

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MARCH 19, 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, Loveday, Lucas, Madoff, Thornton-Joe and Young

Absent: Councillor Isitt

Staff Present: J. Jenkyns - Acting City Manager; S. Thompson – Director of Finance; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Planner; J. Handy – Senior Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

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

Item # 1 Minutes from the meeting held on March 5, 2015

Item # 4 Development Permit with Variances Application No. 000410 for
549 Toronto Street

Item # 7 Ogden Point Master Plan – Proposed Time Extension

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the March 19, 2015, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 15/PLUC072

3. CONSENT AGENDA

3.1 Minutes from the meeting held March 5, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held March 5, 2015, be approved.

CARRIED UNANIMOUSLY 15/PLUC073

3.2 Development Permit with Variances Application No. 000410 for 549 Toronto Street

Committee received a report regarding a development permit with variances for 549 Toronto Street. The proposal is for a three-storey attached dwelling that includes five residential units. The application proposes variances to site coverage, site area, landscaping, and front and side yard setbacks.

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

“That Council authorize the issuance of Development Permit Application No. 000410 for 549 Toronto Street, in accordance with:

1. Plans date stamped February 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 3.3.4(1) - Site coverage reduced from 30% maximum to 44%,
 - ii. Section 3.3.9 - Site area reduced from 920m² minimum to 850m²,
 - iii. Section 3.3.10 - Front yard setback reduced from 9.0m to 6.2m,
 - iv. Section 3.3.12 - Side yard setbacks reduced from 4.6m to 2.2m (east) and 3.5m (west) side yard,
 - v. Schedule C, Section 7.2(h) – Landscape strip for surface parking and aisle reduced from 0.6m to nil (west) side yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC074

3.3 Ogden Point Master Plan – Proposed Time Extension

Committee received a report dated March 5, 2015, that presented Council with information, analysis and recommendations regarding a request from the Greater Victoria Harbour Authority to amend the Memorandum of Understanding (MOU) for Ogden Point.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council direct staff to prepare an amendment to the Memorandum of Understanding for Ogden Point to extend the completion date of the Ogden Point Master Plan from December 31, 2014 to December 31, 2016.

CARRIED UNANIMOUSLY 15/PLUC075

4. COMBINED DEVELOPMENT APPLICATIONS

Councillor Lucas excused herself from the meeting at 9:01 a.m. due to a potential pecuniary conflict of interest, as she oversees all operations of an independent retail liquor store located in the Hotel Rialto.

4.1 Rezoning Application No. 00465 for 1609 Fort Street

Committee received a report regarding a rezoning application for 1609 Fort Street. The proposal is to rezone the property to authorize a Liquor Retail store in the South Jubilee neighbourhood.

A Committee member noted that a letter from the public requested that some on-site parking be time limited to provide turnover of parking spaces. Staff advised that the applicant has indicated they are willing to consider timed parking. How an applicant deals with on-site parking is left to their discretion.

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council:
1. Instruct Staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00465 to allow a Liquor Retail Store as a permitted use with a maximum floor area of 241m² at 1609 Fort Street.
 2. That first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing be set.

CARRIED UNANIMOUSLY 15/PLUC076

4.2 Development Permit Application No. 000406 with Variances for 1609 Fort Street

- Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, and after the Public Hearing for Rezoning Application No. 00465, consider the following motion.

“That Council authorize the issuance of Development Permit Application No. 000406 for 1609 Fort Street, in accordance with:

1. Plans dated January 28, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for Schedule C, total number of parking stalls reduced from 22 to 20.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC077

Councillor Lucas returned to the meeting at 9:09 a.m.

4.3 Development Permit with Variances Application No. 000399 for 120 Gorge Road East

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 120 Gorge Road East. The proposal is to construct the second phase of a supported housing development with the addition of a building consisting of 15

units as well as a separate community building. The proposal requires variances related to increased site coverage, increased number of buildings on a lot and reduced parking.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, consider the following motion:

"That Council authorize the issuance of Development Permit Application No.000399 for 120 Gorge Road East, in accordance with:

1. Plans date stamped February 27, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 3.9.3 - Site coverage increased from 33.3% to 37.95%,
 - ii. Part 3.9.7 - Number of buildings increased from one to three,
 - iii. Part 3.9.13 (2) - Parking requirement reduced from 1.3 parking spaces per unit (53 spaces) to 0.3 parking spaces per unit (12 spaces).
3. The provision of Transportation Demand Management measures (e.g. the provision of bus passes) to lessen potential off-street parking demand to the satisfaction of the Director of Engineering and Public Works.
4. 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 Gorge Road frontage and how it will be seen by pedestrians.
- Concerns about the streetscape including screening and entrance ways.
- Extending the sidewalk to Gorge Road and if an agreement could be made with the applicant to provide this.

CARRIED UNANIMOUSLY 15/PLUC078

4.4 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received a report regarding a Heritage Alteration Permit (HAP) Application for the property located at 151 Oswego Street. The application is specific to the recent removal of the east addition and the reconstruction of the addition using new materials. This addition was originally envisioned to be retained and this commitment was secured in a Heritage Revitalization Agreement (HRA) that was adopted on July 24, 2014. This work will require an amendment to the HRA which requires Council approval.

Committee discussed:

- Concern that approval of the HAP could be seen as condoning the contravention of the HRA.
 - Staff have discussed with the property owner his intent and have recommended that an amendment to the HRA would be required to continue work on the project.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman that Committee table consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street to receive legal advice in a closed meeting.

CARRIED UNANIMOUSLY 15/PLUC079

5. NEW BUSINESS

5.1 The Wave (845 Yates Street) Development Permit

Mayor Helps and Councillor Alto provided Committee with a motion that requested that Council permit the Strata Corporation at The Wave (845 Yates Street), to resubmit a development permit regarding replacement of the stone and tile mosaic with a painted mural.

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

WHEREAS the strata corporation at The Wave submitted a development permit application that was rejected by Council;

AND WHEREAS the solution that was imposed by Council through Development Permit is proving both technically difficult and cost prohibitive for the strata given that a portion of their residents are seniors living on fixed incomes;

THEREFORE BE IT RESOLVED that Council allow the strata corporation for the Wave to resubmit a similar Development Permit to the original in less than the one year required as set out in the Land Use Procedures Bylaw, Section 3.2.2.

Committee discussed:

- The onus to repair the mural should be on the builder and not on the strata owners.
- There would be value if the original report is provided when the application comes back to Committee to provide a history of why a mosaic was chosen as the feature on the wall.
- Concerns that should the painted mural be permitted, when the time comes to repaint it, the mural will be painted over leaving a large blank wall.
- At the time of construction, the mosaic was created in response to how to deal with the wall; there were many other treatments that could have been used.

CARRIED UNANIMOUSLY 15/PLUC080

6. CLOSED MEETING AT 9:35 AM

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, 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 the *Council Bylaw*, namely:

- Section 12(3)(i) – *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY 15/PLUC081

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

Absent: Councillor Isitt

Staff Present: J. Jenkyns - Acting City Manager; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; R. Woodland – Director, Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

6.1 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received legal advice regarding the Heritage Alteration Permit (HAP) for 151 Oswego Street.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC0082

Action: It was moved by Councillor Coleman, seconded by Councillor Young, that the closed meeting be adjourned at 10:30 a.m.

CARRIED UNANIMOUSLY 15/PLUC083

Committee reconvened in Council Chambers at 10:34 a.m.

6.2 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee postpone consideration of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street for two weeks, pending the receipt of further legal advice.

CARRIED UNANIMOUSLY 15/PLUC084

7. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee adjourn the Planning & Land Use Committee meeting of March 19, 2015, at 10:35 a.m.

CARRIED UNANIMOUSLY 15/PLUC085

Mayor Helps, Chair