

**PLANNING & LAND USE COMMITTEE REPORT**  
**FROM THE MEETING HELD JULY 23, 2015**

For the Council Meeting of July 23, 2015, the Committee recommends the following:

1. **Rezoning Application No. 00480 for 2280 Forbes Street:** That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00480 for 2280 Forbes Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.
  
2. **Development Permit with Variances Application No. 00480 for 2280 Forbes Street:** That after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00480, if it is approved, that Council consider the following motion:  
  
“That Council authorize the issuance of Development Permit Application No. 00480 for 2280 Forbes Street, in accordance with:
  1. Plans date stamped July 7, 2015.
  2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:  
  
Small Lot House (Proposed Lot 1)
    - a. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.50m.
    - b. Part 1.23 (8)(c): Reduce the side yard setback from 2.4m to 1.73m.  
Existing House (Proposed Lot 2)
    - c. Part 1.2, Section 1.2.2(b): Reduce the lot width from 15m to 11.95m.
    - d. Part 1.2, Section 1.2.5(c): Reduce the side yard setback from 3.0m to 1.5m.
    - e. Part 1.2, Section 1.2.5(d): Reduce the combined side yard setbacks from 4.50m to 3.04m.  
Accessory Building
    - f. Schedule “F” (4)(b): Reduce the side yard setback of an accessory building on Lot 1 and Lot 2 from 0.6m to 0m.”  
  
3. The Development Permit lapsing two years from the date of this resolution.
  
3. **Development Permit Application No. 000429 for C8-1 Dallas Road:** That Council consider the following motion:  
  
“That Council authorize the issuance of Development Permit Application No. 000429 for C8-1 Dallas Road, in accordance with:
  1. Plans date stamped June 15, 2015.
  2. Development meeting all *Zoning Regulation Bylaw* requirements.
  3. The Development Permit lapsing two years from the date of this resolution.”

4. **Development Variance Permit Application No. 00152 for 361 and 363 Foul Bay Road:** That after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

1. Plans date stamped June 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 1.6.6 a. – relaxation to increase site coverage from 30 percent to 41.10 percent.
  - b. Schedule F, 5.b – relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.
  - c. Schedule F, Section 4.c – relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
3. The Development Permit lapsing two years from the date of this resolution.”

5. **Development Permit with Variances Application No. 000419 for 330 Irving Road:** That after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:

1. Plans date stamped June 2, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances.
  - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.
  - b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
3. The Development Permit lapsing two years from the date of this resolution.”

6. **Development Permit with Variances Application No. 000377 for 613 Herald Street:** That Council:

Refer Development Permit with Variances Application No. 000377 for 613 Herald Street for a complete review by the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

1. The exterior finishes of the building as they relate to the Old Town Guidelines.
2. The opportunity to provide a greater articulation of the upper-portion of the building.
3. The ground floor design, the brick lintel, and the issues identified by the Downtown Residents Association.

Following this referral, and after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000377 for 613 Herald Street, in accordance with:

1. Plans date stamped June 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 6.6.1 – Increase the maximum building height from 15m to 15.86m.

- b. Section 6.8.3(b) – Reduce the front yard setback above 10m from 1.07m to 0.10m.
- c. Section 6.8.5 – Reduce the minimum side yard setback from 4.50m to 0.
- d. Section 6.8.6(ii) – Reduce the number of vehicle parking spaces from 70% of the number of dwelling units (21 spaces) to 40% (12 spaces).
- 3. The submission of revised plans that address comments from the Advisory Design Panel to the satisfaction of City Staff.
- 4. Removal of the Section 219 Covenant requirement for a car share vehicle.
- 5. The applicant entering into a car share agreement with MODO to secure car share memberships for each unit.
- 6. That a Car Share Agreement is in place to the satisfaction of MODO that will secure the fulfillment of the agreement in accordance with their standard practice.
- 7. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
- 8. Receipt of evidence that the Application is in compliance with the Ministry of Environment's *Environmental Management Act* as it pertains to potentially contaminated sites.
- 9. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
- 10. The Development Permit lapsing two years from the date of this resolution."

7. **Application for a Permanent Special Event Area Endorsement for the Vancouver Island Brewery – 2330 Government Street:** That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Brewery Special Events Area Endorsement for the Brewery Licence of the Vancouver Island Brewing Company, Brewery Licence No. 300205, located at 2330 Government Street, supports:

- 1. The application of the Island Pacific Brewing Company (Vancouver Island Brewery) to amend its Brewery Licence to add a Brewery Special Events Area Endorsement, with a licenced capacity of 60 and operating hours of 9:00 a.m. to 11:00 p.m. seven days a week.
- 2. The Council provides the following comments on the prescribed considerations:
  - a. The location is within a government light industrial district which permits breweries, restaurants, light industry, accessory retail sales and offices, retail sales of home furnishings and supplies, or sporting goods. The Brewery Licence operation is compatible with the neighbouring land uses. The business is located within the Activity Noise District which allows for a higher noise threshold.
  - b. This request represents the addition of a special event endorsement, which is expected to have minimal impact on the neighbourhood as it does not change operating hours, will be contained within the building and is an extension to services such as tastings and hosting events in the hospitality room that already occur.
  - c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers with 50 metres of the pub and notice posted at the property. Six responses were received by the City, with five opposed and one in favour.

8. **Application for Patron Participation Endorsement for the Oswego Hotel – 500 Oswego Street:** That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary liquor licence of the Oswego Hotel, Liquor Licence No. 302556, located at 500 Oswego Street, supports:
1. The application of the Oswego Hotel to amend its Food Primary liquor licence to add a Patron Participation Endorsement.
  2. The Council provides the following comments on the prescribed considerations.
    - a. The location is in the urban residential district which has a transient accommodation usage but also allows for some restaurants. There is significant residential use in the immediate vicinity. The Food Primary liquor licensed business is compatible with the neighbouring land uses and is within the Intermediate Noise District, which allows for a higher noise threshold.
    - b. This change is expected to have a minimal impact on the neighbourhood due to the configuration, use and size of the licenced premises. The restaurant has had no complaints with regards to noise.
    - c. The views of residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice property. Four written responses were received by the City, with there in support of the application and one opposed.