

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MAY 1, 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, Madoff, Thornton-Joe and Young

Absent: Councillor Isitt

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

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that the Agenda of the May 1, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC091

3. MINUTES

Minutes from the meeting held April 17, 2014.

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that the Minutes from the Planning & Land Use Committee meeting held April 17, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC092

4. DECISION REQUEST

Councillor Helps withdrew from the meeting at 9:03 a.m. as she works with the Community Micro Lending Society who has a proposed financial relationship with the Greater Victoria Rental Society and has a direct pecuniary interest.

4.1 Rezoning Application # 00431 and Development Permit Application for 1950 Blanshard Street

Committee received a report regarding Rezoning Application # 00431 and Development Permit Application # 000336 for 1950 Blanshard Street. The application is to rezone the property from the M-1 Zone, Limited Light Industrial District, to a new zone to permit a seven-storey, 65-unit apartment building with ground and second floor office and commercial space.

Action:

It was moved by Councillor Thornton-Joe, and seconded by Councillor Young, that Committee recommends that Council authorize:

1. That Rezoning Application # 00431 for 1950 Blanshard Street proceed for consideration at a Public Hearing and that staff be directed to prepare the necessary Zoning Regulation Bylaw amendments, subject to:
 - a. Advisory Design Panel review of the Development Permit Application with particular attention to the site planning and design of the south elevation of the residential tower.
 - b. Registration of a Housing Agreement on title, secured by Bylaw, to ensure the rental tenure of the apartments in perpetuity to the satisfaction of the City Solicitor.
 - c. Registration of a covenant to secure two parking stalls for car share use.
 - d. Securing car share memberships for each unit in perpetuity and bus passes for all residents free-of-charge for a minimum of one year to the satisfaction of the City Solicitor.
 - e. Provision of sewer attenuation information and the means to attenuate the sewage to the satisfaction of the Director of Engineering and Public Works and the registration of a covenant to secure the commitment to attenuate sewage, if this is required.
 - f. Compliance with the Ministry of Environment's Waste Management Act as it pertains to potentially contaminated sites.
2. Following consideration of Rezoning Application # 00431, that Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit Application # 000336 dated, January 23, 2014" and submission of acceptable revised plans.
 - 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 Planning and Development.

Committee discussed:

- Concerns from the neighbours that the units are too small and the lack of green building considerations and green space surrounding the development.
 - Staff advised that some of the units are small but they are still above the minimum allowable. The applicant is focusing on a particular market and affordability criteria.
- That the area is a gateway and any development built along this corridor should be reflective of that vision.

Action:

It was moved by Councillor Thornton-Joe, and seconded by Councillor Gudgeon, that Committee amend the motion as follows:

1. a. Advisory Design Panel review of the Development Permit Application with particular attention to the site planning and design of the south

elevation of the residential tower **and to consider design guidelines as in 6.145 for Gateways.**

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC093

Committee continued to discuss the main motion:

- There is an impact on the land value. Council should not be sending the signal that housing is more important than industry.
- The impact this project would have on light industrial and employment.
 - Staff advised that the project is situated on the very edge of the neighbourhood and would have minimal negative impacts. There would be very little noise from the current light industrial occurring there. The application fits within the Official Community Plan which looked at employment lands throughout the City and identified the Rock Bay area where a mix of residential and commercial use would be a good fit.
- The land use planning is the biggest issue with the absence of plan.
- The south façade is inadequate. The reason is at this time over period of transition, we could have a seven storey building overlooking light industrial. They have planned for a transition area. The neighbourhood community expressed concern that the CALUC was not engaged at an earlier date.
 - Staff advised that the meeting was delayed but the process was followed.
- It is important that the community feels they were consulted in a timely matter.
- The offer of a free Bus Pass for one year seems inadequate if the goal is to aggressively promote public transit.

Action: It was moved by Councillor Alto, and seconded by Councillor Gudgeon, that Committee amend the motion:

1. d. Securing car share memberships for each unit in perpetuity and bus passes for all residents free-of-charge for a minimum of **five** years to the satisfaction of the City Solicitor.

On the amendment:
CARRIED UNANIMOUSLY 14/PLUC094

Committee continued discussion of the motion noting the proposal has many unanswered questions that should be dealt with before it is sent to a public hearing.

Action: It was moved by Mayor Fortin and seconded by Councillor Thornton-Joe, that Committee amend the motion:

1. That Committee recommends that Rezoning Application # 00431 for 1950 Blanshard Street proceed for consideration at a Public Hearing and that ~~staff be directed to prepare the necessary Zoning Regulation Bylaw amendments~~ **return to the Planning and Land Use Committee**, subject to the following conditions being met:

Committee discussed the amendment:

- The number of times applications return to this table signals that there could be a problem with the Public Hearing process.
- Some Committee members felt that a thorough report from the Advisory Design panel should be sufficient for Council to make an informed decision at the public hearing. Others felt that there are significant issues raised that need to be addressed prior to the Public Hearing and that having the agenda published a few days before the meeting date does not provide Council or the public enough time to understand what is being forwarded for consideration.
- Many citizens have raised concerns amount of non-profit housing that is going into their neighbourhood. There is frustration with the lack of communication with the neighbourhood. There is a perception that this is already a done deal.

On the amendment:
CARRIED 14/PLUC095

For: Mayor Fortin, Councillors Coleman, Gudgeon, Madoff, Thornton-Joe and Young

Against: Councillor Alto

- Housing affordability is the number one concern.
- In regards to the Green evaluation check list, Committee does not have the ability to evaluate whether the applicant has met or exceeded the standard. There is a lack of green space, and it is built to the lot line. As a gateway to downtown, they need to add a green boulevard, perhaps this could be done with the applicant. When a project is not-for-profit, usually community input is sought in the beginning of the process. The Burnside neighbourhood has hopes of what they would like to see and are concerned by the amount of not-for-profit housing that is going into their neighbourhood. There is frustration with the lack of communication with the neighbourhood. There is a perception that this is already a done deal.
- This is a relative modest project. There are much larger issues at hand and the City does not have a detailed plan of what it should look like. They are considering each one in isolation. Affordability is a concern. There is a lack of detail in the plan and Committee does not know what it will deliver.

Action: Mayor Fortin amendment to include to visitor stalls to be covenanted.
c. Registration of a covenant to secure two parking stalls for car share use, **and two visitor stalls.**

On the amendment:
CARRIED 14/PLUC096

For: Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Thornton-Joe

Against: Councillors Madoff and Young

Action: It was moved by Councillor Coleman, and seconded by Councillor Thornton-Joe:

1. That Rezoning Application # 00431 for 1950 Blanshard Street return to the Planning and Land Use Committee, once the following conditions are met:
 - a. Advisory Design Panel review of the Development Permit Application with particular attention to the site planning and design of the south elevation of the residential tower and as well as to consider design guidelines as in 6.145 for Gateways.

- b. Registration of a Housing Agreement on title, secured by Bylaw, to ensure the rental tenure of the apartments in perpetuity to the satisfaction of the City Solicitor.
 - c. Registration of a covenant to secure two parking stalls for car share use, and two visitor stalls.
 - d. Securing car share memberships for each unit in perpetuity and bus passes for all residents free-of-charge for a minimum of five years to the satisfaction of the City Solicitor.
 - e. Provision of sewer attenuation information and the means to attenuate the sewage to the satisfaction of the Director of Engineering and Public Works and the registration of a covenant to secure the commitment to attenuate sewage, if this is required.
 - f. Compliance with the Ministry of Environment's Waste Management Act as it pertains to potentially contaminated sites.
2. Following consideration of Rezoning Application # 00431, that Council authorize the issuance of a Development Permit in accordance with:
- a. Plans stamped "Development Permit Application # 000336 dated, January 23, 2014" and submission of acceptable revised plans.
 - 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 Planning and Development.

On the main motion as amended:

CARRIED 14/PLUC097

For: Mayor Fortin, Councillors Alto, Coleman, Thornton-Joe and Young
Against: Councillors Gudgeon and Madoff

Councillor Helps returned to the meeting at 10:05 a.m.

4.2 Update on Rezoning Application # 00389 and Development Permit with Variances for 1235 McKenzie Street

Committee received an update regarding Rezoning Application # 00389 and Development Permit for 1235 McKenzie Street. The application is to construct a duplex that will comply with the R-2 Zone, Two Family Dwelling District, criteria except for the rear yard setback.

The application was initially considered at the December 5, 2013, Planning and Land Use Standing Committee meeting where the Development Permit with Variances was subject to design refinements.

Councillor Young withdrew from the meeting at 10:06 a.m. due to a pecuniary conflict of interest as his home backs onto the subject property.

Action: It was moved by Councillor Madoff, and seconded by Councillor Helps, that following consideration of Rezoning Application # 00389, that Council authorize the issuance of a Development Permit with Variances for 1235 McKenzie Street, in accordance with:

- 1. Plans stamped dated "April 9, 2014".
- 2. Development meeting all *Zoning Regulation Bylaw* requirements except: Part 2.1, R-2 Zone, Two Family Dwelling District

- Minimum rear yard setback from the building is relaxed from 15.03m to 13.11m
 - Minimum rear yard setback from the stairs is relaxed from 15.03m to 11.33m
 - Maximum site coverage is relaxed from 40% to 41.43%
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/PLUC098

Councillor Young returned to the meeting at 10:10 a.m.

4.3 Rezoning Application # 00418 and Development Permit for 147 Olive Street

Committee received a report regarding Rezoning Application # 00418 and Development Permit for the property located at 147 Olive Street. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to the R1-B-GS Zone (Single Family with Garden Suite District) to permit conversion of an existing accessory building to a garden suite.

The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan (OCP) 2012*, and related objectives for sensitive infill in Development Permit Area 15E Intensive Residential Garden Suite.

Committee discussed:

- Some comments of concern have been received; it is an alternative to a secondary suite and respectful of the neighbours.

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that Committee recommends that Council authorize:

1. That Rezoning Application # 00418 for 147 Olive Street proceed to a Public Hearing, and that the Director of Sustainable Planning and Community Development be directed to prepare the necessary *Zoning Regulation Bylaw* amendment.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendment, that Council authorize the issuance of a Development Permit, in accordance with:
 - a. Plans for Rezoning Application # 00418, stamped December 6, 2013.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. Final plans to be in accordance with plans identified above.

CARRIED UNANIMOUSLY 14/PLUC099

4.4 Heritage Alteration Permit # 00178 for 1210 – 1216 Broad Street / 616-624 Trounce Alley

Committee received a report regarding Heritage Alteration Permit Application # 00178 for the property located at 1210-1216 Broad Street and 616-624 Trounce Alley. The application is for the alteration of the south façade that fronts onto Trounce Alley to permit the adaptation of the ground floor for a restaurant. A raised

patio and two awnings would be installed along Trounce Alley. A projecting sign would be installed along the Broad Street frontage. The key issues regarding this application are proposed changes to the exterior of a heritage-designated property.

The application was reviewed by the Heritage Advisory Panel at its April 8, 2014, meeting and was recommended for approval.

- Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit # 00178 for 12101216 Broad Street and 616-624 Trounce alley, subject to the following conditions being met prior to the issuance of a Building Permit:
1. That the applicant provide a note on the revised drawings, dated March 25, 2014, regarding mitigation measures for the existing decorative tile base below the proposed door location along Trounce Alley that may be salvaged and reused, or retained in place and protected from adjacent or nearby construction.
 2. That the applicant provide attachment details for the projecting sign and note on the drawings the requirement to repair the holes in the mortar joints where the existing sign bracket on Broad Street is located.
 3. That the applicant confirm the use of wood doors.
 4. Development meeting all Zoning Regulation Bylaw requirements, and
 5. 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/PLUC0100

4.5 Zoning Regulation Bylaw – Minor Housekeeping Amendment for Garden Suites on a ‘Plus Site’

Committee received a report regarding a housekeeping amendment to the Zoning Regulation Bylaw to clarify the distinction between the established zoning regulations for garden suites.

In September 2011, Council endorsed the Garden Suite Policy providing guidance for consideration of Rezoning Applications for garden suites. The maximum total area established for a garden suite is 37m². The Policy also provides for larger garden suites up to a total floor area of 56m² on ‘plus sites’, with potential for a higher building height (from 3.5m to 5.5m maximum). ‘Plus sites’ are identified as:

- A corner lot
- A lot with two street frontages
- A lot with year yard laneway access
- A lot with greater than 557m² in total area.

Two zones have been created for garden suites recognizing these distinctions: the R1-B-GS Zone, Single Family Dwelling with Garden Suite District. The only difference between these two zone titles is the “2” in the title of the zone intended for ‘plus sites’. In order to clarify the distinction between the two zones, it is recommended that the R1-B-GS2 Zone be renamed the “Single Family Dwelling with Garden Suite for Plus Sites District”. It is noted that the increased floor area

and height are still subject to Council approval through the rezoning and development permit process.

Changing the name to clearly reflect the Garden Suite Policy will provide ease of interpretation for staff and applicants.

Action: It was moved by Councillor Madoff, and seconded by Councillor Helps, that Committee recommends that Council direct staff to prepare the necessary amendments to the Zoning Regulation Bylaw, Part 1.113, R1-B-GS2 Zone, Single Family Dwelling with Garden Suite District, in order to rename it the "Single Family Dwelling with Garden Suite for Plus Sites District".

CARRIED UNANIMOUSLY 14/PLUC0101

5. CLOSED MEETING at 10:33 a.m.

Action: It was moved by Councillor Coleman, and seconded by Councillor Helps, that the Planning and 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 Section 12(3) and/or (4) of the Council Bylaw."

Section 12 (4)(b) – The consideration of information received and held in confidence relating to negotiations between the city and a Provincial government or the Federal government or both, or between a Provincial government or the federal government or both and a third party.

5.1 Intergovernmental Relations

Committee received a verbal update from S. Baker, Executive Director of Economic Development, regarding intergovernmental relations.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 14/PLUC0102

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that the Planning and Land Use Committee meeting of May 1, 2014, be adjourned at 11 a.m.

CARRIED UNANIMOUSLY 14/PLUC0103

Mayor Fortin, Chair