

MOTIONS

Mayor Helps withdrew from Council Chambers at 8:51 p.m. due to a non-pecuniary conflict of interest as she is the past Director of Community Micro-Lending, which has a business relationship with the applicant of the following item.

Councillor Madoff assumed the Chair at 8:51 p.m.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following Public Hearing be held in Council Chambers, City Hall, on **THURSDAY, JUNE 11, 2015, at 7:00 p.m.:**

5. Rezoning Application No. 00447 for property known as 2121 Douglas Street Carried Unanimously

Mayor Helps returned to the meeting and assumed the Chair at 8:52 p.m.

UNFINISHED BUSINESS

Mayor Helps withdrew from Council Chambers at 8:56 p.m. due to a non-pecuniary conflict of interest as she is the past Director of Community Micro-Lending, which has a business relationship with the applicant of the following item.

Councillor Lucas assumed the Chair at 8:56 p.m.

1. Rezoning Application No. 00447 and Development Permit Application No. 000355 for 2121 Douglas Street

Council received a report dated April 30, 2015 from the Sustainable Planning and Community Development Department regarding the Rezoning and Development Permit Applications for 2121 Douglas Street. The report provided Council with an update on the status of conditions set by Council and to recommend the application proceed to Public Hearing.

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council schedule a Public Hearing for Rezoning Application No. 00447 for 2121 Douglas Street and following the public hearing, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000355, subject to confirmation of lot consolidation in accordance with:

1. Plans stamped March 10, 2014, and April 22, 2014.
2. Development Permit meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

Mayor Helps returned to the meeting and assumed the Chair at 8:58 p.m.



Council Report

For the Meeting of May 14, 2015

To: Council **Date:** April 30, 2015

From: Brian Sikstrom, Senior Planner, Development Services Division

Subject: Rezoning Application No. 00447 and Development Permit Application No. 000355 for 2121 Douglas Street - Application Ready to Proceed to Public Hearing

RECOMMENDATION

That Council schedule a Public Hearing for Rezoning Application No. 00447 for 2121 Douglas Street and following the Public Hearing, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000355, subject to confirmation of lot consolidation in accordance with:

1. Plans date stamped March 10, 2014, and April 22, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to update Council on the conditions established by Council, in its motion of July 24, 2014, and to advance these Applications to a Public Hearing. The necessary Zoning Regulation Bylaw Amendment that would authorize Rezoning Application No. 00447 for the property located at 2121 Douglas Street has been prepared and first and second reading has occurred. The Planning and Land Use Committee report dated, July 14, 2014, along with the subsequent reports and Council minutes are attached.

With regard to the pre-conditions that Council set in relation to these applications, staff can report that:

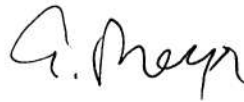
- The City received confirmation on April 27, 2015, from the Land Title Office that the required Section 219 Covenant has been registered on the property's title.
- The conditions related to the Ministry of Environment's Contaminated Sites Legislation were satisfied on February 25, 2015.
- The applicant has requested that the lot consolidation occur prior to issuance of the Development Permit rather than prior to setting the Public Hearing date.

Staff recommend for Council's consideration that the request to defer the lot consolidation to a later phase is supportable and will allow the applicant to advance their project while still ensuring the lot consolidation occurs before the Development Permit is formally issued. The updated recommendation contains the appropriate language to advance these Applications for Council's consideration at a Public Hearing.

Respectfully submitted,



Brian Sikstrom
Senior Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

May 5, 2015

AM:aw

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List of Attachments

- Planning and Land Use Committee Report dated July 4, 2014
- Planning and Land Use Committee Minutes dated July 17, 2014
- Council Meeting Minutes dated July 24, 2014
- Council Member motion dated October 31, 2014
- Council Meeting Minutes dated November 6, 2014.



Planning and Land Use Committee Report

For the Meeting on July 17, 2014

Date: July 4, 2014 **From:** Brian Sikstrom, Senior Planner
Subject: **Rezoning Application # 00447 and Development Permit Application #000355 for 2121 Douglas Street** - Application to rezone from the C-SS Zone, Special Service Station District, to the C1-S Zone, Limited Service Station District, to permit an expanded range of commercial uses.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property at 2121 Douglas Street.

The proposal is to rezone the property from the C-SS Zone, Special Service Station District, to the C1-S Zone, Limited Service Station District, to permit an expanded range of commercial uses. Currently, the only land use permitted under the existing zone is a service station. The proposal includes upgrading the existing 105 m² one-storey building, adding landscaping along Douglas Street and a portion of Princess Avenue, and removing one of two driveways on Douglas Street. Staff have advised the applicant that the removal of both driveways is required.

The following conclusions were reached in analyzing this application:

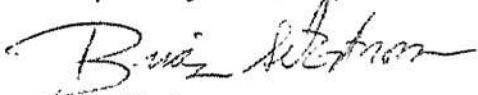
- The proposed C1-S Zone, Limited Service Station District, and upgrading of the existing building for an expanded range of commercial uses such as retail, office or high tech, is consistent with the *Official Community Plan, 2012 Core Employment Urban Place Designation* as well as the objectives for the Rock Bay District in the *Downtown Core Area Plan, 2011*.
- The proposed landscaping along Douglas Street and a portion of Princess Avenue screens the on-site parking which is in keeping with the Place Character Features of the Core Employment Urban Place Designation.
- The expanded range of commercial uses enables an improved use of the property until further development is proposed.
- The maximum permitted density would remain unchanged between the existing and proposed zone.
- The closure of both driveways on Douglas Street would be consistent with the Highway Access Bylaw.
- The existing driveway off Princess Avenue is appropriate for the proposed commercial uses, which are not car-oriented and do not require driveway access from Douglas Street.
- The closure of both driveways on Douglas Street will improve safety for pedestrians, bicyclists and other road users; and is in keeping with the *Official Community Plan, 2012*, public realm objective for arterial streets which supports walking and the future of Douglas Street as a rapid transit route.

Staff recommend that the Committee support this application subject to closure of both driveways on Douglas Street.

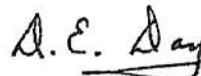
Recommendation

1.
 - a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application 00447 for 2121 Douglas Street.
 - b. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaw has been drafted.
 - c. That Council schedules a Public Hearing after the *Zoning Regulation Bylaw* amendment has received second reading subject to:
 - i) registration of a s.219 covenant restricting access to and from the site from Princess Avenue only, to the satisfaction of the City Solicitor,
 - ii) consolidation of the lots,
 - iii) compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application #000355 in accordance with:
 - a. plans date stamped March 10, 2014 and April 22, 2014 with revisions to remove both driveways on Douglas Street,
 - b. development meeting all *Zoning Regulation Bylaw* requirements,
 - c. final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

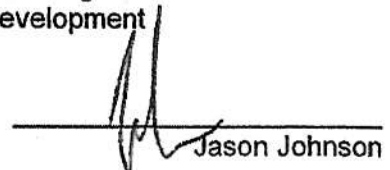


Brian Sikstrom
Senior Planner
Development Services Division



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:


Jason Johnson

Date: July 9, 2014

BMS:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00447\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property at 2121 Douglas Street.

2.0 Background

2.1 Description of Proposal

The proposal is to rezone the property from the C-SS Zone, Special Service Station District, to the C1-S Zone, Limited Service Station District, to permit an expanded range of commercial uses. Currently, the only land use permitted under the existing zone is a service station at the site. The maximum permitted density is the same in both zones.

The proposal includes upgrading the existing 105 m² one-storey building, adding landscaping along Douglas Street and a portion of Princess Avenue and removing one of two driveways on Douglas Street while retaining an existing driveway on Princess Avenue. The upgraded building and improved site is expected to be attractive to retail, office or high tech uses.

Sustainability features with this application are limited, however, the reuse of an existing building increases the building's longevity and the provision of landscaping increases site permeability.

2.2 Existing Site Development and Development Potential

The corner property is comprised of two small lots that together have an area of 514 m². The existing building is on the southern lot with a portion of it straddling the northern lot. The only land use permitted under the existing C-SS Zone, Special Service Station District, is a service station. The service station was closed a number of years ago with the underground tanks being removed and the site remediated. Only one building is permitted with a maximum height of 11 m. The property currently has two access driveways from Douglas Street and a third from Princess Avenue.

2.3 Data Table

The following data table compares the proposal with the proposed C1-S Zone.

Zoning Criteria	Proposal	C1-S Zone Standard
Site area (m ²) – minimum	514.0	N/A
Total floor area (m ²) – maximum	105.50	719.60
Density (Floor Space Ratio) – maximum	0.2:1	1.4:1
Number of Buildings – maximum	1	1
Height (m) – maximum	4.4	12.0
Site coverage (%) – maximum	20	N/A
Open site space (%) – minimum	8.40	N/A
Storeys – maximum	1	N/A

Zoning Criteria	Proposal	C1-S Zone Standard
Setbacks (m) – minimum		
Front (Douglas Street)	9.0 (canopy removed)	6.0
Rear (east)	0*	6.0
Side (south)	2.39	0
Side (north)	11.05	2.4
Parking – minimum	7	3
Bicycle storage – minimum	1	N/A
Bicycle rack – minimum	3	N/A

Note: * existing non-conforming setback.

2.4 Land Use Context

The area is largely covered by the M-1 Zone, Limited Light Industrial District, with a variety of automotive and service commercial uses. Immediately adjacent uses are the following:

- north (across Princess Avenue): furniture store
- south: one-storey commercial building
- east: automotive service and repair shop
- west (across Douglas Street): commercial buildings and surface parking.

2.5 Legal Description

Lots 1 and Lot 2, Block A, Plan 8, Section 3, Victoria District, Plan 8 except part lying west of a boundary joining points on the northerly and southerly boundaries of said lots distant respectively 13 feet from the north westerly and south westerly corners of said lots.

2.6 Consistency with City Policy

2.6.1 Official Community Plan, 2012

The rezoning to the C1-S Zone, Limited Service Station District, is consistent with the Core Employment Designation of the *Official Community Plan, 2012*, which covers this area. The proposal includes landscaping along Douglas Street and a portion of Princess Avenue, which screens the on-site parking and is in keeping with the Place Character Features of the Core Employment Urban Place Designation.

The proposed retention of one driveway on Douglas Street is not in keeping with the Highway Access Bylaw or the following *Official Community Plan* objective:

- 7.14.3 Participating with BC Transit and the District of Saanich in the joint planning and design of Douglas Street as a complete street, including the dedicated rapid transit alignment and stations, cycling routes, pedestrian areas, general purpose travel lanes, and public realm enhancements.*

2.6.2 Downtown Core Area Plan, 2011

The proposal is also consistent with the Rock Bay District objectives of the *Downtown Core Area Plan, 2011*, including attracting and maintaining a range of commercial and light industrial businesses in order to provide a more diversified and resilient employment base.

2.7 Community Consultation

The applicant requested and was granted permission from Council on February 27, 2014, to submit a Rezoning Application prior to the holding of a Community Association Land Use Committee (CALUC) meeting. The CALUC meeting was held on April 14, 2014. The letter from the Community Association providing comments on the proposal is attached.

3.0 Issues

The key issue associated with this application is the provision of driveway access from Douglas Street.

4.0. Analysis

The property currently has two driveways providing access from Douglas Street serving the two existing lots and another driveway providing access from Princess Avenue. The applicant wishes to maintain the Princess Avenue driveway as well as the south driveway on Douglas Street to provide an extra right turn-in access. However, the existing driveway off Princess Avenue would also provide right turn-in access to the property. The single driveway on Princess Avenue is considered adequate for the proposed commercial uses (retail, office or high tech uses) which are not car-oriented and which do not require direct driveway access from Douglas Street. It is unlikely that a service station use will be re-instated on this site.

The closure of both driveways is desired to improve safety for pedestrians, cyclists and other road users. The addition of landscaping to screen the on-site parking as proposed by the applicant will also enhance the pedestrian environment. Removing both the driveways on Douglas Street is consistent with the *Highway Access Bylaw* and is in keeping with the *Official Community Plan, 2012* public realm objective for arterial streets which supports walking, cycling and the future of Douglas Street as a rapid transit route.

5.0 Resource Impacts

There are no resource impacts anticipated with this application.

6.0 Conclusions

The proposal to allow an expanded range of commercial uses such as retail, office or high tech is consistent with the *Official Community Plan, 2012* Core Employment Urban Place Designation as well as the objectives for the Rock Bay District in the *Downtown Core Area Plan, 2011*. The proposed range of commercial uses enables an improved use of the property until further development is considered. However, the proposed closure of only one driveway on Douglas Street is not consistent with the *Highway Access Bylaw* nor is it in keeping with the objective of establishing a more pedestrian-friendly and transit-oriented Douglas Street. The existing driveway off Princess Avenue is appropriate for the proposed commercial uses, which are not car-oriented and which do not require driveway access from Douglas Street. The closure of both driveways on Douglas Street would improve safety for pedestrians, bicyclists

and other road users; and is in keeping with the *Official Community Plan, 2012* public realm objective for arterial streets which supports walking and the future of Douglas Street as a rapid transit route. Staff, therefore, recommend that that the Committee support this application subject to closure of both driveways on Douglas Street.

6.0 Recommendations

6.1 Staff Recommendations

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application 00447 for 2121 Douglas Street.
- b. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaw has been drafted.
- c. That Council schedules a Public Hearing after the *Zoning Regulation Bylaw* amendment has received second reading subject to:
 - i) registration of a s.219 covenant restricting access to and from the site from Princess Avenue only, to the satisfaction of the City Solicitor,
 - ii) consolidation of the lots,
 - iii) compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application #000355 in accordance with:
 - a. plans date stamped March 10, 2014 and April 22, 2014 with revisions to remove both driveways on Douglas Street,
 - b. development meeting all *Zoning Regulation Bylaw* requirements,
 - c. final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

6.2 Alternative Recommendations

- 6.2.1 1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application 00447 for 2121 Douglas Street.
- b. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaw has been drafted.
- c. That Council schedules a Public Hearing after the *Zoning Regulation Bylaw* amendment has received second reading subject to:
 - i) the provision of a s. 219 covenant restricting access to and from Douglas Street to one driveway to the satisfaction of the City Solicitor,
 - ii) consolidation of the lots,
 - iii) compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for

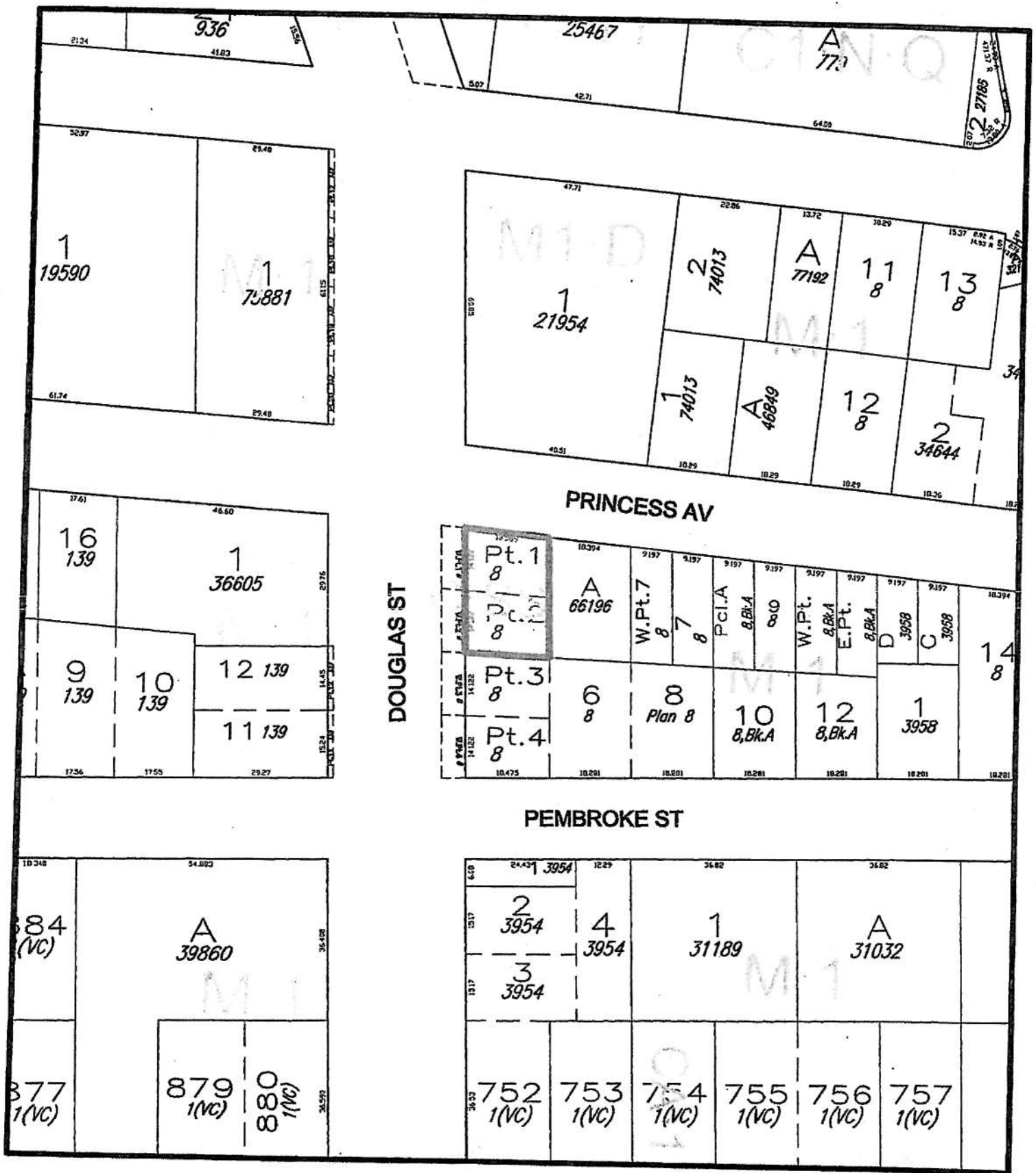
2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application #00355 in accordance with:

- a. plans date stamped March 10, 2014, and April 22, 2014,
- b. development meeting all *Zoning Regulation Bylaw* requirements,
- c. final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

6.2.2 That Council decline Rezoning Application #00447 for 2121 Douglas Street.

7.0 List of Attachments

- Location map
- Aerial photograph
- Plans date stamped March 10, 2014, and April 22, 2014
- Letter from the applicant dated February 6, 2014
- Letters from the Burnside-Gorge Community Association dated April 25, 2014, and February 26, 2009.

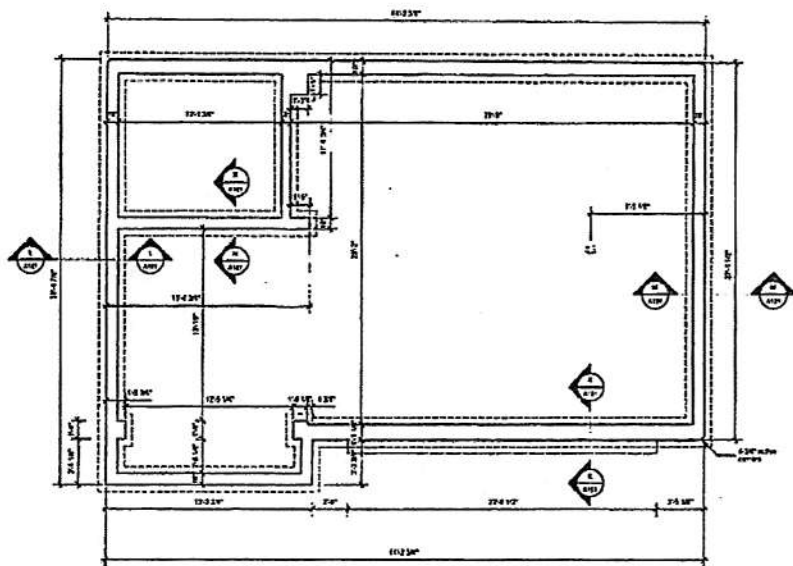


2121 Douglas Street
Rezoning #00447
Bylaw #

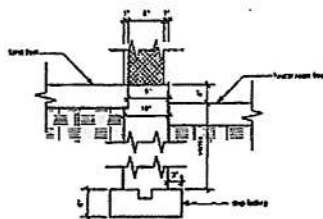




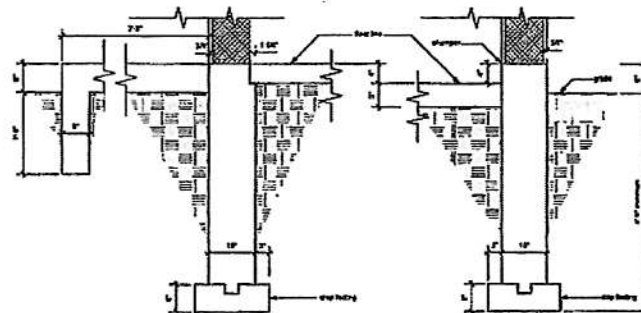
Received
City of Victoria
MAR 10 2014
Planning & Development Department
Development Services Division



1 Foundation Plan Existing
1/4" = 1'-0"

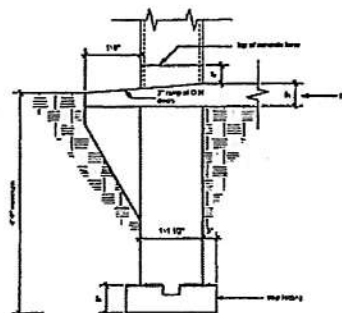


2 Foundation Section
1/4" = 1'-0"



3 Foundation Section
1/4" = 1'-0"

4 Foundation Section
1/4" = 1'-0"



5 Foundation Section
1/4" = 1'-0"



NO.	DATE	BY	REVISION
1	10/1/13	KL	Initial Design
2	10/1/13	KL	Revised Design
3	10/1/13	KL	Final Design

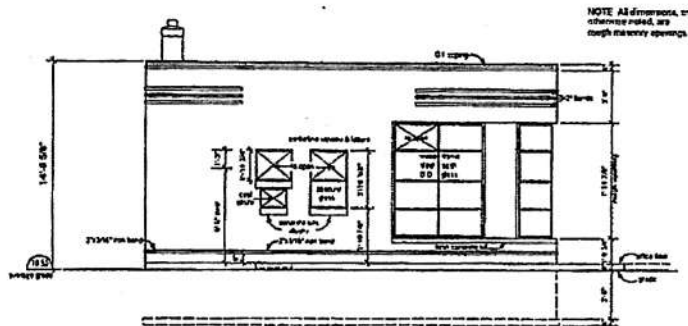
Scale: 1/4" = 1'-0"

2121 Douglas Victoria BC	
Foundation Plan + Sections	
A102	

Received
City of Victoria

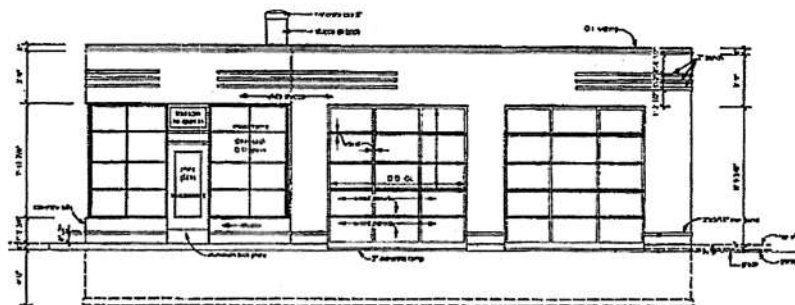
MAR 10 2014

Planning & Development Department
Development Services Division



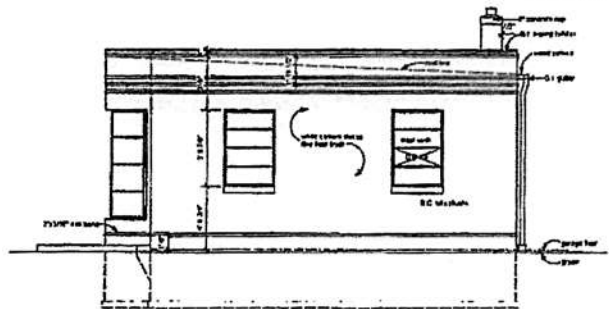
North Elevation
1/4" = 1'-0"

NOTE: All dimensions, unless otherwise noted, are rough masonry openings.



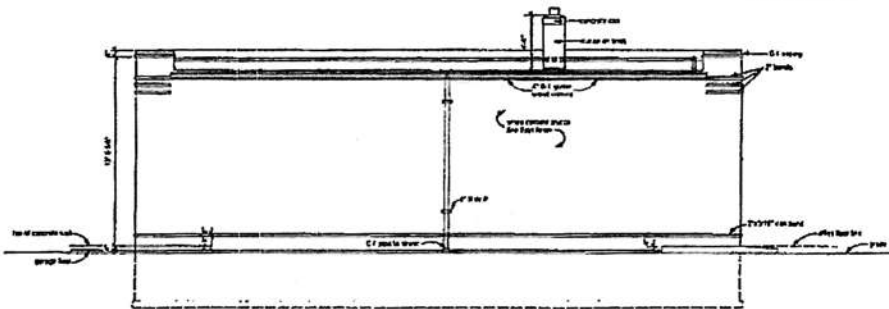
West Elevation
1/4" = 1'-0"

Note: This is a standard drawing convention. It is cautioned that building may have variations and may be left or right hand as shown on ground referenced drawing which governs in all cases.



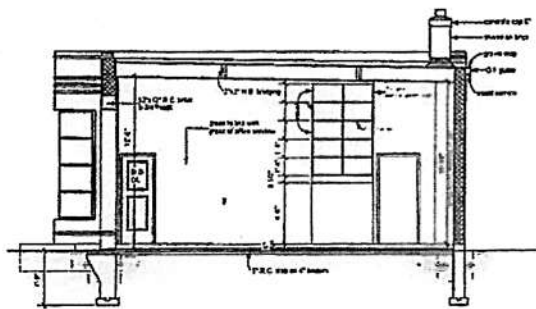
South Elevation
1/4" = 1'-0"

NOTE: All dimensions, unless otherwise noted, are rough masonry openings.

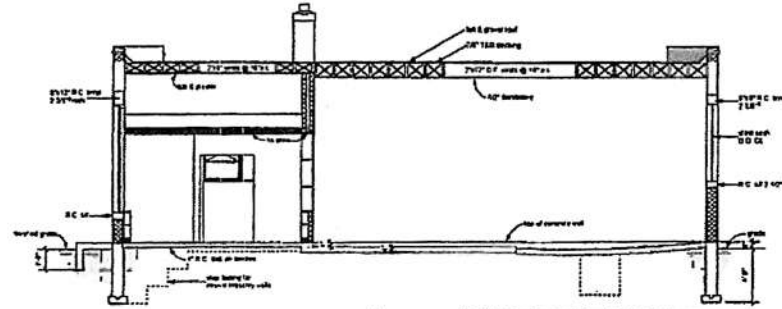


East Elevation
1/4" = 1'-0"

NOTE: All dimensions, unless otherwise noted, are rough masonry openings.



Section B-B
1/4" = 1'-0"



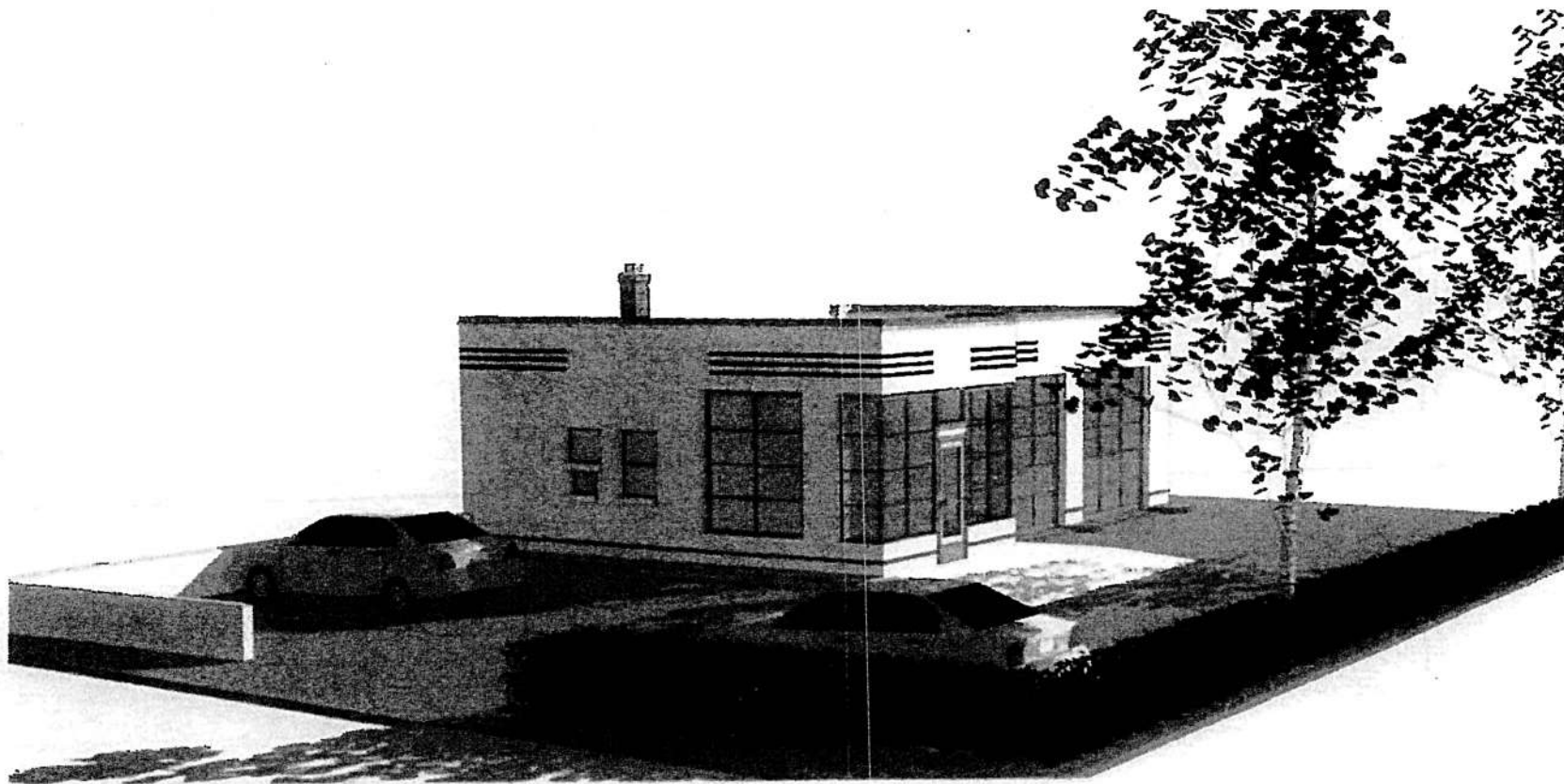
Section A-A
1/4" = 1'-0"



NO.	DATE	BY	DESCRIPTION
1	10/1/13	MM	ISSUED FOR PERMIT
2	10/1/13	MM	REVISIONS
3	10/1/13	MM	REVISIONS
4	10/1/13	MM	REVISIONS
5	10/1/13	MM	REVISIONS
6	10/1/13	MM	REVISIONS
7	10/1/13	MM	REVISIONS
8	10/1/13	MM	REVISIONS
9	10/1/13	MM	REVISIONS
10	10/1/13	MM	REVISIONS

2121 Douglas
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Received
 City of Victoria
 MAR 10 2014
 Planning & Development Department
 Development Services Division



North View

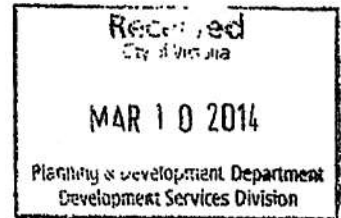
de Reus & Kierulff architects	
2121 Douglas	
Vancouver BC	
View From North West	
A301	

Received
City of Victoria

MAR 10 2014

Planning & Development Department
Development Services Division

**Tinney & Associates
Land Planning & Design
15-1594 Fairfield Road Box 50037
Victoria, BC
V8S 1G0**



Planning and Development
Department
#1 Centennial Square
Victoria, BC
V8W 1P6

February 6, 2014

Attention: Mayor and Council

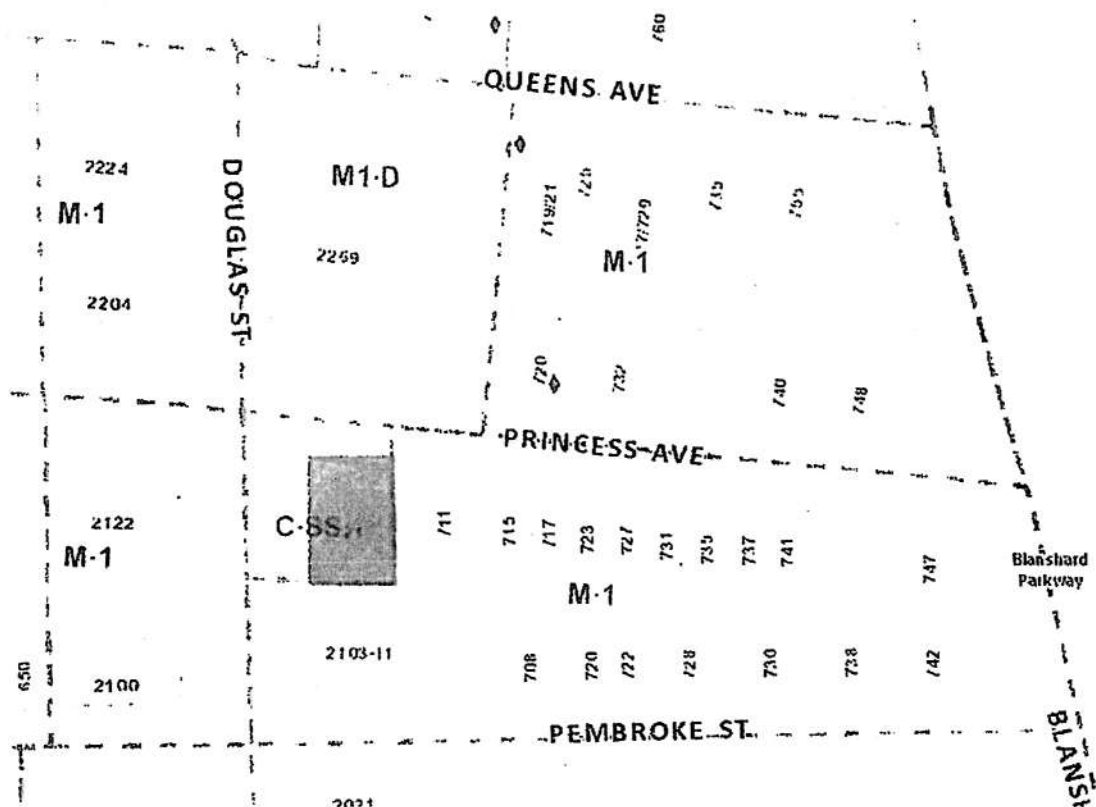
**RE: Rezoning of 2121 Douglas Street
Lot 2, Block A, Section 3, Victoria District, Plan 8, except.....
(PID 000-085-588)**

Background:

A rezoning application has been submitted for the purpose of expanding the list of permitted uses on the above noted property. The former service station site is currently zoned C-SS (Special Service Station District) and permits no uses other than service station. The service station was closed a number of years ago, the underground tanks removed and site remediation completed. The applicant is seeking C1-S (Limited Commercial Service Station District) zoning which allows a broad range of uses as outlined in the C-1 (Limited Commercial District) zone.

The 514 m² site is located at the south-east corner of Douglas Street and Princess Avenue and is surrounded in all directions by a mix of commercial business zoned M-1 and M1-D, typical of this section of the Douglas Street corridor. The existing one storey, 105.5 m², service station building will remain with cosmetic upgrades proposed to permit a new user, most likely retail, office use, or high-tech. Site access is available from both the Douglas frontage as well as Princess and parking for seven cars is available.

Although very limited in this urban section of Douglas Street, site landscaping is proposed and attempts have been made to improve the pedestrian experience and safety, particularly along the Douglas frontage.



It should be noted that the applicant also owns the property to the south located at 2103 Douglas Street. While there is no immediate plan to amalgamate the two properties, the future potential does exist.

Despite the small site size, CPTED design guidelines have been considered. Class 1 bicycle storage is available for staff with a Class 2 bike rack provided at the front entrance for visitors.

Discussion:

Based on the proposed zoning change to C1-S zone, there are no variances being requested with the application. Regardless if the new tenant is office related or retail, maximum parking requirement is three stalls and seven are available, including one disabled parking stall.

The property is located within the Burnside Neighbourhood Plan – Douglas Street South. The long term land use plan suggests “business services” and is defined below:

Business Services

- This term is used to describe a mixed office, commercial service and light industrial uses where the primary purpose is support services for the downtown. Development standards for this area require extensive on-site parking and low site coverage. The scale of use is very distinct from the adjacent downtown lands, and will accommodate businesses which require frequent customer or delivery traffic.

Buildings will be low at 1-2 stories, and may include limited retail and office use in association with light industrial uses (maximum 50% floor area). Parking should be adequately screened from streets. No higher density residential uses are supported, but tourist accommodation is permitted.

The Official Community Plan, Burnside Neighbourhood Plan, and the Downtown Core Area Plan identify this area as: Burnside – “core employment”; Douglas Street South; Rock Bay District. Many of the associated objectives, policies and actions are addressed simply by the retention of the existing building and proposed minor upgrades, perhaps most notably, core employment. The area falls within development permit area DPA-7A. Although very little is changing, a development permit application will be required. The existing building will be retained essentially as is.

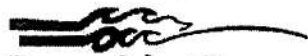
The Burnside Gorge Community Association Land Use Committee reviewed the application on February 17, 2014 and referred the application to the April CALUC meeting for the general public. This identical application was presented to the Burnside Gorge Community Association in 2009 and received support. However, given that it was five years ago a second presentation is felt necessary.

The proposed building upgrades combined with the introduction of site landscaping should greatly improve this small but prominent section of the Douglas Street corridor.

Sincerely,



Roger Tinney MCIP
Project Planner



Burnside Gorge Community Association

471 Cecelia Road, Victoria B.C. V8T 4T4
T. (250) 388-5251 | F. (250) 388-5269
bgca@shaw.ca | www.burnsidegorge.ca

April

25, 2014

Dear Mayor and Council

CALUC Community Meeting: Rezoning application for 2121 Douglas Street

On April 14, 2014, the Burnside Gorge Community Association (BGCA) hosted a CALUC Community meeting that was advertised in order to discuss the rezoning application for 2121 Douglas Street for the purpose of expanding the list of permitted uses on the property. Currently zoned as C-SS and is no longer a service station and the site has been remediated. The applicant is seeking C1-S zoning which allows a broad range of uses as outline in the C-1 zone.

The existing one storey building will remain with cosmetic upgrades proposed. The site is available from both the Douglas frontage as well as Princess and parking for 7 cars is available.

The meeting was publicized in the Burnside Gorge Community News and online, however, the only attendees at the meeting were those who had already participated in the Land Use Committee (LUC) meeting the month prior and hence the meeting was unanimously adjourned as the note from the 2009 community meeting were available, along with the LUC note at the end of this letter.

Land Use Committee Specific Comments (March 24, 2014 meeting with proponent)

- The LUC met with Roger Tinney on behalf of the proponent to hear about the proposal for 2121 Douglas.
- Review of the documentation revealed that the site had been remediated since 2009 and that the current proposal intended to leave the same building footprint on site.
- The LUC agreed that the note from 2009 would go forward as part of the documentation for the new process. Please see attached.
- The LUC was also supportive of a concurrent process and the Chair spoke with Brian Sikstrom regarding our support of such efforts leading up to the proposed Community meeting timelines.
- Mr. Tinney indicated that City staff was recommending limiting Douglas access to the site based on new transit developments. A long discussion ensued. The LUC raised concerns regarding this development and whether this was new policy for the City and whether surrounding businesses were aware of this change.
- Based on the lengthy space between the 2009 and 2014 proposal, along with potential interest of neighbouring businesses on proposed Douglas access conditions, the LUC unanimously voted to proceed with a Community meeting. Timing unfortunately placed this in April.

In summary, we thank the proponent for diligently providing the Burnside Gorge Land Use Committee and the broader community the opportunity to comment on the 2121 Douglas proposal.

Yours sincerely,

TJ Schur

Land Use Committee Chair
Burnside Gorge Community Association
landuse@burnsidegorge.ca



Burnside Gorge Community Association

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February 26, 2009

Mayor & Council
1 Centennial Square
Victoria, BC
V8W 1P6

Dear Mayor and Council:

Re: Rezoning application for 2121 Douglas Street

Please accept this letter as confirmation that proponent Tony Onyszkiewicz and architect Peter De Hoog, attended the February 9th 2009 Burnside Gorge Community Association Community Meeting at which time they presented plans to rezone the property at 2121 Douglas Street. The proposal involves changing the use of the site from a gas station to a car rental business.

Comments and questions that arose in the discussion that followed the presentation are summarized below.

Comments in support

- Most of those attending the meeting were pleased with the plans to improve the appearance of the existing building and appreciated the care taken to include some of features that reflect its heritage.

Questions and Concerns

- Most of the concern expressed during the meeting centered around the possibility that the past use of the site as a gas station may be causing soil and air contamination on the adjoining properties. A copy of a report titled "Preliminary Site Investigation 2103-2111 Douglas Street" by Wittich Environmental Services Ltd. and dated 2005 was presented by the owner of the adjoining property.
- How will this rezoning will fit within a new Downtown Plan? Although this rezoning may work well as an interim development, one comment supported a more urban development (commercial below/residential above and no surface parking) on this site in the future.
- At the preliminary Land Use Committee meeting it was noted that the existing building has a flat roof that might lend itself to a green or living roof.
- There was concern expressed about how the soapy water from the on-site car washing would be treated and what body of water it would flow into.

Result of show-of-hands

An informal show-of-hands was asked for at the end of the meeting in order to gauge the amount of support for the proposed development. The result of this show-of-hands does not indicate nor determine the position of the Burnside Gorge Community Association.

The show-of-hands indicated that everyone present generally supported this rezoning proposal on condition that environmental concerns, including possible soil and air contamination, are satisfactorily addressed.

Thank you for considering these comments as you review this rezoning application.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kate Forster', with a stylized flourish at the end.

Kate Forster
BGCA Chair, Land Use Committee

cc:

Tony Onyszkiewicz, proponent

Peter De Hoog, architect

Brian Sikstrom, Area Planner, City of Victoria

Councillor Helps withdrew from Committee at 9:30 a.m. as she works for the Community Micro Lending Society which is located in a building receiving donated office space from the owner of 2121 Douglas Street and therefore has an indirect pecuniary interest.

Councillor Helps also declared a direct pecuniary interest regarding 1950 Blanshard Street as the Community Micro Lending Society has a potential financial relationship with the Greater Victoria Rental Society.

3.1 Rezoning Application # 00447 and Development Permit Application # 000355 for 2121 Douglas Street

Committee received a report regarding the property located at 2121 Douglas Street. The applicant proposes to rezone the property from the C-SS Zone, Special Service Station District, to the C1-Zone, Limited Service Station District, to permit an expanded range of commercial uses. Currently the only land use permitted under the existing zone is as a service station. The proposal includes upgrading the existing 105m² one-storey building, adding landscaping along Douglas Street and a portion of Princess Avenue, and removing one of two driveways on Douglas Street. Staff have advised the applicant that the removal of both driveways is required.

Action:

1. It was moved by Councillor Thornton-Joe, seconded by Councillor Gudgeon:
 - A. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00447 for 2121 Douglas Street.
 - B. That Council consider giving first and second reading to the Zoning Regulation Bylaw amendment after the bylaw has been drafted.
 - B. That Council schedules a Public Hearing after the Zoning Regulation Bylaw amendment has received second reading subject to:
 - i. Registration of a s.219 covenant restricting access to and from the site from Princess Avenue only, to the satisfaction of the City Solicitor.
 - ii. Consolidation of the lots.
 - iii. Compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application # 000355 in accordance with:
 - A. Plans date stamped March 10, 2014, and April 22, 2014, with revisions to remove both driveways on Douglas Street.
 - B. Development meeting all *Zoning Regulation Bylaw* requirements.
 - C. Final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed:

- That the subject property may see higher density in the future but it is not known when or how. It is currently a vacant building and making a modest change to the use is supportable.

CARRIED UNANIMOUSLY 14/PLUC0167

REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – July 17, 2014

Councillor Helps withdrew from Council Chambers at 10:16 p.m. due to pecuniary conflict of interest in the following item as the developers have made contributions to Community Micro Lending.

6. Rezoning Application # 00447 and Development Permit Application # 000355 for 2121 Douglas Street:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto,

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00447 for 2121 Douglas Street.
 - b. That Council consider giving first and second reading to the Zoning Regulation Bylaw amendment after the bylaw has been drafted.
 - c. That Council schedules a Public Hearing after the Zoning Regulation Bylaw amendment has received second reading subject to:
 - i. Registration of a s.219 covenant restricting access to and from the site from Princess Avenue only, to the satisfaction of the City Solicitor,
 - ii. Consolidation of the lots,
 - iii. Compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application # 000355 in accordance with:
 - a. Plans date stamped March 10, 2014, and April 22, 2014, with revisions to remove both driveways on Douglas Street.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Carried Unanimously

Council meeting
July 24, 2014



Council Member Motion

For the Council Meeting of November 6, 2014

Date: October 31, 2014

From: Mayor Fortin

Subject: Rezoning Application and Development Permit Application for 2121 Douglas Street

Summary

At the Council meeting on July 24, 2014, Council approved the attached motion for a Rezoning Application and Development Permit Application for 2121 Douglas Street.

Upon consultation with the developer, it is apparent that a covenant restricting access to and from the site from Princess Avenue only will be prohibitive to business operations for the current building. The developer is requesting a second driveway access off Douglas Street to resolve this concern.

Recommendation

That Council amend the Council resolution of July 24, 2014 for Rezoning Application and Development Permit Application for 2121 Douglas Street in Section 1. i and Section 2.a as outlined in the attached motion.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Dean Fortin".

Mayor Dean Fortin

Attachment

Motion passed at the Council meeting of July 24, 2014:

Rezoning Application # 00447 and Development Permit Application # 000355 for 2121 Douglas Street:

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00447 for 2121 Douglas Street.
- b. That Council consider giving first and second reading to the Zoning Regulation Bylaw amendment after the bylaw has been drafted.
- c. That Council schedules a Public Hearing after the Zoning Regulation Bylaw amendment has received second reading subject to:
 - i. Registration of a s.219 covenant restricting access to and from the site from Princess Avenue only, to the satisfaction of the City Solicitor,
 - ii. Consolidation of the lots,
 - iii. Compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application # 000355 in accordance with:
 - a. Plans date stamped March 10, 2014, and April 22, 2014, with revisions to remove both driveways on Douglas Street.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Carried Unanimously

Proposed amendment:

Rezoning Application # 00447 and Development Permit Application # 000355 for 2121 Douglas Street:

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00447 for 2121 Douglas Street.
- b. That Council consider giving first and second reading to the Zoning Regulation Bylaw amendment after the bylaw has been drafted.
- c. That Council schedules a Public Hearing after the Zoning Regulation Bylaw amendment has received second reading subject to:
 - i. Registration of a s.219 covenant **ensuring that access to and from the site is restricted to Princess Avenue and one access off Douglas Street and in the event that additional floor area is added to the existing building or the site is redeveloped as a whole both Douglas Street accesses would be closed,** to the satisfaction of the City Solicitor,
 - ii. Consolidation of the lots,
 - iii. Compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application # 000355 in accordance with:
 - a. Plans date stamped March 10, 2014, and April 22, 2014. **with revisions to remove both driveways on Douglas Street.**
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be in generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

NEW BUSINESS

Councillor Helps withdrew from the meeting at 11:07 a.m. due to a direct pecuniary conflict of interest as she is a Director of Community Micro-Lending which has a business relationship with the applicant of the following item.

1. Rezoning Application No. 00447 and Development Permit Application No. 000355 for 2121 Douglas Street

Mayor Fortin provided Council with a motion regarding Rezoning Application No. 00447 and Development Permit Application No. 000355 for 2121 Douglas Street to amend the motion approved by Council at its July 24, 2014 meeting.

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council amend the Council resolution of July 24, 2014 for Rezoning Application and Development Permit Application for 2121 Douglas Street in Section 1.i and Section 2.a as follows:

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00447 for 2121 Douglas Street.
- b. That Council consider giving first and second reading to the Zoning Regulation Bylaw amendment after the bylaw has been drafted.
- c. That Council schedules a Public Hearing after the Zoning Regulation Bylaw amendment has received second reading subject to:
 - i. Registration of a s.219 covenant ensuring that access to and from the site is restricted to Princess Avenue and one access off Douglas Street and in the event that additional floor area is added to the existing building or the site is redeveloped as a whole both Douglas Street accesses would be closed, to the satisfaction of the City Solicitor,
 - ii. Consolidation of the lots,
 - iii. Compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
2. Following the Hearing and subject to the adoption of the Bylaw amendment for 2121 Douglas Street, that Council considers passing the following resolution to authorize the issuance of Development Permit Application # 000355 in accordance with:
 - a. Plans date stamped March 10, 2014, and April 22, 2014, ~~with revisions to remove both driveways on Douglas Street.~~
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Councillor Gudgeon asked how this relates to the Highway Access Bylaw?

Mayor Fortin said the applicant requested that access to the site be kept as is, but if there is any redevelopment of the site then a change in the access would be triggered.

Carried Unanimously

Councillor Helps returned to the meeting at 11:11 a.m.