

REPORTS OF THE COMMITTEE

2. Governance and Priorities Committee – June 06, 2013

6. Rezoning Application # 00381 for 1002 – 1008, 1012 Pandora Avenue

It was moved by Councillor Alto, seconded by Councillor Helps, that 4 of the 5 actions recommended by PLUSC at its May 2, 2013 meeting proceed as directed by PLUSC, being:

1. Reconsideration by the applicant of massing to reduce building height on Mason street in favour of Pandora,
2. Consider a mid-block public access through the development,
3. The appropriateness of the comprehensive development zone, and
4. The retention of the school tower.
5. That the applicant work with staff to re-examine the location and design of the vehicle entry on Mason street, as well as the landscape treatment on Mason street, in order to minimize the impact of the vehicle access point on adjacent properties
6. That the application proceed through the regular Planning and Land Use Standing Committee process.

Mayor Fortin asked if the recommendation from PLUSC to Council and then to GPC if required, or can it move straight from PLUSC to GPC?

Robert Woodland (Corporate Administrator): It is preferable to follow the usual process. Matters addressed at PLUSC would normally proceed to Council with a recommendation to proceed to public hearing with a list of conditions that must be met. If there is an associated Development Permit, that would wait for the public hearing and be dealt with at that time.

Carried Unanimously

REPORTS OF THE COMMITTEE

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It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct staff to work with the applicant to explore site specific vehicle access options from Mason Street, Vancouver Street and Pandora Avenue and return with those options to the Governance and Priorities Committee.

Defeated Unanimously

HEARINGS – REQUEST TO ADDRESS COUNCIL

It was moved by Councillor Coleman, seconded by Councillor Madoff, that the following speakers be permitted to address Council. Carried Unanimously

13. **Mark Kopanya, BOSA Blue Sky Properties:** He is here to address the GPC motion requesting further analysis be conducted on the site access options for their project. They have already completed a detailed analysis over the last year with City Planning and Engineering staff and their own engineers. It is their understanding that the Highway Access Bylaw was put into place over 20 years ago based on sound engineering and planning principles. In their opinion, it is a mistake to consider amending this bylaw. There are substantive reasons as to why Vancouver and Pandora streets cannot be used. The City's Bylaw requires that development on corner properties to locate their vehicle access on the street with the minor classification to reduce the potential for conflicts between vehicles entering/exiting the site and other road users, such as bicycles, pedestrians and other vehicles. The City's Greenway and Bicycle Master Plans designate Pandora and Vancouver as Greenway and Bicycle corridors. City staff emphasize the objective of minimizing driveway crossings over Greenway and Bicycle corridors. The Downtown Core Area Plan calls for active street-level business to provide commercial services as a way of increasing pedestrian activity and driveways impact that continuity. Locating vehicle access off Pandora impacts the amount of contiguous retail floor area and street frontage. Limiting vehicle access to and from Pandora, a one-way corridor, is not feasible for success of retail tenants as vehicles will have to drive around the block to enter/exit. There are substantive and cumulative findings that support Mason Street as the best option available. As the properties on the north side of Mason Street are redeveloped in accordance with the OCP, it can be expected that such future development will need to introduce additional traffic and driveway access points on Mason Street. He would ask Council to support the staff recommendation and allow access off Mason Street.

June 13, 2013

City of Victoria
Mayor and Council
1 Centennial Square
Victoria, BC V8W 1P6

Re: 1002-1008 and 1012 Pandora Avenue – Amendment of the City of Victoria Highways Access Bylaw

Dear Mayor and Members of Council,

We are writing to address the motion that was passed by the Governance and Priorities Committee at the 06 June 2013 meeting requesting further analysis of the site access options for our project.

A detailed technical analysis has already been completed over the last 12+ months by City Planning and Engineering Staff and by our consultant engineers, exploring the options and concluding that the use of Mason Street for site access is the only safe and viable option for the project. It is our understanding that the *Highway Access Bylaw* was put into place over 20 years ago based on sound engineering and planning principles. It encourages the safe movement of vehicle, pedestrian and cycling traffic, and limits liability of conflict amongst these groups. It also plays an important role in the viability of retail space and improves the pedestrian experience. To consider amending this bylaw is a mistake in our opinion and runs the risk of setting dangerous precedent to continue throughout the City.

As additional background, the following are the substantive reasons as the result of technical analysis as to why use of either Pandora Avenue or Vancouver Street cannot be pursued.

Public Safety and Liability

- The City's *Highway Access Bylaw* requires that development on corner properties locate their vehicle access on the street with the more minor classification, where lower traffic volumes and speeds can reduce the potential for conflicts between vehicles entering/existing the site and other road users (vehicles, pedestrians and cyclists).
- The existing off-set alignment of Mason Street as it meets Vancouver Street creates potential for more conflict points in a short length of roadway if Vancouver Street were to be used.
- We believe the City will be exposing itself to significant liability in the event of an incident if the requirements of the *Highway Access Bylaw* are not followed for this site.

Continuity with other City Policies

- The City's *Greenway Plan* and *Bicycle Master Plan* designate both Pandora Avenue and Vancouver Street as Greenway and Bikeway corridors.
- City Staff and stakeholders emphasize the objective of minimizing driveway crossings over Greenway and Bikeway corridors to reduce the potential for conflict.

- The City's *Downtown Core Area Plan* calls for active street-level business to provide commercial services and activities as a means of increasing pedestrian activity within the public realm. Locating the vehicle access driveway on either Pandora or Vancouver impacts the continuity of the retail frontages and interrupts the public realm.

Viability of the Project

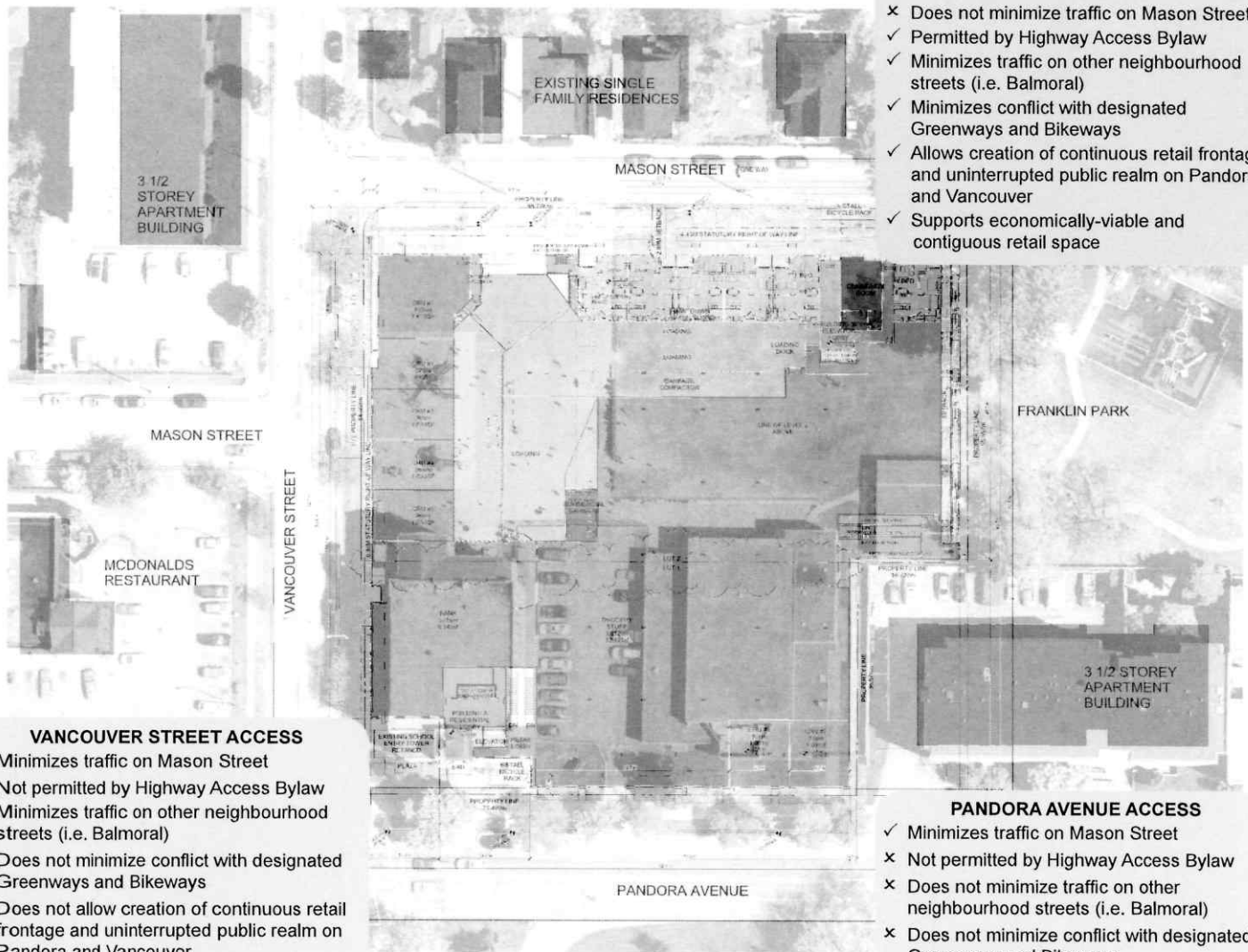
- Locating the vehicular access off of Pandora Avenue impacts the amount of contiguous retail floor area and retail street frontage, making the space less desirable from a tenant standpoint. While potential tenants have not yet been determined, we have worked at length to incorporate the requirements for maximum street frontage and contiguous internal space that are key to any business success.
- Interrupting the retail street frontage and pedestrian experience with a vehicular access off of Pandora Avenue further impacts the viability of the retail businesses.
- Limiting vehicular access to and from the one-way Pandora Avenue corridor is not feasible for the success of the retail tenants, as eastbound traffic on Pandora would not be able to enter/exist the site without taking a circuitous route around the block, which could result in the dispersal of traffic onto other streets (i.e. Balmoral Road) and through the adjacent residential neighbourhood to the north.
- Use of Vancouver Street for vehicular access similarly impacts the viability of the ground floor retail space through the reduction of retail frontage, the interruption of the retail storefronts and impact on the public realm.

We are aware of the concerns raised with respect to the impact of the vehicle access on the existing residential properties on the north side of Mason Street; however, there are substantive and cumulative findings that support Mason Street as the best option available. As the properties on the north side of Mason Street redevelop in accordance with the OCP (multi-unit residential buildings up to 6 storeys in height), it can be expected that such future development will need to introduce additional traffic and driveway access points to Mason Street.

Summary Evaluation Criteria	Mason Street	Pandora Avenue	Vancouver Street
Minimizes traffic on Mason Street	✗	✓	✓
Permitted by Highway Access Bylaw	✓	✗	✗
Minimizes traffic on other neighbourhood streets (i.e. Balmoral)	✓	✗	✓
Minimizes conflict with designated Greenways and Bikeways on Pandora and Vancouver	✓	✗	✗
Allows creation of continuous retail frontage and uninterrupted public realm on Pandora and Vancouver	✓	✗	✗
Supports economically-viable and contiguous retail space	✓	✗	✗

In closing, we ask that Council support the recommendation of City Staff and allow access off of Mason Street. We have studied the various options for access in detail, and while access from Pandora Avenue or Vancouver Street may appear to work from a technical standpoint on paper, such approach conflicts with a number of City-wide objectives and policies and the impact on the ground floor commercial space would render the project not viable.

1002-1008 and 1012 Pandora Avenue
 Amendment to the Highway Access Bylaw
 Summary Analysis of Site Access Options
 June 13, 2013



MASON STREET ACCESS

- ✗ Does not minimize traffic on Mason Street
- ✓ Permitted by Highway Access Bylaw
- ✓ Minimizes traffic on other neighbourhood streets (i.e. Balmoral)
- ✓ Minimizes conflict with designated Greenways and Bikeways
- ✓ Allows creation of continuous retail frontage and uninterrupted public realm on Pandora and Vancouver
- ✓ Supports economically-viable and contiguous retail space

VANCOUVER STREET ACCESS

- ✓ Minimizes traffic on Mason Street
- ✗ Not permitted by Highway Access Bylaw
- ✓ Minimizes traffic on other neighbourhood streets (i.e. Balmoral)
- ✗ Does not minimize conflict with designated Greenways and Bikeways
- ✗ Does not allow creation of continuous retail frontage and uninterrupted public realm on Pandora and Vancouver
- ✗ Does not support economically-viable and contiguous retail space

PANDORA AVENUE ACCESS

- ✓ Minimizes traffic on Mason Street
- ✗ Not permitted by Highway Access Bylaw
- ✗ Does not minimize traffic on other neighbourhood streets (i.e. Balmoral)
- ✗ Does not minimize conflict with designated Greenways and Bikeways
- ✗ Does not allow creation of continuous retail frontage and uninterrupted public realm on Pandora and Vancouver
- ✗ Does not support economically-viable and contiguous retail space

7. NEW BUSINESS

7.1 Rezoning Application # 00381 for 1002 – 1008, 1012 Pandora Avenue

At its meeting of May 23, 2013, Council made the following resolution:

That Rezoning Application No. 00381 for 1002-1008, 1012 Pandora Avenue be referred, in its entirety, to the June 6, 2013, Governance and Priorities Committee meeting.

The Chair of the Planning and Land Use Standing Committee (PLUSC) outlined for Committee the PLUSC recommendations with respect to this application. The applicant was requested to review four of the recommendations, but one recommendation, with respect to the proposed Mason Street entrance, may be the issue that Committee should consider today.

Action:

Councillor Alto moved that Committee approve:

1. That 4 of the 5 actions recommended by PLUSC at its May 2, 2013 meeting proceed as directed by PLUSC, being:
 - i. reconsideration by the applicant of: massing to reduce building height on Mason street in favour of Pandora,
 - ii. consider a mid-block public access through the development,
 - iii. the appropriateness of the comprehensive development zone, and
 - iv. the retention of the school tower;
2. The 5th recommendation from the May 2, 2013 PLUSC meeting, revised at its May 16th meeting to read *'That City staff provide Council with more information regarding amending the City of Victoria Highway Access Bylaw to allow all new development sites to provide vehicular access and egress from any road; and that a site specific solution be explored to enable further consideration of the development proposal that addresses Committee's concern regarding vehicle access from Mason Street'*, be the sole item of discussion at today's Governance & Priorities Committee.

Committee discussed the motion as follows:

- This is a complicated application and due to the high public interest, a discussion on the entire project should include all Council members. Focusing the discussion on the implications of the Highway Access Bylaw would be appropriate.

CARRIED UNANIMOUSLY 12/GPC300

Staff provided Committee with information on this issue, and directed Committee's attention to the memo dated May 13, 2013 in their agenda package regarding the Mason Street vehicle access. Staff recommend that vehicle access be permitted on Mason Street and staff will work with the applicant to minimize the impact of vehicle access on the street.

Action:

Councillor Helps moved that Committee recommends that Council recommend that vehicle access and egress be permitted from Mason Street, in accordance with the *City of Victoria Highway Access Bylaw*, and

that the applicant work with staff to re-examine the location and design of the vehicle entry, as well as the landscape treatment on Mason Street in order to maximize the impact of the vehicle access point on adjacent properties.

Committee discussed the motion as follows:

- Looking at this proposal with a mind to the future with respect to the OCP and the zoning in place for two to three storey buildings across Mason Street; greater density is expected along Mason Street;
 - This area falls on the boundary of the Downtown Core Area and North Park neighbourhood; three to six storey buildings with densities ranging from 1.2:1 up to approximately 2:1 are envisioned for the north side of the 1000 block of Mason Street.
- Pandora Avenue and concerns about a potential gap in the street wall for vehicle access.
- The mid-block walkway and creating a viable public space.
- The importance of re-examining the design of the entry.
- The OCP is a guiding document as Council looks for solutions to different applications; not being slavish to the plan.
- The importance of valuing the neighbourhood and having discussions about the intersections and boundaries that impact a neighbourhood.
- Having the entrance on Pandora Avenue may provide some traffic calming.
- Notions about growing populations or growing communities.
- The urban farm and shadow studies showing it won't be compromised.
- Looking for a creative solution to the Highway Access Bylaw so that the entrance is not off of Mason Street;
 - The philosophy behind the Highway Access Bylaw is that there are fewer conflict and safety issues when the access is on the minor street. Pandora Avenue is being reviewed for more cycling and pedestrian amenities and additional access points would introduce conflict.
- Exploring site specific solutions and receiving more information and options for the entrance.
- Noting that the Market on Yates and Fairways on Harris Green has options for entrances on busier roads.
- Concerns regarding how the proponent will be able to address these options;
 - The suggestion that the proponent has to look at all options;
 - The applicant has advised, from a retail leasing perspective, that an entrance off Pandora Avenue is not viable.
- Noting that Mason Street will be widened as part of the proposal;
 - Mason Street would be widened for approximately 15 meters from the intersection to allow two way traffic on the westerly side of Mason Street.

DEFEATED 13/GPC301

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

Action: Councillor Alto moved that Committee recommends that Council direct staff to work with the applicant to explore site specific vehicle access options

from Mason Street, Vancouver Street and Pandora Avenue and return with those options to the Governance and Priorities Committee.

CARRIED UNANIMOUSLY 13/GPC302

A Committee member questioned if this would be the right time to have a discussion about the Highway Access Bylaw. The Chair advised that such a discussion may be more appropriate at a subsequent Governance & Priorities Committee meeting. Staff advised they can report back on the implications on traffic to provide context with respect to the Highway Access Bylaw and options for this application. The Committee member advised that this would be beyond this application and that she may provide a notice of motion.

May 31, 2013

City of Victoria
Mayor and Council
1 Centennial Square
Victoria, BC
V8W 1P6

Re: 1002-1008 & 1012 Pandora Avenue – Presentation to Governance & Priorities Committee

Dear Mayor and Members of Council,

We are writing to provide you with background information in support of our rezoning application that will be presented for consideration at your upcoming Governance and Priorities Committee Meeting (GPC). We understand that the PLUSC has identified site access and egress as their primary concern, resulting in our project being referred to GPC.

In preparation for your GPC meeting, we believe it is important to share with you additional project information to assist in informing your consideration of the critical site access issue and continued evolution of the project.

Why This Project is Important

Our project is located at 1002-1008 and 1012 Pandora Avenue - the former St. Andrew's Elementary School site - and envisions a comprehensive mixed-use development in that is designed to be in alignment with strategic City planning policies. We believe that the project:

1. Supports the aspirations of the OCP,
2. Will act as a catalyst for much-needed positive neighbourhood change,
3. Bring vitality to the pedestrian realm,
4. Provide necessary rental housing options, and

The proposal is to construct a six-storey building, including five floors of rental apartment units over a ground-level commercial podium and ground-oriented residential units. The commercial space will bring increased vitality, local-serving businesses and a renewed pedestrian-oriented experience to Pandora Avenue and Vancouver Street frontages, while the apartment units will offer more affordable housing choices to the downtown area.

The property is set within a unique neighbourhood context, as it is influenced by both the urban corridor of Pandora Avenue, and the decreased scale of Mason Street. Recognizing the important role of such a transition zone, the project has been shaped by the City's planning policies, and

designed to fit within the neighbourhood setting; both as it exists today and as it is envisioned to transform over time with additional redevelopment of similar urban scales and densities. The contextual and site-sensitive design of this project is achieved through the building's massing, with upper-storeys stepped back from the street wall, and the careful location of ground-oriented residential units along the pedestrian-scaled Mason Street and Franklin Green Park frontages. Further, our plan proposes the retention and heritage designation of the landmark school tower as a street-head focus, by integrating the structure into the new building, repurposed as the residential lobby and entrance from the open space located at the southwest corner of the site.

The project will bring much-needed revitalization to this area of downtown and the North Park neighbourhood, serving to translate the City's planning policies - recently developed through significant community collaboration - into reality. As the first of many such envisioned redevelopments, we understand the importance of getting it right and strongly believe that our work with the community, staff and the PLUSC members has helped shape the project to be a reflection of the City's overall goals and a demonstration of the forward-focused policies of the OCP. The city building process depends on the vision and policies as articulated in the OCP, and we are proud to be leading the redevelopment and revitalization process to deliver a viable and vital mixed-use, rental residential project to Victoria.

City Planning Framework

The April 23, 2013 Staff report to the PLUSC provides a detailed summary of the planning framework guiding the redevelopment of our site. We believe that the blended site-specific solution responds to the current and planned future neighbourhood scale by taking into consideration the important massing, setbacks, building height and urban design relationships to adjacent sites. In the case of Mason St., we have set back the building beyond the required setback as an effort to respond to the relationship to Mason.

Neighbourhood Visioning

At the outset of our planning process, we had the opportunity to review the findings of the neighbourhood visioning project that was convened in March 2012 to consider the future of the St. Andrew's School site, as facilitated by the North Park Neighbourhood Association. Over the past year, we have worked to incorporate many of the ideas articulated through the visioning exercise, including:

- Mixed-use development with commercial on Pandora Avenue and Vancouver Street and residential use on Mason Street;
- Rental residential use;
- Incorporation of a community component in the form of a community meeting room;
- Townhouses with walk-up entries on Mason Street and fronting onto Franklin Green Park;
- Rooftop garden in the form of the courtyard on the commercial podium;
- Incorporation of a portion of the school façade; and,
- Commercial mix of professional office and retail uses, such as a grocer and a bank along with CRUs for other local serving businesses.

We have met with members of the local community and worked to refine our plans to best reflect the neighbourhood vision and respond to public comments as the plans have advanced. Notwithstanding that there are a small number of residents who oppose some aspects of our proposal; we believe that our proposal very much satisfies the needs of an overwhelming majority of neighbourhood residents.

Site Access - Technical Analysis

At this juncture in the planning process, site access has been identified as a key issue requiring resolution prior to the project advancing. As background, we have worked with Planning and Engineering Staff, and our transportation consultants of Bunt & Associates, to investigate and analyze the site access options, including:

- Pandora Avenue;
- Vancouver Street;
- Mason Street; and,
- a hybrid approach with an entry off Mason Street and an exit onto Pandora Avenue.

Of the options explored, Staff has endorsed only the use of Mason Street as the primary access to and from the site. We understand that this route is supported and required by Planning because of what is prescribed by the City's Highway Access Bylaw, and as a result of the recommendations made by the independent traffic consultants. Planning's rationale is described in detail in their report to the PLUSC and in their subsequent May 13, 2013 memo to the PLUSC.

We understand neighbourhood concerns have been raised and echoed by PLUSC members with respect to the potential impact of the site access on Mason Street; however, we have made best efforts to ameliorate these concerns by:

- siting the project entry near the Vancouver Street corner and
- widening the street on this West end of Mason Street, and
- accommodating two-way traffic at the West end of Mason

We recognize that the scale of Mason Street is unique; however, we believe our project will also contribute to the eclectic character of the streetscape with additional street-oriented residential uses. The human-scale and intimate nature of Mason Street serve as traffic-calming characteristics, which can influence the behavior of drivers. By contrast, the higher volume and higher speed of traffic on Pandora Avenue and Vancouver Street present more opportunities for potential conflict between users of an access driveway and other pedestrians, cyclists and motorists.

We are therefore seeking clarity from Council as to the next steps on the site access issue. Utilizing Pandora Avenue for site access is not a viable option and one that puts the development of this important project in jeopardy. The required driveway access would interrupt and conflict with the planned continuous retail frontage making the space commercially non-viable and, further, creating

hazardous pedestrian/vehicular conflicts. In addition to this, vehicles travelling East on Pandora will not be able to access the site. Further to the Staff comments, we concur that the use of Vancouver Street for site access is also not supportable due to the existing off-set alignment of Mason Street and the real potential for impact on the planned Vancouver Street greenway corridor. For these reasons, we remain committed to our proposal as it is currently presented and feel very strongly that there is no other viable alternative to the planned Mason Street access.

Planning and Design Issues Raised by PLUSC

- It is recognized that the site access issue is one of the items raised by PLUSC during their initial consideration of the project. We will continue to work with Staff on the remaining planning and design elements through further detailed design development to advance the Rezoning and a concurrent Development Permit Application

Decision Request

We respectfully request that Council provide clarity on this critical issue of site access, and give their consideration of the project as a whole and in the context of the thorough analysis that has been completed by our team, City Staff and reviewed by the PLUSC members. At present, we are at an impasse whereby there is no consensus on the fundamental issue of site access. We are very excited about the prospect of undertaking this project, and have invested a considerable amount of capital to date in its pursuit.

However, without the benefit of clear direction and the endorsement of a supportable site access solution, we cannot guarantee our continued involvement. We respectfully implore Council to not undertake the investigation of an amendment to the Highways Access Bylaw, and to avoid the uncertain and significant delays that will invariably result.

We look forward to attending the upcoming GPC meeting, and to our continued involvement in the City of Victoria.

Yours truly,



Dale Bosa