

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, SEPTEMBER 4, 2014, 9:00 A.M.**

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

Committee Members Present: Mayor Fortin; Councillors Alto, Helps, Isitt, Madoff and Young.

Absent: Councillors Thornton-Joe, Coleman and Gudgeon

Staff Present: J. Johnson - City Manager; D. Day – Director, Department of Sustainable Planning & Community Development; A. Meyer – Assistant Director, Development Services; A. Hudson – Assistant Director of Community Planning; H. Cain – Senior Planner; J. Handy – Planner; M. Miller – Planner; B. Sikstrom – Senior Planner; C. Wain – Planner; M. Wilson - Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

Committee considered the following amendments to the Agenda:

Item # 11 – Additional correspondence regarding 821 Princess Avenue

Action: It was moved by Councillor Helps, seconded by Councillor Alto, that the Agenda of the September 4, 2014, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 14/PLUC0204

3. CONSENT AGENDA

The Chair canvassed Committee who approved bringing forward the following items for approval:

- Item # 1 – Minutes from the Meeting held August 21, 2014
- Item # 5 – Development Permit Application # 000368 with Variances for 1014 Park Boulevard

3.1 Minutes from the Meeting Held August 21, 2014.

Action: It was moved by Councillor Alto, seconded by Councillor Helps, that the Minutes from the Planning & Land Use Committee meeting held August 21, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC0205

3.2 Development Permit Application # 000368 with Variances for 1014 Park Boulevard

Committee received a report regarding a Development Permit Application with Variances for the property located at 1014 Park Boulevard. The applicant is requesting five variances for building height, setbacks, site coverage and open space that are all technical in nature.

The following points were considered in assessing this application:

- In 2013, Council approved a Rezoning Application and a Development Permit Application to construct an eight-unit, four-storey apartment building on the property located at 1014 Park Boulevard.
- During preparation of working drawings, the applicant made changes to the plans primarily to address *British Columbia Building Code* requirements. As a result, the building height, side yard and rear yard setbacks and site coverage no longer comply with the zone criteria.
- The requested variances would not affect the overall form, massing or character of architecture, urban design, or landscape design and would have minimal impact on the neighbouring properties.

Action:

1. It was moved by Councillor Alto, seconded by Councillor Helps, That Council schedule a Hearing to consider Development Permit Application with Variances # 000368 for 1014 Park Boulevard.
2. Following the Hearing, that Council consider authorizing the issuance of the Development Permit with Variances for 1014 Park Boulevard, in accordance with:
 - a. Plans for Development Permit with Variances Application # 000368, stamped July 25, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
 - i. Part 3.95 – R1-72 Zone, Park Boulevard Multiple Dwelling District
 - Main building height relaxed from 12.10m to 12.70m
 - Minimum west side yard setback from main building relaxed from 1.50m to 1.48m
 - Minimum rear yard setback for main building above 7.0m in height relaxed from 7.20m to 5.70m
 - Minimum open space relaxed from 32% to 31%.
 - Maximum site coverage relaxed from 61% to 68%,
 - c. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0206

4. DECISION REQUEST

4.1 Rezoning Application # 00440 for 1156 Fort Street

Committee received a report regarding a Rezoning Application for 1156 Fort Street, known as Wentworth Villa. The proposal is to rezone from the R3-1 Zone (Multiple Dwelling District) to a new zone that would allow uses and apply regulations in the CA-2 Zone (Fort Street Special Commercial District). The proposal is to convert Wentworth Villa into the new "Museum of Pacific Northwest Heritage Homes".

Proposed uses within the museum would typically require a total of 20 vehicle parking spaces based on the CA-2 Zone. The proposal is to retain one existing parking space with no new additional on-site parking provided. Staff consider the shortfall to be acceptable given that the property is located along a major transit route on Fort Street and within walking distance (200m) of the Downtown Core.

Committee discussed:

- If there is a guarantee that the site will in fact become this museum or any museum?
 - It will be a custom zone that would include cultural exhibit. There is no guarantee that there will be a museum in the future. The proposed museum is aligned with the Official Community Plan, 2012, (OCP) which enables public facilities and community services throughout the City in all land use designations.
- Concerns about the reduction in parking.
 - Proposed uses within the museum would typically require a total of 20 vehicle parking spaces based on the CA-2 Zone. The proposal is to retain one existing parking space with no new additional on-site parking provided. Staff consider the shortfall to be acceptable given that the property is located along a major transit route on Fort Street and within walking distance (200m) of the Downtown Core.

Action:

- It was moved by Councillor Madoff, seconded by Councillor Alto,
1. a. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application # 00440 for 1156 Fort Street.
 - b. That Council consider giving first and second reading to this bylaw amendment after the bylaw has been drafted.
 - c. That Council schedule a Public Hearing after the bylaw has received second reading.

CARRIED UNANIMOUSLY 14/PLUC0207

4.2 Heritage Alteration Application # 00179 for 1156 Fort Street

Committee received a report regarding Heritage Alteration Permit # 00179 for the property at 1156 Fort Street. The application is for the conservation of the exterior of the 1862 property and includes the 1956 and 1911 additions and the alteration of the 1957 Heritage-Designated outbuildings.

The proposed rehabilitation work to the exterior of structures on the site includes significant and beneficial interventions for seismic strengthening, code compliance, accessibility and energy efficiency. In addition, the repair of deteriorated fabric along with the reconstruction of the balustrade will serve to reinstate the Villa's physical integrity and key heritage values.

Action: It was moved by Councillor Madoff, seconded by Councillor Alto, that subject to approval of Rezoning Application # 00440, that Council authorize the issuance of Heritage Alteration Permit # 00179 for 1156 Fort Street, subject to:

1. Development meeting all *Zoning Regulation Bylaw* requirements; and
2. Final plans to be generally in accordance with the plans dated July 23, 2014, for Rezoning Application # 00440 and Heritage Alteration Permit # 00179 and memo from applicant dated May 5, 2014, to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC0208

4.3 Development Permit Application # 000297 for 1823 Douglas Street

Committee received a report regarding a Development Permit Application for the property located at 1823 Douglas Street. The application is to construct a one-storey, plus mezzanine, commercial building for restaurant use with surface parking stalls accessed from Caledonia Avenue. The application was presented to the Planning and Land Use Committee (PLUC) in March of 2014. Council later endorsed a motion to refer the application to the Advisory Design Panel (ADP) and to report back to the PLUC upon completion of the design revisions. The ADP was asked to pay particular attention to the following:

- The external building finishes as they relate to the surrounding context and applicable design guidelines.
- The proposed landscape treatment and screening to the surface parking area.

Action: It was moved by Councillor Madoff, seconded by Councillor Alto,

1. That Council consider issuing Development Permit # 000297 for 1823 Douglas Street in accordance with plans date stamped July 16, 2014.
2. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed:

- It is unfortunate that more density isn't proposed for the site.

- This is another example of how the Advisory Design Panel adds value to a proposal and Committee should consider sending applications for their review as consistently as possible.

CARRIED UNANIMOUSLY 14/PLUC0209

4.4 Heritage Alteration Permit Application # 00184, # 00187 and # 00185 for 521, 539 and 545 Superior Street

Committee received a report regarding Heritage Alteration Permit Applications for the properties located at 521, 539 and 545 Superior Street. The applications seek to relocate three houses from Superior Street to the southeast quadrant of lands known as the South Block in James Bay.

The key issues associated with these applications are:

- Risks associated with relocating the structures.
- Physical protection of the structures from adjacent construction works.
- Legal protection of the relocated properties.

The relocation of these three houses will help to create a unified cluster of heritage homes along Michigan Street and complement the existing Heritage-Registered properties that front on to Government Street with considerable benefits in the public interest.

Councillor Young stated that his wife owns a unit in Roberts House which is within 200m of the subject properties and although he believes he is not in conflict, out of caution he withdrew from the meeting at 9:17 a.m.

Action:

- It was moved by Councillor Madoff, seconded by Councillor Alto,
1. That Council consider authorizing the issuance of Heritage Alteration Permits # 00184, # 00187 and # 00185 for 521, 539 and 545 Superior Street, for the relocation of the Jameson, John and Black Residences, respectively, subject to the following conditions being met prior to the issuance of a Building Permit authorizing their relocation.
 - a. That the owner of the Heritage-Registered Jameson, John and Black Residences provide the City with a letter irrevocably agreeing to the designation of the houses as protected heritage property pursuant to Section 967 of the *Local Government Act* and releasing the City from any obligation to compensate the said owners in any form for any reduction in the market value of the lands (including the receiving sites) or the designated property that may result from the designation, to the satisfaction of the City Solicitor.
 - b. That a Resolution Plan be provided to the City in accordance with the Section 219 Covenant registered on title to the lands, to the satisfaction of the Director of Sustainable Planning and Community Development and that it also include the consideration of potential risks associated with the relocation and the physical protection of the structure from adjacent construction works.
 - c. Development meeting all *Zoning Regulation Bylaw* requirements; and
 - d. Final plans to be generally in accordance with the plans dated June 16, 2014, for Heritage Alteration Permit Applications # 00184, # 00187, #

- 00185 for 521, 539, and 545 Superior Street to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That staff be instructed to prepare the Heritage Designation Bylaw that would designate the Jameson, John and Black Residences upon receipt of owner consent to the designations.
 3. That Council consider giving first and second reading of the Heritage Designation Bylaw after the bylaw has been drafted.
 4. That Council consider advancing the Heritage Designation Bylaw to a Public Hearing pursuant to Section 968 of the *Local Government Act*.
 5. That Council consider giving third reading of the Heritage Designation Bylaw after the Public Hearing.
 6. That Council consider adoption of the Heritage Designation Bylaw after the subdivision of the lands and the relocation of the houses to their new lots and that notice of the heritage designation be registered in the Victoria Land Title Office.

Committee discussed:

- A Heritage conservation area is being created and will complement the existing Heritage-Registered properties that front on to Government Street. This will create considerable benefits in the public interest.

CARRIED UNANIMOUSLY 14/PLUC00210

4.5 Heritage Alteration Permit Application # 00188 and # 00189 for 524 and 526 Michigan Street

Committee received a report regarding Heritage Alteration Permit Applications for the properties located at 524 and 526 Michigan Street. The relocation of the two houses within James Bay will help to strengthen the heritage character of the neighbourhood and ensure that an appropriate setting for the houses is reinstated. The principle of relocating the Prout House and Beaven/Macabe Residence to alternate sites within James Bay in a manner that is consistent with the Section 219 Covenant, accompanied by a plan to undertake the rehabilitation and an undertaking regarding the designation of the houses, will result in considerable benefits that are in the public interest.

Action:

- It was moved by Councillor Madoff, seconded by Councillor Alto,
1. That Council consider authorizing the issuance of Heritage Alteration Permits # 00188 and # 00189 for 524 and 526 Michigan Street, for the relocation of the Prout House and the Beaven/Macabe Residence, respectively, subject to the following conditions being met prior to the issuance of a Building Permit authorizing their relocation:
 - a. That the owner of the Heritage-Registered Prout House and the Beaven/Macabe Residence and the owner of the recipient sites provide the City with a letter irrevocably agreeing to the designation of the houses as protected heritage property pursuant to Section 967 of the Local Government Act and releasing the City from any obligation to compensate the said owners in any form for any reduction in the market value of the lands (including the receiving sites) or the designated property that may result from the designation, to the satisfaction of the City Solicitor.

- b. That a Relocation Plan be provided to the City in accordance with the Section 219 Covenant registered on title to the lands, to the satisfaction of the Director of Sustainable Planning and Community Development and that it also include the consideration of potential risks associated with the relocation and the physical protection of the structure from adjacent construction works.
 - c. Development meeting all *Zoning Regulation Bylaw* requirements; and
 - d. Final plans for Heritage Alteration Permit Applications # 00188 and # 00189 for 524 and 526 Michigan Street to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That staff be instructed to prepare the Heritage Designation Bylaw that would designate the Prout House and Beaven/Macabe Residence upon receipt of owner(s) consent to the designations.
 3. That Council consider giving first and second reading of the Heritage Designation Bylaw after the bylaw has been drafted.
 4. That Council consider advancing the Heritage Designation Bylaw to a Public Hearing pursuant to Section 968 of the *Local Government Act*.
 5. That Council consider giving third reading of the Heritage Designation Bylaw after the Public Hearing.
 6. That Council consider adoption of the Heritage Designation Bylaw after the relocation of the houses to their new lots and that notice of the heritage designation be registered to the Victoria Land Title Office.

CARRIED UNANIMOUSLY 14/PLUC0211

Councillor Young returned to the meeting at 9:27 a.m.

4.6 Consultation on Proposed New Building Bylaw

Committee received a report from Sustainable Planning and Community Development regarding a proposed new Building Bylaw.

The *Building Bylaw* is being updated, in particular the sections affecting complex buildings. The updates will reflect changes which have occurred in building practices and regulation, the City's administrative processes and best practices.

The most significant change is the introduction of the Municipal Insurance Association (MIA) model Building Bylaw, which has been modified to reflect the conditions of the City. The new model will not require the City's inspectors to perform inspection services on complex buildings, and instead rely entirely on Letters of Assurance as confirmation of BC Building Code and bylaw compliance.

This change is intended to:

- Reduce the liability risks to the City for with complex buildings
- Rely on specific professionals for their expert opinion, and
- Clarify the roles of building inspectors as administrators of the Building Permit process, not issuers of guarantees of construction or workmanship.

The proposed bylaw amendments will set the regulatory ground work to enable further improvements, including improved customer service and turnaround times. Certain housekeeping amendments will also be made to reflect changes to building

technology improvements and Provincial regulations, as well as changes to City processes.

Stakeholder feedback will be considered for inclusion into the draft bylaw which will be presented to Council early in 2015. This consultation will include both online tools (such as surveys) and interactive face-to-face initiatives to ensure the optimal outreach of stakeholders through a variety of accessible methods.

- Action:** It was moved by Councillor Alto, seconded by Councillor Madoff, that Council direct staff to:
1. Consult with stakeholders on the proposed changes in keeping with the consultation strategy summarized in Appendix A, and
 2. Report back on consultation when bringing forward the new Building Bylaw for consideration.

Committee discussed:

- Concerns that the City will rely entirely on Registered Professionals' Letters of Assurance (LOA) and not onsite inspections by staff for complex buildings.
 - The City's job is to ensure the Registered Professionals are doing their job. This will improve service levels for applications related to standard buildings by reallocating staff resources freed up from dealing with complex buildings.

CARRIED 14/PLUC0212

For: Mayor Fortin; Councillors Alto, Helps, Madoff and Young.
Against: Councillor Isitt

4.7 Consultation Regarding Bylaw No. 4620, Oak Bay Official Community Plan Bylaw

The District of Oak Bay Council will be considering Bylaw No. 4620, Oak Bay Official Community Plan Bylaw, 2014 (Proposed Oak Bay OCP) at a Public Hearing on September 9, 2014, and have referred the OCP to external agencies for comments. As a neighbouring municipality, the City of Victoria has been invited to provide comments.

Committee discussed:

- The City and Oak Bay working together on active transportation, especially on cycling coordination and active transport between the two municipalities.
- Support for Arts and Culture and preparation of an Arts and Culture Master Plan and regional collaboration on an arts and culture strategy.
 - Staff wanted to use the word consultation because that could include any number of approaches.

- Action:** It was moved by Councillor Alto, seconded by Councillor Helps, that Council consider directing staff to provide the following comments to the District of Oak Bay regarding Bylaw No. 4620, Oak Bay Official Plan Bylaw, 2014:
1. The objective and policies are compatible with the objectives and policies of the City of Victoria's Official Community Plan, 2012.

2. There are opportunities for collaboration between the two municipalities that could be further recognized in the proposed Oak Bay OCP, in order to support both communities' efforts to achieve respective OCP objectives. These opportunities include:
 - a. Coordinating planning, where opportunities exist, for the future of Oak Bay Avenue as a complete street and for Oak Bay Avenue Village (Section 5.1/Policy T1 as well as Section 4.4 including Policy MUC11);
 - b. Consulting adjacent municipalities in completing a Parks and Recreation Master Plan (Section 4.6/Policy PR1);
 - c. Consulting adjacent municipalities in completing an Arts and Culture Master Plan (Section 4.5/Policy CIS 9).
3. The Sanitary and Storm Sewers objectives and policies may be enhanced by recognizing the impacts of climate change (in reference to Section 5.2)
4. The Emergency Management objectives and policies within the proposed Oak Bay OCP may be enhanced by referring to the tsunami mapping contained in the CRD's 2013 Tsunami modelling project (in reference to the Tsunami Planning Zone identified in Figure 5.7).
5. The City supports coordination of active transportation corridors between Oak Bay and Victoria through development of pedestrian and cycling networks.

CARRIED UNANIMOUSLY 14/PLUC0213

5. CLOSED MEETING AT 10:05 A.M.

Committee Members Present: Mayor Fortin; Councillors Alto, Helps, Isitt, Madoff and Young.

Absent: Councillors Coleman, Gudgeon, and Thornton-Joe

Staff Present: J. Johnson City Manager, D. Day, Director of Sustainable Planning and Community Development; M. MacLeod-Shaw – Assistant City Solicitor; J. Handy – Senior Planner; R. Woodland – Director of Legislative & Regulatory Services, J. Appleby – Secretary.

6. DECISION REQUEST

6.1 Legal Advice – Heritage Protection

Committee received legal advice regarding heritage protection of a property.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 14/PLUC0215

6.2 Municipal Honour

Committee received a report dated September 4, 2014, from Mayor Fortin regarding a proposed Municipal Honour.

The discussion and motion were recorded and kept confidential.

CARRIED UNANIMOUSLY 14/PLUC0216

Action: It was moved by Councillor Alto, seconded by Councillor Helps, that Committee adjourn the Closed Planning & Land Use Committee meeting of September 4, 2014, at 10:35 a.m.

CARRIED UNANIMOUSLY 14/PLUC0217

RECONVENE OPEN MEETING AT 10:40 A.M.

7. PROPERTY MAINTENANCE BYLAW HEARING

Councillor Young was not present when Committee reconvened

7.1 Work Without Permit and Illegal Use/Suites – 121 Menzies Street

Committee received a report dated August 21, 2014, in respect to work that has been done without permit to convert the structure at 121 Menzies Street from its approved use as seven light-housekeeping units to eleven self-contained suites and two light house-keeping units. In addition to extensive unpermitted building, plumbing and electrical work inside the structure, the conversion also included the construction of a detached residential building in the rear yard. The property owner was directed to make application for the building, plumbing, and/or electrical permits required to correct all of the deficiencies found and return the property to an approved use and configuration.

The Chair opened the hearing at 10:40 a.m.

The Chair explained the recommendation that was before Committee.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends that the Planning and Land Use Committee direct the Corporate Administrator to file a Notice on Title in the Land Title Office in relation to the property located at 121 Menzies Street, legally described as Lot 27, Section 11 Beckley Farm Victoria Plan 753, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the Community Charter and the provisions of the Property Maintenance Delegation Bylaw and that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

The Chair asked if the property owner received a letter and report from the City in regards to this matter.

Mr. G. D. Osborne (Property Owner): Yes

The Chair asked if both parties are prepared to proceed with the hearing.

The Chair asked the City representative to give an opening statement and to present evidence.

Mr. A. Dolan (Senior Bylaw Officer): The property at 121 Menzies Street is located in the James Bay neighbourhood in the R-2, Two Family Dwelling District. The approved use of the property per the approved building plans is seven light house-keeping units (LHK). A light house-keeping unit contains cooking facilities but no private bathroom; instead residents share a common bathroom or bathrooms depending upon the number of units.

The Victoria Fire Department referred this property to the City's RESPOND Team after attending a medical aid call for an individual living in the basement. While onsite they observed health and safety concerns within the living unit, including hoarded materials and drug paraphernalia and observed what they believed to be unpermitted improvements to the basement area in general. At that time it was determined that a health and safety inspection of the building was warranted.

The building was inspected by the RESPOND Team on March 18, 2014 and it was found that the actual use of the structure was 11 self-contained suites, each with a private bathroom and two Light Housekeeping Units that shared one common bathroom. All of the renovations were done without any of the required building, plumbing and electrical permits or inspections. In addition, the property was found to be in a violation of a number of provisions of the City's *Zoning Regulation Bylaw* and also the *Business License Bylaw* by renting accommodation without a business license

Despite the property owner's stated intention to comply and bring the property into compliance he has thus far failed to do so. Staff believe that the task of bringing the property into compliance may be overwhelming due to the scope of the unpermitted work and have therefore recommended that a professional Architect or Home Designer be hired to assist in the process. At this time it is not believed that anyone has been engaged to undertake this project.

In the interim, the building is fully occupied and while there may not be any visible hazards which could pose an imminent risk to the health and safety of the building occupants the majority of the unpermitted improvements have not yet been inspected as they are hidden behind the walls and remain potentially unsafe.

The Chair asked the property owner if they have any questions of City staff.

Mr. G. D. Osborne (Property Owner): No

The Chair asked Committee if they have any questions for City staff.

The Chair asked the property owner to present their evidence.

Mr. G. D. Osborne (Property Owner): A fire inspection was done in February of this year and an electrical inspection has been done. The building, plumbing and mechanical repairs are being processed as we speak. In May of 2014 a condition report was put together by Herald Engineering. There were questions about not

having a business license, he has one going back to 2001 and he has copies if committee would like to see.

There is a lot of work to do, he has contacted another contractor and an electrical contractor and anything that needs to be done he is on board. Came to see Reed Cassidy with his plans and provided as-built drawings. He was told he needs a professional designer or architect to do that. He contacted a company on August 27, and had his first on-site meeting on August 28. They are working on making changes and that is where the work is now. It takes time to arrange meetings and have drawings completed.

The Chair asked Committee if they have any questions for the property owner.

Councillor Isitt: Mr. Osborne seems to have made quite an effort to fix the property, could Committee consider postponing this hearing?

Councillor Helps: Enquired to the status of the accessory building.

Mr. G. D. Osborne (Property Owner): It is not a new building but he did alter it to make it habitable.

The Chair closed the hearing at 10:59 a.m.

Action: It was moved by Councillor Madoff, and seconded by Councillor Helps, that the Planning and Land Use Committee direct the Corporate Administrator to file a Notice on Title in the Land Title Office in relation to the property located at 121 Menzies Street, legally described as Lot 27, Section 11 Beckley Farm Victoria Plan 753, indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the Community Charter and the provisions of the Property Maintenance Delegation Bylaw and that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

CARRIED 14/PLUC0218

For: Mayor Fortin; Councillors Alto, Helps, and Madoff
Against: Councillor Isitt

Councillor Isitt withdrew from the meeting at 11:00 a.m.

8. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Helps, that Committee adjourn the Planning & Land Use Committee meeting of September 4, 2014, at 11:02 a.m.

CARRIED UNANIMOUSLY 14/PLUC0220