

PLANNING AND HERITAGE BOARD MINUTES
MONDAY, FEBRUARY 07, 2022, 4:30 P.M.
VIDEOCONFERENCE (WebEx)
Live streaming at www.charlottetown.ca/video

Present: Councillor Terry MacLeod, Chair
(via Webex) Councillor Julie McCabe, Vice-Chair
Mayor Philip Brown
Councillor Alanna Jankov

Bobby Kenny, RM
Basil Hambly, RM
Kris Fournier, RM
Rosemary Herbert, RM
Shallyn Murray, RM

Also: Alex Forbes, PHM
(via Webex) Laurel Palmer Thompson, PII
Robert Zilke, PII
Emily Trainor, PI

Tina Lococo, DCAO
Ellen Faye Catane, IO/AA

Regrets:

Absent: Councillor Mitchell Tweel

As the City continues to take further steps to help reduce the spread of COVID-19 and mitigate impacts on municipal services and the health and safety of residents, the meeting was held via videoconference (WebEx).

Shallyn Murray, RM, declared conflict.

1. 231 Richmond Street (PID #340703)

Councillor MacLeod: I see Councillor Jankov has a question.

Councillor Jankov: Thank you, Chair. Just...I'm just wondering, before we begin with 231 Richmond Street. Has Mr. Forbes or the...or anyone responded to the residents that were concerned that they did not get notification of this, of this in their mailboxes? And I just saw that it came in today around 2 o'clock. And I'm just wondering, has that been addressed? Should this be deferred? Just wanted to put it out (*unclear*) it, just important that we (*unclear*) all a process.

Councillor MacLeod: I'll let Alex explain it.

Alex Forbes: Yeah, it's my understanding and Emily and, but, you know, it's our understanding that, you know, I don't know what happened with the, with those applicants. They were on our circulation list. So, they were notified, why they didn't receive their notification. But on that, they should be technically, they should be the ones that are indicating that you know, that they weren't notified if they have a concern. I mean, it's a third party that's indicating that they have a concern. So maybe they do, maybe they don't. But our notification is indicating that they were sent a letter. Thank you.

Councillor MacLeod: Thank you very much. You're okay with that, Councillor Jankov? I mean, it's not much else we could do, I guess, right?

Councillor Jankov: (*unclear*) this process is being followed and Alex is okay with that, then that's...As long as it's reflective on the minutes, that's all.

Councillor MacLeod: Okay. Tickety-boo. Okay. So, our first variance is 231 Richmond Street. Emily, I believe, is going to do the presentation? Thank you.

Emily Trainor: Good afternoon folks. (*unclear*) line, if everyone can hear me, thumbs up. Yeah, great. And you can see my slide deck there, hopefully.

Councillor MacLeod: Yes, we can.

Emily Trainor: Great. So, I understand where time is of the essence tonight, so I'll try to move through this quickly, folks. But this one is a variance request. The applicant is Nine Yards, and they are...had submitted this variance request on behalf of the property owner, PEI Housing Corporation. The request is for two (2) Major Variances to permit a new three (3) storey apartment building including three (3) dwelling units at 231 Richmond Street. So, the variance, the first one...

Councillor Bernard: I'm on this Planning meeting here as you all know, getting a lot of feedback. Looks like I signed in... (*silence*)...

Emily Trainor: Hello. Hello?

Unknown: Mr. Chair? (*inaudible*)... keeps cutting out.

Emily Trainor: Sorry, just so I understand correctly, is the feedback being received on, I'm not sure who has indicated this. Is anyone else receiving feedback?

Unknown: Councillor Bernard.

Bobby Kenny: No, I'm okay.

Unknown: I'm Fine.

Emily Trainor: Okay.

Unknown: Just keep going.

Emily Trainor: Alright. Alright, Councillor, sorry about that, but I'll just proceed here. So, the first major variance is to reduce the required lot frontage from 34.8 feet to 27 feet. And the second is to reduce the required side yard setback from 2.25 feet to about 1.75 feet. Again, this is at 231 Richmond Street. So, just to orientate you folks quickly to this property. As you can see in the aerial view on the left and the zoning map on the right there, this property is located at the northeast corner of Hensley Street and Richmond Street. It's just south of the Poly clinic on Grafton Street and the west of Prince Street as well. It has an area of about 2,300 square feet and a frontage along Richmond Street of about 27 feet. The depth on the property is about 85 feet as well. So, this property is designated Downtown Neighborhood by the Official Plan and zoned Downtown Neighborhood by the City of Charlottetown Zoning Bylaw. It's also located in the boundary of the city's 500 Lot area. So, just based on observations of the site and surrounding area and looking at provincial tax assessment data, we see that adjacent lots primarily contain low to medium density residential dwellings. They're generally two (2) to two and a half (2.5) half storeys in height. And the number of dwellings in these adjacent, or the number of units excuse me, on these adjacent lots range from about two (2) to eight (8). And looking at the property itself, what sits there today is a two (2) storey dwelling. To the rear of the dwelling there's a small shed, some green space and a surface parking space as well. Although the property is in the City's 500 Lot area, it is not Heritage designated. So, we find that in our GIS map and then this was also confirmed by the City's Heritage Officer as well. PEI Housing Corporation has also confirmed that the existing dwelling has been vacant since about 2017 and that it's currently uninhabitable. So, I'll just note as well, PEI Housing Corporation, we have a representative on the line today, Cody Clinton. And if you guys have any follow up questions about that, hopefully Cody can respond to that. So, PEI Housing Corporation has indicated that if this variance is approved, their intent is to demolish this existing dwelling in order to accommodate the new three (3) unit apartment building. So, in terms

of the proposal, we're just looking now at the site plan that was submitted by the applicant showing the proposed footprint of the dwelling indicating the frontage and the proposed setbacks as well. They've also submitted floor plans which are included as attachments to the report package that you folks hopefully received. If you want to look at those in greater detail. So, through the public notification process, prior to the comment deadline which was 4:30 on Friday, we received two (2) letters of support from adjacent property owners. Note that one letter did mention that it's their hope that the exterior fire escape is designed to be aesthetically pleasing with high quality material as well. And in terms of the letters of objection, one notes concern with the demolition of what they referred to as a century home, and concern with the new building detracting from the existing heritage character of the neighborhood. Another letter of objection notes concern with shadow impacts of the proposed new building on a single-detached dwelling and garden a couple lots over at 237 Richmond Street. And just to quickly summarize our department's assessment of this application. We, of course, looked at Official Plan policies and objectives to verify if the proposal does support these policies and objectives. And we found that the pro..., excuse me, the proposal does represent compact infill development that will maximize the use of existing underground services in the in this area. So, this is certainly supported by the Official Plan. We see too, that the proposed footprint is generally consistent with adjacent dwellings and the applicant has confirmed that the proposed type will conform with the DN Zone maximum height requirements. So, as a result, there's expected to be limited adverse impacts on adjacent dwellings. And the applicant and owner of the property has confirmed that the new units will be owned and operated by PEI Housing Corporation with rent geared to tenant's income. So, this would support the Official Plan policy objectives and policies to enhance the range of housing options available in the city of Charlottetown. And just to look a little closer at the proposed 1.7-foot side yard setback that's being proposed on the east side of the new dwelling. We just note that this does represent an improvement relative to the existing condition on the lot today. So, when you look at the survey, you see that there is zero (0) side yard setback today provided from the existing dwelling to the east side yard setbacks. So, what's being proposed, the 1.7 feet side yard setback is an improvement. The applicant has also confirmed that there'll be no window openings and noncombustible cladding will be applied on the east elevation along the portion of the building where the reduced side yard setback is proposed. So, it's expected that this will help to mitigate any privacy impacts on the property most impacted, which is 233 Richmond Street. And also mitigated safety risks to this adjacent dwelling as well. And this will be reviewed a bit closer at the building permits stage if it proceeds there by our building officials as well. And just to note, the property most impacted by the reduced side yard setback, 233 Richmond Street, we have not yet received any comments from them through the public notification process. And I would note as well, there is an easement in favor of PEI Housing Corporation on this abutting property that's most impacted, so, 233 Richmond Street. Along the portion of the lot where the reduced setback is proposed. And the applicant has indicated that it's their intention to maintain this easement over the adjacent lot in the future. I'll also note that given that this application involves affordable housing and then it's a new multi-residential development in the 500 Lot Area, the design review process does apply. And it's required by the Zoning Bylaw. And the application is required to meet the design standards for the 500 Lot Area that's set out in Section 7 of the Zoning Bylaw. So, matters like the design and materiality of the exterior fire escape, shadow impacts on adjacent lots and whether the exterior design will complement the existing heritage character of the surrounding area, these are all items that can be considered by the design review board and be appointed external member of the City's design review roster at that stage. So, in light of these considerations, our department is recommending that Planning board recommend to Council to approve this request for major variances to the lot frontage and side yard setback requirements, subject to a couple conditions: one being met - design review board reviews and accept the proposed exterior design; and secondly, that prior to any demolition of the existing dwelling, the owner obtains a Demolition Permit and submits a Fire Safety Plan for review and acceptance by the City's Fire Department. So, folks, that concludes my presentation. I welcome any comments or questions and I'll also note again that the property owner is on the line, or a representative of PEI Housing Corporation is on the line if you folks have any questions for them.

Councillor MacLeod: Thank you very much, Emily. Very thorough. Mr. Clinton, did you want to speak first, at all, before answering any questions?

Cody Clinton: I think Emily did an excellent job providing a summary of the project. But I'm happy to answer any questions. I think the only thing maybe that I'll touch on, just to provide some additional clarification from Emily's comments, we did have an engineering firm complete a building condition assessment of the property before we started working with the City on this new design and these variances. And the reason that we're going with the demolition is because that engineering firm, their report indicated that it was too cost prohibitive to bring the property up to a state where it could become habitable again. I know as Emily mentioned, it has been vacant since 2017. So, there has been no residents in there for approximately the past four (4) to five (5) years. So that's the reason why we are looking to go forward with the demolition and looking to add some additional capacity and additional units on that property for social housing under the PEI Housing Corporation.

Councillor MacLeod: Thank you very much, Cody. Yeah, certainly is a...

Mayor Brown: Just a point of order, Mr. Chair?

Councillor MacLeod: Yes.

Mayor Brown: Uhm, Mr. Chair. I just looked at the email from one (1) of the opposing residents...

Councillor MacLeod: Uh-huh.

Mayor Brown: Did all the Planning Board members get those yeys and nays letters, Ellen?

Councillor MacLeod: I'm pretty sure there is.

Mayor Brown: I...

Ellen Catane: I think the initial letters up until the deadline were forwarded to the Board. There's just one (1) letter that was just received today, just a few minutes prior to the public...or prior the Planning Board.

Mayor Brown: From the resident on Prince Street?

Ellen Catane: Ah, yes. So, if that will be considered part of the package, it will be sent out to the Board. But everything that was within the deadline for submission has been circulated to Planning Board.

Mayor Brown: Can we send that out to them right now?

Ellen Catane: Uhm, I'll let Alex...

Councillor McCabe: We got that letter.

Mayor Brown: I know we did, but the Planning Board members, Bob Kenny, Rosemary Herbert, Kris Fournier. I think it was only sent to us, Mr. Chair, that's why I raised the point of order.

Councillor MacLeod: Well, I think Ellen read it off as we started the meeting. Did she not?

Mayor Brown: Not the letter that I read from...

Councillor MacLeod: Not the letter, but she, or maybe not, okay.

Mayor Brown: If you want to make the call on that, we can continue, but it's just that, as you know, the resident on Prince Street is quite detailed in her analysis. And I'm not saying, I'm opposing, I am just saying that it's a point of information. Maybe Councillor Jankov has something to add.

Councillor MacLeod: Maybe something...

Councillor Jankov: Well, I had said that I was just concerned that the letters, the emails that had been sent had not been addressed and still have left, and left unaddressed. I think personally, I think from reviewing this, I think it's a fantastic project. I just would hate for us to stop the process by not following the process correctly.

Councillor MacLeod: Yeah, and everyone had the same amount of time to get the letters in, right?

Mayor Brown: Yes.

Councillor MacLeod: You know, so unfortunately... But at the same time, maybe Mr. Clinton, if you could look at those letters of people that aren't, weren't necessarily in favor or had some concerns, that you could keep those in mind and in moving forward, and maybe Planning staff could also reply at some point with an answer to the...like I know the shadow thing, that's a tough one when it fits the zoning, right? It's kind of tough. We can't always be in control of what happens around us and unfortunately, I think that's what's happening.

Alex Forbes: Mr. Chair. It's Alex here.

Councillor MacLeod: Yes

Alex Forbes: Yeah, I guess, it's up to the Board whether you know, because the letter...we either are going to recognize the letter or we're not going to recognize the letter because it's kind of a no man's land here. So, I'll defer to the Board. But I would say that, if you're going to recognize the letter to your point then, you know, if the letter is in play and then the Board members don't have it, then you know, it gets into a procedural issue. So, I'll defer to the Board. But the letter is technically late. So, you've got half the board, is aware of the letter...

Mayor Brown: I know...

Alex Forbes: Half the board isn't. Then, staff needs direction as to whether you want to consider that letter. But keep in mind, if you deviate, then you're deviating from the process...

Councillor MacLeod: Right..

Alex Forbes: In regard to when the letters come in and then others will ask for the same. So, I know it's tricky, it's only a day, but it does have implications for all of us, including the applicant who is on the line here.

Mayor Brown: That's why Mr. Chair, that's why I raised the point of order because this is a procedural issue, and I guess it's up to our Board right now, the board to say, let it go ahead. Go forward.

Councillor MacLeod: Yeah, as Chair, I think we need to move this ahead. We can't... we bear off the path and we're gonna be bearing off the path all the time. So I think we got to stay on course, that's my opinion, if anyone else has an opinion, they can surely share. I think we need to go forward here.

Councillor McCabe: I think it's the process that she...if the letter was late coming in, and unfortunately the letter was late coming in. And if all people that you know, question process, we have to stay the course as long as the followed, and Councillor Jankov clarified the process was followed.

Councillor MacLeod: Yup. Okay. Any other questions or concern? Thank you very much. Mr. Mayor, for that, by the way. Uh, any other questions or concerns?

Bobby Kenny: It's Bobby.

Councillor MacLeod: Yes.

Bobby Kenny: Can I just ask a question on parking? I'm not clear on what's there for parking.

Councillor MacLeod: I guess probably Alex, you want to answer that? Or Emily? One or the other?

Emily Trainor: I can hop in there. Thank you. Through the Chair to Bobby. Bobby, there is one (1) surface parking space there today. And what the applicant and property owner is proposing is to meet the required parking through a cash-in-lieu provision. Given that this property is located in the 500 Lot Area, our bylaw recognizes there's restrictions to providing parking in the downtown from a lot size perspective. And in this case, it's also very close to the intersection. So, there's a safety concern as well. And you know, we see the size of a lot. It is pretty restricted too. So as a result, the applicant and property owner are proposing to provide cash-in-lieu which is acceptable under the regulations of the Zoning Bylaw. And there's a requirement of \$6,000 dollars in our Schedule of Fees per required parking space as well. These folks have three (3) dwelling units and they're providing affordable housing. So, it's 0.75 spaces required per unit, and they would provide a proportional cash-in-lieu. And if you have any required clarification on that, just let me know.

Bobby Kenny: Okay, thank you, Emily.

Councillor MacLeod: Thank you, Bob. Any other questions or concerns folks?

Mayor Brown: Mr. Chair? Just... Oh go ahead, Councillor Jankov.

Councillor MacLeod: Councillor Jankov, go ahead.

Councillor Jankov: Sorry about the dogs in the background. Just...And I know that it's a provision that we allow for the cash-in-lieu for parking. It certainly...we are running out of parking spaces (*inaudible*). So, I just wanted to.. (*inaudible*) for us to be mindful that yes, that is a provision that we provide, and it's in the process. But I don't know where they're going to park. But anyhow, I just wanted to observe that. Like I said, I think this is a wonderful project, but the parking does concern me.

Cody Clinton: Just maybe like my comment there, I think Emily could probably fill in some of the gaps as well. But I know we did in our original design, in our discussions with the City, we did have some parking availability off of Hensley, but as Emily mentioned, it was kind of cited as a safety concern with the lot because it is so close to that Henley (*Hensley*) Street - Richmond intersection. So, I think in the City's review, it was kind of requested that we look at eliminating those parking spaces because of that safety concern.

Councillor MacLeod: Okay, thank you very much. You know, it is an acceptable choice under the bylaw, and I think if this is a greater conversation for Council probably than it is Planning Board unfortunately. So, any other questions or concerns?

Mayor Brown: Just one point, Mr. Chair. I think Cody Clinton, Cody, you know the history of that house. It is a century house?

Cody Clinton: I'm not aware of the history of the house. No. I know it doesn't have, in our evaluation and working with City officials, I know it doesn't have a heritage designation. But I don't know if it's a century house. I don't know the answer to that.

Mayor Brown: It was the home of the Hopkinson family, (*Wormley*) Hopkinson, that's where they grew up. And when the mother passed away, I think it was through Veterans Affairs, they took back the house. Anyways, I never know. I never thought it was a century house. Ellen, could we find out if it is and just had that for Council when we meet on the 14th?

Emily Trainor: Sorry folks, it is Emily here. I just wanted to quickly note that I did confirm, I looked at the City's GIS data and it indicated there is no heritage designation that applies to this property. And I also have email confirmation from the City's Heritage Officer that this is not a heritage designated property. So, just for the record, I'm just noting that. Thank you.

Mayor Brown: It's just that in the email from the resident on Prince Street, I think she referred to it as a century home. I just wanted to find out if that was the case. So, just something to look at for the meeting at Council on the 14th. Thank you, Mr. Chair.

Councillor MacLeod: Thank you. And I just denote that as well that you know that they did look at the home, whether it was fit to be saved or not. And I think, Mr. Clinton said that the engineers deem that not to be worth saving. But unfortunately, right, that's the trouble when they were left there for so long. They tried to reverse them. Okay. Any other questions, concerns? I see none. So, I guess I'm going to be looking for a motion? What's on the floor is for us to approve to recommend to Council to approve the request for the two (2) major variances. Do I have a mover and a seconder? Moved by Councillor McCabe. Seconded by Councillor Jankov for that two (2) variances be approved. All those in favor, please raise your hand. (*counting in the background*). And against? I see none. Okay. Thank you very much, everyone. That's approved. You got that, Ellen?

Ellen Catane: Thank you. Yup.

Councillor MacLeod: Okay, good. Thank you very much, Emily. Okay, moving on...

MOTION:

Moved by Councillor Julie McCabe and seconded by Councillor Alanna Jankov, that the Major Variance requests to:

- Reduce the required lot frontage for a 3-unit apartment building from 34.8ft to approximately 27ft.; and
- Reduce the required side yard setback from 2.25ft (side yard setback of existing building on the abutting property) to approximately 1.75ft,

in order to permit a new three (3) storey apartment building containing three (3) dwelling units at 231 Richmond Street (PID #340703), be recommended to Council for approval, subject to the following conditions:

1. Design Review Board reviews and accepts proposed exterior design;
2. Prior to demolition of existing dwelling, the owner:
 - a) Obtains a Demolition Permit; and
 - b) Submits Fire Safety Plan for review and acceptance by City Fire Dept.

**CARRIED
(7-0)**

*S. Murray in conflict.
Shallyn Murray, RM, joined the meeting.*

END OF VERBATIM MINUTES