

**MINUTES OF THE  
PLANNING & LAND USE COMMITTEE MEETING  
HELD THURSDAY, JANUARY 28, 2016, 8:30 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 8:29 A.M.**

**Action:** It was moved by Councillor Lucas, seconded by Councillor Loveday, that the Planning & 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 item deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(e) - The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.
- Section 12(3)(i) - The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY 16/PLUC030

**2. CLOSED MEETING AT 8:30 A.M.**

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

**Absent:** Councillor Isitt

**Staff Present:** J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; S. Thompson – Director, Finance; T. Soulliere – Director, Parks, Recreation, & Facilities; T. Zworski – City Solicitor; J. Tinney – Director, Sustainable Planning & Community Development; F. Work – Director, Engineering & Public Works; A. Meyer – Assistant Director, Development Services; J. Handy – Senior Planner; C. Coates – City Clerk; C. Mycroft – Executive Assistant to the City Manager; C. Havelka – Council Secretary; P. Martin - Recording Secretary.

**3. APPROVAL OF CLOSED AGENDA**

**Action:** It was moved by Councillor Coleman, seconded by Councillor Lucas, that the January 28, 2016, Planning and Land Use Committee Closed meeting agenda be approved.

CARRIED UNANIMOUSLY 16/PLUC031

**4. ADOPTION OF THE CLOSED MINUTES**

**4.1 Minutes from the Closed Meeting held January 14, 2016**

**Action:** It was moved by Councillor Loveday, seconded by Councillor Lucas, that the Closed Minutes from the Planning and Land Use Committee meeting held January 14, 2016, be adopted.

CARRIED UNANIMOUSLY 16/PLUC032

**5. DECISION REQUEST**

**5.1 Land/Legal Advice**

Committee received a report dated December 2, 2015, regarding a land/legal advice matter.

The discussion and motion were recorded and kept confidential.

*Councillor Loveday left the meeting at 8:50 a.m.*

**6. ADJOURNMENT OF CLOSED MEETING**

**Action:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Closed Planning and Land Use Committee meeting of January 28, 2016, be adjourned at 8:55 a.m.

CARRIED UNANIMOUSLY 16/PLUC034

**7. THE CHAIR RECONVENED THE OPEN MEETING AT 9:00 A.M.**

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

**Absent:** Councillor Isitt

**Absent for a portion of the meeting:** Councillor Loveday

**Staff Present:** J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; F. Work – Director, Engineering & Public Works; T. Soulliere – Director, Parks, Recreation, & Facilities; B. Frewer – Advisor, Citizen Engagement & Strategic Planning; S. Thompson – Director, Finance; A. Hudson – Assistant Director, Community Planning; C. Brinton –

Secretary, Engineering; L. Baryluk – Senior Process Planner; L. Taylor – Senior Planner; C. Wain – Senior Planner Urban Design; C. Coates – City Clerk; C. Mycroft – Executive Assistant to the City Manager; P. Martin – Recording Secretary.

*Councillor Loveday was not present when the open meeting was reconvened.*

## **8. APPROVAL OF AGENDA**

**Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that the Agenda of the January 28, 2016, Planning and Land Use Committee meeting be approved.

**Amendment:** It was moved by Councillor Alto, seconded by Councillor Lucas that the agenda of the January 28, 2016, Planning and Land Use Committee meeting be amended as follows.

### **Consent Agenda:**

**Item #2 – Minutes from the Meeting held January 14, 2016**

**Item #6 – Development Permit Application No. 000454 for 1006 Wharf Street**

**Item #7 – Development Permit Application No. 00468 for 430, 468, and 470 Belleville Street**

**Item #8 – Development Variance Permit Application No. 00169 for 534 Pandora Avenue**

**Item #12 – Victoria Housing Reserve Fund Grant: Capital Region Housing Corporation**

Committee discussed:

- Postponing discussion of agenda item #3 until Councillor Loveday's return and adding item #10 to the consent agenda.

### **Amendment to the amendment:**

It was moved by Mayor Helps, seconded by Councillor Madoff that the amended agenda of the January 28, 2016, Planning and Land Use Committee be amended as follows:

### **Consent Agenda:**

**Item #10 – Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street**

### **Other Items:**

**Postponement of item #9 - Development Permit with Variances Application No. 000440 for 1 Cooperage Place and 2 Paul Kane Place.**

**Addition of item #16 - Setting a hearing date for the Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street.**

On the amendment to the amendment  
CARRIED 16/PLUC035

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe  
Against: Councillor Young

On the amendment:  
CARRIED UNANIMOUSLY 16/PLUC036

**Main motion as amended:**

That the agenda of the January 28, 2016, Planning and Land Use Committee meeting be approved as follows:

**Consent Agenda:**

**Item #2 – Minutes from the Meeting held January 14, 2016**

**Item #6 – Development Permit Application No. 000454 for 1006 Wharf Street**

**Item #7 – Development Permit Application No. 00468 for 430, 468, and 470 Belleville Street**

**Item #8 – Development Variance Permit Application No. 00169 for 534 Pandora Avenue**

**Item #10 – Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street**

**Item #12 – Victoria Housing Reserve Fund Grant: Capital Region Housing Corporation**

**Other Items:**

**Postponement of item #9 - Development Permit with Variances Application No. 000440 for 1 Cooperage Place and 2 Paul Kane Place.**

**Addition of item #16 - Setting a hearing date for the Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street.**

On the main motion as amended:  
CARRIED UNANIMOUSLY 16/PLUC037

**9. CONSENT AGENDA**

**9.1 Minutes from the Meeting held January 14, 2016**

**Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that the Minutes from the Planning and Land Use Committee meeting held January 14, 2016, be adopted.

CARRIED UNANIMOUSLY 16/PLUC038

## **9.2 Development Permit Application No. 000454 for 1006 Wharf Street**

Committee received a report dated January 7, 2016, regarding an application to authorize the construction of a storage shed which would support a kayak rental business.

- Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 000454 for 1006 Wharf Street in accordance with:
1. Plans date stamped December 14, 2015.
  2. Development meeting all *Zoning Regulation Bylaw* requirements.
  3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC039

## **9.3 Development Permit Application No. 00456 for 430, 468, and 470 Belleville Street**

Committee received a report dated January 21, 2016, regarding an application to authorize the construction of a new foot passenger ramp to provide access from the Coho Ferry Terminal to the vessel, as well as replacing an existing retaining wall and landscaped area.

- Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 00456 for 430, 468, and 470 Belleville Street in accordance with:
1. Plans date stamped January 19, 2016.
  2. Development meeting all *Zoning Regulation Bylaw* requirements.
  3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC040

## **9.4 Development Variance Permit Application No. 00169 for 534 Pandora Avenue (Lum Sam and Look Den Building)**

Committee received a report dated January 14, 2016, regarding an application to permit residential use on the main floor level.

- Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, considers the following motion:  
Authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:
1. Plans date stamped December 11, 2015.

2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance: Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
3. The Development Variance Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC041

#### **9.5 Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street**

Committee received a report dated January 14, 2016, regarding an application to permit exterior changes to an existing two-storey commercial building, upgrades to landscaping and pedestrian areas, construction of a new services building and pedestrian walkway.

**Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, 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 with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street, in accordance with:

1. Plans date stamped December 31, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Schedule C, Section 16.C.12: reduce the required number of parking spaces from 48 to 10;
  - ii. Schedule C, Section 7.2(b): reduce the setback of parking spaces from the street from 1m to 0.62m.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC042

#### **9.6 Victoria Housing Reserve Fund Grant: Capital Region Housing Corporation**

Committee received a report dated January 14, 2016, regarding a report to provide Council with information, analysis, and recommendations with respect to an approved grant from the Victoria Housing Reserve Fund for a project that did not proceed.

**Action:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council cancel a \$460,000 Victoria Housing Reserve Fund grant, which was approved on April 30, 2009, to assist the Capital Region Housing Corporation (CRHC) to create non-market rental housing at Dockside Green, as the grant is no longer needed.

CARRIED UNANIMOUSLY 16/PLUC043

## 10. DEVELOPMENT APPLICATION REPORTS

### 10.1 Rezoning Application No. 00485 for 2330 Richmond Road

Committee received a report dated January 14, 2016, regarding an application to authorize rezoning of the property to permit the construction of a seven unit, three storey multi-family residential development.

Committee discussed:

- That the correspondence indicates that a neighbour has a potential interest in consolidating the two lots.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

- Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.

**Amendment:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council postpone the Rezoning Application for two weeks for further discussion.

On the amendment:  
CARRIED 16/PLUC044

For: Mayor Helps, Councillors Alto, Lucas, Madoff, and Thornton-Joe  
Against: Councillors Coleman and Young

On the main motion as amendment:  
CARRIED 16/PLUC045

For: Mayor Helps, Councillors Alto, Lucas, Madoff, and Thornton-Joe  
Against: Councillors Coleman and Young

### 10.2 Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue

*Councillor Lucas withdrew from the meeting at 9:15 a.m. due to a potential pecuniary conflict of interest with the following item, as the subject property and the Hotel Rialto are owned by her employer.*

Committee received a report dated January 14, 2016, regarding an application to authorize rezoning of the property to remove a land use contract and replace it with a site specific zone.

**Action:** It was moved by Councillor Young, seconded by Councillor Coleman, that Council:

- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
- consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
- set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

CARRIED UNANIMOUSLY 16/PLUC046

*Councillor Lucas returned to the meeting at 9:17 a.m.*

### **10.3 Heritage Alteration Permit No. 00212 for 560 Johnson Street (Market Square)**

Committee received a report dated January 14, 2016, regarding an application to remove the existing heavy-timber structure and roof that are presently located within the central courtyard of Market Square.

**Action:** It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Council authorize the issuance of Heritage Alteration Permit Application No. 00212 for the property at 560 Johnson Street, in accordance with:

1. Plans date stamped December 14, 2015
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. 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 16/PLUC047

**Action:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe that the applicant be encouraged on appropriate use of timbers, particularly in a heritage manner.

CARRIED UNANIMOUSLY 16/PLUC048

## **11. DECISION REQUEST**

### **11.1 Review of Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications and Terms of Reference**

Committee received a report dated January 14, 2016, regarding a report to seek Council's direction to proceed with upcoming plans to consult and review the



Community Association Land Use Committee (CALUC) Procedures and Terms of Reference.

Committee received a motion dated January 19, 2016, requesting Council's direction to have staff work with the Neighbourhood Associations, the Community Associations Land Use Committees (CALUC), and the Urban Development Institute to improve the CALUC process.

**Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Council direct staff to undertake further consultation with the Community Association Land Use Committee (CALUC) chairs (or their designates as assigned by the Community Association) and the Urban Development Institute regarding the CALUC Procedures for Processing Rezoning and Variance Applications as well as the CALUC Terms of Reference on the topics outlined in this report and report back to Council with a summary of the consultation as well as recommendations for improvements by May 2016.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Alto that the recommendation from agenda item # 15 – Community Association Land Use Committee Review be added to the above motion, as follows:

**That Council direct staff to work with the Neighbourhood Associations, the Community Associations Land Use Committees and the Urban Development Institute and report back to Council with recommendations on potential improvements to the CALUC process, considering, but not limited to the following items (recognizing that more issues and ideas will arise during discussions):**

- 1. Create a process to ensure that for large/complex/significant projects there is an opportunity for the developer to convene neighbourhood residents and business owners early in the process to canvas neighbourhood hopes, dreams and aspirations that might be included in the development.**
- 2. Contemplate a role for City staff (from the Sustainable Planning and Community Development Department, the Neighbourhood Unit or both) as facilitators of the CALUC process for complex applications. The role of the facilitator is to convene the conversation as well as to provide pertinent, fact-based information relating to City policy as it relates to the proposed development and/or surrounding land use context.**
- 3. Create a cohesive, transparent process that each neighbourhood must follow in order to create ease and information sharing between neighbourhoods and predictability for the development community.**
- 4. Ensure that each CALUC has a process for inviting neighbourhood residents on an annual basis to consider participating on the CALUC and a fair, transparent and inclusive for selecting members.**
- 5. Review the current referrals to CALUC and then make clear and transparent which items, if any in addition to development applications, are required to be referred to a CALUC meeting and which are not.**

Committee discussed:

- The importance on having the Community Association Land Use Committee as part of the official process.

On the amendment:  
CARRIED UNANIMOUSLY 16/PLUC049

**Main motion as amended:**

That Council direct staff to undertake further consultation with the Community Association Land Use Committee (CALUC) chairs (or their designates as assigned by the Community Association) and the Urban Development Institute regarding the CALUC Procedures for Processing Rezoning and Variance Applications as well as the CALUC Terms of Reference on the topics outlined in this report and report back to Council with a summary of the consultation as well as recommendations for improvements by May 2016.

**That Council direct staff to work with the Neighbourhood Associations, the Community Associations Land Use Committees and the Urban Development Institute and report back to Council with recommendations on potential improvements to the CALUC process, considering, but not limited to the following items (recognizing that more issues and ideas will arise during discussions):**

- 1. Create a process to ensure that for large/complex/significant projects there is an opportunity for the developer to convene neighbourhood residents and business owners early in the process to canvas neighbourhood hopes, dreams and aspirations that might be included in the development.**
- 2. Contemplate a role for City staff (from the Sustainable Planning and Community Development Department, the Neighbourhood Unit or both) as facilitators of the CALUC process for complex applications. The role of the facilitator is to convene the conversation as well as to provide pertinent, fact-based information relating to City policy as it relates to the proposed development and/or surrounding land use context.**
- 3. Create a cohesive, transparent process that each neighbourhood must follow in order to create ease and information sharing between neighbourhoods and predictability for the development community.**
- 4. Ensure that each CALUC has a process for inviting neighbourhood residents on an annual basis to consider participating on the CALUC and a fair, transparent and inclusive for selecting members.**
- 5. Review the current referrals to CALUC and then make clear and transparent which items, if any in addition to development applications, are required to be referred to a CALUC meeting and which are not.**

On the main motion as amended:  
CARRIED UNANIMOUSLY 16/PLUC050

## 12. REPORTS FOR INFORMATION

### 12.1 Update on Public Realm Concept Development and Engagement Materials for the Johnson Street Bridge

Committee received a report dated January 19, 2016, regarding a report to update Council on the outcomes of the Johnson Street Bridge Public Realm workshop, the pedestrian bridge, and outline recommended next steps for broader public input.

*Councillor Loveday joined the meeting at 9:42 a.m.*

Committee discussed:

- What was communicated during the Johnson Street Bridge Workshop and subsequently included within the report.

**Action:** It was moved by Councillor Alto, seconded by Councillor Madoff, that Council receive this report for information.

Committee discussed:

- Whether the new additions to the report should be provided to the Charrette group prior to being considered by Council.

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Madoff, that the following statement be added to the motion:

**...and direct staff to report out to the Charrette group for further input prior to proceeding with steps recommended in the staff report.**

**Amendment to the amendment:**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the following statement be added to the above amendment:

**...and report back to Council.**

Committee discussed:

- The implications on the timeline that might occur from having to report back to Council.
- Removing the statement “and report back to Council”.
- That although having the report come back to Council may cause some delays, it will ultimately help to further the process.

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 16/PLUC051

On the amendment:  
CARRIED 16/PLUC052

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

**Main motion as amended:**

That Council receive this report for information and **direct staff to report out to the Charrette group for further input prior to proceeding with steps recommended in the staff report, and report back to Council.**

On the main motion as amended:  
CARRIED UNANIMOUSLY 16/PLUC053

**13. NEW BUSINESS**

**13.1 Setting a hearing date for the Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street.**

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following motion be added to the Development Permit with Variances Application No. 00002 for 1001 Blanshard Street and 804-812 Broughton Street:

**That this application be forwarded to the Council meeting of January 28, 2016 to set a Hearing Date for February 11, 2016.**

CARRIED UNANIMOUSLY 16/PLUC054

*Committee recessed at 10:20 a.m. and reconvened at 10:25 a.m.*

**14. COMBINED DEVELOPMENT APPLICATION REPORT**

**14.1 Update on Rezoning Application No. 00472 and Development Permit Application with Variance No. 000402 for 1041 Oliphant Avenue and 212-220 Cook Street**

Committee received a report dated January 14, 2016 advising Council that the applicant has addressed previous conditions set by the Council in relation to the application.

*Councillor Coleman withdrew from the meeting at 10:25 a.m. and returned at 10:30 a.m.*

**Action:** (Rezoning Application)

It was moved by Councillor Coleman, seconded by Councillor Alto that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00472 for 1041 Oliphant Avenue and 212-220 Cook Street, securing 75% of the value of the identified land lift to be contributed to and divided equally between the Parks and Greenways Acquisition Reserve Fund and the Victoria Housing Reserve Fund, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met (previous conditions that have been satisfied have been removed):

1. Registration of the following:
  - a. Housing Agreement to secure the rental of nine units for a minimum of 10 years and that future strata bylaws cannot prohibit strata owners from renting residential strata units;
  - b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;
  - c. Section 219 Covenant for sewage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City staff;
  - d. Section 219 Covenant for the public realm improvements associated with the sidewalk widening along Cook Street and the paving/widening of the rear lane, to the satisfaction of City staff.

Committee discussed:

- Positions both in favor and opposed to the application, as well as the general public response.
- Whether there is any rationality in sending the application forward to a public hearing.

**Amendment:**

It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that 1 (a) be amended to change the reference of 10 years to 20 years, and the following statement be added:

**...at a minimum rental rate at least 10% below market rental, if not more,**

Committee discussed:

- That some Councillors felt that while it is important to have a more meaningful rental agreement, it does not make the proposal more agreeable as a whole.
- That these amendments are to show one of the directions the Committee would like the application to be amended.

On the amendment:  
CARRIED 16/PLUC055

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
Against: Councillors Madoff, and Young

**Amendment to the amendment:**

It was moved by Councillor Loveday, seconded by Mayor Helps, to postpone consideration of the Rezoning Application until receipt of the Advisory Design Panel recommendations.

On the amendment:  
CARRIED 16/PLUC056

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
Against: Councillors Madoff, and Young

**Main motion as amended:**

**That Council postpone consideration of the Rezoning Application until receipt of the Advisory Design Panel recommendations.**

(Rezoning Application)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00472 for 1041 Oliphant Avenue and 212-220 Cook Street, securing 75% of the value of the identified land lift to be contributed to and divided equally between the Parks and Greenways Acquisition Reserve Fund and the Victoria Housing Reserve Fund, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met (previous conditions that have been satisfied have been removed):

1. Registration of the following:
  - a. Housing Agreement to secure the rental of nine units for a minimum of **20 years, at a minimum rental rate at least 10% below market rental, if not more**, and that future strata bylaws cannot prohibit strata owners from renting residential strata units;
  - b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;
  - c. Section 219 Covenant for sewage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City staff;
  - d. Section 219 Covenant for the public realm improvements associated with the sidewalk widening along Cook Street and the paving/widening of the rear lane, to the satisfaction of City staff.

On the main motion as amended:  
CARRIED 16/PLUC057

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
Against: Councillors Madoff, and Young

**Action:** (Development Permit)

It was moved by Councillor Coleman, seconded by Councillor Alto that Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to:

- the transition to the buildings along Oliphant Avenue
- opportunities to soften the visual appearance of the rear surface parking courtyard
- overall massing and finishes in relation to the neighbourhood context.

Following this referral, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00472, if it is approved, that Council consider the following motion:

That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped September 28, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Schedule C, 16.A.12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. The Development Permit lapsing two years from the date of this resolution.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
4. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m<sup>2</sup> of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure at the property line.

Committee discussed:

- Whether the application meets the objectives laid out in the Official Community Plan, and if so, does that lessen any concerns.
- That if the application is denied, any new application would need to be significantly different, or the applicant would be required to wait one (1) year prior to re-applying.

**Amendment:**

It moved by Councillor Loveday, seconded by Councillor Coleman, that three additional points be added to the Development Permit motion, under the requests to which the Advisory Design Panel pay particular attention, as follows:

- **setbacks of upper stories**
- **pedestrian facilities in the public realm**
- **appropriateness of the commercial extension from Oliphant to Park Boulevard**
- **Cook Street guidelines and appropriateness of architecture expressions**

**Amendment to the amendment:**

It was moved by Councillor Loveday, seconded by Councillor Alto, that the Development Permit Application be referred to the Advisory Design Panel, and the recommendations be brought forward to the Council, rather than be brought forward to a Public Hearing.

Committee discussed:

- Whether bringing the application forward to the Advisory Design Panel will be beneficial, when there are other concerns surrounding the application.

On the amendment to the amendment:

CARRIED 16/PLUC058

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe

Against: Councillors Madoff, and Young

On the amendment:

CARRIED UNANIMOUSLY 16/PLUC059

**Main motion as amended:**

(Development Permit)

That Council refer the Application to the Advisory Design Panel, with a request that the Panel pay particular attention to:

- the transition to the buildings along Oliphant Avenue
- opportunities to soften the visual appearance of the rear surface parking courtyard
- overall massing and finishes in relation to the neighbourhood context
- **setbacks of upper stories**
- **pedestrian facilities in the public realm**
- **appropriateness of the commercial extension from Oliphant to Park Boulevard**
- **Cook Street guidelines and appropriateness of architecture expressions**

Following this referral, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00472, if it is approved, that Council consider the following motion:

That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped September 28, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Schedule C, 16.A.12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. The Development Permit lapsing two years from the date of this resolution. 4. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.



4. That Council authorize 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 staff. This is to accommodate shoring for construction of the underground parking structure at the property line.

**That Council refer the Development Permit Application to the Advisory Design Panel and have recommendations brought back to Council.**

On the main motion as amended:  
CARRIED 16/PLUC060

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
Against: Councillors Madoff, and Young

## 15. ADJOURNMENT

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that the Planning and Land Use Committee meeting of January 28, 2016, be adjourned at 11:35 a.m.

CARRIED UNANIMOUSLY 16/PLUC61

CERTIFIED CORRECT:

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CITY CLERK

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MAYOR OF THE CITY OF VICTORIA