

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, DECEMBER 10, 2015, 9:00 A.M.**

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

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Lucas, Loveday, Madoff and Young.

Absent: Councillors Thornton-Joe and Isitt

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; A. Hudson – Assistant Director, Community Planning, A. Meyer – Assistant Director, Development Services; T. Soulliere – Director, F. Work – Director, Parks & Recreation; J. Handy – Planner; M. Miller – Heritage Planner; C. Wain – Planner; C. Coates – City Clerk; J. Appleby - Recording Secretary.

2. APPROVAL OF AGENDA

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the December 10, 2016, Planning and Land Use Committee meeting be approved.

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

Item #1 - Minutes from the Meeting held November 26, 2015

Item #2 – Rezoning Application No. 00492 for 2972 Doncaster Drive

Item #3 – Development Permit with Variances No. 00492 for 2972 Doncaster Drive

Item #7 – Development Variance Permit Application No. 00164 for 2540 Quadra Street

Item #10 – Heritage Designation Application No. 000154 for 727 Yates Street

Amendment: It was moved by Councillor Alto, seconded by Councillor Lucas, that the agenda of the December 10, 2015 meeting be approved as amended.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC304

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC305

3. CONSENT AGENDA

3.1 Minutes from the Meeting held November 26, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Lucas, that the Minutes from the November 26, 2015, Planning and Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC306

3.2 Rezoning Application No. 00492 for 2972 Doncaster Drive

Committee received a report regarding an application for 2972 Doncaster Drive. The proposal is to rezone the property to subdivide one existing lot into two new small lots and construct a new single family dwelling.

Action: It was moved by Councillor Alto, seconded by Councillor Lucas, 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. 00492 for 2972 Doncaster Drive, 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/PLUC307

3.3 Development Permit with Variances No. 00492 for 2972 Doncaster Drive

Committee received a report regarding an application for 2972 Doncaster Drive. The application is to create two lots, retaining the existing single family house and constructing one new small lot house.

Action: It was moved by Councillor Alto, seconded by Councillor Lucas, that Committee recommends that Council, after giving notice an allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00492, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00492 for 2972 Doncaster Drive, in accordance with:

1. Plans date stamped November 10, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

Existing House (Proposed Lot A)

- a. Part 1.23 (8)(a): Reduce the front yard setback of the main structure from 6m to 5.54m.
- b. Part 1.23 (8)(b): Reduce the rear yard setback of the main structure from 6m to 1.63M.
- c. Part 1.23 (9): Permit accessory buildings to be located in the side yard.
- d. Part 1.23 (13)(a): Reduce the front yard setback of the accessory building from 18m to 14.72m.

- e. Schedule "C" (3): Permit parking to be located between the building and the front lot line.

New House (Proposed Lot B)

- a. Part 1.23 (8)(a): Reduce the front yard setback of the main structure from 6m to 4.5m.
 - b. Part 1.23 (8)(a): Reduce the front yard setback of the main structure from 6m to 4.5m.
 - c. Part 1.23 (13)(a): Reduce the front yard setback for the accessory building from 18m to 14.72m.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 15/PLUC308

3.4 Development Variance Permit Application No. 00164 for 2540 Quadra Street

Committee received a report regarding an application for 2540 Quadra Street. The building was constructed in 1967. At the time of construction, 20 units were approved for the building and the number of parking stalls associated with the development is difficult to ascertain. An additional two units were added within the undeveloped basement which were constructed without the appropriate permits. The new owners, who purchased the property in 2015, wish to legalize the situation which requires a parking variance.

Action:

It was moved by Councillor Alto, seconded by Councillor Lucas, that Committee recommends that Council waive the Clean Hands Policy for Planning Approvals for 2450 Quadra Street to allow the two illegal suites to remain occupied while the Development Variance Permit No. 00164 is under consideration. Prior to the setting of the date of the meeting of Council to consider this applications, the applicant be required to file a covenant on the title specifying that all illegal construction will be removed if the application is refused and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00164 for 2540 Quadra Street, in accordance with:

1. Plans date stamped October 28, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the required number of parking stalls reduced from 29 vehicle parking stalls to 17 stalls (Schedule C).
3. A six space bike rack be provided at the front entrance to the building.
4. Two vehicle parking stalls to be allocated for visitor parking.
5. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC309

3.5 Heritage Designation Application No. 000154 for 727 Yates Street

Committee received a report regarding an application for 727 Yates Street to designate the exterior of the 1897 heritage-registered property located at 727 Yates Street as a Municipal Heritage Site.

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

“That Council consider the designation of the property located at 727 Yates Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage site.”

CARRIED UNANIMOUSLY 15/PLUC310

4. DEVELOPMENT APPLICATION REPORTS

4.1 Development Permit with Variances Application No. 000447 for 941-943 Fort Street

Committee received a report regarding an application for 941-943 Fort Street. The proposal is to change the use from retail to office on the ground floor.

Action: It was moved by Councillor Young, seconded by Councillor Lucas, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirement, except for the following variances:
 - a. Part 6.55 1.(2): Allowing office use to locate within 6m of the building street frontage.
 - b. Schedule C Section 16.C.5: Reduction of 1 parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC311

4.2 Development Permit Application No. 000439 for 1101 Fort Street

Committee received a report regarding an application for 1101 Fort Street. The proposal is to construct a six-storey, mixed-use building with ground-floor retail fronting Fort Street and Cook Street with residential uses above.

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

“That Council authorize the issuance of Development Permit Application No. 000439 for 1101 Fort Street in accordance with:

1. Plans date stamped November 4, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. That Council authorize City of Victoria staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to City staff.
4. Registration of the following:
 - a. Statutory Rights-of-Ways for the bus shelter on Fort Street and sidewalk on Meares Street to the satisfaction of City staff.
 - b. Section 219 Covenant for the public realm improvements associated with the landscape planters and pavers along Cook Street and Meares Street to the satisfaction of City Staff.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
6. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- The design is innovated and a provides a good mix of uses.
- Concerns over the bulk and overall massing of the building.

For: Mayor Helps, Councillors, Alto, Coleman, Lucas, Loveday and Young
Against: Councillor Madoff

CARRIED UNANIMOUSLY 15/PLUC312

4.3 Development Permit with Variances Application No. 000440 for 1 Cooperage Place and 2 Paul Kane Place

Committee received a report regarding an application for 1 Cooperage Place and 2 Paul Kane Place. The proposal is to construct a building on a dock in association with a proposed marina development and to remove rip-rap along the shoreline and install a new harbour wall to facilitate a paddle route.

Committee discussed:

- Concerns regarding the public access and the loss of the view corridor.
- Further engagement should be considered with the neighbourhood and those affected by the development.
- How the impact of the hydro substation could be mitigated.
- The kayak and boating channel and if there is a way to prevent the rip-rap from being disturbed.

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, recommends that Council refer the application back to staff to have the applicant to provide more detailed information with respect to:

1. The proposed Hydro substation.

2. Accommodating the paddling channel width with and without the accommodation of the City.
3. Specifics of items previously requested by staff.
4. With a request that the applicant provide detailed information on the following:
 - a. The siting and appearance of the hydro substation and any proposed screening.
 - b. The design, colour and finish of the proposed new harbour wall, railings and any associated landscaping.
5. Unobstructed access to parking stalls.

CARRIED UNANIMOUSLY 15/PLUC313

4.4 Development Variance Permit Application No. 00163 for 1066 and 1070 Finlayson Street

Committee received a report regarding an application for Street. The proposal is to reduce the rear yard setback requirement for the property located at 1070 Finlayson Street to facilitate a subdivision application for the subject properties.

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

“That Council authorize the issuance of Development Variance Permit Application No. 00163 for 1066 and 1070 Finlayson Street, in accordance with:

1. Plans date stamped October 26, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
3. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC314

4.5 Heritage Alteration Permit Application No. 00209 for 737 Fort Street (British American Trust Company Building)

Committee received a report regarding 737 Fort Street. The proposal is to construct a temporary steel-frame ramp with granite facing to make the building accessible.

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

“That Council authorize the issuance of Heritage Alteration Permit (HAP) Application No. 00209 for the property at 737 Fort Street, in accordance with:

1. Plans date stamped October 20, 2015.

2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. That Council authorize City of Victoria staff to execute an Encroachment Agreement in a form satisfactory to City staff.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.”

CARRIED UNANIMOUSLY 15/PLUC315

4.6 Official Community Plan Annual Review

Community received the Official Community (OCP) Plan Annual Review for 2015. The report presented 17 indicators related to the OCP and key findings from the 2014 calendar year.

Councillor Coleman left the meeting at 10:18 a.m.

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council receive the Official Community Plan Annual Review 2015 for information and direct staff to communicate the findings and highlights from the Annual Review to the public.

Committee discussed:

- The importance of providing a snapshot of how the City makes land decisions.
- The report provides a helpful tool to share with the neighbourhoods.

CARRIED UNANIMOUSLY 15/PLUC316

5. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, that the Planning and Land Use Committee meeting of December 10, 2015, be adjourned at 10:21 p.m.

CARRIED UNANIMOUSLY 15/PLUC317

Mayor Helps, Chair