

**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, MAY 15, 2014, 9:00 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:05 A.M.**

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

**Absent:** Councillor Thornton-Joe

**Staff Present:** J. Jenkyns – Acting City Manager; D. Day – Director, Department of Sustainable Planning and Community Development; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Process Planner; H. Cain – Senior Planner; B. Sikstrom – Senior Planner; M. Wilson - Planner; D. Schaffer - Manager, Legislative Services; J. Appleby - Recording Secretary

**2. APPROVAL OF THE AGENDA**

*Mayor Fortin was not in attendance when the meeting commenced and Councillor Helps assumed the Chair.*

**Action:** It was moved by Councillor Alto, seconded by Councillor Young, that the Agenda of the May 15, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC0104

**3. MINUTES**

Minutes from the meeting held May 1, 2014.

**Action:** It was moved by Councillor Alto, seconded by Councillor Isitt, that the Minutes from the Planning & Land Use Committee meeting held May 1, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC0105

**4. DECISION REQUEST**

**4.1 Rezoning Application # 00428 and Development Permit # 000362 for 2680 Blanshard Street**

Committee received a report regarding a Rezoning Application and Development Permit Application to allow a liquor retail store as a permitted use and accommodate the relocation of the existing liquor retail store within the same commercial complex (commonly referred to as Blanshard Square). The store is

currently 669m<sup>2</sup> and after expansion is proposed to have a total floor area of 1282m<sup>2</sup>.

*Mayor Fortin joined the meeting at 9:07 a.m. and assumed the Chair.*

Committee discussed:

- If the square footage is fixed or could the configuration change over time.
  - Staff advised that once the store is in place they cannot control if it will be reconfigured in the future.
- That the square footage could potentially double the store's size.
- There will be noise and traffic created.
- If the policy that has different allowances for private and public liquor stores should be reviewed.
  - The policy was developed in 2003 and at that time it was not thought that public liquor stores would be making the move to large retail outlets.
- That the proposal is a good reuse of a vacant building and it is good to have competition.

**Action:**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Committee recommends that Council authorize:

1. That Rezoning Application # 000428 for 2680 Blanshard Street proceed to Public Hearing and that Sustainable Planning and Community Development Staff prepare the necessary *Zoning Regulation Bylaw* amendments to allow a Liquor Retail Store as a permitted use within the existing commercial centre, with a maximum total floor area of 1282m<sup>2</sup>.
2. Following consideration of Rezoning Application # 000428, that Council authorize the issuance of Development Permit Application # 000362 in accordance with:
  - a. Plans date stamped "April 28, 2014".
  - b. Development meeting all *Zoning Regulation Bylaw* requirements.
  - 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 14/PLUC0106

For: Councillors Alto, Coleman, Gudgeon, Helps, Isitt, Thornton-Joe and Young

Against: Mayor Fortin and Councillor Madoff

**Action:**

It was moved by Councillor Alto, seconded by Councillor Helps, that Council refer review of the policy that guides the approval of Liquor retail locations to ensure it is being applied equally to private and provincial liquor operators to the next Council Priority Setting Workshop.

CARRIED UNANIMOUSLY 14/PLUC0107

**4.2 Development Permit with Variance # 000332 for 1440 Dallas Road**

Committee received a report regarding Development Permit with Variance for the property at 1440 Dallas Road. The applicant proposes the addition of a rooftop deck to a small lot house to enable private views of the Dallas Road Oceanfront. The proposal requires a relaxation of the R1-S2 Zone (Restricted Two Storey Small Lot House District) standards which do not permit a roof deck.

The following points were considered in assessing this application:

- The proposed deck is sited within the front portion of the roof with access and egress from both an elevator, for wheelchair accessibility, and rear stairs.
- No portion of the deck would be located at the back of the roof, where it would be possible to look over and view the rear yards of neighbouring houses.

Committee discussed:

- That the elevator shaft is exempt from any requirement to seek public input and if the policy should be reviewed. Council does not have the authority to comment on the elevator.
- There will be an impact on the neighbours and it will detract from their enjoyment. There were ways that the deck could have been designed that would have been more sympathetic.
- As density increases, people will search to find outdoor living space. A rooftop deck is something you see in other cities and they will be increasing. These applications are something that should continue to be viewed on a case by case basis.
- There is too much uncertainty of the impact the deck would have on the street.

**Action:**

It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends that Council authorize that Development Permit # 000322 for 1440 Dallas Road proceed to a Public Hearing, in accordance with:

1. Plans date stamped "December 24, 2013", for Development Permit # 000332.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except Part 1.23, R1-S2 Zone (Restricted Small Lot Two Storey District):
  - Prohibition on a rooftop deck relaxed to allow a rooftop deck.
3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED 14/PLUC0108

For: Mayor Fortin; Councillors Alto, Coleman, Gudgeon, and Helps  
Against: Councillors Madoff, Isitt and Young

**4.3 Development Permit with Variance # 000344 for 1625 Belmont Avenue**

Committee received a report regarding Development Permit with Variances for the property located at 1625 Belmont Avenue. The application is to replace the existing stairs and walkways on the north side of the building. Due to changes in

regulations since the construction of this building in 1974, this reconstruction triggers a number of variances to the *Zoning Regulation Bylaw* and the property is also now subject to the requirements of Development Permit Area 16, General Form and Character.

The following points were considered:

- The upgrading of the stairs and landing will meet the current BC Building Code standards for width, thereby improving Code compliance for safety.
- The material replacements, especially the stairs and railings, will modernize the building exterior and extend the life of the building.
- The setback relaxation has minimal impact as the adjacent land use is a church parking lot and a mature plant buffer is in place between the two properties. Further, the setback variance request is minor (under 2.0m).
- The variance requests for open site space and parcel coverage are also minor and reflect the current situation.

**Action:**

It was moved by Councillor Gudgeon, seconded by Councillor Helps, that Committee recommends that Council authorize the issuance of Development Permit with Variance # 000344, in accordance with:

1. Plans stamped "Development Permit Application # 000344", dated April 16, 2014.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for:
  - Section 3.3.4 (1) – Relaxation for the maximum site coverage from 30% to 35%
  - Section 3.3.6 (1) – Relaxation for the minimum open site space from 30% to 27%
  - Section 3.3.12 – Relaxation for the internal property line setback (north) from 3.97m to 2.36m.

CARRIED UNANIMOUSLY 14/PLUC0109

#### **4.4 Development Permit with Variance # 000361 for 401 Bay Street**

Committee received a report regarding Development Permit with Variances for the property located at 401 Bay Street. The application proposes to construct a new storage silo at an existing cement plant and seeks a variance from the *Zoning Regulation Bylaw* as the proposed structure would be 18.36m in height, exceeding the maximum height allowance of 15m in the M-3 Zone, Heavy Industrial District.

The following points were considered:

- As a result of site grades much of the current site infrastructure, including several of the existing silos, would appear taller than the structure being proposed.
- The development is consistent with relevant City Policy and Design Guidelines.

Committee discussed:

- The City has determined that the Rock Bay area will be developed but will continue to be part of the working harbour.

*Councillor Helps withdrew from the meeting at 10:17 a.m.*

- Action:** It was moved by Councillor Gudgeon, seconded by Councillor Helps, that Committee recommends that Council authorize the issuance of Development Permit with Variance # 000361, in accordance with:
1. Plans stamped “Development Permit # 000361”, dated “April 1, 2014”.
  2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
    - Section 7.3.3(1) – Height relaxed from 15.0m to 18.36m.
  3. 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/PLUC0110

*Councillor Helps returned to the meeting at 10:18 a.m.*

#### **4.5 Development Variance Permit Application # 00133 for 2-1010 Yates Street**

Committee received a report regarding Development Variance Permit Application for 2-1010 Yates Street. The application is to vary the parking requirements related to a change of use from retail to a fitness gymnasium. The property currently has a non-conforming situation related to parking and contains a total of 35 surface parking stalls located in the rear (a deficiency of 17 stalls from the zone standard). Parking regulations contained in Schedule C of the *Zoning Regulation Bylaw* require an increase of 10 stalls for the change of use.

The following points were considered:

- The site is located Downtown and is within close proximity to walking, cycling and public transit facilities.
- The inclusion of a fitness gymnasium will provide an active use at ground level in an otherwise vacant unit.
- The applicant has proposed additional bicycle facilities exceeding the requirements set out in Schedule C of the *Zoning Regulation Bylaw*. This will be secured by way of a landscape security.

- Action:** It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends that Council authorize the issuance of Development Variance Permit # 00131 for 2-1010 Yates Street, in accordance with:
1. Plans date stamped “April 24, 2014,” for Development Variance Permit # 00131.
  2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - Schedule “C”, Off-Street Requirements – relaxation of required parking for the proposed fitness gymnasium from an additional 10 parking stalls to nil.

3. 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/PLUC0111

#### **4.6 Liquor License Application – Executive House Hotel**

Committee received a report regarding an application by the Executive House Hotel (Bartholomew's Pub) in relation to their Liquor Primary Liquor License for the premises located at 777 Douglas Street, for a permanent change to increase the occupant load.

The current occupant load for the liquor primary service area of the pub is 186 persons (including 28 on the exterior patio). The hours of liquor service are from 9:00 a.m. to 1:00 a.m. Monday through Sunday. The requested change is due to the reconfiguration of the pub and restaurant floor space on the ground floor of the hotel that faces Humboldt Street. The proposed occupancy for the liquor primary service area would be increased to 241 persons (including 32 for the exterior patio). There would be no change in the hours of operation as a result of this application.

Committee discussed:

- That it is difficult to have a balance between having downtown residents and having an entertainment zone.
- If Council should designate an entertainment district. The downtown residents have a lot of concerns.
- A lot of the response from the Falls could be regarding the noise from the Strathcona.
- That there is too much risk that could shift use from pub to night club.

*Councillor Isitt left the meeting at 10:34 a.m.*

- It's not the right step for the people who live there.
- If there would be a way to have applicant meet with the Falls.
- Council needs to see more detailed plans regarding management of the facility and the type of clientele that will be catered to.

**Action:** It was moved by Mayor Fortin, seconded by Councillor Alto, that Committee postpone further consideration of the Liquor License Application for the Executive House, until the applicant has had an opportunity to meet and have further consultation with the neighbours.

CARRIED UNANIMOUSLY 14/PLUC0112

#### **4.7 Liquor License Application – Ocean Point Resort**

Committee received a report regarding an application by the Ocean Point Resort in relation to their Liquor Primary Liquor License for the premises located at 45 Songhees Road, for a permanent change to increase the occupant load.

The current occupant load for the liquor primary service area of the pub is 26 persons. The hours of liquor service are from 11:00 a.m. to 1:00 a.m. Monday through Saturday and 11:00 a.m. to Midnight on Sunday. The requested change is due to the reconfiguration of the lobby, restaurant and lounge area on the ground floor of the hotel. If approved, the occupancy for the liquor primary service area would be increased to 54 persons. There would be no change in the hours of operation as a result of this application.

**Action:** It was moved by Councillor Helps, seconded by Councillor Alto, that Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor License of the Ocean Point Resort, Liquor License No. 144102, located at 45 Songhees Road support:

1. The application of the Ocean Point Resort to amend its Liquor Primary Liquor License to allow an increase in occupant load to 54 persons.
2. That Council provides the following comments on the prescribed considerations:
  - a. The location is in a designated mixed use commercial area which authorizes restaurants, hotels, clubs and associated uses. There is a significant amount of residential use in the immediate vicinity. The Liquor Primary operation within the hotel is compatible with the neighbouring land uses. The business is located within the Songhees Transient Accommodation Residential District and is within the Intermediate Noise District which allows for a higher noise threshold.
  - b. While this request represents a capacity increase of approximately 100% in the occupant load of Liquor Primary Licensed seats, there is expected to be minimal impact on the neighbourhood as the number of licensed seats after the proposed increase still makes this a small establishment. There is no concern that this change would result in the business being operated contrary to its primary purpose.
  - c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Four responses were received by the City. One letter was received supporting the application. Three letters not supporting the application were received, two of these letters expressed concern about parking issues in the neighbourhood and one letter was concerned about the potential for increased nuisance from the additional seats.

CARRIED UNANIMOUSLY 14/PLUC0113

**Action:** It was moved by Councillor Madoff, and seconded by Councillor Gudgeon, that Committee recommends that Council request that staff provide how many Liquor Primary and Patron Participation seats have been approved over the past two to three years.

CARRIED UNANIMOUSLY 14/PLUC0114

**Action:** It was moved by Councillor Helps, and seconded by Councillor Alto, that the Planning and Land Use Committee meeting of May 15, 2014, be adjourned at 10:46 a.m.

CARRIED UNANIMOUSLY 14/PLUC0115

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Mayor Fortin, Chair