

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MARCH 5, 2015, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps; Councillors Alto, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

Absent: Councillor Coleman

Staff Present: S. Thompson – Director of Finance; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; M. Miller – Senior Heritage Planner; C. Wain – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby – Recording Secretary.

Mayor Helps advised that Councillor Coleman is absent as he is representing the City at the Federation of Canadian Municipalities (FCM) Conference in Burnaby.

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Alto, seconded by Councillor Lucas, that the Agenda of the March 5, 2015, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 15/PLUC064

3. ADOPTION OF MINUTES

Minutes from the meeting held February 19, 2015.

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

CARRIED UNANIMOUSLY 15/PLUC065

4. DEVELOPMENT APPLICATION REPORTS

4.1 Development Variance Permit No. 00146 for 1486 Dallas Road

Committee received a report regarding a Development Variance Permit for 1486 Dallas Road. The proposal is to enclose an existing covered deck to create an addition to the second storey. The variances relate to increasing the combined floor area and increasing the number of storeys.

Committee discussed:

- If there should be a financial penalty associated with the Clean Hands Policy and by not imposing one, is the City being perceived as condoning illegal construction?
 - There is no penalty; the clean hands policy is quite onerous and includes a placement of a notice on title and a promise to remove the construction regardless of the outcome of Committee's decision.

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

“That Council authorize the issuance of Development Variance Permit Application No. 00146 for 1486 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances.
 - a. Section 2.13.d – Increase in the maximum combined floor area from 380m² to 393.35m².
 - b. Section 2.1.4.a – Increase in the maximum number of storeys for a building with a basement from one and a half to two.”

CARRIED UNANIMOUSLY 15/PLUC066

Councillor Isitt excused himself from the meeting at 9:09 a.m. due to a pecuniary conflict of interest as he is a Director of the Greater Victoria Harbour Association (GVHA) who hold a lease on the subject property.

4.2 Heritage Alteration Permit Application No. 00190 for 470 Belleville Street (CPR Steamship Terminal)

Committee received a report regarding a Heritage Alteration Permit Application for 470 Belleville Street. The proposal is to install exterior lighting to the north and east façades of the Steamship Terminal.

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

“That Council authorize the issuance of Heritage Alteration Permit Application No. 00190 for the property at 470 Belleville Street, in accordance with:

1. Plans date stamped February 3, 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, Community Planning Division, Sustainable Planning and Community Development Department.

Councillor Madoff wished to express her appreciation for the thoughtfulness of the application of lighting to the character defining elements of the building and to

advise that a plan to update the temporary signage will be coming forward in the near future.

CARRIED UNANIMOUSLY 15/PLUC067

Councillor Isitt returned to the meeting at 9:12 a.m.

5. POLICY REPORT

5.1 OCP Amendments – Subdivision and Administrative Amendments

Committee received a report regarding proposed amendments to the Official Community Plan (OCP) to clarify the conditions under which a Development Permit Application is required for subdivisions in Development Permit Areas and Heritage Conservation Areas, and to enact minor amendments correcting clerical and mapping errors in the OCP.

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

1. That Council consider consultation and determine, pursuant to Section 979(1) and 979(2)(a) of the *Local Government Act*:
 - a. That the affected persons, organizations and authorities are property owners and occupiers within the City of Victoria.
 - b. That the appropriate consultation measures would include a newspaper advertisement and contacting the Urban Development Institute (UDI) and Community Association Land Use Committees (CALUCs), posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
2. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
3. That Council direct staff to initiate consultation as outlined in the report.
4. That Council direct staff to return with a summary of that consultation and the proposed Official Community Plan Amendment Bylaw, for first and second reading and advancement to a Public Hearing.

Committee discussed:

- If the consultation period of two weeks is too short of a timeframe for the Community Associations Land Use Committees (CALUCs) to provide input.

Amendment: It was moved by Councillor Alto, seconded by Councillor Isitt that Committee consider the following amendment:

1. That Council consider consultation and determine, pursuant to Section 979(1) and 979(2)(a) of the *Local Government Act*:
 - a. That the affected persons, organizations and authorities are property owners and occupiers within the City of Victoria.

- b. That the appropriate consultation measures would include a newspaper advertisement and contacting the Urban Development Institute (UDI) and Community Association Land Use Committees (CALUCs), posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
2. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendments.
3. That Council direct staff to initiate consultation as outlined in the report **with the consultation period beginning on Friday, March 6, 2015, and ending on Friday, April 10, 2015.**
4. That Council direct staff to return with a summary of that consultation and the proposed Official Community Plan Amendment Bylaw, for first and second reading and advancement to a Public Hearing.

Committee discussed:

- If sufficient notice is being provided for the consultation period and if the City is limiting the audience by using only the Times Colonist newspaper for notice.
 - The Times Colonist and the VicNews are both utilized depending on the type of application. The *Local Government Act* may require advertising for two consecutive days, therefore the Times Colonist would be the appropriate media to satisfy that requirement.
- Concern that the public feel they are not being consulted and if illustrations of the possible implications of the changes could be made available prior to the item coming to Council.
- If the amendments confer any sense of entitlement to property owners.
 - Owners would still need to build according to the zoning of the land. Approving these changes is an administrative process only and is removing an unnecessary step.

On the amendment:
CARRIED UNANIMOUSLY 15/PLUC068

On the main motion as amended:
CARRIED UNANIMOUSLY 15/PLUC069

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that staff report back on options for public notification of land use matters including advertisements in newspapers.

CARRIED UNANIMOUSLY 15/PLUC070

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Committee adjourn the Planning & Land Use Committee meeting of March 5, 2015, at 9:30 a.m.

CARRIED UNANIMOUSLY 15/PLUC071

Mayor Helps, Chair