

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, SEPTEMBER 18, 2014, 9:00 A.M.**

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

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

Staff Present: J. Johnson - City Manager; D. Day – Director, Department of Sustainable Planning & Community Development; A. Meyer – Assistant Director, Development Services; A. Hudson – Assistant Director of Community Planning; H. Cain – Senior Planner; J. Handy – Planner; M. Miller – Planner; B. Sikstrom – Senior Planner; C. Wain – Planner; M. Wilson - Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

Committee considered the following amendment to the Agenda:

Item # 1 - Additional correspondence regarding 1745 Rockland Avenue

Action: It was moved by Councillor Helps, seconded by Councillor Thornton-Joe, that the Agenda of the September 18, 2014, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 14/PLUC0221

3. CONSENT AGENDA

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

- Item # 5 – Development Variance Permit Application # 00138 for 1066 and 1070 Finlayson Street
- Item # 6 – Development Variance Permit Application # 00142 for 2611 Scott Street
- Item # 8 – Heritage Alteration Permit Application with Variance for 448 Moss Street

3.1 Development Variance Permit Application # 00138 for 1066 and 1070 Finlayson Street

Committee received a report regarding a Development Variance Permit Application concerning the subdivision of two existing lots into three lots located at 1066 and 1070 Finlayson Street. To facilitate this subdivision under the R1-B Zone, Single Family Dwelling District, a reduction in the minimum lot width from 15m to 14m for Proposed Lot A and a reduction in the rear yard setback at 1070 Finlayson Street from 8.98m to 5.67m have been requested.

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto,
1. That Council schedule a Hearing to consider Development Variance Permit Application # 00138 for 1066 and 1070 Finlayson Street.
 2. That the following motion be the subject of a Hearing:
That Council authorize the issuance of Development Variance Permit Application # 00138 subject to:
 - a. Plans dated May 21, 2014, for Development Variance Permit # 00138.
 - b. The development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Part 1.2, Section 1.2.2. b: Lot width of Proposed Lot A be varied from the required 15m to 14m.
 - ii. Part 1.2, Section 1.2.4. b: Rear yard setback of 1070 Finlayson Street be varied from the required 8.98m to 5.67m.
 - c. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0222

3.2 Development Variance Permit Application # 00142 for 2611 Scott Street

Committee received a report regarding a Development Variance Permit Application to allow a parking space in the front yard of a single family house at 2611 Scott Street. The applicant is proposing to convert the existing attached garage into living space. The City's parking regulations require one parking space for a single family dwelling, which must be located behind the front wall of the house.

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto,
1. That Council schedule a Hearing to consider Development Variance Permit Application # 00142 for 2611 Scott Street.
 2. Following the Hearing, that Council considers passing the following resolution to authorize the issuance of a Development Variance Permit Application # 00142 in accordance with:
 - a. Plans date stamped July 9, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Schedule "C" Section 3 – Relaxation to permit one parking stall to be located in the front yard.
 - c. Final plans to be generally consistent with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community

Development, subject to final approval of the driveway surface material to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0223

3.3 Heritage Alteration Permit Application # 00186 with Variance for 448 Moss Street

Committee received a report regarding a Heritage Alteration Permit (HAP) Application for the property located at 448 Moss Street. The proposal is to shore up the existing house, excavate the basement and construct a new foundation. In order to construct the new foundation, the existing sound shingles that characterize the lower elevation of the house are proposed to be removed. Parking is proposed to be located in the front yard to allow for the use of the basement as living space. The key issues associated with this application are the replacement of sound material and parking.

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto,
1. That Council advance Heritage Alteration Permit Application # 00186 with Variance for 448 Moss Street for consideration at a Public Hearing.
 2. Following the Public Hearing, that Council consider passing the following resolution to authorize Heritage Alteration Permit Application # 000186, subject to:
 - a. Revised plans, dated July 31, 2014, for Heritage Alteration Permit # 00186; and
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance from Schedule C, Section 3, to permit required parking in the front yard.

CARRIED UNANIMOUSLY 14/PLUC0224

4. Minutes from the Meeting Held September 4, 2014.

- Action:** It was moved by Councillor Alto, seconded by Councillor Helps, that the Minutes from the Planning & Land Use Committee meeting held September 4, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC225

5. DECISION REQUEST

5.1 Rezoning Application # 00444 and Development Permit Application # 000357 for 1745 Rockland Avenue

Committee received a report regarding a Rezoning Application and Development Permit application for the property located at 1745 Rockland Avenue. The proposal is to rezone from the R1-A Zone (Rockland Single Family Dwelling District) to a new zone to increase the development potential to construct three side-by-side semi-attached buildings (six self-contained dwelling units) on the same lot as a Heritage-Designated house, built in 1902. The proposal for a total of seven self-contained dwellings on this site exceeds the maximum number set out in the R1-A Zone. There are also concerns regarding the amount of surface parking related to

the proposal and its effect on the conservation of the estate character and potential green space.

Committee discussed the application:

- If the amount of units is supportable or should be reduced.
- Concerns with the proposed 18 parking stalls which exceed the number of parking spaces required; could surplus parking be removed to reduce the extent of hard surfaces and to increase open space? There is limited on-street parking in the neighbourhood.
- Impacts on the open space if the property was developed under the existing zoning.
 - The R1-A Zone allows for a single family dwelling with attached units but does not allow multiple single family houses.
- If consideration has been given to protect the existing trees and if that condition could be made part of the conditions.
- Some increased density would be appropriate on this site but it is also important to support the neighbourhood's concerns about loss of character and parking.

Action: It was moved by Councillor Alto, seconded by Councillor Helps, that staff forward Rezoning Application to a Public Hearing subject to an agreement by the applicant to protect significant common trees and also subject to the use of green parking treatments.

Committee discussed the motion:

- There is room on the property for multiple units.
- It is an awkward site and there has been an effort to protect the original home.
- Access from Richmond Avenue makes sense.
- The site utilizes the central space that can accommodate multiple dwellings.
- The application tries to respect as much green space as possible.

For: Councillors Alto, Helps and Gudgeon

Against: Councillors Coleman, Isitt, Madoff, Thornton-Joe and Young
DEFEATED14/PLUC0226

Action: It was moved by Councillor Isitt, seconded by Councillor Gudgeon, that Council:

1. Indicate to the applicant that Rezoning Application # 00444 and Development Permit Application # 000357 for the property at 1745 Rockland Avenue should be revised to decrease the overall site density, reduce the number of self-contained dwelling units from seven to six or fewer, and have staff explore with the applicant the opportunity to keep trees and landscaping on the perimeter of the property.
2. Direct staff to prepare a further report to the Planning and Land Use Committee regarding the revised proposal.

CARRIED UNANIMOUSLY 14/PLUC0227

5.2 Rezoning Application # 00443 and Development Permit Application for 1725 Carrick Street

Committee received a report regarding a Rezoning Application and Development Permit Application for the property located at 1725 Carrick Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District) to permit the construction of a garden suite and accessory building in the rear yard of an existing lot.

Action: It was moved by Councillor Gudgeon, seconded by Councillor Madoff, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application # 00443 for 1725 Carrick Street and bring it forward to a Council Agenda for consideration.

CARRIED UNANIMOUSLY 14/PLUC0228

5.3 Rezoning Application # 00432 and Development Permit Application # 000345 for 2340 Richmond Road

Committee received a report regarding a Rezoning Application and Development Permit Application for the property located at 2340 Richmond Road. The proposal is to allow a range of commercial uses (office, retail, 50-seat restaurant, studio and daycare) within an existing building (CNIB Building), and to increase the density. The existing zoning of the subject property limits the use of the building to a non-profit facility.

Action:

1. It was moved by Councillor Gudgeon, seconded by Councillor Madoff, That Council instruct City staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application # 00432 for 2340 Richmond Road to allow the following uses: daycare, medical offices, professional offices, retail, restaurant, veterinarian clinic (without kennelling) and a single family dwelling and advance it to a Public Hearing subject to:
 - a. Registration of a Statutory Right-of-Way of 2.44m on Richmond Road and 1.5m on Bay Street to the satisfaction of the Director of Engineering and Public Works.
2. Following consideration of Rezoning Application # 00432, that Council considers authorizing the issuance of Development Permit Application # 000345 in accordance with:
 - a. Plans date stamped June 10, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0229

5.4 Development Permit Application with Variances # 000359 for 1479 Fort Street

Committee received a report regarding a Development Permit Application with Variances for the property located at 1479 Fort Street. The applicant is requesting variances to reduce off-street parking requirements and setbacks for a bike shelter.

- Action:** It was moved by Councillor Alto, seconded by Councillor Helps,
1. That Council schedule a Hearing to consider Development Permit Application with Variances # 000359 for 1479 Fort Street.
 2. Following the Hearing, that Council consider authorizing the issuance of the Development Permit with Variances for 1479 Fort Street, in accordance with:
 - a. Plans for Development Permit Application with Variances # 000359, stamped August 28, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Part 3.10 – R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
 - Minimum off-street parking requirements reduced from 12 to six stalls for a multiple dwelling with not more than nine rental units
 - Minimum setback from the street for an accessory building reduced from 7.50m to 6.46m
 - Minimum separation distance between an accessory building and principal building reduced from 2.40m to 1.50m; and
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0230

5.5 Zoning Regulation Bylaw Amendments

Committee received a report regarding City-initiated amendments to further clarify provisions in the R1-A Zone, Rockland Single Family Dwelling District. The proposed amendments would clarify the intent of the Bylaw, confirming regulations that were more clearly stated in the pre-2011 Zoning Regulation Bylaw, confirming regulations that were more clearly stated in the pre-2011 *Zoning Regulation Bylaw*.

The proposed changes are to:

1. Identify that the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835m² on lots where attached dwelling units or semi-attached dwelling units are considered in addition to an existing or proposed single family dwelling.
2. Amend the term “semi-attached dwelling” in Schedule A (Definitions) to reference self-contained dwelling units.

When the City initiates significant changes to the zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. In this case, the proposed changes are consistent with the previously

approved bylaw and it is important to make the amendments expeditiously, so no further consultation is proposed.

Action: It was moved by Councillor Isitt, seconded by Councillor Gudgeon, that Council prepare *Zoning Regulation Bylaw* amendments to the R1-A Zone, Rockland Single Family Dwelling District, and Schedule A:

1. To identify the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835m² on lots where attached dwellings units or semi-attached dwelling units are being considered in addition to any existing or proposed single family dwelling.
2. To clarify the definition of "semi-attached dwelling" to reference "self-contained dwelling units".

CARRIED UNANIMOUSLY 14/PLUC0231

5.6 Development Summit Final Report and Action Plan

Committee received a report regarding the results of the Development Summit held on July 7, 2014, and an Action Plan. The Development Summit, facilitated by CitySpaces Consulting Ltd., was attended by members of the development and building industry and Community Association Land Use Committee representatives, as well as City of Victoria Council and staff.

The common themes and issues that were identified at the Development Summit were to reduce application processing times; assess land use and development application requirements; improve building permit and land development processes; provide consistent and clear information to assist the industry, the Community Associations and the public; delegate greater approval authority to staff; improve relationships; and reconsider some policies and regulations perceived to hinder development. Based on these themes and issues, an Action Plan has been formulated to follow up on the input received and ideas have been generated to implement improvements and to build better relationships.

On the basis of the positive response to the Development Summit by participants and the potential positive outcomes, regular reporting on progress related to the Action Plan and convening an annual Development Summit are recommended to Council for consideration.

Action: It was moved by Councillor Alto, seconded by Councillor Gudgeon, that Council:

1. Review and provide feedback to the draft Development Summit Action Plan, and based on that feedback and any amendments, approve the Development Summit Action Plan.
2. Direct staff to provide an update to Council on the status of the action items outlined in the attached Action Plan in March 2015 and as part of the ongoing Quarterly Updates (2015).
3. That Council, as part of the Annual Operational Plan, include an annual Development Summit to monitor progress on the Action Plan and to continue to strengthen relationships among the development industry, Community Association Land Use Committee representative, City Council and staff.

Councillor Isitt withdrew from Committee at 10:43 a.m. and returned at 10:45 a.m.

Committee discussed:

- It is important that the City in its capacity of facilitator is seen to be fair and impartial and that the processes be as transparent as possible.
- If the CALUC process should be reviewed and if it is something that the City should be providing guidance on.

CARRIED UNANIMOUSLY 14/PLUC0233

Action: It was moved by Councillor Helps, seconded by Councillor Isitt, that Committee recess at 11:16 a.m.

CARRIED UNANIMOUSLY 14/PLUC0234

Action: It was moved by Councillor Helps, seconded by Councillor Gudgeon, that Committee reconvene at 11:32 a.m.

CARRIED UNANIMOUSLY 14/PLUC0235

5.7 Council Workshop: Delegation of Development Permits and Heritage Alteration Permits

Action: It was moved by Councillor Isitt, seconded by Councillor Gudgeon, that Committee postpone the Council Workshop: Delegation of Development Permits and Heritage Alteration Permits to the October 2, 2014, Planning and Land Use Committee meeting.

CARRIED UNANIMOUSLY 14/PLUC0236

6. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Helps, that Committee adjourn the Planning & Land Use Committee meeting of September 18, 2014, at 12:30 p.m.

CARRIED UNANIMOUSLY 14/PLUC0237