

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, APRIL 16, 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 – General Manager, Victoria Conference Center, S. Thompson – Director of Finance; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Planner; H. Cain – Senior Planner; J. Handy – Senior Planner; S. Hutchison – Transportation Planner; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; 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 March 19, 2015.

Item # 8 Development Variance Permit Application No. 00147 for 1435 Brooke Street

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that the Agenda of the April 16, 2015, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 15/PLUC086

3. CONSENT AGENDA

3.1 Minutes from the meeting held March 19, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that the Minutes from the Planning & Land Use Committee meeting held March 19, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC087

3.2 Development Variance Permit Application No. 001477 for 1435 Brooke Street

Committee received a report regarding a development variance permit application for 1435 Brooke Street. The proposal is for a parking variance to allow a parking space in the front yard of the dwelling in order to facilitate the conversion of a garage into a recreation room.

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, consider the following motion:

“That Council authorize the issuance of Development Variance Permit No. 00147 for 1435 Brooke Street, in accordance with:

1. Plans date stamped March 3, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule “C” Section 3 - Relaxation to permit one parking space to be located in the front yard.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC088

Councillor Thornton-Joe joined the meeting at 9:02 a.m.

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. 00474 for 1733 Bank Street

Committee received a report regarding a rezoning application for 1733 Bank Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone to permit a 16 space child care facility in addition to an existing residential unit, within an existing single family dwelling.

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends that Council:

1. Instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00474 for 1733 Bank Street,
2. That first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

Committee discussed:

- That Council approval would not be required should the facility choose to change the hours or days of operation.
- The proximity to Sundance School and the hope that the increased use of the area will be a bonus to the community and not have a negative impact.

CARRIED UNANIMOUSLY 15/PLUC089

4.2 Development Permit Application No. 000413 for 343 Bay Street

Committee received a report regarding a development permit application for 343 Bay Street. The proposal is to construct a 31m² addition to an existing office building.

Committee discussed the proximity of the property to the harbour and questioned if a right-of-way could be established for the Harbour Pathway.

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

“That Council authorize the issuance of Development Permit Application No. 000413 for 343 Bay Street, in accordance with:

1. Plans date stamped March 9, 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 Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

CARRIED UNANIMOUSLY 15/PLUC090

4.3 Development Permit Application No. 000412 for 1908 Store Street

Committee received a report regarding a development permit application for 1908 Store Street. The proposal is to construct a new warehouse building and reconfigure the property line.

Committee discussed:

- The importance of continued protection of the heritage buildings adjacent to the main Capital Iron building.
- Concern that view corridors be retained along Store Street.

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. 000412 for 1908 Store Street, subject to receiving written confirmation from the Ministry of Environment that issues related to site contamination have been adequately addressed, to the satisfaction of the Assistant Director, Development Services, in accordance with:

1. Plans date stamped March 23, 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 Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

Councillor Isitt excused himself from the meeting at 9:20 a.m. due to a pecuniary conflict of interest as he is the City's appointee to the Greater Victoria Harbour Authority Board of Directors.

4.4 Development Permit Application No. 000417 for 89 Dallas Road

Committee received a report regarding a development permit application for 89 Dallas Road. The application proposes a temporary building for the sale of ice cream and coffee.

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

“That Council authorize the issuance of Development Permit Application No. 000417 for 89 Dallas Road, in accordance with:

1. Plans date stamped March 16, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. A Section 219 Agreement being registered on title requiring that the temporary building be removed from the property after a period of not more than five years to the satisfaction of the City Solicitor and the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

Committee discussed the appropriateness of the design of the building.

Councillor Isitt returned to the meeting at 9:23 a.m.

4.5 Development Permit with Variances Application No. 000401 for 1046 North Park Street

Committee received a report regarding a development permit with variances application for 1046 North Park Street. The proposal is to permit six multiple dwelling units. The application proposes variances to the parking requirements.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000401 for 1046 North Park Street, in accordance with:

1. Plans date stamped March 17, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 4.6.2 (8): Relaxation to permit one parking space to be located in the front of the building;

- ii. Schedule C - Off-street Parking (7.2)(b): Relaxation to permit one parking space to be located at 0m from a street;
 - iii. Schedule C - Off-street Parking (A)(11)(c): Reduction from 1.3 parking spaces per rental attached dwelling (8 parking spaces) to 0 parking spaces per rental attached dwelling (0 parking spaces).
3. Registration of a legal agreement on title dedicating the parking space to Victoria Car Share to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor.
 4. An Agreement between the present owner and Victoria Car Share to secure six car share memberships and the collection of membership fees to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor.
 5. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.

Committee discussed:

- The development will be phased due to site conditions. The rear building will be built first and then the other building fronting the street.
- Concerns about the lack of parking and the burden on the limited supply of on-street parking.
- The North Park Neighbourhood Association has written a letter of support but the lack of parking provided continues to be an issue. The Association would like to hold a workshop with City staff to discuss the limited available parking due to the mix of use, between residential and commercial.

CARRIED UNANIMOUSLY 15/PLUC093

Action: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to report back on the adequacy of on-street parking supply in the North Park area south of Caledonia, and any on-street parking capacity issues if they exist.

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee amend the motion as follows:

That Council direct staff to report back on the adequacy of on-street parking supply in the North Park area south of Caledonia, and report back on on-street parking capacity issues ~~if they exist~~ **as it pertains to this application.**

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC094

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC095

Councillor Thornton-Joe made a Notice of Motion that she will be requesting that moving forward the Planning and Land Use reports include a section that identifies affordability issues.

4.6 Development Permit with Variances No. 000408 for 1015 Rockland Avenue

Committee received a report regarding a development permit with variances for 1015 Rockland Avenue. The proposal is to permit minor changes to a previously approved site plan and design of a 14-unit, four-storey apartment building in the Fairfield-Gonzales neighbourhood.

Committee discussed:

- Car share memberships and if there is a study or any information showing how impactful car share memberships are and how well they offset parking variances.
 - The City has looked at the City of Vancouver policies where one car share replaces five parking spaces on-site. There is an adjustment period and it takes time for residents to change behaviour.
- There have been complaints regarding the location of the sales centre in the public right-of-way.
 - There are constraints on uses of the site and the owner has had to locate the sales centre / construction administration trailer in the street right-of-way. There is a permitting process in place to deal with the location of these types of trailers in the public right-of-way.

Action: It was moved by Councillor Alto, seconded by Councillor Lucas, 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. 000408 for 1015 Rockland Avenue, subject to:

1. Amendments to the Car Share Agreement between the applicant and Victoria Car Share Co-op to increase the total memberships from 5 to 14.
2. Securing the requisite monetary deposit to the Victoria Car Share Co-op to be held in trust by the applicant’s lawyer, to the satisfaction of the City Solicitor, and in accordance with:
 - i. Plans date stamped March 12, 2015.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements in the R-73 Zone (Rockland Avenue Multiple Dwelling District), except for the following variances:
 - Part 3.96.5 (b) - Allow the projection of balconies into the rear yard setback, by 1.65m.
 - Part 3.96.6 (a) - Increase in the maximum allowable site coverage from 58.0% to 59.6%
 - Part 3.96.6 (b) - Reduction in the minimum open space required from 14.7% to 13.1%
 - Part 3.96.7 (b) - Reduction in onsite vehicle parking from 0.87 spaces per unit to 0.78 spaces per unit for a multiple dwelling

subject to strata title ownership.”

CARRIED UNANIMOUSLY 15/PLUC096

Committee discussed:

- Concerns that the sales centre building is too large and has an impact on the adjacent neighbours and if there should be a more rigorous permitting process to regulate these types of buildings.
- If the sales centre could be relocated.
- If the City should have tighter regulations regarding these types of temporary buildings.

Action: It was moved by Mayor Helps, seconded by Councillor Isitt, that Council direct staff to provide a report on the City’s policy for permitting of construction and sales trailers in the cities right-of-way.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee amend the motion as follows:

That Council direct staff to provide a report on the City’s policy for permitting of construction and sales trailers in the cities right-of-way **before any new trailer permits are approved.**

Amendment to the amendment: It was moved by Councillor Isitt, seconded by Mayor Helps, that Committee amend the amendment as follows:

That Council direct staff to provide a report on the City’s policy for permitting of construction and sales trailers in the City’s right-of-way before ~~any any future trailer permits are approved~~ **new permits for sales office trailers are approved.**

On amendment to the amendment:
CARRIED UNANIMOUSLY 15/PLUC097

On the amended amendment:
CARRIED 15/PLUC098

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

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC099

Councillor Lucas withdrew from the meeting at 10:15 a.m.

4.7 Development Variance Permit Application No. 000385 for 759 Yates Street

Committee received a report regarding a development variance permit for 759 Yates Street. The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing.

Councillor Lucas returned to the meeting at 10:18 a.m.

Action: It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 000385 for 759 Yates Street in accordance with:

1. Plans date stamped March 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 6.8, Section 6(ii): Reduce parking requirement from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
3. Registration of a legal agreement on title securing 72 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department, and the City Solicitor.”

Committee discussed:

- Concerns if the bicycle parking storage will be adequate and if the units and hallways are large enough to accommodate their movement and storage.

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

Against: Councillors Isitt and Madoff

CARRIED 15/PLUC100

4.8 Heritage Alteration Permit Application No. 00191 for 1205 Wharf Street / 10 Bastion Square

Committee received a report regarding a heritage alteration permit application for 1205 Wharf Street and 10 Bastion Square. The application relates to additions made to the existing patio to install a trellis structure with natural gas heaters.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends:

1. That Council authorize the issuance of Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square subject to:
 - i. Plans date stamped June 20, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Authorization provided by the property owner of 1205 Wharf Street/10 Bastion Square.
 - iv. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning.
2. That Council provide express permission for a temporary patio structure in Bastion Square in accordance with Section 16(1) of Parks Regulation Bylaw No. 07-059 subject to:

- i. Final plans to be generally in accordance with the plans authorized by Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square to the satisfaction of the Assistant Director, Community Planning Division, Sustainable Planning and Community Development Department.
- ii. Term of approval is for one year, commencing immediately until such time as reasonable notice revoking the authorization is provided by Council.
- iii. That the Director of Parks has authority to renew the permit on an annual basis, provided the patio and structure do not conflict with any applicable laws and bylaws which are in force at the time of renewal.
- iv. The applicant providing confirmation of approval by the BC Safety Authority for the installation of the proposed gas heaters.

Committee discussed:

- The public use of private space and concerns from the applicant regarding the permit process.

Action: It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, to adjourn the Planning and Land Use Committee meeting at 11:08 a.m.
CARRIED UNANIMOUSLY 15/PLUC101

Committee convened the Special Governance and Priorities Committee meeting at 11:08 a.m.

Committee adjourned the Special Governance and Priorities Committee meeting at 11:09 a.m.

Committee reconvened the Planning and Land Use meeting at 11:09 a.m.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee amend the motion as follows:

1. That Council authorize the issuance of Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square subject to:
 - i. Plans date stamped June 20, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Authorization provided by the property owner of 1205 Wharf Street/10 Bastion Square.
 - iv. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning.
2. That Council provide express permission for a temporary patio structure in Bastion Square in accordance with Section 16(1) of Parks Regulation Bylaw No. 07-059 subject to:
 - i. Final plans to be generally in accordance with the plans authorized by Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square to the satisfaction of the Assistant Director, Community Planning Division, Sustainable Planning and Community Development Department.
 - ii. Term of approval is for one year, commencing immediately until such time as reasonable notice revoking the authorization is provided by Council.

- iii. That the Director of Parks has authority to renew the permit on an annual basis, provided the patio and structure do not conflict with any applicable laws and bylaws which are in force at the time of renewal.
 - iv. The applicant providing confirmation of approval by the BC Safety Authority for the installation of the proposed gas heaters.
- 3. That Council direct staff to consider options for the permitting of sidewalk cafés prior to this application being renewed.**

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

- 1. That Council authorize the issuance of Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square subject to:
 - i. Plans date stamped June 20, 2014.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements.
 - iii. Authorization provided by the property owner of 1205 Wharf Street/10 Bastion Square.
 - iv. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Community Planning.
 - 2. That Council provide express permission for a temporary patio structure in Bastion Square in accordance with Section 16(1) of Parks Regulation Bylaw No. 07-059 subject to:
 - i. Final plans to be generally in accordance with the plans authorized by Heritage Alteration Permit No. 00191 for 1205 Wharf Street/10 Bastion Square to the satisfaction of the Assistant Director, Community Planning Division, Sustainable Planning and Community Development Department.
 - ii. Term of approval is for one year, commencing immediately until such time as reasonable notice revoking the authorization is provided by Council.
 - iii. That the Director of Parks has authority to renew the permit on an annual basis, provided the patio and structure do not conflict with any applicable laws and bylaws which are in force at the time of renewal.
 - iv. The applicant providing confirmation of approval by the BC Safety Authority for the installation of the proposed gas heaters.
- 3. That Council expects receipt of a report reviewing sidewalk café ~~prior to this application being renewed~~ regulations in the next three months.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 15/PLUC101

On the amended amendment:
CARRIED UNANIMOUSLY 15/PLUC102

On the main motion as amended:
CARRIED 15/PLUC103

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

4.9 Afghanistan War Memorial Placement

Councillor Coleman recommended that a proposal to install a granite memorial in the southwest corner of Pioneer Square be considered for the Rockland Avenue Greenway.

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that Committee recommends Council approves that the granite memorial to commemorate those soldiers and civilians who have lost their lives in the Afghanistan War be installed in the Rockland Greenway.

Committee discussed:

- Locating the memorial in the greenway instead of Pioneer Square will accommodate its size, footprint and accessibility.

Amendment: It was moved by Councillor Isitt, seconded by Mayor Helps, that Committee amend the motion as follows:

That Council approves that the granite memorial to commemorate those soldiers and civilians who have lost their lives in the Afghanistan War be installed in the Rockland Greenway, **with the final design of the plaza and placement of the memorial being subject to Council's approval.**

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC104

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC105

Councillor Isitt excused himself from the meeting at 11:37 a.m. due to a pecuniary conflict of interest as his father lives a block away from the subject property.

4.10 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received a report regarding a heritage alteration permit application for 151 Oswego Street. The application is specific to the recent removal of the east addition and the reconstruction of the addition using new materials. The addition was originally envisioned to be retained and the commitment was secured in a Heritage Revitalization Agreement (HRA) that was adopted on July 24, 2014. The work will require an amendment to the HRA which requires Council approval.

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

- “That Council authorize the issuance of Heritage Alteration Permit Application No. 00197 for 151 Oswego Street in accordance with:
1. Plans date stamped February 11, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.”

“That Council instruct staff to amend the Heritage Revitalization Agreement for 151 Oswego Street subject to the owner providing a letter of consent and in accordance with:

1. Plans date stamped February 11, 2015.
2. Letters of engagement from the Registered Professionals, dated November 30, 2014, and January 5, 2015, respectively.”

Committee discussed:

- The City Solicitor has met with the developer; the meeting was productive but there are still concerns.
- Concern that the recommendation regarding the unauthorized demolition seems to be approving work that is contradictory to the issues raised in the report.
 - By supporting the recommendation the applicant would be required to replace the windows that have been installed with those that are depicted in the current HAP drawings.
 - What is under construction is different from the current HAP drawings and the intent of the HRA. The applicant would need to replace the windows with ones approved in the HRA or to be consistent with the current HAP drawings.
- There is a requirement that the applicant comply with the Heritage Revitalization Agreement which is specific and clear. It is also tied to the rezoning of the single family home and failure to comply will result in the occupancy permit for that home being withheld.
- Concerns that if the City allows the non-compliance in this instance, others will follow.

4. CLOSED MEETING AT 11:57 A.M.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Planning and Land Use Committee convene a Closed meeting that excludes the public under Section 12(6) of the *Council Bylaw* to receive legal advice as authorized by the Council Bylaw.

- *Section 12(3)(1) The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY 15/PLUC106

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

Absent: Councillor Isitt

Staff Present: J. Johnson – City Manager; A. Hudson – Assistant Director – Community Planning Division, Sustainable Planning and Community Development Department; M. MacLeod-Shaw – Assistant City Solicitor; M. Miller – Senior Heritage Planner; R.

Woodland – Director of Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

4.1 Heritage Alteration Permit Application No. 00197 for 151 Oswego Street

Committee received legal advice regarding the Heritage Alteration Permit (HAP) for 151 Oswego Street.

The discussion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC107

5. ADJOURNMENT

Action: It was moved by Councillor Loveday, seconded by Councillor Young, that Committee adjourn the Planning & Land Use Committee meeting of April 16, 2015, at 12:11 p.m.

CARRIED UNANIMOUSLY 15/PLUC108

Mayor Helps, Chair