

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, JUNE 5, 2014, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:01 A.M.

Committee Members Present: Mayor Fortin (Chair); Councillors Alto, Coleman, Gudgeon, Helps, Madoff, Thornton-Joe and Young.

Absent: Councillor Isitt

Staff Present: J. Johnson – City Manager; D. Day – Director, Department of Sustainable Planning and Community Development; A. Meyer – Assistant Director, Development Services; M. Miller – Senior Heritage Planner; M. Wilson - Planner; D. Schaffer - Manager, Legislative Services; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

Committee considered the following amendments to the Agenda:

Closed Meeting:

- Item # 8 - Legal Advice
- Item # 9 - Johnson Street Bridge

Action: It was moved by Councillor Helps, seconded by Councillor Gudgeon, that the Agenda of the June 5, 2014, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 14/PLUC0116

3. CONSENT AGENDA

Mayor Fortin canvassed members of Council, who approved bringing forward the following items for approval:

- Item # 4 - Heritage Alteration Permit for 1284-1298 Gladstone Avenue and 2000-2001 Fernwood Road
- Item # 5 - Heritage Alteration Permit for 606-620 Humbolt Avenue and 801-807 Government Street

3.1 Heritage Alteration Permit for 1284-1298 Gladstone Avenue and 2000-2001 Fernwood Road

Committee received a report regarding a Heritage Alteration Permit for the property located at 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road. The

applicant intends to reinstate important heritage values of the principal elevations by recreating the cornice and rehabilitating the upper floor level windows through the use of archival photographs. The proposed work includes the addition of awnings and projecting signs associated with the commercial uses, which will be designed to be compatible with the building.

- Action:** It was moved by Councillor Helps, seconded by Councillor Gudgeon, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit # 00181 for 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road subject to the following conditions being met prior to the issuance of a Building Permit:
1. The final plans include specification for masonry conservation, to be undertaken prior to the installation of the cornices to the satisfaction of the Director of Sustainable Planning and Community Development.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.

CARRIED UNANIMOUSLY 14/PLUC0117

3.2 Heritage Alteration Permit for 606-620 Humboldt Avenue and 801-807 Government Street

Committee received a report regarding a Heritage Alteration Permit for the property located at 606-620 Humboldt Street and 801-807 Government Street. The applicant proposes to replace the existing windows on levels 3-7 and complete the repair of the cornice and terra cotta on the Belmont office building at the corner of Government and Humboldt Streets.

The property is within DPA 1 (HC): Historic Core, which seeks to conserve and enhance the heritage value, special character and the significant historic buildings, features and characteristics of the area.

- Action:** It was moved by Councillor Helps, seconded by Councillor Gudgeon, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit # 00182, in accordance with:
1. Application and plans dated April 10, 2014, (including the Design Development Report prepared by Read Jones Christoffersen (RJC) dated September 4, 2013).
 2. Terra Cotta Repair specification dated November 15, 2013.
 3. Window Salvage and Storage Plan dated May 7, 2014.
 4. Development meeting all *Zoning Regulation Bylaw* requirements.

CARRIED UNANIMOUSLY 14/PLUC0118

4. ADOPTION OF MINUTES

4.1 Minutes of the Meeting held May 15, 2014.

The following correction to the May 15, 2014, Minutes was noted:

Councillor Thornton-Joe was not present as was recorded.

Action: It was moved by Councillor Alto, seconded by Councillor Gudgeon, that the Minutes from the Planning & Land Use Committee meeting held May 15, 2014, be approved as corrected.

CARRIED UNANIMOUSLY 14/PLUC0119

5. DECISION REQUEST

5.1 Rezoning Application # 00442 for 253 and 259 Esquimalt Road (The Roundhouse)

Committee received a report regarding a Rezoning Application for 2533 and 259 Esquimalt Road. The properties are located in Development Area 1 of the CD-12 Zone, Roundhouse District, which permits a range of uses, including light industrial, commercial, retail, breweries and pubs. The application proposes to add a distillery and liquor retail store, as an accessory use to a distillery or a brewery, to the list of permitted uses.

The following points were considered when reviewing this application:

- The proposed distillery use would be relatively small-scale with limited space for manufacturing alcohol.
- The application proposes liquor store retail use but only as an ancillary component to either a distillery or a brewery.
- The proposal is consistent with the *Official Community Plan*.

Committee commented that the area is becoming very close to becoming known an ale trail of microbreweries and it will be an interesting tourist attraction.

Action: It was moved by Councillor Gudgeon, seconded by Councillor Alto, that Committee recommends that Council authorize that Rezoning Application # 00442 for 253 and 259 Esquimalt Road proceed to a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

CARRIED UNANIMOUSLY 14/PLUC0120

5.2 Rezoning Application # 00452 and Development Permit Application # 000372 for 777 Fort Street

Committee received a report regarding a Rezoning Application and concurrent Development Permit Application for 777 Fort Street. The application is to rezone from the CA-4 Zone, Central Area Commercial Office District, to a new zone to allow additional floor area within the existing building, and new ground floor glazing and entryway.

With respect to the Development Permit Application, the site is located within Development Permit Area 7B: Corridors (Heritage). The existing building was constructed in 1912 and is considered to have some heritage character, although it is neither on the heritage register nor is it heritage designated. Over the years, the building's original windows and storefront have been removed; however, the masonry façade remains. The applicant has retained the existing brick and

proposes to paint the cornice and construct a new, contemporary entryway, where the storefront would originally have been located.

- Action:** It was moved by Councillor Alto, seconded by Councillor Gudgeon, that Committee recommends that Council :
1. Direct staff to:
 - a. Proceed with a *Zoning Regulation Bylaw* amendment application for the property located at 777 Fort Street to enable the addition of 20m² of floor area.
 - b. Waive the requirement for a Community Association Land Use Committee (CALUC) Community Meeting.
 - c. In accordance with Section 890 of the *Local Government Act*, Council resolve to waive the requirement for a Public Hearing.
 2. That Rezoning Application # 00452 for 777 Fort Street proceed for consideration at Council and that staff be directed to prepare the necessary *Zoning Regulation Bylaw* amendments.
 3. Following consideration of Rezoning Application # 00452, that Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit Application # 000372 dated, May 28, 2014".
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Planning and Development.

CARRIED UNANIMOUSLY 14/PLUC0121

5.3 Development Permit # 000347 for 845 Yates Street (The Wave)

Committee received an updated report regarding a Development Permit Application for the property located at 845 Yates Street. The report was a response to the Planning and Land Use motion of April 17, 2014, that recommended that consideration of the Development Permit be postponed until the applicant could provide more information on the need for replacement of the tiling.

The applicant has provide the requested information and while it is noted that technically, tiles could be used in a new mosaic, the preferred approach is to remove the existing wave mural (quartzite tiles) from the east elevation and replace it with a painted mural.

The key issues associated with the application are the appearance of the proposed wave image that would likely result from the change in materials and the contemporary interpretations of the original image and the durability and resulting maintenance requirements of a painted finish.

- Action:** It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends that Council authorize the issuance of Development Permit # 000347, subject to the applicant reducing the size of the proposed grid to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed the motion:

- Concerns that the fault was not in the quartzite tile that was used but that the tile had been inappropriately installed. Other buildings with similar finishes have lasted for much longer periods.
- If by approving a painted mural, when the paint starts to fade will it be requested that the mural be painted over.
- The finish was discussed by the Advisory Design Panel and the Council of the day. It is a very significant building. If paint would have been thought to be an appropriate response, then that would have been what had been approved.
- That Committee should go back and ask that the mural be replaced with a properly installed tile mosaic that is durable and has a long lasting finish and the prominence it deserves.
- There is an understanding that the Strata Council would like the most economic replacement but this is a substantial building and the fault is not in the tile but in the application. This could result in significant costs to the residents.
- The proposed replacement is less than satisfactory and that the building owners should do what is necessary to fix the tile.
- The building will be here for the next 50 or 60 years and is a significant landmark building.

Action: It was moved by Councillor Gudgeon, seconded by Councillor Alto, that Committee table consideration of the motion pending receipt of legal advice in a Closed meeting.

CARRIED UNANIMOUSLY 14/PLUC0122

5.4 Heritage Designation for 1284-1298 Gladstone Avenue and 2000-2001 Fernwood Road

Committee received a report regarding a request for a Heritage Designation for the property at 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road. The property is a complex of three brick buildings in the Fernwood neighbourhood.

Action: It was moved by Councillor Helps, seconded by Councillor Gudgeon, that Committee recommends that Council authorize that Heritage Designation Application # 000142 for 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road proceed for consideration at a Public Hearing and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 14/PLUC0123

5.5 Proposed Work Plan to Host a Development Summit

Committee received a report regarding a proposed work plan to host a Development Summit. On May 8, 2014, the Governance & Priorities Committee made the following motion:

That Council direct staff, on a timely basis, to bring forward a work plan to host a facilitated Development Summit Workshop dedicated to

strengthening the relationship between the City, development firms that are active in Victoria, and community association land use chairs.

The following objectives for the Summit are:

- To understand any concerns or problems regarding services, including their scale and prevalence, and to identify key issues.
- To understand the roles and responsibilities as well as the perspectives, pressures and realities of all parties involved.
- To provide opportunities to identify changes to improve the processes, information and understanding as well as relationships.
- To consider and agree on broad principles to guide behaviours and approaches for moving forward.
- To analyze input and prepare an Action Plan for improvements with timelines for Council's approval.

An external consultant will be engaged to assist in the summit to enable a timely and focused response as well as enabling the discussions to involve all parties. The consultant would be responsible for leading and facilitating the session to ensure that the session is organized and structured to be effective. The consultant would summarize the input received and prepare a report with analysis, findings and recommendations for action with timelines for consideration by Council.

Committee discussed:

- How this will help improve customer service.
- The dialogue created would also provide a forum for continuing improvements.
- If there is a way to help the CALUCs provide more consistent reporting.

Action: It was moved by Councillor Alto, seconded by Councillor Gudgeon, that Committee recommends that Council direct staff to undertake the Development Summit work plan as proposed with a target date for holding the Summit in late June 2014.

CARRIED UNANIMOUSLY 14/PLUC0124

Action: It was moved by Councillor Gudgeon, seconded by Councillor Helps, that the 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 following sections of the *Council Bylaw*:
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 14/PLUC0125

6. CLOSED MEETING AT 9:35 A.M.

Committee Members Present: Mayor Fortin in the Chair; Councillors Alto, Coleman, Gudgeon, Helps, Madoff, Thornton-Joe and Young.

Absent: Councillor Isitt

Staff Present: J. Johnson – City Manager; D. Day – Director of Sustainable Planning & Community Development; A. Meyer – Assistant Director, Development Services; T. Zworski – City Solicitor; D. Schaffer – Manager, Legislative Services; J. Appleby – Recording Secretary.

7. DECISION REQUEST

7.1 Legal Advice – 845 Yates Street (The Wave)

Committee received legal advice on this matter.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 14/PLUC0126

8. ADJOURNMENT

Action: It was moved by Councillor Gudgeon, seconded by Councillor Alto, that Committee adjourn the Closed meeting of May 22, 2014, at 9:55 a.m.

CARRIED UNANIMOUSLY 14/PLUC0127

9. OPEN MEETING AT 9:57 A.M.

9.1 Development Permit # 000347 for 845 Yates Street (The Wave)

The following motion was lifted from the table:

Action: It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends that Council authorize the issuance of Development Permit # 000347, subject to the applicant reducing the size of the proposed grid to the satisfaction of the Director of Sustainable Planning and Community Development.

DEFEATED 14/PLUC0128

Action: It was moved by Councillor Madoff, seconded by Councillor Gudgeon, that Committee recommends that Council decline approval of the Development Permit and request that the tile be reinstalled in a way that will be long lasting and durable.

CARRIED UNANIMOUSLY 14/PLUC0129

9.2 Rise and Report – Johnson Street Bridge

Action: It was moved by Councillor Helps, seconded by Councillor Alto, that Committee Rise and Report on the following:

The City of Victoria is reviewing and evaluating the response prepared by MMM Group Ltd., the designed and primary consultant on the Johnson Street Bridge project. The response was submitted to the City as a reply to the request for a change order issued by PCL Constructors Westcoast Inc., the construction company building the new bridge. MMM has recommended rejection of PCL's change order request.

Both the PCL change order request and MMM's response are being reviewed and evaluated by City staff and external consultants. A change order is the usual mechanism by which a contractor communicates a change of project scope or cost to the owner for approval. The City is performing its due diligence as the owner to ensure that the interests of City taxpayers are protected. The City will provide further information once the review of the PCL change order and MMM response is complete.

CARRIED UNANIMOUSLY 14/PLUC0130

10. ADJOURNMENT

Action: It was moved by Councillor Alto, and seconded by Councillor Gudgeon, that the Planning and Land Use Committee meeting of June 5, 2014, be adjourned at 10:05 a.m.

CARRIED UNANIMOUSLY 14/PLUC0131

Mayor Fortin, Chair