

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, FEBRUARY 6, 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, Isitt, Gudgeon, Madoff, Thornton-Joe and Young

Staff Present: J. Jenkyns – Acting City Manager; D. Day, Director, Department of Sustainable Planning and Community Development; A. Meyer – Assistant Director, Department of Sustainable Planning and Community Development; R. Batallas – Senior Planner; M. Wilson – Senior Planner; R. Woodland – Director of Legislative & Regulatory Services; J. Appleby - Recording Secretary

2. APPROVAL OF THE AGENDA

Action: Councillor Helps moved that the Agenda of the February 6, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC029

3. CONSENT AGENDA

3.1 MINUTES

Action: Councillor Coleman moved that the Planning & Land Use Committee Minutes from the meeting held January 23, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC030

4. DECISION REQUEST

4.1 Rezoning Application # 00430 for 1303 Dallas Road (CRD Wastewater Pump Station at Clover Point)

Committee received a report dated January 24, 2014, regarding Rezoning Application # 00430 for 1303 Dallas Road to rezone a portion of the public Right-of-Way from the R1-B Zone to a new zone to permit an addition to a legal non-conforming, existing public facility and an associated License of Occupation for Clover Point. A separate License of Occupation is also required for a conveyance

pipe from Clover Point to a sewage plant. A second License of Occupation to permit the Capital Regional District (CRD) to construct conveyance piping along Dallas Road from Clover Point Pump Station to a secondary treatment sewage plant.

The following points were considered in assessing the application:

- In 2010, the CRD amended the Core Area Liquid Waste Management Plan (CALWMP) to comply with the new federal regulations and provincial requirements for secondary treatment in wastewater systems. The proposed expansion of the Clover Point Pump Station is part of the “Seaterra Program”, which is the comprehensive package of capital projects required to implement the amended CALWMP.
- The public Right-of-Way at Clover Point is designated “Public Facilities, Institutions, Parks and Open Space” in the Official Community Plan, 2012 (OCP) and the OCP objectives include “strategic improvements to, and efficient use of existing infrastructure”. With respect to wastewater management, specifically OCP Policy 11.15 is to continue to support the CRD in the regular update and implementation of the regional CALWMP.
- The visual impact of the proposed expansion to the existing pump station at Clover Point would be minimal and the improved facility would not adversely affect the public use and enjoyment of this area.
- Legal agreements are necessary for the City to grant permission for the CRD to occupy the zoned area of Clover Point and to construct the facility addition. Because the zoned area is a road Right-of-Way, and not a land parcel, a License of Occupation is required. Other legal commitments, such as on-site public realm improvements, would be attached to the License of Occupation.

Outside the scope of the rezoning, another License of Occupation is required for conveyance piping from the Clover Point Pump Station to a secondary treatment plant at McLoughlin Point. Along this route, the CRD would provide greenway improvements including a new cycle track. While these items are separate from this application, the necessary legal agreements are included in the staff recommendation to address the issues of occupancy, construction and public realm improvements, comprehensively.

Committee discussed:

- Construction will begin in 2015.
- The bicycle track alignment and that Council would like to have the final say on the alignment prior to construction of the amenity.

Action: Councillor Isitt moved that Committee recommends:

Clover Point Pump Station

1. That Council:

- a. Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. Provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application # 00430 in accordance with the requirements of the *Local Government Act*,
 - b. Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.
2. That Council direct Rezoning Application # 00430 proceed for consideration at a Public Hearing, subject to:
 - a. Preparation of a *Zoning Regulation Bylaw* amendment.
 - b. The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

3. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture.
 - b. That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

Action: Councillor Isitt moved that Committee amend the motion as follows:

Conveyance Pipe

3. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. Provide for an indefinite term,

- ii. Secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture.
- b. That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter* **and Council's approval of the final alignment of the cycle track.**

Committee discussed:

- Many of the decisions made regarding this item will be controversial such as the elimination of parking and where the cycle path will go. The City's objectives and trade-offs should be considered beforehand.
- The level of public interest is going to be high. Council would like to see an emphasis on community engagement and a clear direction of what expectations are.
- How the dog park area will be affected and if fencing will be part of the strategy.
- If there is an ability to construct public washroom facilities as part of the amenity package offered by the CRD.

Action: Councillor Gudgeon moved that Committee further amend the motion as follows:

Clover Point Pump Station

1. That Council:
 - a. Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. Provide for an indefinite term,
 - ii. Secure the agreement of the CRD to construct the public realm improvements within the zoned area, **including public washroom facilities.**
 - iii. Be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. Provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application # 00430 in accordance with the requirements of the *Local Government Act*,
 - b. Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

Committee discussed the motion:

- Understanding that there may be operating costs and possibly accessibility issues.
- This is an opportunity to improve the public realm. There will be some trade-offs but in the long run this is good for the City.

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC021

On the amendment to the amendment:
CARRIED UNANIMOUSLY 14/PLUC022

On the main motion as amended:
CARRIED UNANIMOUSLY 14/PLUC023

Action: Councillor Madoff moved that Committee direct staff to return with a plan of public engagement and consultation specific to the Dallas Road bikeway as soon as possible.

UNANIMOUS 14/PLUC024

Staff advised that the public engagement strategy regarding this item has been contemplated and is currently in the work plan. They have identified concerns heard from the community and have compiled feedback and this will be made available to Council on February 27, 2014.

Councillor Young left the meeting at 9:53 a.m. due to a potential pecuniary conflict of interest as the subdivision of the South Block is close in proximity to property owned by his wife and father-in-law.

4.2 Development Permit Application # 000346 for 506 Government Street, 430 Menzies Street and 450 Superior Street

Committee received a report dated January 27, 2014, regarding a Provincial application for a Development Permit to subdivide the South Block and Q-Lot in the Legislative Precinct.

The subdivision applications will enable the sale of the majority of the South Block and a portion of the Q-Lot.

The Development Permit Application for Subdivision requires Council approval of related amendments to the existing *Victoria Accord – Legislative Master Development Agreement* but these amendments do not affect the obligations under the Agreement.

The proposed subdivisions do not preclude development of the South Block or Q-Lot as envisaged in the existing *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*.

To retain the obligations under the existing Master Development Agreement (MDA), the existing agreement will be replaced with two new agreements. One with the Province for existing obligations related to the Q-Lot and another with new

private sector owners for existing obligations related to the South Block. The agreements are proposed to be registered on their respective properties.

Staff recommend that the application be approved as it does not preclude future development consistent with the existing design guidelines and the proposed amendments have been structured so that obligations under the existing Master Development Agreement have been maintained. This also satisfies Council's condition for forwarding the associated Rezoning Application to reinstate offices as a permitted use on the Q-Lot and on South Block to a Public Hearing.

- Action:** Councillor Coleman moved that Committee recommends that Council:
1. Authorize the issuance of a Development Permit for the Provincial applications to subdivide the Q-Lot and South Block in the Legislative Precinct as shown in the proposed subdivision plans date stamped January 9, 2014.
 2. Approve the required amendments to the *Victoria Accord – Legislative Master Development Agreement* to the satisfaction of the Director of Sustainable Planning and Community Development, City Solicitor as well as amendments required for approval of the subdivision by the Approving Officer.

Committee discussed:

- Food production and if there will be a capacity for community gardens to continue.

Action: Councillor Isitt moved that Committee consider the following amendment:

That Council:

1. Authorize the issuance of a Development Permit for the Provincial applications to subdivide the Q-Lot and South Block in the Legislative Precinct as shown in the proposed subdivision plans date stamped January 9, 2014.
2. Approve the required amendments to the *Victoria Accord – Legislative Master Development Agreement* to the satisfaction of the Director of Sustainable Planning and Community Development, City Solicitor as well as amendments required for approval of the subdivision by the Approving Officer.
3. **Be it further resolved that Council request the Province and any future owner to permit the ongoing use of these lands for food production until such time as these lands are redeveloped.**

On the amendment:
FAILED 14/PLUC025

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

On the main motion:
CARRIED 14/PLUC026

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

Councillor Young returned to the meeting at 10:15 a.m.

4.3 Project Charter for Inner Harbour Revitalization Opportunities

Committee received a report dated January 27, 2014, regarding the Project Charter for the Inner Harbour Revitalization Opportunities Project. The project seeks to provide revitalization and enhancement of the following three strategic sites in the Inner Harbour:

- Ship Point Lands
- Lower Wharf Street Parking Lot
- Belleville Terminal Lands

These sites are of strategic significance in terms of their potential to support and enhance transportation and tourism, to foster downtown vitality and economic development, and to contribute to Victoria's distinctive image and identity.

The project is structured into four phases, beginning in February 2014 and finishing as early as July/August 2014. A final report to Council will identify revitalization opportunities for each strategic site including a feasibility analysis for each option.

- Action:** Councillor Alto moved that Committee recommends that Council:
1. Approve the Project Charter for the Inner Harbour Revitalization Opportunities project.
 2. Direct staff to initiate the Inner Harbour Revitalization Opportunities Project as outlined in the Project Charter.

Committee discussed:

- Concerns that focussing on all three sites is not a productive use of resources and that this could raise the public's expectations on something that the City cannot deliver on.
- This is the first step toward a Harbour Vision.
- It is important that there is clarity surrounding the project and community support moving forward.

CARRIED 14/PLUC027

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

4.4 Ship Point (City-Owned Lands) Environmental and Geotechnical Analysis

Committee received a report dated January 23, 2014, regarding an environmental and geotechnical analysis for City-owned lands located at 940, 946 and 1000 Wharf Street, referred to as the Ship Point site for the purpose of this report and identified in Attachment 1.

The City of Victoria retained the services of SNC-Lavalin Environment & Water in April 2013, to undertake an environmental and geotechnical analysis. The analysis provided the City with an understanding of the physical conditions of the land and also important information for consideration through any subsequent planning or initiatives with the site, including the proposed Inner Harbour Revitalization Opportunities project. The environmental and geotechnical analysis for Ship Point included the completion of Phase 1 and Phase 2 Preliminary Site Investigations (PSI) which identified potential sources and evidence of environmental contamination while the Geotechnical Analysis provided an evaluation and summary of the site's sub-surface conditions related to physical composition, stability, seismic risks and suitability for potential redevelopment. All research, field work and analysis was performed and reported in accordance with the criteria and regulations established by the Province of British Columbia Ministry of Environment (MOE).

The eastern portion of the site (940 Wharf Street) is generally better suited for potential redevelopment as it is situated on more level bedrock within the natural shoreline, contains a thinner layer of fill material and exhibits lower levels and distribution of contamination.

- Action:** Councillor Helps moved that Committee recommends that Council:
1. Accept the Ship Point environmental and geotechnical analysis summary for information.
 2. Direct staff to incorporate the Ship Point environmental and geotechnical analysis as public background information for the proposed Inner Harbour Revitalization Opportunities project.

CARRIED UNANIMOUSLY 14/PLUC028

5. CLOSED MEETING

- Action:** Councillor Coleman moved that Planning and Land Use Committee convene a Closed meeting that excludes the public under Section 12(3)(e) 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)(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.

CARRIED UNANIMOUSLY 14/PLUC029

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

5.1 Land / Proposed Disposition

Committee received a report dated January 24, 2014 from Sustainable Planning and Community Development regarding a Land / Proposed Disposition matter.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 14/PLUC030

Action: Councillor Gudgeon moved that the Planning and Land Use Standing Committee meeting of February 6, 2014, be adjourned at 12:39 p.m.

CARRIED UNANIMOUSLY 14/PLUC031

Mayor Fortin, Chair