

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, JULY 9, 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, Loveday, Lucas, Madoff, Thornton-Joe and Young

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; T. Soulliere – Director, Parks & Recreation; K. Hamilton – Director, Citizen Engagement & Strategic Planning; B. Dellebuur – Acting Assistant Director, Transportation & Parking Services; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; S. Hutchinson – Transportation Planner; S. Stern – Land Development Technologist; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; M. MacLeod-Shaw – Assistant City Solicitor; C. Mycroft – Executive Assistant to the City Manager; 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 June 25, 2015
- Item # 4 Development Permit Application No. 000427 for 1284 – 1298 Gladstone Avenue
- Item # 5 Development Variance Permit Application No. 00149 for 1362 Dallas Road
- Item # 6 Development Permit with Variances Application No. 000425 for 755 Caledonia Avenue

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the July 9, 2015, Planning & Land Use Committee meeting be approved, as amended.

CARRIED UNANIMOUSLY 15/PLUC

3. CONSENT AGENDA

3.1 Minutes

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Planning & Land Use Committee meeting held June 25, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC

3.2 Development Permit Application No. 000427 for 1284-1298 Gladstone Avenue

Committee received a report regarding an application for 1284-1298 Gladstone Avenue. The proposal is to modify the rear yard garbage and recycling enclosure with the addition of a shipping container for storage.

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

“That Council authorize the issuance of Development Permit Application No. 000427 for 1284-1298 Gladstone Avenue, in accordance with:

1. Plans date stamped May 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 15/PLUC

3.3 Development Variance Permit Application No. 00149 for 1362 Dallas Road

Committee received a report regarding an application for 1362 Dallas Road. The proposal is to convert the existing single family dwelling into four residential units.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends 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. 00149 for 1362 Dallas Road, in accordance with:

1. Plans date stamped June 10, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, Section 16.A.7, reducing the off-street parking requirement from three stalls to two parking stalls for the four unit conversion.
 - b. Schedule G, Section 6.B, relaxation to allow changes to the exterior of the building for the addition of an unenclosed deck space on the south side yard.

- c. Schedule C, Section 6.E, relaxation to allow changes to the exterior of a building facing a street, for the addition of an unenclosed deck space on the south side yard.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC

3.4 Development Permit with Variances Application No. 000425 for 755 Caledonia Avenue

Committee received a report regarding an application for 755 Caledonia Street. The proposal is for the replacement of ground floor retail space with residential units.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends 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. 000425 for 755 Caledonia Avenue, in accordance with:

1. Plans date stamped May 7, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Section 6.8.1(e) Increase of up to 435m² in permitted residential use on the first storey.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 15/PLUC

4. DECISION REQUEST

4.1 Dr. Sun Yat-Sen Statue Donation and Site Approval

Committee received a request from the Sun Yat-Sen Foundation for Peace and Education, to accept a donation of a statue of Dr. Sun Yat-Sen. The Foundation and the Canada Ocean Media Group Corporation will each donate \$10,000 to cover the costs of the statue and base for a total of \$20,000. The Foundation has requested that the City, in return for the gift, assist with the coordination of the project, including installation and unveiling of the statue.

Committee discussed:

- The location of the statue in Capital Regional District Square.
- The recommendation to reduce the base so that the total height including the base will be 10 feet to align this statue with the other public art in the area.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.

2. Accept the recommendation of the Art in Public Places Committee to reduce the height of the base to 7 feet and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

Committee discussed:

- The location in Capital Regional District Square was chosen as it was close to Chinatown and it is expected that the statue will be a draw for visitors.
- How tall the statue and base will be when combined.
- The statue and base cannot be altered but the concrete base could be modified to lower the overall height.

Amendment: It was moved by Councillor Young, seconded by Councillor Alto, that the motion be amended as follows:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.
2. Accept the recommendation of the Art in Public Places Committee to ~~reduce the height of the base to 7 feet~~ **to reduce the height of the statue and base to a total of 10 feet or less** and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

Committee discussed:

- If it is feasible to reduce the overall height to 10 feet or less.
- Cultural practice would have the statue on a plinth of a set height to convey a sense of respect.

On the amendment:
DECLINED UNANIMOUSLY 15/PLUC

Amendment: It was moved by Councillor Madoff, seconded by Councillor Alto, that the motion be amended as follows:

1. Accept the donation of the Dr. Sun Yat-Sen statue and base and approve the installation in Capital Regional District Square.
2. Accept the recommendation of the Art in Public Places Committee **to reduce the base as much as practically possible** and review of the interpretive text by an historian.
3. Direct staff to work with The Sun Yat-Sen Foundation for Peace and Education and the local organizing committee to install and unveil the statue.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC

On main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC

A Council member inquired about the status of the Council policy for consideration of memorial requests that has been under development. The City Manager advised that the report is underway.

5. POLICY REPORT

5.1 Density Bonus Report

Committee received a report regarding the use of density bonus to facilitate the provision of community amenities outside of the Downtown Core Area and the feasibility of setting a fixed-rate amenity contribution target to enhance or accelerate amenity development.

Committee discussed:

- If other municipalities use a fixed rate approach.
 - Every municipality has a different approach. Many have moved to fixed rates in locations outside of the downtown and where there are commercial and higher density areas in the downtown.
- The City is in the process of working with neighbourhoods regarding local area planning and this proposal seems contrary to that work.
- The importance of input from the communities many of which are having a hard time understanding the implications of bonus density.

- Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee recommends that Council:
1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
 2. Direct staff to consider the appropriate community amenity contribution approach based on the following:
 - a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 3. That staff report back to Council in the fall of 2015 with a proposed approach to community amenity contributions, including proposed public engagement.

- Amendment:** It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:
1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
 2. Direct staff to consider the appropriate community amenity contribution approach based on the following:

- a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 - e. **Consultation with neighbourhoods on the type of amenity desired in neighbourhoods.**
3. **That staff include consideration of a fixed rate bonus density calculation in the downtown.**
 4. That staff report back to Council in the fall of 2015 with a proposed approach to community amenity contributions including proposed public engagement.

Committee discussed the amendment

- The need to have meaningful consultation with the neighbourhoods to ask them what they want to see by way of amenities noting that consultation has taken place with the development community.
 - The intent was to understand from the development community the opportunities to generate funds for contributions.
- Noting that the OCP provides high level guidance where development occurs.
- This will provide the development community with more assurance about additional fees which can affect the viability of a project.
- How do Development Cost Charges (DCC) factor in? If rates went up would the amenity go down?
 - The DCCs are being reviewed to ensure costs are in keeping with current market conditions.

Amendment to the amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, to amend the amendment as follows:

1. Receive the City of Victoria Density Bonus Policy Study, March 2015, for information.
2. Direct staff to consider the appropriate community amenity contribution approach based on the following:
 - a. The amount of development growth envisioned within the *Official Community Plan*.
 - b. The findings of the Density Bonus Policy Study respecting the limited contributions predicted to be available.
 - c. Housing affordability objectives within the *Strategic Plan, 2015-2018*.
 - d. Actions arising out of the Mayor's Housing Affordability Task Force related to developer contributions to affordable housing (e.g. inclusionary zoning or similar mechanism).
 - e. Consultation with neighbourhoods on the type of amenity desired in neighbourhoods.
3. That staff include consideration of a fixed rate bonus density calculation in the downtown.

4. **That staff be directed to report back on the Development Cost Charges (DCC) review process.**
5. That staff report back to Council in the fall of 2015 with a proposed approach to the community amenity contributions, including proposed public engagement.

On the amendment:
CARRIED 15/PLUC

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

Against: Councillor Madoff

On the amended amendment:
CARRIED 15/PLUC

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

Against: Councillor Madoff

On the main motion as amended:
CARRIED 15/PLUC

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

Against: Councillor Madoff

6. STRATA CONVERSION APPLICATION

6.1 1237-1239 Oscar Street – Strata Conversion Application

Committee received a report regarding a request to reconsider the covenant placed on the property located at 1237-1239 Oscar Street. In 2012, Council approved the conversion of the building from rental to strata units, subject to the condition that one of the existing units be secured as rental accommodation for a period of five years. The applicant has requested that the covenant be removed and replaced with a contribution of \$10,000 to the Victoria Housing Reserve Fund.

Committee discussed:

- That the owner is anxious to sell and is worried that the covenant would impede the sale and impact a future purchaser.
- How the contribution amount of \$10,000 was agreed to.
 - The applicant initially offered \$5,000; during discussions with staff in the Community Planning Department, it was determined that the larger amount would be a reasonable number and could provide flexibility for a future affordable unit.

Action: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Committee recommends that Council approve a contribution of \$10,000 to the Victoria Housing Reserve Fund in lieu of the previous approval from June 28, 2012, requiring a covenant securing one of the units at 1237-1239 Oscar Street, as rental for a five (5) year period.

Committee discussed:

- Concern that by allowing the request it will set a precedent for future applications.
- The unit was not classed as affordable; the contribution toward the housing reserve can be used in a targeted way.
- Concern that a covenant for 5 years is too short a time frame and that the initial application should have stipulated the type of rental, such as affordable or low-income.
 - When the application was approved it was carefully considered. At the time the City wanted more rental units.

CARRIED 15/PLUC

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

Against: Councillor Madoff

Committee recessed at 10:45 a.m.

Committee reconvened at 10:52 a.m.

Councillor Lucas excused herself from the meeting at 10:53 a.m. due to a potential pecuniary conflict as she oversees all operations of a liquor retail store located at the Hotel Rialto.

7. POLICY REPORT

7.1 Review of Licensee Retail Rezoning Policy

Committee received a report regarding recommendations for amendments to the City's current Licensee Retail Stores Rezoning Policy. At the March 12, 2015, Governance and Priorities Committee meeting, staff were directed to consult with stakeholders to explore the viability of using the District of Saanich's approach to liquor stores as a basis for the City's policy.

Committee discussed:

- Grocery stores and the impact the new liquor policy would have on the sale of liquor in those locations.
 - The sale of liquor in grocery stores would be dependent on the existing zoning of the property and would be subject to a rezoning and Public Hearing if that use was not permitted on the land.
- How many grocery stores are currently zoned to sell liquor?
 - None.
- Every grocery store that would want to sell liquor must meet all conditions and a rezoning would be required.

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive advice on the advisability of having regulations for liquor being sold in grocery stores.

Committee discussed:

- Provincial legislation could change and evolve, and Council may have to rethink the sale of liquor in grocery stores.
- Concerns regarding the availability of liquor and the lack of inspection services to ensure safeguards are in place.

CARRIED 15/PLUC

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

Against: Councillor Young

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council consider the following changes to the Licensee Retail Stores Rezoning Policy:

“The Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.
2. The recommended store size be increased to 275m².
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan*.”

Action: It was moved by Councillor Young, seconded by Councillor Isitt, that the motion be amended as follows:

“The Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.
2. The recommended store size be increased to 275m², **with larger sizes to be considered under special circumstances.**
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan*.”

Committee agreed to divide the motion:

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that the Licensee Retail Rezoning Policy be amended as follows:

1. The distinction between private liquor stores and government liquor stores be eliminated and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.

CARRIED 15/PLUC

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

Against: Councillors Isitt and Loveday

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that:
2. The recommended store size be increased to 275m², with larger sizes to be considered under special circumstances.

Amendment: It was moved by Councillor Alto, seconded by Councillor Coleman that the motion be amended as follows:

2. The recommended store size be increased to 275m², with larger sizes to be considered ~~under special circumstances~~ **on a case-by-case basis.**

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC

Action: It was moved by Councillor Isitt, seconded by Councillor Alto, that:
3. References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the *Official Community Plan.*"

CARRIED UNANIMOUSLY 15/PLUC

Action: It was moved by Councillor Madoff, 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 items deal 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 15/PLUC

Mayor Helps left the meeting at 11:39 a.m. and Councillor Thornton-Joe assumed the Chair.

Committee recessed at 11:39 a.m.

Committee reconvened at 11:45 a.m.

8. CLOSED MEETING AT 11:45 A.M.

8.1 Approval of Agenda

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Agenda of the July 9, 2015, Closed Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC

8.2 Adoption of Minutes from the Closed Meeting held June 25, 2015

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Minutes from the Closed Planning & Land Use Committee meeting held June 25, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC

8.3 Proposed Amendments to the Master Development Agreement

Committee received a report regarding the Master Development Agreement.

The discussion and motion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC

9. ADJOURNMENT

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee adjourn the Planning & Land Use Committee meeting of July 9, 2015, at 1:05 p.m.

CARRIED UNANIMOUSLY 15/PLUC

Mayor Helps, Chair