

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, NOVEMBER 12, 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, Isitt, Lucas, Loveday, Madoff, Thornton-Joe and Young.

Absent for a portion of the meeting: Councillors Isitt and Loveday

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; A. Hudson – Assistant Director, Community Planning, J. MacDougall – Assistant Director, Parks; F. Work – Director, Engineering; R. Bateman – Planner; J. Handy – Planner; M. Miller – Heritage Planner; B. Sikstrom – Senior Planner; C. Wain – Planner; C. Coates – City Clerk; J. Appleby - Recording Secretary.

Councillors Isitt and Loveday were not present when the meeting convened.

2. APPROVAL OF AGENDA

Action: It was moved by Councillor Alto, seconded by Councillor Madoff, that the Agenda of the November 12, 2015, 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 on October 29, 2015

Item #8 - Potential Heritage Advisory Panel Referrals

Amendment: It was moved by Councillor Coleman, seconded by Councillor Alto, that the agenda of the November 12, 2015 meeting be approved as amended.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC268

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC269

3. CONSENT AGENDA

3.1 Minutes from the Meeting held on October 29, 2015.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that the Minutes from the October 29, 2015, Planning and Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC270

3.2 Potential Heritage Advisory Panel Referrals

Councillor Madoff and Thornton-Joe brought forward a motion regarding the Heritage Advisory Panel and issues that the panel would like to bring forward.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends that Council approve the following referrals to the Heritage Advisory Panel for consideration, comments and / or recommendations on:

1. Possible further losses of the 1860's houses in Victoria.
2. The Heritage Significance of the 1889 Courthouse in Bastion Square.

CARRIED UNANIMOUSLY 15/PLUC271

4. DECISION REQUEST

4.1 R1-A Zone, Rockland Single Family Dwelling Bylaw Housekeeping Amendment

Committee received a report regarding proposed amendments to the R1-A Zone, Rockland Single Family Dwelling District. The amendments would clarify the intent of the Bylaw, specifically confirming that:

- Self-contained dwelling units in a house conversion are to be included in calculating the minimum site area when associated with attached and semi-attached dwelling units.
- Minimum site area (breathing room) requirements for pre-1970 conversions apply only when subdivision of the lot occupied by the conversion is proposed:

Councillors Isitt and Loveday joined meeting at 9:04 a.m.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Committee recommends that Council consider giving first and second reading to the Zoning Regulation Bylaw amendment proposed to the R1-A Zone, Rockland Single Family Dwelling District, and that a Public Hearing date be set.

CARRIED UNANIMOUSLY 15/PLUC272

4.2 Sidewalk Café Bylaw Progress Report

Committee received a report regarding a proposed approach for updating the Sidewalk Café Bylaw, improvements to the process associated with establishing sidewalk cafes and to seek direction to proceed with focused public consultation for feedback on the proposed changes.

Committee discussed:

- The need to have a bylaw that will encourage businesses to have removable fixtures in the public right-of-way.

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council direct staff:

1. To bring forward an updated *Sidewalk Café Bylaw* (No. 02-75) based on the following approach:
 - a. That the type of sidewalk cafés distinguish between whether objects are fixed in place or not.
 - b. That fully enclosed sidewalk cafés are no longer permitted.
 - c. That only fixtures that are easily removable are permitted.
 - d. That clearances from the curb be updated for safety and clarity.
 - e. That heater regulations be updated for safety and clarity.
 - f. That the fees be updated to simplify the process and for consistency with City policy.
 - g. That the adjacent parallel parking stall be an option for sidewalk café use in some circumstances.
 - h. That the Bylaw language be improved for clarity.
2. To prepare design guidelines to provide guidance for sidewalk café design and application review.
3. To proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.
4. To incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.

Committee discussed:

- Ensuring the public and those with mobility issues have clear access to the public right-of-way should be the City's main concern.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that the motion be amended as follows:

1. To bring forward an updated *Sidewalk Café Bylaw* (No. 02-75) based on the following approach:
 - a. That the type of sidewalk cafés distinguish between whether objects are fixed in place or not.
 - b. That fully enclosed sidewalk cafés are no longer permitted.
 - c. That only fixtures that are easily removable are permitted.
 - d. That clearances from the curb be updated for safety and clarity.
 - e. That heater regulations be updated for safety and clarity.

- f. That the fees be updated to simplify the process and for consistency with City policy.
- g. That the adjacent parallel parking stall be an option for sidewalk café use in some circumstances.
- h. That the Bylaw language be improved for clarity.
2. To prepare design guidelines to provide guidance for sidewalk café design and application review.
3. To proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.
4. **Refer this item to the Accessibility Working Group for feedback.**
- 4.5. To incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC273

Discussion on the main motion:

- Sidewalk cafés add to the vibrancy of the downtown.
- The need to have a bylaw that is concise and easy to understand.

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC274

5. DEVELOPMENT APPLICATION REPORTS

5.1 Development Permit Application No. 000430 for 1029 View Street

Committee received a report regarding an application for 1029 View Street. The proposal is to construct a mixed-use building comprising of ground-floor commercial and eight-storeys of residential above.

Councillor Loveday withdrew from the meeting at 9:43 a.m. and returned at 9:44 a.m.

Committee discussed:

- The original application approved by the previous Council has expired due to a delay caused by remediation of the site; the revised application contains more dwelling units and parking stalls.

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

“That Council refer Development Permit Application No. 000430 to the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

1. The building separation distances and opportunities to improve the interface between the existing multi-unit building at 1039 View Street.
2. The overall building design and in particular:
 - a. The visual impact of the “rotunda” feature and the projection to the west of the main entrance as it relates to the overall massing and proportions of the building.

- b. Opportunities to improve the demarcation of “base, body and top” through architectural elements as a means of mitigating the massing of the building.
 - c. Finishes and materials and how these meet the intent of the guidelines.
 - d. Opportunities to improve the definition of the podium level through increased ceiling heights.
 - e. Review of the private courtyards and the privacy screens as they relate to the pedestrian experience along the street.
3. The massing and bulkiness of levels seven and eight as they relate to floor plate limitation sizes.
 4. The relationship of the building and how it provides a sensitive transition to the surrounding context.
 5. Crime Prevention Through Environmental Design (CPTED) concerns associated with the garbage and recycling area.

Following this referral and after provision of either an arborist report or details for alternative replacement street trees and any necessary revisions requested by the Advisory Design Panel, that the Application be referred back to the Planning and Land Use Committee."

Committee discussed:

- The application is a special circumstance and would be built by now, if not for the site remediation.
- Concerns regarding how long the referral to the Design Panel and subsequent report would take to bring the application back to Committee.

DEFEATED 15/PLUC275

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

Action: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps.

“That Council authorize the issuance of Development Permit Application No. 000430 for 1029 View Street in accordance with:

1. Plans dated September 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Provision of an arborist report to demonstrate the mitigation measures needed to reduce the impacts on the retained street trees along View Street or an alternate plan to replace the street trees to the satisfaction of City staff.
4. Provision of additional detail related to the functionality of the two-tier bicycle parking to the satisfaction of City staff.
5. 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. This is to accommodate shoring for construction of the underground parking structure at the property line.
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.

7. The Development Permit lapsing two years from the date of this resolution.”

CARRIED 15/PLUC276

For: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Lucas, Loveday, Thornton-Joe and Young.
Against: Councillor Madoff

Committee recessed at 10:18 a.m.

Committee reconvened at 10:23 a.m.

Councillor Isitt withdrew from the meeting at 10:23 a.m. due to a potential non-pecuniary conflict as he is a board member of the Greater Victoria Harbour Authority, who are the owners of the subject property.

5.2 Heritage Application Permit No. 00208 for 700 Government Street

Committee received a report regarding an application for 700 Government Street. The proposal is to install six surplus lamp posts in order to light the pedestrian part of the Lower Causeway.

Action: It was moved by Councillor Alto, seconded by Councillor Madoff, that Committee recommends that Council authorize the issuance of Heritage Alteration Permit No. 00208 for the property at 700 Government Street, in accordance with:

1. Plans date stamped September 17, 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.

Committee discussed that the Harbour Authority has received funding for the site and is currently working on a comprehensive master plan which will eliminate the need to approve this type of application in isolation.

CARRIED 15/PLUC277

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

Councillor Lucas excused herself from the meeting at 10:28 a.m. due to a potential pecuniary conflict as she oversees all operations of a liquor retail store located at the Hotel Rialto.

Councillor Isitt returned to the meeting at 10:29 a.m.

6. LIQUOR LICENCE REPORTS

6.1 The Local Bar and Grill

Committee received a report regarding an application from the Local Bar and Grill located at 1205 Wharf Street, for a change to their Food Primary Licence to add a

Patron Participation Endorsement.

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends 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 license of The Local Bar and Grill, Liquor Licence No. 302531, located at 1205 Wharf Street, supports:

1. The application of The Local Bar and Grill to amend its Food Primary Liquor Licence to add a Patron Participation Endorsement.
2. That Council provides the following comments on the prescribed considerations:
 - a. The location is in the historic commercial district which authorizes restaurants, hotels, retail stores, tourist services and associated uses. The Food Primary Liquor licensed business is compatible with the neighbouring land uses. The business is located within the Old Town District and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - b. This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licenced premises. The restaurant has had no complaints of noise or nuisance since April 2007. There is some concern that this change could increase the likelihood of the business being operated contrary to its primary purpose.
 - c. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the restaurant and a notice posted at the property. Three written responses were received by the City, two opposed and one in support of the application.

Committee discussed:

- If there has been enough public consultation on the application.

CARRIED UNANIMOUSLY 15/PLUC278

6.2 The Strathcona Hotel

Committee received a report regarding an application from the Strathcona Hotel, located at 919 Douglas Street, for a change to their hours of service.

Action: It was moved by Councillor Loveday, seconded by Councillor Coleman, that Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary Licence of the Strathcona Hotel, Liquor Licence No. 136243, located at 919 Douglas Street, supports:

1. The application of the Strathcona Hotel to amend its Liquor Primary Licence to allow a change in operating hours to include 10:00 AM to 2:00 AM liquor service seven days per week.
2. That Council provides the following comments on the prescribed considerations:

- a. The location is within the Core Business Place designation in the in the Official Community Plan area which authorizes commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
- b. The Food Primary liquor licenced business is compatible with the neighbouring land uses. The business is located within the Central Business District and is within the Intermediate Noise District, which allows for a higher noise threshold.
- c. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the Hotel and a notice posted at the property. Two written responses were received from residents opposed to the application.

Committee discussed:

- Concerns from neighbours regarding the late night operation and the noise created when patrons leave the premises.

CARRIED 15/PLUC279

For: Mayor Helps; Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe.

Against: Councillor Young

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council request that the applicant provide information on what practises are used to address the neighbourhood concerns

CARRIED UNANIMOUSLY 15/PLUC280

Councillor Lucas returned to the meeting at 10:54 a.m.

7. ADJOURNMENT

Action: It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Planning and Land Use Committee meeting of November 12, 2015, be adjourned at 10:55 a.m.

CARRIED UNANIMOUSLY 15/PLUC281

Mayor Helps, Chair