

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, APRIL 3, 2014, 9:00 A.M.**

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

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

**Absent for a Portion
Of the meeting:** Mayor Fortin, Councillor Isitt

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

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that the Agenda of the April 3, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC063

4. MINUTES

Councillor Helps noted the following correction to the March 20, 2014, minutes:

Item 5.2 Development Permit # 000297 for 1823 Douglas Street
Councillor Helps voted for the motion and not against.

Action: It was moved by Councillor Alto, and seconded by Councillor Helps, that Minutes from the Planning & Land Use Committee meeting held March 20, 2014, be approved as corrected.

CARRIED UNANIMOUSLY 14/PLUC064

5. CONSENT AGENDA

5.1 Rezoning Application # 00406 and Development Permit for 1270 Dallas Road

Committee received a report regarding a Rezoning Application and Development Permit for 1270 Dallas Road. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to a new zone to permit the conversion of an existing garage to a garden suite. In an earlier Planning and Land Use report, staff had recommended that this proposal proceed to a Public Hearing for the Rezoning Application and that a Development Permit with Variances be issued. However, staff have determined that the total floor area of the garage, which exceeds the maximum permitted for a garden suite, can be considered as density. To ensure that the zoning is appropriate, staff are recommending that this application proceed to a Public Hearing with the preparation of a custom zone and a Development Permit. The amendment to the original recommendation involves no changes to the proposal.

Action: It was moved by Councillor Alto, and seconded by Councillor Helps, that Committee recommends that Council authorize:

1. That Rezoning Application # 00406 for 1270 Dallas Road proceed to a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application # 00406, that Council authorize the issuance of a Development Permit for 1270 Dallas Road, in accordance with:
 - a. Plans stamped "June 27, 2013".
 - 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 Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC065

Councillor Isitt joined the meeting at 9:03 am

6. DECISION REQUEST

6.1 Rezoning Application # 00412 and Development Permit for 2740 Forbes Street

Committee received a report regarding Rezoning Application # 00412 and Development Permit for 2740 Forbes Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS2 Zone (Single Family dwelling with a Garden Suite District) to permit the construction of a garden suite in the rear yard of an existing lot.

Based on the *Garden Suite Policy* (2011) the subject parcel qualifies as a "plus site" as it exceeds 557m² in size. As such, the regulations would allow a garden suite with a floor area of up to 56m². The applicant proposes a 53² garden suite.

Mayor Fortin joined the meeting at 9:05 am and assumed the Chair.

The following factors were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the Official Community Plan 2012 (OCP) and related

objectives for sensitive infill in Development Permit Area 15E: Intensive Residential – Garden Suites.

- The garden suite provides an alternative form of rental housing in an area that supports a variety of housing types.
- The property will be included within Development Permit Area 15E: Intensive Residential – Garden Suite, regulating the exterior design, finish and landscaping. The proposal is consistent with the policies and design specifications of the *Garden Suite Policy* (2011).
- There are no variances associated with the application.

Action:

It was moved by Councillor Helps, and seconded by Councillor Alto, that Committee recommends that Council authorize:

1. That Rezoning Application # 00412 for 2740 Forbes Street proceed to a Public Hearing.
2. Following consideration of Rezoning Application # 00412, that Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped dated October 9, 2013.
 - 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 Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC066

6.2 Rezoning Application # 00381 and Development Permit # 000351 for 1002-1008, 1012 Pandora Avenue

Committee received a report regarding Rezoning Application and Development Permit for 1002-1008, and 1012 Pandora Avenue, which is on the east side of Vancouver Street between Pandora Avenue and Mason Street. This application was first presented to Council on May 23, 2013. The application was tabled by the Planning and Land Use Standing Committee and Council endorsed a motion asking the applicant to reconsider certain aspects of the proposal.

In conjunction with submitting revised plans, the applicant has now applied for a concurrent Development Permit application. The applicant has undertaken significant revisions to the proposal based on feedback from Council, including:

- A reduction in the proposed floor space ration (FSR) from 2.5:1 to 2.35:1
- A reduction in the building height from six storeys to four storeys for areas of the building fronting Mason Street and Franklin Green
- The removal of the previously retained school tower
- The provision of an increased east side yard for a future through-block pathway to Franklin Green.
- The staff report states the pathway would be considered in the future but the applicant has indicated the pathway would be available immediately and they will enter into a Statutory Right-of-Way.

Action: It was moved by Councillor Helps, and seconded by Councillor Young, that Committee recommends that Council authorize that Rezoning Application # 00381 and Development Permit Application # 000351 for 1002-1008 and 1012 Pandora Avenue proceed to a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments, subject to completion of the following conditions:

1. Advisory Design Panel review of the Development Permit Application with particular attention to:
 - a. The comprehensive design approach and whether the building's mass has been adequately articulated through the provision of varying building materials and setbacks.
 - b. The appropriateness of the building finishes, including cement board siding and landscape design.
2. Registration of Statutory Right-of-Ways on Mason Street and Vancouver Street to the satisfaction of the Director of Engineering and Public Works.
3. Revisions to the proposed Pandora Avenue and Vancouver Street frontages to the satisfaction of Director of Engineering and Public Works.
4. The provision of 17 Class 2 bicycle parking stalls to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Preparation of a Housing Agreement Bylaw and legal agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units to non-owners to the satisfaction of the City Solicitor.

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that Committee amend the motion as follows:

3. Revisions to the proposed Pandora Avenue and Vancouver Street frontages to the satisfaction of Director of Engineering and Public Works **subject to the removal of the parking on the east side of Vancouver Street and its replacement with a cycling facility.**

Committee discussed the amendment:

- If it is feasible to have access on Mason Street and how the design could be changed to support a greenway.
- If an impact assessment has been done.

Action: It was moved by Councillor Isitt, and seconded by Councillor Madoff, that Committee table discussion of this item until receipt of the transportation impact assessment.

DEFEATED 14/PLUC067

For: Councillors Isitt and Madoff
Against: Mayor Fortin, Councillors Alto, Coleman, Helps, Gudgeon, Thornton-Joe and Young.

Committee continued discussion of the amendment:

- Concerns regarding the volume of traffic on Mason Street.
- If it is achievable to put a condition on the applicant that may not be able to fulfill. The City cannot order the applicant to do anything on land they do not own.

Action: It was moved by Mayor Fortin, and seconded by Councillor Thornton-Joe, that Committee amend the amendment:

3. Revisions to the proposed Pandora Avenue and Vancouver Street frontages to the satisfaction of Director of Engineering and Public Works subject to the removal of the parking on the east side of Vancouver and its replacement with a cycling facility **and adding an exploration of cycling facilities on Pandora and Mason Street.**
- Safety is of the utmost concern.
 - Staff advised that it would the cycling lane in that corridor would be ad hoc but it should be fine. Both streets are busy cycling areas and there should not be any issues in placing both. Removing parking would also not be an issue.
 - If staff have discussed this issue with the Cycling Coalition and if separated bike lanes have been considered.

On the amendment to the amendment:
CARRIED UNANIMOUSLY 14/PLUC068

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC069

Committee discussed the amendment:

- The report stated that during the peak hour there are 29 vehicles on Vancouver Street turning onto Mason with 150 vehicles in peak hour.
- If the retail includes a grocery store and given the square footage of the retail and the staff how could Mason Street work as a viable access. If the City closed the street at Vancouver, then Pandora would be the only road. The Greenway is the cycling route that many use that connects the north and south. Council should mandate that these streets are not the main access points.
- If there is a way to pilot cycling lights. Staff advised that this could that be explored.
- It is important to note the restriction of deliveries. There will be a lot of trucks coming onto Mason Street; there is concern about the safety issue.
- If there is a legal mechanism that could restrict commercial traffic.

Action: It was moved by Councillor Gudgeon, and seconded by Councillor Thornton-Joe, that:

5. Staff explore the viability of a legal mechanism and the implications of restricting commercial truck traffic between the hours of 11pm and 7am and to explore the advisability of limiting the weight of vehicles to 7000 lbs. on Mason Street especially fronting Franklin Green Park.

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC070

Committee continued discussion of the main motion:

- How to make the mid-block walkway safe and if the Advisory Design Panel could review improvements to the design.

Action: It was moved by Councillor Alto, and seconded by Councillor Helps, to amend the motion as follows:

- c. Improvements to building form as it relates to the mid-block walkway including Crime Prevention Through Environmental Design (CPTED) principles.
- d. Signage identifying the mid-block walkway.

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC071

Committee discussed the viability of the entire development being rental and what would happen in the future if the property owner should wish to change from rental units to strata ownership and what the legal mechanism would be.

Action: It was moved by Councillor Helps, and seconded by Councillor Gudgeon, that the motion be amended as follows:

6. Preparation of a Housing Agreement Bylaw and legal agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units to non-owners, to the satisfaction of the City Solicitor.

On the amendment:
CARRIED 14/PLUC072

For: Mayor Fortin, Councillor Alto, Coleman, Gudgeon, Helps, Isitt, Madoff and Thornton-Joe

Against: Councillor Young

Action: It was moved by Councillor Helps, and seconded by Councillor Gudgeon, to amend the motion as follows:

7. That staff explore with the applicant the possibility of including a Housing Agreement to retain the residential units as rental for a period of 10 years and to have staff identify the mechanism that would be put in place to deal with the conversion from rental to strata should that happen in the future.

On the amendment:
CARRIED 14/PLUC073

Discussion of Main motion:

- The lack of clarity in the report of what the retail will be.
- Concern that the Committee would not see the final report before the proposal goes to public hearing.
- That there needs to be a compromise that the neighbours will support which is sensitive to the surrounding area.
- If the application has enough merit to move forward without it having to comeback to this committee.

Action: It was moved by Councillor Isitt and seconded by Councillor Madoff that Rezoning Application # 00381 and Development Permit Application # 000351 for 1002-1008 and 1012 Pandora Avenue return to the PLUC after review by the Advisory Design Panel.

Action: It was moved by Councillor Alto, and seconded by Councillor Gudgeon, that the following motion be tabled until all Committee Members have had an opportunity to speak to the main motion.

“That Rezoning Application # 00381 and Development Permit Application # 000351 for 1002-1008 and 1012 Pandora Avenue return to the Planning and Land Use Committee after review by the Advisory Design Panel.”

CARRIED 14/PLUC074

For: Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Isitt, Madoff, Thornton-Joe and Young

Against: Councillor Helps

Mayor Fortin withdrew from the meeting at 11:24 am and Councillor Gudgeon assumed the Chair

Mayor Fortin returned to the meeting at 11:27 am and assumed the Chair.

Speaking to the main motion:

- It was questioned if the application meets the test in its current state? If so then committee would not see the pushback that is being seen. It would be desirable if the structure was stepped back and density was shifted to the Pandora side. There is also a complete lack of green space.
- The buildings are very boxy, if it was stepped up and it would reflect the topography.
-

Councillor Gudgeon withdrew from the meeting at 11:36 am and returned at 11:38 am

Councillor Helps withdrew from the meeting at 11:55 am and returned at 11:58 am

Councillor Coleman withdrew from the meeting at 12:09 pm and returned at 12:10 pm

Councillor Alto withdrew from the meeting at 12:09 pm and returned at 12:13 pm

Councillor Isitt withdrew from the meeting at 12:09 pm and returned at 12:11 pm

Action: It was moved by Mayor Fortin, and seconded by Councillor Madoff, that the motion be amended as follows:

8. That staff be directed to discuss with the applicant the addition of green building features.

CARRIED UNANIMOUSLY 14/PLUC075

Action: It was moved by Councillor Isitt, and seconded by Councillor Madoff, that the motion be amended as follows:

9. That staff consult with the applicant regarding the possibility of further transitioning of massing from Mason Street to Pandora Street.
- It sounds like we are asking them to redraw the plans.
 - Council is trying to be sensitive to the neighbours.

- There is a gap between neighbourhood plan and the OCP. The North Park neighbours are very concerned about this.

CARRIED 14/PLUC076

For: Councillors Alto, Coleman, Gudgeon, Madoff, and Thornton-Joe
Against: Mayor Fortin, Councillors Helps and Young

Councillor Isitt moved to lift the following motion from the table:

Action: That Rezoning Application # 00381 and Development Permit Application # 000351 for 1002, 1008 and 1012 Pandora Avenue return to this Committee after review by the Advisory Design Panel.

DEFEATED 14/PLUC077

For: Councillors Madoff, and Thornton-Joe and Young
Against: Mayor Fortin, Councillors Alto, Coleman, Helps, Gudgeon

- The role of the public hearing is to provide a process by which Council can hear all of the material. Council and the applicant know the risks. The applicant could be turned down at the public hearing.

Action: It was moved by Councillor Helps, and seconded by Councillor Young, that Committee recommends that Council authorize that Rezoning Application # 00381 and Development Permit Application # 000351 for 1002-1008 and 1012 Pandora Avenue proceed to a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments, subject to completion of the following conditions:

1. Advisory Design Panel review of the Development Permit Application with particular attention to:
 - a. The comprehensive design approach and whether the building's mass has been adequately articulated through the provision of varying building materials and setbacks.
 - b. The appropriateness of the building finishes, including cement board siding and landscape design.
 - c. Improvements to building form as it relates to the mid-block walkway including Crime Prevention Through Environmental Design (CPTED) principles.
 - d. Signage identifying the mid-block walkway.
2. Registration of Statutory Right-of-Ways on Mason Street and Vancouver Street to the satisfaction of the Director of Engineering and Public Works.
3. Revisions to the proposed Pandora Avenue and Vancouver Street frontages to the satisfaction of Director of Engineering and Public Works subject to the removal of the parking on the east side of Vancouver Street and its replacement with a cycling facility and adding an exploration of cycling facilities on Pandora Avenue and Mason Street.
4. The provision of 17 Class 2 bicycle parking stalls to the satisfaction of the Director of Sustainable Planning and Community Development.
5. That staff explore the viability of a legal mechanism and the implications of restricting commercial truck traffic between the hours of 11pm to 7am and

to explore the advisability of limiting the weight of vehicles to 7000 lbs on Mason Street especially fronting Franklin Green Park.

6. Preparation of a Housing Agreement Bylaw and legal agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units to non-owners, to the satisfaction of the City Solicitor.
7. That staff explore with the applicant the possibility of including a Housing Agreement to retain the residential units as rental for a period of 10 years and to have staff identify the mechanism that would be put in place to deal with the conversion from rental to strata should that happen in the future.
8. That staff be directed to discuss with the applicant the addition of green building features.
9. That staff consult with the applicant regarding the possibility of further transitioning of massing from Mason Street to Pandora Street.

On the main motion as amended:

CARRIED 14/PLUC078

For: Mayor Fortin, Councillors Alto, Coleman, Helps and Young

Against: Councillors Gudgeon, Isitt, Madoff and Thornton-Joe

Action: It was moved by Councillor Alto, and seconded by Councillor Gudgeon, should this application be approved by Council, that staff be directed to investigate how best to prohibit left hand turns westbound onto Mason Street from northbound Cook Street.

CARRIED 14/PLUC079

For: Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Helps, Madoff, Thornton-Joe and Young

Against: Councillors Young and Isitt

Action: It was moved by Councillor Alto, and seconded by Councillor Gudgeon, that prior to the public hearing, that staff work with the applicant to resolve traffic and noise issues on the west end of Mason Street.

CARRIED UNANIMOUSLY 14/PLUC080

6.3 Development Permit with Variance Application # 000342 for 1961 Douglas Street

Committee received a report regarding Development Permit with Variance Application # 000342 for 1961 Douglas Street. The proposal is to replace the existing nightclub on the main floor at the east end of the building with 10 hotel rooms which increases the number of rooms in the hotel from 84 to 94. Four of the additional rooms have kitchenettes, two are handicapped accessible and all have small patios. The proposed exterior changes to the building match the existing exterior treatment with new stucco, painted board and batten-wood fascia, fibre-board siding and vinyl windows and sliding doors. A common-event patio is proposed on the south side of the hotel with screening from the adjacent parking lot. A parking variance from 49 to 48 legal is also requested.

- Action:** It was moved by Councillor Thornton-Joe, and seconded by Councillor Madoff, that Committee recommends that Council authorize the issuance of Development Permit # 000342 for 1961 Douglas Street, in accordance with:
1. Plans date stamped "January 6, 2014, January 16, 2014, and February 26, 2014, for Development Permit # 000342.
 2. Development meeting all *Zoning Regulation Bylaw* requirements with the following variance:
 - Schedule "C", Section 16.C.(b) relaxation of off-street parking requirement from 49 stalls (legal non-conforming) to 48 stalls.
 3. Final Plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC081

- Action:** It was moved by Councillor Coleman, and seconded by Councillor Gudgeon, that the Planning and Land Use Committee meeting of April 3, 2014, be adjourned at 1:05 pm.

CARRIED UNANIMOUSLY 14/PLUC082

Mayor Fortin, Chair