

**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, NOVEMBER 6, 2014, 9:00 A.M.**

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

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

**Absent for a Portion of the Meeting:** Councillor Isitt

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

Councillor Isitt was not present when the meeting was called to order.

**2. APPROVAL OF THE AGENDA**

Committee considered the following amendments to the Agenda:

Item # 3 – Additional correspondence regarding Development Permit Application # 000381 for 819 Yates Street

Item # 4 – Additional correspondence regarding Rezoning Application # 00436 and Development Permit Application # 000389 for 301 and 303 St. Lawrence Street.

**Action:** It was moved by Councillor Gudgeon, seconded by Councillor Helps, that the Agenda of the November 6, 2014, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 14/PLUC0290

**3. ADOPTION OF MINUTES**

**Action:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held October 16, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC0291

*Councillor Young excused himself from the meeting at 9:03 a.m. due to a non-pecuniary conflict of interest as a member of his family owns a property within the notification area when used when an amendment to the Official Community Plan is sought.*

#### **4. DECISION REQUEST**

##### **4.1 Rezoning Application # 00457 and Concurrent Official Community Plan Amendment for 521-557 Superior Street and 524-584 Michigan Street**

Committee received a report regarding an application for 521-557 Superior Street and 524-584 Michigan Street. The application is to amend the CD-2 Zone, Legislature Comprehensive District, to permit a multi-phased, mixed-use development comprised of offices, ground floor commercial and residential uses covering the majority of the South Block.

The proposed development is similar in concept to that envisaged in the 1994 Victoria Accord Legislative Precinct Plan. It would be constructed in three or more phases beginning with construction of the first office building on Superior Street and the mixed residential/commercial building on Menzies Street.

A Rezoning Application is required to permit an increase in the total floor area of 3691m<sup>2</sup> (mostly for residential uses) from 34,449m<sup>2</sup> to 37,915m<sup>2</sup> as well as changes to permitted floor areas within amended Development Area boundaries. The rezoning is also required to permit ground-floor commercial uses along Superior Street. An Official Community Plan amendment is required to reference in the Legislative Precinct Development Permit Area these updated design guidelines for building design as well as landscaping in all phases of the development. In addition, amendments are required to the existing covenant regarding housing and amenities and other aspects governing development of the site.

*Councillor Isitt joined the meeting at 9:09 a.m.*

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

1. That Council instruct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application # 00457 for 521-557 Superior Street and 524-584 Michigan Street, that first and second reading of the *Zoning Regulation Bylaw* Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:
  - a. That staff report back on the MDA (Master Development Agreement) amendments related to the library and affordable and family housing as well as new provisions that would secure and allocate the amenity contributions as recommended in Section 3.1.6 and Appendix B of the report.
  - b. Amendment of the MDA to not require Council approval of a Development Permit for subdivision where the proposed subdivision is

consistent with the development as described in the proposed *Capital Park Urban Design Guidelines*.

- c. Registration of the amended MDA when finalized.
  - d. Review of the proposed *Capital Park Urban Design Guidelines* by the Advisory Design Panel.
  - e. Compliance with the Ministry of the Environment's Environmental Management Act as it pertains to potentially contaminated sites.
2. Following consideration of Rezoning Application # 00457, that Council authorize staff to prepare and enter into an Encroachment Agreement to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Committee discussed:

- The affordable housing component and if there is a mechanism in place within the MDA to ensure that it is built.
- The application will be transformative and will rejuvenate the neighbourhood and will create a model for other developments.
- The interaction between the developer and the neighbourhood has been beneficial to all.
- Concerns regarding the amenities and to ensure public access to the private spaces.

**Action:** It was moved by Councillor Isitt that the funds available for the GVPL (Greater Victoria Public Library) and / or the Greater Victoria Housing Fund be at least one half of the amenity contribution.

Motion failed due to no seconder

- Providing affordable housing is a City priority, and making sure that affordable housing will be built at this site if that option is chosen.

CARRIED UNANIMOUSLY 14/PLUC0292

*Councillor Young returned to the meeting at 9:44 a.m.*

#### **4.2 Development Permit Application # 000381 for 819 Yates Street**

Committee received a report regarding a Development Permit Application for 819 Yates Street. The application is to construct a 16-storey mixed-use building with 6,660m<sup>2</sup> of ground-floor commercial fronting Yates Street and residential uses above. The apartments are comprised of five at-grade residential units, three of the units front the through-block walkway and two of the units front View Street. The remaining 204 units are located on the upper floors. A through-block walkway is located on the east of the property, linking Yates Street and View Street.

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

1. That Council direct staff to prepare the necessary motion to authorize the issuance of Development Permit # 000381 for 819 Yates Street subject to:
  - a. Amendment of the MDA (Master Development Agreement) to revise the width of the through-block walkway from 4.5 m to 3m, to comply with

- zoning to the satisfaction of the Director of Sustainable Planning and the City Solicitor.
- b. Receipt of evidence that the Application is in compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. That Council authorize City of Victoria staff to execute an Encroachment Agreement for a fee of \$750.00 plus \$25.00 per m<sup>2</sup> of exposed shored face during construction, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works. This is to accommodate shoring for construction of the underground parking structure at the property line.

Committee discussed:

- The Public Art component of the proposal and if the provision of the public art will follow the *Art in Public Spaces* guidelines.
  - The provision will be dealt with under the MDA as it is an amenity contained within the property and will be part of Development Permit process.

*Councillor Helps withdrew from the meeting at 9:56 a.m. and returned at 9:57 a.m.*

- The proposal will be increasing downtown retail space at a time when there are many vacancies. Committee questioned if there is a way the retail units could be animated until occupied and if the developer can provide assurance that the space will be animated while vacant.
- Concerns raised by residents regarding parking security in the area.

CARRIED UNANIMOUSLY 14/PLUC0293

Councillor Thornton-Joe requested that staff provide Council with the amount of commercial space that has been added to the downtown.

*Councillor Isitt withdrew from the meeting at 10:10 a.m. and returned at 10:15 a.m.*

#### **4.3 Rezoning Application # 00436 and Development Permit Application # 000389 for 301 and 303 St. Lawrence Street**

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

The proposed design is different from what was originally submitted to the City and the CALUC at their meeting on January 8, 2014. The original design of the four-unit townhouse development was a contemporary building with less building articulation, variation in roofline and architectural treatments.

Committee discussed:

- Concerns from the neighbours regarding the current proposal's height and location of balconies of the affected neighbours. The original proposal was amenable to the James Bay Neighbourhood Association (JBNA), and was of a lower height. With the new proposal the balconies have been moved to

the back of the building. This has a dramatic impact on adjacent neighbours as the new balconies will look directly into their living space.

- The cost of redoing the proposal and finding a way for the neighbours and applicant to work together to produce an acceptable design.

**Action:** It was moved by Councillor Alto, seconded by Councillor Helps, that Committee recommends that Council refer the application back to staff and the applicant for further discussion.

CARRIED UNANIMOUSLY 14/PLUC0294

- Committee raised concerns that it does not want to halt the work that has been done to date and have the application continue to move forward without time delays.

**Action:** It was moved by Councillor Alto, seconded by Councillor Helps, that Committee recommends that the motion be amended:

That Committee recommends that the application be referred back staff and the applicant pending further discussion **and that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application # 00436 for 301 and 303 St. Lawrence Street.**

On the amendment

CARRIED UNANIMOUSLY 14/PLUC0295

**Action:** It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that the motion be amended:

That Committee recommends that the application be referred back staff and the applicant pending further discussion and that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application # 00436 for 301 and 303 St. Lawrence Street **and report back to the Planning and Land Use Committee.**

On the amendment

CARRIED UNANIMOUSLY 14/PLUC0296

On the main motion as amended

CARRIED UNANIMOUSLY 14/PLUC0297

*Councillor Gudgeon withdrew from the meeting at 10:28 a.m. and returned at 10:29 a.m.*

#### **4.4 Development Permit with Variance Application # 000333 for 2005 Cook Street**

Committee received a report regarding a Development Permit with Variances for 2005 Cook Street. The application is to construct a two-storey addition to an existing legally non-conforming commercial building.

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

1. That Council schedule a Hearing to consider Development Permit Application with Variances # 000333 for 2005 Cook Street.
  2. Following the Hearing, that Council consider authorizing the issuance of the Development Permit with Variances # 000333, in accordance with:
    - a. Plans date stamped July 31, 2014.
    - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following:
      - i. Schedule C - Section 7.2(b) – decrease the distance of an off-street parking space from the street boundary from 1.0m to 0.55m,
      - ii. Schedule C – Section 16.C.4 & 5 – decrease the number of off-street parking spaces from 4 (3 Retail, 1 Office) to 3,
      - iii. Schedule C – Section 17(2) – decrease the number of Class 1 bicycle spaces (rack) from 3 to 2.
    - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- Committee discussed that at the Public Hearing it will be expected that parking and the shading impact on neighbouring properties will be an issue.

CARRIED UNANIMOUSLY 14/PLUC0298

## **5. ADJOURNMENT**

**Action:** It was moved by Councillor Alto, seconded by Councillor Helps, that Committee adjourn the Planning & Land Use Committee meeting of November 6, 2014, at 10:35 a.m.

CARRIED UNANIMOUSLY 14/PLUC0299

---

Mayor Fortin, Chair