

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, FEBRUARY 5, 2015, 9:00 A.M.**

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

Committee Members Present: Mayor Helps; Councillors Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

Absent: Councillor Alto

Staff Present: J. Johnson - City Manager; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; B. Sikstrom – Senior Planner; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Agenda of the February 5, 2015, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC033

3. ADOPTION OF MINUTES

Minutes from the meeting held January 29, 2015.

A correction to the minutes was noted:

In Section 2 Councillor Coleman advised Committee that he will be leaving the meeting at 10:30 a.m. due to an indirect pecuniary conflict of interest as his wife works for the Anglican Diocese who are the owners of the property involved in Item # 11 – 520 Niagara Street.

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Minutes from the Planning & Land Use Committee meeting held January 29, 2015, be approved as corrected.

CARRIED UNANIMOUSLY 15/PLUC034

4. COMBINED DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. 00451 for 1049 Richmond Avenue

Committee received a report regarding a Rezoning Application No. 00451 for 1049 Richmond Avenue. The proposal is to rezone the property to authorize a new small lot house and retain the existing house in the Fairfield-Gonzales neighbourhood.

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

1. That Council direct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00451 for 1049 Richmond Avenue.
2. That Council consider giving first and second reading to the *Bylaw Amendment* after the Bylaw has been drafted.
3. That Council schedule a Public Hearing after the bylaw has received second reading and the following condition has been met:
 - a. The provision of a Statutory Right-of-Way of 0.856m on Richmond Avenue to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY 15/PLUC035

4.2 Development Permit Application No. 00451 for 1049 Richmond Avenue

Committee received a report regarding Development Permit Application No. 00451 for 1049 Richmond Avenue. The proposal is for the construction of a new small lot single family dwelling. The proposed new house would be two storeys with a basement and would have three bedrooms and a single vehicle garage. There are variances requested for both the existing and proposed single family dwellings and these relate to building height, number of storeys, proposed side yards and front yard parking.

Action: It was moved by Councillor Coleman, seconded by Councillor Loveday, that Committee recommends that following the Public Hearing for the Rezoning; that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00451 for 1049 Richmond Avenue, in accordance with:

1. Plans date stamped August 27, 2014 and November 26, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 4(2)(a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - b. Part 4(2)(b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7(1): site coverage increased from 30% to 33.04% for the

- proposed single family dwelling;
 - d. Part 9(1)(c): south side yard setback reduced from 2.40m to 1.56m for the proposed single family dwelling;
 - e. Part 9(1)(c): north side yard setback reduced from 2.40m to 1.30m (cantilever portion only) and south side yard setback reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - f. Schedule C 3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department.”

Committee discussed the motion:

- There are other options the applicant could have chosen that would have had less of an impact on the neighbours quality of life such as a carriage house or basement suite and still have achieved an increase in density.
- Ownership is the key; you cannot own a garden suite or a carriage house.
- The effect on the immediate neighbour is a concern. When variances are requested they should affect the existing house more than the new house.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the applicant be invited to respond to specific questions from Committee.

Committee discussed:

- That the owners to the south of the property are not in attendance to respond.
- That Committee should be careful to provide procedural fairness. The Committee's role is not to turn this meeting into a public hearing.

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

DEFEATED 15/PLUC036

Main motion discussion:

- There is agreement that there should be an increase in density but it should not be at the cost of the southerly neighbour. By going to a public hearing Council will hear from all those concerned.

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

CARRIED 15/PLUC037

4.3 Official Community Plan Amendment Application and Rezoning Application No. 00435 for 1310 Gladstone Avenue

Committee received a report regarding Official Community Plan Amendment and Rezoning Application No. 00435 for 1310 Gladstone Avenue.

The purpose of this report is to provide Council with new information, analysis and recommendations regarding a request for an *Official Community Plan 2012* (OCP) amendment, a Rezoning Application and a Development Permit Application for the property located at 1310 Gladstone Avenue. The proposal is for a new three-storey building with commercial uses at street level, and commercial or residential use on the upper storey with a floor space ratio (FSR) of 1.49:1.

On October 23, 2014, Council (minutes attached) advanced these Applications to a Public Hearing in a motion that included Council consideration of consultation for the OCP amendment as recommended in an earlier staff report (dated October 2, 2014, attached).

The report provides an expanded recommendation that addresses statutory obligations for consultation on the proposal to amend the Urban Place Designation of the subject properties from Traditional Residential to Small Urban Village. Specifically, staff recommends that notice of the proposed OCP Amendment be provided to the adjacent property owners and occupiers and that notice be posted on the City's website in advance of first and second reading of the OCP Amendment. The notice will invite affected persons, organizations and authorities to ask questions of staff and to provide any written or verbal comments to Council for their consideration.

Committee discussed:

- The 200m notification area for CALUC meetings is a specific distance that has set in the *Land Use Procedures Bylaw*. The Public Hearing notification area for OCP amendments and rezoning applications remains at 100m.

Action: It was moved by Councillor Madoff, seconded by Mayor Helps, that Committee recommends:

1. That Council direct staff to prepare the necessary Official Community Plan Amendment Bylaw and that concurrent with the Rezoning Application advancing to a Public Hearing:
 - a. 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 to the subject properties; 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.

- b. 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.
 - c. 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 amendments.
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - e. 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.
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - g. That Council refer the Official Community Plan Bylaw Amendment Bylaw for consideration at a Public Hearing.
2. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00435 for 1310 Gladstone, subject to:
- a. Registration on the relevant property title of the following:
 - i. Section 219 Covenant to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development for an easement through the driveway of the property located at 2009 Fernwood Road;
 - ii. Housing Agreement to the satisfaction of the City Solicitor and Assistant Director of Sustainable Planning and Community Development to ensure that the self-contained dwelling units are rental in perpetuity;
 - iii. Statutory Right-of-Way of 1.524m along Gladstone Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works; and
 - v. Car Share Agreement for each residential and commercial unit to the satisfaction of the City Solicitor, Assistant Director of Sustainable Planning and Community Development, and the Director of Engineering and Public Works.

- b. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant's lawyer, to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application No. 00435, that Council approve a Development Permit for 1310 Gladstone Avenue, in accordance with:
 - a. Plans for Rezoning Application No. 00435 and Development Permit Application No. 000354, stamped August 11, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Assistant Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 15/PLUC038

5. POLICY REPORT

5.1 Official Community Plan Review 2014

Committee received a report regarding the Official Community Plan Annual Review 2014 (Annual Review). The Annual Review provides the second annual snapshot of progress towards achieving the *Official Community Plan* (OCP) and presents 17 indicators related to the OCP and reports key findings from the 2013 calendar year.

The preparation of the Annual Report is guided by the OCP adaptive management approach, which establishes a regular cycle of plan implementation, monitoring and adjustment. Overtime, once more information has been collected and analyzed, the Annual Review will help identify emerging trends and issues that may have an impact on the OCP and will inform potential changes to the OCP and other plans, policies and practices.

Overall, the OCP indicators from the 2013 calendar year show that targets are largely being met or exceeded.

These include:

- Exceeded targets for regional share of new housing
- Improved bicycle network by increasing cycling lanes
- Greater vibrancy through increased activities in public spaces
- Healthier environment through increased tree planting
- Balanced housing rental market.

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

1. That Council receive the Official Community Plan Annual Review 2014 for information, and

2. That Council direct staff to communicate the findings and highlights from the Annual Review to the public.

Committee discussed:

- Demolition permits and if those numbers could be tracked and compared to the City of Vancouver
- The 200 units of housing built in James Bay and a request to staff to identify where those units are located.
- Pedestrian and cycling improvements.

Amendment: It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:

1. That Council receive the Official Community Plan Annual Review 2014 for information.
2. That Council direct staff to communicate the findings and highlights from the Annual Review to the public.
3. **That Council direct staff to create a separate status report to reflect the updated timelines and priorities in the 2015-2018 Strategic Plan.**

On the amendment:

CARRIED UNANIMOUSLY 15/PLUC039

On the main motion as amended:

CARRIED UNANIMOUSLY 15/PLUC040

6. NEW BUSINESS

6.1 Amendment to Highway Access Bylaw

Council amended the Highway Access Bylaw in 2013 to provide discretion to the Director of Engineering to approve siting a driveway crossing for a corner lot on a higher classification highway in order to avoid unsafe or impractical situations or interference with protected trees or City infrastructure.

An additional minor amendment to the bylaw would extend this discretion to the Director of Engineering to ensure that new developments do not contribute to traffic volumes on highways that are inconsistent with the City's established priorities for transportation corridors, such as people-priority greenways for walking and cycling.

Several anticipated development applications in the City may contribute to traffic volumes that are inconsistent with identified priorities for lower-classification highways, and it is therefore prudent to proceed with a bylaw amendment at this time, to ensure land-use patterns are consistent with established transportation plans.

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to prepare on a priority basis an amendment to the Highway Access Bylaw to add a new paragraph:

12(2)(d): interfere with established priorities for lower classification highways including those identified in the *Greenways Plan, Cycling Master Plan, Pedestrian Master Plan and Official Community Plan.*

CARRIED UNANIMOUSLY 15/PLUC041

7. ADJOURNMENT

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee adjourn the Planning & Land Use Committee meeting of February 5, 2015, at 10:20 a.m.

CARRIED UNANIMOUSLY 15/PLUC042

Mayor Helps, Chair