information regarding 1205 Wharf Street / 10 Bastion Square (The Local) as it relates to the outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk café. Committee was asked to rescind the decision from the August 21, 2014, Planning and Land Use Committee and reconsider the application based on additional information provided by the applicant.

Committee discussed:

- The recommendation to rescind the decision was tabled at Council and Council requested the chronology leading up to the decision made at the August meeting.
- When the application initially came forward there may have been a perception that clear and timely guidance was not provided to the applicant.
- How to proceed with the recommendation to rescind the original motion. If Council feels they have enough information, then they could decide to rescind or not. Council would lift the motion from the table and then have a debate on the motion to rescind.
- That a clear chronology of the events leading up to the August meeting should be provided in order to make an informed decision.

Action: It was moved by Councillor Isitt, and seconded by Councillor Alto,

that Committee refer the report and background information including a chronology of events to the Council Meeting of December 18, 2014.

CARRIED UNANIMOUSLY 14/PLUC0315

5. CLOSED MEETING AT 11:21 A.M.

Action: It was moved by Councillor Madoff, seconded by Councillor Isitt, that Planning and 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 the *Council Bylaw*, namely:

- Section 12 (3) (e) - the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of 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 14/PLUC0316

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

Absent: Councillor Young

Staff Present: J. Johnson - City Manager; A. Meyer – Assistant Director, Development Services; H. Cain – Senior Planner, R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

Committee recessed at 11:00 a.m.
Committee reconvened at 11:45 a.m.

6. ADOPTION OF MINUTES

6.1 Minutes from the meeting held October 16, 2014

The discussion and motion were recorded and kept confidential

CARRIED UNANIMOUSLY 14/PLUC0317

7. LAND / LEGAL

The discussion and motion were recorded and kept confidential

CARRIED UNANIMOUSLY 14/PLUC0318

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee adjourn the Planning & Land Use Committee meeting of December 11, 2014, at 11:26 a.m.

CARRIED UNANIMOUSLY 14/PLUC0319

Mayor Helps, Chair