

**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, JULY 23, 2015, 9:00 A.M.**

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

**Committee Members Present:** Mayor Helps (Chair); Councillor Coleman, Loveday, Lucas, Madoff, Thornton-Joe and Young

**Absent:** Councillors Alto and Isitt

**Staff Present:** J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; S. Hutchinson – Transportation Planner; C. Wain – Planner; R. Woodland – Director, Legislative & Regulatory Services; C. Mycroft – Executive Assistant to the City Manager; J. Appleby - Recording Secretary.

**2. APPROVAL OF THE AGENDA**

The Chair canvassed Committee, who approved bringing forward the following items for approval:

- Item # 1 Minutes from the meeting held on July 9, 2015
- Item # 4 Development Permit Application No. 000429 for C8-1 Dallas Road
- Item # 5 Development Variance Permit Application No. 00152 for 361 and 363 Foul Bay Road

**Action:** It was moved by Councillor Loveday, seconded by Councillor Coleman, that the Agenda of the July 23, 2015, Planning & Land Use Committee meeting be approved, as amended.

CARRIED UNANIMOUSLY 15/PLUC172

### 3. CONSENT AGENDA

It was moved by Councillor Loveday, seconded by Councillor Coleman, that the following items be approved without further debate:

#### 3.1 Minutes from the Meeting held on July 9, 2015.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held July 9, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC173

#### 3.2 Development Permit Application No. 000429 for C8-1 Dallas Road

Committee received a report regarding a development application for the C8-1 Dallas Road (Fisherman's Wharf). The proposal is to construct an addition to a float home.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Coleman, that Committee recommends that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000429 for C8-1 Dallas Road, in accordance with:

1. Plans date stamped June 15, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC174

#### 3.3 Development Variance Permit Application No. 00152 for 361 and 363 Foul Bay Road

Committee received a report regarding an application for 361 and 363 Foul Bay Road. The proposal is to authorize the design of a two-car garage in the rear yard of the property.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

1. Plans date stamped June 3, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- a. Section 1.6.6 a. – relaxation to increase site coverage from 30 percent to 41.10 percent.
  - b. Schedule F, 5.b – relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.
  - c. Schedule F, Section 4.c – relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC175

#### 4. COMBINED DEVELOPMENT APPLICATION REPORTS

##### 4.1 Rezoning Application No. 00480 for 2280 Forbes Street

Committee received a report regarding an application for 2280 Forbes Street. The proposal is to rezone the property to authorize a two lot subdivision and construct one new house on a small lot.

Committee discussed:

- Privacy concerns of the neighbours to the north.
  - The new house will have windows in the stairwell which will not affect the neighbours. The amenity space of the neighbour is to the side of the existing building and will not be affected by the new build.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00480 for 2280 Forbes Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 15/PLUC176

##### 4.2 Development Permit with Variances Application No. 00480 for 2280 Forbes Street

Committee received a report regarding a development application for 2280 Forbes Street. The proposal is to authorize the design and siting of a house on a small lot.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00480, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00480 for 2280 Forbes Street, in accordance with:

1. Plans date stamped July 7, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements,

except for the following variances:

Small Lot House (Proposed Lot 1)

- a. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.50m.
- b. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.73m.

Existing House (Proposed Lot 2)

- c. Part 1.2, Section 1.2.2(b): Reduce the lot width from 15m to 11.95m.
- d. Part 1.2, Section 1.2.5(c): Reduce the side yard setback from 3.0m to 1.5m.
- e. Part 1.2, Section 1.2.5(d): Reduce the combined side yard setbacks from 4.50m to 3.04m.

Accessory Building

- f. Schedule "F" (4)(b): Reduce the side yard setback of an accessory building on Lot 1 and Lot 2 from 0.6m to 0m.

3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 15/PLUC177

## 5. DEVELOPMENT APPLICATION REPORTS

### 5.1 Development Permit with Variances Application No. 000419 for 330 Irving Road

Committee received a report regarding an application for 330 Irving Road. The proposal is to authorize the design of a one-storey house on a panhandle lot to the rear of an existing house.

Committee discussed:

- Deep and large lots in relation to Council's panhandle lot policies. Staff provided background information noting that Council requires larger lots, increased setbacks and smaller floor areas for houses on panhandle lots to ensure impacts on neighbouring properties are minimized. Staff advised that panhandle lots that meet Council's policies can be considered in all areas of the Gonzales neighbourhood with the exception of Queen Anne Heights.
- Councillor Young advised that he is familiar with area; the lots are quite deep which is unusual. The impact on panhandle lots in some areas may be intrusive, but with the unusual depth and width of this lot it is not the case.

**Action:**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:

1. Plans date stamped June 2, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances.
  - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.

- b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
- 3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC178

*Committee recessed at 9:11 a.m.*

*Committee reconvened at 10:13 a.m.*

## **5.2 Development Permit with Variances Application No. 000377 for 613 Herald Street**

Committee received a report regarding an application for 613 Herald Street. The proposal is to authorize the design of a five-storey commercial / residential building.

Committee discussed:

- Concerns regarding the size of the driveway.
- The appropriateness of the building's design for Chinatown and the Downtown Residents Association's lack of support.
- The quality of the finishes.

*Councillor Coleman withdrew from the meeting at 10:21 a.m. and returned at 10:25 a.m.*

- The process by which Council will be advised on the Advisory Design Panel's comments.
  - An updated report will be forwarded to Council prior to a decision being made.
- Why the issues identified by staff and the Residents Association have not been addressed.
  - The applicant has made a number of revisions to the original plans. Staff felt that the Advisory Design Panel could provide valuable input to keep the application moving forward.
- The location of the nearest car share and the need to have this type of information included as part of the Transportation Demand Study.
  - A Car share is currently located in the Johnson Street parkade and negotiations are underway to have one located in the Centennial parkade.

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

Refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

1. The exterior finishes of the building as they relate to the Old Town Guidelines.
2. The opportunity to provide a greater articulation of the upper-portion of the building.

Following this referral, and after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000377 for 613 Herald Street, in accordance with:

1. Plans date stamped June 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 6.6.1 – Increase the maximum building height from 15m to 15.86m.
  - b. Section 6.8.3(b) – Reduce the front yard setback above 10m from 1.07m to 1.10m.
  - c. Section 6.8.5 – Reduce the minimum side yard setback from 4.50m to 0m.
  - d. Section 6.8.6(ii) – Reduce the number of vehicle parking spaces from 70% of the number of dwelling units (21 spaces) to 40% (12 spaces).
3. The submission of revised plans that address comments from the Advisory Design Panel to the satisfaction of City Staff.
4. Removal of the Section 219 Covenant requirement for a car share vehicle.
5. The applicant entering into a car share agreement with MODO to secure car share memberships for each unit.
6. That a Car Share Agreement is in place to the satisfaction of MODO that will secure the fulfillment of the agreement in accordance with their standard practice.
7. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
8. 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.
9. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
10. The Development Permit lapsing two years from the date of this resolution.”

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council refer Development Application No. 000377 for 613 Herald Street **for a complete review** by the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

1. The exterior finishes of the building as they relate to the Old Town Guidelines.
2. The opportunity to provide a greater articulation of the upper-portion of the building.
3. **The ground floor design, the brick lintel, and the issues identified by the Downtown Residents Association.**

Committee discussed the amendment:

- Concern that the Advisory Design Panel will be given clear direction to what areas they are to be reviewing.

CARRIED 15/PLUC179

For: Mayor Helps; Councillors Coleman, Loveday, Lucas, Thornton-Joe and Young  
Against: Councillor Madoff

## 6. POLICY REPORTS

*Councillors Thornton-Joe and Young excused themselves from the meeting at 10:15 a.m. due to a pecuniary conflict of interest as they both own properties that could be affected by the proposed seismic upgrading bylaw.*

### 6.1 Mandatory Seismic Upgrading Ordinances

Committee postponed consideration of the Mandatory Seismic Upgrading item until September 10, 2015, due to a lack of quorum.

## 7. DECISION REQUESTS

### 7.1 Application for a Permanent Special Event Area Endorsement for the Vancouver Island Brewery – 2330 Government Street

Committee received a report regarding an application by the Vancouver Island Brewing Company at 2330 Government Street for a permanent change to allow for a Special Events Area Endorsement.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to add a Brewery Special Events Area Endorsement for the Brewery Licence of the Vancouver Island Brewing Company, Brewery Licence No. 300205, located at 2330 Government Street, supports:

1. The application of the Island Pacific Brewing Company (Vancouver Island Brewery) to amend its Brewery Licence to add a Brewery Special Events Area Endorsement, with a licenced capacity of 60 and operating hours of 9:00 a.m. to 11:00 p.m. seven days a week.
2. The Council provides the following comments on the prescribed considerations:
  - a. The location is within a government light industrial district which permits breweries, restaurants, light industry, accessory retails sales and offices, retail sales of home furnishings and supplies, or sporting goods. The Brewery Licence operation is compatible with the neighbouring land uses. The business is located within the Activity Noise District which allows for a higher noise threshold.
  - b. This request represents the addition of a special event endorsement, which is expected to have minimal impact on the neighbourhood as it does not change operating hours, will be contained within the building and is an extension to services such as tastings and hosting events in the hospitality room that already occur.
  - c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice

posted at the property. Six responses were received by the City, with five opposed and one in favour.

CARRIED UNANIMOUSLY 15/PLUC180

## **7.2 Application for Patron Participation Endorsement for the Oswego Hotel – 500 Oswego Street**

Committee received a report regarding an application by the Oswego Hotel in relation to their Food Primary liquor licence, for a change to add a Patron Participation Endorsement.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary liquor licence of the Oswego Hotel, Liquor Licence No. 302556, located at 500 Oswego Street, supports:

1. The application of the Oswego Hotel to amend its Food Primary liquor licence to add a Patron Participation Endorsement.
2. The Council provides the following comments on the prescribed considerations:
  - a. The location is in the urban residential district which has a transient accommodation usage but also allows for some restaurants. There is significant residential use in the immediate vicinity. The Food Primary liquor licensed business is compatible with the neighbouring land uses and is within the Intermediate Noise District, which allows for a higher noise threshold.
  - b. This change is expected to have a minimal impact on the neighbourhood due to the configuration, use and size of the licenced premises. The restaurant has had no complaints with regards to noise.
  - c. The views of residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Four written responses were received by the City, with three in support of the application and one opposed.

CARRIED UNANIMOUSLY 15/PLUC181

## **8. ADJOURNMENT**

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Committee adjourn the Planning & Land Use Committee meeting of July 23, 2015, 10:49 a.m.

CARRIED UNANIMOUSLY 15/PLUC182

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Mayor Helps, Chair