

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MAY 28, 2015, 9:00 A.M.**

1. CLOSED MEETING AT 8:30 A.M.

Action: It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Planning & Land Use Committee convene a Closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the *Council Bylaw*, namely:

- Section 12(3)(e) - the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.

CARRIED UNANIMOUSLY 15/PLUC143

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe and Young.

Absent: Councillor Loveday

Staff Present: J. Johnson - City Manager; A. Meyer – Assistant Director, Development Services; J. Handy – Planner; M. Wilson – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby – Recording Secretary.

Guest: Peter Johnson, Stewart McDannold Stuart

2. MINUTES

2.1 Minutes from the Closed Meeting held on May 14, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Closed Planning & Land Use Committee meeting held May 14, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC144

3. Land –Disposition

Committee received information regarding a land disposition matter.

The discussion and motion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC145

4. **OPEN MEETING AT 9:00 A.M.**

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

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Lucas, Madoff and Thornton-Joe and Young

Absent: Councillor Loveday

Staff Present: J. Johnson - City Manager; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Planner; B. Dellebuur – Manager, Transportation & Infrastructure Design; J. Handy – Senior Planner; S. Hutchison – Transportation Planner; M. Miller – Heritage Planner; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

6. **APPROVAL OF AGENDA**

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

- Item # 3 Minutes from the Meeting held on May 14, 2015
- Item #16 Heritage Alteration Permit Application No. 00203 with Variances for 135 Medana Street
- Item #17 Heritage Alteration Permit Application No. 00204 for 1156 Fort Street

Councillor Madoff noted a correction needed to the staff recommendation in Item #16 Heritage Alteration Permit Application No. 00203 with Variances for 135 Medana Street:

Staff recommend that Committee forward this report to Council and that Council consider the following motion: **after giving notice and allowing an opportunity for public comment**, that Council consider the following motion:

Action: It was moved by Mayor Helps, seconded by Councillor Madoff, that the Agenda of the May 28, 2015, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 15/PLUC147

7. CONSENT AGENDA

7.1 Minutes from the meeting held May 14, 2015

Action: It was moved by Mayor Helps, seconded by Councillor Madoff, that the Minutes from the Planning & Land Use Committee meeting held May 14, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC148

7.2 Heritage Alteration Permit Application No. 00203 with Variances for 135 Medana Street

Committee received a report regarding an application for 135 Medana Street. The proposal is to approve the construction of a deck that had been built without permit and to apply for a heritage alteration permit to cover the recent renovations to the existing deck.

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

“That Council consider authorizing the issuance of Heritage Alteration Permit No. 00203 for 135 Medana Street subject to:

1. Plans date stamped April 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Rear yard setback relaxed from 10.7m to 4.03m
 - b. Relaxation of accessory building requirements to permit existing accessory building to be located in the side yard (due to rear deck addition projecting beyond the front of the accessory building).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.”

CARRIED UNANIMOUSLY 15/PLUC149

7.3 Heritage Alteration Permit Application No. 00204 for 1156 Fort Street

Committee received a report regarding a heritage alteration permit application for 1156 Fort Street. The proposal is a retroactive application to address the recent demolition of the Heritage-Designated outbuildings, which were to be retained and rehabilitated in accordance with Heritage Alteration Permit No. 00179.

Action: It was moved by Mayor Helps, seconded by Councillor Madoff, that Committee recommends that Council consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit Application No. 00204 for 1156 Fort Street, subject to and in accordance with:

1. Plans date stamped May 11, 2015.

2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans dated May 11, 2015, for Heritage Alteration Permit Application No. 00204, to the satisfaction of staff.”

CARRIED UNANIMOUSLY 15/PLUC150

8. COMBINED DEVELOPMENT APPLICATION REPORTS

8.1 Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

Committee received a report regarding a rezoning application for 370 and 384 Harbour Road. The proposal is to amend the existing zoning to modify the siting requirements for residential uses within the Zone.

Committee discussed:

- Concern about the lack of parking and the impact it will have on the surrounding neighbours.
- If the provision of angle parking could increase the amount of on street parking
- The provision of bicycles as an incentive and if this proposal is the first time it has been used as a negotiation.
- The location of the car share vehicle.
- Access to the units for emergency responders.
 - The fire department has reviewed the application and has not identified any concerns. There is also access through the patio area of Café Fantastico.
- The importance of preserving the principles of the MDA.

Action: It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee forward this report to Council and that Council instruct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act*, the necessary *Zoning Regulation Bylaw Amendment* and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City’s website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association

Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

3. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the *Official Community Plan Amendment Bylaw*.
5. That Council consider the *Official Community Plan Amendment Bylaw* in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed *Official Community Plan Amendment Bylaw*.
6. That Council give second reading to the *Official Community Plan Amendment Bylaw*.
7. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing.
8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
9. That Council instruct staff to prepare a *Housing Agreement Bylaw* to secure the provision of 49 non-market residential rental housing units in perpetuity.
10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

CARRIED UNANIMOUSLY 15/PLUC151

8.2 Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road

Committee received a report regarding a development application for 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential units.

Action: It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

1. Referral to the Advisory Design Panel with particular attention to the

following issues:

- a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
 - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
 3. Plans date stamped March 31, 2015.
 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Permit residential uses on the ground floor of a building;
 - b. Permit residential units to face Harbour Road without a building buffer.
 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
 6. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 15/PLUC152

Councillor Isitt withdrew from the meeting at 9:03 a.m. due to a non-pecuniary conflict of interest as he has owned property on this street in the past.

8.3 Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan

Committee received a report regarding a rezoning application for 1146 Caledonia Avenue. The proposal is to rezone the property from the R2 Zone (Two Family Dwelling District) to a new zone to increase the density and permit a six-unit multiple dwelling.

Committee discussed:

- The alternate motion proposes revisions to not only change the exterior appearance but also to potentially reduce the number of dwelling units and height and to provide more breathing room.
- If there is an ability to move the building closer to the park side.
 - There is a narrow set-back on both sides and should it be moved those units on the park side would lose their outside living space.
- The possibility of creating a path with lighting through the adjoining park.
- The proposal will be situated next to a converted single family home that has multiple units.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, and that first

and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.
2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
4. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.

Committee discussed:

- The design is complimentary to other buildings on the street and the neighbourhood.
- If the applicant would consider increasing the variance on the park side of the building and be prepared to speak to this at the public hearing.
- Concern that the building will dominate the park or present a perception of ownership of the park.
- The height and density are comparable to the other dwellings on the street.
- The importance of hearing from the residents at the public hearing and if the 200m radius for hearing notices will capture the Cameron Street neighbours. Hearing the neighbours input may influence Council's final decision.
- Concerns about the pathway in the evening and if the lack of lighting will become an issue in the future.

CARRIED 15/PLUC153

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

8.4 Development Permit Application No. 000398 for 1146 Caledonia Avenue

Committee received a report regarding a development permit application for 1146 Caledonia Avenue. The proposal is to authorize the design, siting and landscape design of three and a half storey, six-unit strata apartment building.

Action: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that after the Public Hearing for Rezoning Application No. 00469, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue, and in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED 15/PLUC154

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

Councillor Isitt returned to the meeting at 10:00 a.m.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that staff provide a report on improvements planned for King's Park to provide a path and improved lighting in relation to the public pathway from Cameron Street to King's Park.

CARRIED UNANIMOUSLY 15/PLUC155

8.5 Rezoning Application No. 00479 for 62 Cambridge Street

Committee received a report regarding a rezoning application for 62 Cambridge Street. The proposal is to rezone the property to authorize the construction of one new small lot house and to retain the existing single family dwelling with a legal secondary suite.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, 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. 00479 for 62 Cambridge 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/PLUC156

8.6 Development Permit with Variances Application No. 00479 for 62 Cambridge Street

Committee received a report regarding a development permit application for 62 Cambridge Street. The proposal is to construct a new small lot house.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00479, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00479 for 62 Cambridge Street, in accordance with:

1. Plans date stamped April 20, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.22, Section 8(a): reduce the front yard setback of Lot B from 6.00m to 3.50m;
 - b. Part 1.22, Section 8(c): reduce the side yard setback of Lot B from 2.40m to 1.50m.
3. The Development Permit lapsing two years from the date of this resolution.”

Committee discussed:

- The application has received a great deal of public input; those who were initially against the proposal are now in support. Consultation with the neighbours has provided a positive outcome for all.

CARRIED UNANIMOUSLY 15/PLUC157

8.7 Rezoning Application No. 00468 for 1070 Joan Crescent

Committee received a report regarding rezoning application for 1070 Joan Crescent. The proposal is to rezone the property to permit a Heritage-Registered house with a new addition and an original garage to be used as a cultural facility with commercial exhibits, multi-purpose spaces, administration offices, a tea room and a gift shop.

Action: It was moved by Councillor Madoff, seconded by Councillor Alto, 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. 00468 for 1070 Joan Crescent, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Referral of Rezoning Application No. 00468 to the Heritage Advisory Panel, concurrent with Heritage Alteration Permit Application No. 00195.

2. Registration of an Easement and a Section 219 Covenant to secure access to 10 vehicle parking stalls and one bicycle rack on the property at 1048-1050 Joan Crescent, to the satisfaction of staff.
3. Provision of an updated Arborist Report on the condition of the existing trees on the property at 1048-1050 Joan Crescent to the satisfaction of staff and, if necessary, a landscaping security for replacement trees, prior to the issuance of a Building Permit.

CARRIED UNANIMOUSLY 15/PLUC158

8.8 Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent

Committee received a report regarding a heritage alteration permit application for 1070 Joan Crescent. The proposal is to convert the existing Heritage-Registered residence to a Visitor Centre for the Craigdarroch Castle Society. The proposal includes the construction of an addition and the relocation of the existing garage for use as a Tea House.

Action: It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council consider the following motions:

“That Council consider referring Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent to the Heritage Advisory Panel for the meeting of June 9, 2015, for feedback on the proposed exterior alterations and additions to the Heritage-Registered property.”

Following consideration of the *Zoning Regulation Bylaw Amendment* pertaining to Rezoning Application No. 00468 for 1070 Joan Crescent:

“That Council authorize the issuance of Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent, subject to the applicant providing seismic strengthening details of the existing chimneys prior to the Public Hearing for the Rezoning Application in accordance with:

1. Revised drawings date stamped May 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of staff.”

Committee discussed:

- The application provides a way to maintain the character defining elements of the original structures and to adapt to the change in use.

CARRIED UNANIMOUSLY 15/PLUC159

Councillor Isitt withdrew from the meeting at 10:25 a.m. due to a direct pecuniary conflict of interest as he is on the Board of the Greater Victoria Harbour Authority who are the owners of the subject properties.

10. DEVELOPMENT APPLICATION REPORTS

10.1 Development Permit Application No. 000424 for 1 Dallas Road

Committee received a report regarding a development permit application for 1 Dallas Road. The proposal is to construct a building on a floating dock which would be used as a ticket office for Harbour Ferries.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000424 for 1 Dallas Road, in accordance with:

1. Plans date stamped May 5, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC160

10.2 Development Permit Application No. 000423 for 1 Dallas Road

Committee received a report regarding a development permit application for 1 Dallas Road. The proposal is to construct a small floating public washroom building at Fisherman's Wharf. An existing public washroom building will be relocated to accommodate the new washroom building.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000423 for 1 Dallas Road, in accordance with:

1. Plans date stamped May 5, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC161

Councillor Isitt returned to the meeting at 10:28 a.m.

10.3 Development Permit with Variances Application No. 000411 for 1990 Fort Street (Fort Street Medical Building)

Committee received a report regarding a development permit application for 1990 Fort Street. The proposal is to reduce the parking requirements by eight stalls to allow a 100-seat restaurant and to redevelop the Fort Street frontage of the property to accommodate seating on an exterior patio.

Action: It was moved by Councillor Thornton, 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. 000411 for 1990 Fort Street, in accordance with:

1. Plans date stamped April 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the variance to reduce the amount of required parking for 1990 Fort from 92 to 66 stalls (taking into account the previously approved parking variances).
3. A landscape security be submitted to ensure changes to the plaza area are in accordance with the submitted plans for continued public access to the public art pond and to secure the installation of additional bicycle racks (exterior and within the parkade).
4. Registration of a legal agreement on the property’s title ensuring that eight stalls in the parkade will be available until 6 p.m. for restaurant use, to the satisfaction of staff.
5. The applicant install new signage and pavement parking markings identifying the eight underground stalls available for the restaurant within 30 days of opening the restaurant.
6. The Development Permit apply specifically to this restaurant use and lapse two years from the date of this resolution, if the restaurant use does not open or ceases to operate.”

Committee discussed:

- The parking variance is viable as the restaurant would support workers of the surrounding medical offices and businesses during the weekday lunch hour. During the evening and weekends parking will not be an issue as many of the same businesses are closed during that time.

CARRIED UNANIMOUSLY 15/PLUC162

10.4 Development Permit with Variances Application No. 00421 for 195 Bay Street

Committee received a report regarding a development permit application for 195 Bay Street. The proposal is to construct a deck and an enclosed storage room on the south side of the existing building.

A Council member asked if the variance would create an entitlement should the building be demolished in the future and a new building constructed

- The variance is tied to the application. A new proposal would need to be submitted should that happen.

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

That Council consider authorizing the issuance of Development Permit with Variances Application No. 00421 for 195 Bay Street, in accordance with:

1. Plans date stamped May 4, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 10.28, Section 3: Reduce the minimum setback of the eastern internal boundary from 5m to 4.10m and on the southern internal boundary from 5m to 3.6m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC163

11. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee adjourn the Planning & Land Use Committee meeting of May 28, 2015, at 10:36 a.m.

CARRIED UNANIMOUSLY 15/PLUC164

Mayor Helps, Chair