

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MARCH 20, 2014, 9:00 A.M.**

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

Committee Members Present: Councillor Madoff (Chair); Councillors Coleman, Helps, Thornton-Joe and Young

Absent: Mayor Fortin; Councillors Alto, Gudgeon and Isitt

Staff Present: J. Johnson – City Manager; D. Day - Director, Department of Sustainable Planning and Community Development; A. Meyer – Assistant Director, Department of Sustainable Planning and Community Development; L. Baryluk – Senior Planner; J. Handy – Planner; D. Schaffer – Manager, Legislative Services; J. Appleby - Recording Secretary

2. APPROVAL OF THE AGENDA

Action: Councillor Helps moved that the Agenda of the March 20, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC053

3. CONSENT AGENDA

3.1 Development Permit Application with Variances # 000348 for 815 Queens Avenue

Committee received a memo dated March 7, 2014, regarding Development Permit Application with Variances for 815 Queens Avenue. The application is to increase the permitted height and site coverage and to decrease required setback and open site space to construct an eight-unit apartment building.

In 2013 the site was rezoned to a new, site-specific zone. The project is currently under construction. Due to an error within the applicant's drawings that were submitted as part of the Rezoning Application, the applicant now requires variances for height and setbacks and also wishes to add an additional parking stall in the rear yard.

Action: Councillor Helps moved that Council authorize that Development Permit Application with Variances # 000348 proceed to a Public Hearing subject to:

1. Revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Plans stamped "Development Permit # 000348, February 6, 2014".
4. Final Plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC054

4. ADOPTION OF MINUTES

4.1 Minutes from the meeting held March 6, 2014

Action: Councillor Helps moved that the Minutes of the Planning & Land Use Committee meeting held March 6, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC055

5. DECISION REQUEST

5.1 Rezoning Application # 00399 for 1121 Dominion Road

Committee received a report regarding Rezoning Application # 00399 for 1121 Dominion Road. The property is located in the R1-B Zone, Single Family Dwelling District and currently contains a single residential unit and operates an eight-space child care facility within the single family detached dwelling. The applicant proposes to rezone to a site-specific zone to permit a 16 space child care facility in addition to the existing residential unit to operate out of the existing single family dwelling. The applicant further proposed to reduce the number of required parking stalls from six stalls to one stall.

The City's standard Right-of-Way for a collector street is 20.0m. To achieve the width on this portion of Dominion Road, a Statutory Right-of-Way of 0.86m is recommended.

Committee discussed:

- If there are other SRW's on Dominion Street and when the City would be in a position to proceed with an expansion.
 - Staff advised that when the opportunity presents itself they take advantage of it.
- Does the SRW Policy go against the objective of creating density by sterilizing portions of property?
 - Staff advised that the policy exists to also provide for bike lanes or sidewalks in the future, not just for widening for roads.

Action: Councillor Young moved that Committee table the discussion of this item until further information regarding the Statutory-Right-of-Way process may be provided by staff.

CARRIED UNANIMOUSLY 14/PLUC056

5.2 Development Permit # 000297 for 1823 Douglas Street

Committee received a report regarding Development Permit Application # 000297 for 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 proposed primary exterior materials included acrylic stucco, wood trim, painted concrete and precision concrete black.

Issues include:

- The proposal presents several inconsistencies with the applicable design guidelines with respect to the height of the primary street wall, the length of the primary street wall, surface parking, proposed exterior materials and finishes.
- The proposal is not consistent with the objectives of Development Permit Area 2 (Heritage Conservation): Core Business

Committee discussed:

- The lack of consistency with design guidelines and in particular surface parking. According to existing policy, parking should be underground. There has also been no design mitigation provided.
- On a primary transit corridor the building should help to provide a pedestrian canopy.
- There are many problems with the application and it would be better served if the application was declined outright instead of having to go to another committee and then come back to this table.

Action: Councillor Helps moved that Council decline the application.

FAILED 14/PLUC057

For: Councillors Helps, Madoff

Against: Councillors Coleman, Thornton-Joe and Young

Committee continued to discuss the application as follows:

- The economic conditions are not favourable at this time to develop the site to its full potential.
- It would be best to have the design panel look at quality and finish.
- Staff have spent a great deal of time working with this application and it is unfortunate that it has to be referred to another committee.

Action: Councillor Thornton-Joe moved that Council Refer Development Application # 00297 for 1823 Douglas Street to the Advisory Design Panel (ADP) for review, with the provision of:

1. Detailed Elevations of all proposed fences.

2. A detailed landscaped plan.
3. Pedestrian weather protection for the length of the Douglas Street frontage. And that the ADP be requested to pay particular attention to the following:
 - a. The external building finishes as they relate to the surrounding context and applicable design guidelines as outlined in 4.1 of the report.
 - b. The proposed landscape treatment and screening of the surface parking area.
 - i. Upon completion of review by the ADP, that the applicant makes revisions to address the recommendations of the ADP as well as the staff suggestions contained in this report and the application along with a staff report return to the Planning and Land Use Committee.

CARRIED 14/PLUC058

For: Councillors Coleman, Thornton-Joe and Young

Against: Councillors Helps and Madoff

5.3 Rezoning Application # 00399 for 1121 Dominion Road

Action: Councillor Coleman moved to lift the following motion from the table:

That Committee table the discussion of this item until further information regarding the SRW process may be provided by staff.

Committee continued to discuss the Statutory-Right-of-Way process:

- If the overall system of road widening should be reviewed. Some areas have not seen growth in traffic.
- There is a need to protect the public right-of-way. To sever means the opportunity would never be available.

Action: Councillor Coleman moved that Rezoning Application # 00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw*, subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

CARRIED UNANIMOUSLY 14/PLUC059

Action: Councillor Coleman moved that the Planning and Land Use Committee recess until 10:30 a.m.

CARRIED UNANIMOUSLY 14/PLUC060

6. PROPERTY MAINTENANCE BYLAW HEARING at 10:30 a.m.

6.1 Illegal Use and Work without Permit – 737 Princess Avenue

At its meeting of January 9, 2014, the Planning and Land Use Committee made a motion to postpone consideration of the recommendation to file a Notice on Title for 737 Princess Street for 60 days. The purpose of the postponement was to give

the property owner(s) an opportunity to make application for the necessary building, plumbing and/or electrical permits, and complete the work and inspection process required to bring the property into compliance.

To date, the City has not received any applications for permits; however, the property owner has engaged Victoria Design Group to identify the highest and best use of the property and develop design plans for submission to the City's Planning Department.

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 737 Princess Avenue, legally described as PID 000-947-334, Lot D, Section 3, Victoria, Plan 3958, 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 advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

The Chair opened the hearing at 10:33 a.m.

The Chair explained the recommendation that was before Committee.

The Chair asked Mr. Dolan to explain the events that lead to this meeting.

Mr. Dolan: This property was inspected initially on July 23, 2013, by a multiagency team where it was found that there are three separate self-contained suites with a total of 12 bedrooms, each rented out individually. On January 9, 2014, Mr. Asfar was before this committee and at that time was granted a 60 days grace period to have the property brought into compliance. It is now 75 days later and the property is still not in compliance. The owner has only recently hired a designer. The property was visited on March 19, 2014, to do an occupancy check. It was found that there were twelve residents living at the residence with five of those individuals being ministry clients. Mr. Dolan stated that although he is not opposed to an extension being granted he felt that it would make no difference and that the property owner will continue to profit from the illegal suites.

The Chair stated that there is a request from the owner for an extension of 20 days and asked if staff supported this request.

Mr. Dolan: Stated that he will not support an extension and that a twenty day extension will not make a difference.

The Chair would have three options; to grant the 20 day extension or decline it or grant the extension and if there was no compliance to then file a notice on title.

The Chair closed the hearing at 10:39 a.m.

Action: Councillor Helps moved that Committee postpones consideration of the recommendation to file a Notice on Title for 737 Princess Street, legally described as PID 000-947-334, Lot D, Section 3, Victoria, Plan 3958, for

Twenty (20) days. Should the property not be brought into compliance on or before April 9, 2014, the Planning and Land Use Committee directs the Corporate Administrator to file a Notice in the Land Title Office, 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 advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

CARRIED UNANIMOUSLY 14/PLUC061

6.2 Illegal Use and Work without Permit – 584 John Street

Committee received a report dated February 27, 2014, in respect to work that has been done without permit to the single family dwelling located at 584 John Street including: construction of an addition to the front of the original structure and the enclosure of the rear deck as well as various plumbing and electrical work. The property owner was directed to make application for the building, plumbing and electrical permits required to correct all deficiencies and return the structure to an approved configuration. The owner has failed to comply and is instead actively trying to sell the property.

The Chair opened the hearing at 10:39 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 584 John Street, legally described as PID 007-635-788, Lot 24, Block R, Plan 33A, Section 4, Victoria E PT, 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 advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

The Chair asked if the property owner was present and if they had received notification of this hearing.

Mr. Huan Nguyen (Property Owner): Yes

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

A. Dolan (Senior Bylaw Officer): The property is located in the Burnside neighbourhood in the M-2, Light Industrial District. The approved use of the property is as a single family dwelling (SFD). The property was inspected by a multi-agency team on September 19, 2013, after concerns were raised regarding the number of transient occupants residing at this location as well as a number of suspected health and safety concerns. Upon inspection it was discovered that the

structure was not operating as an SFD, but rather as a “rooming house” and/or transient accommodation for a large number of persons known to Victoria Police.

The authorized tenants of record who attended the property to facilitate the inspection admitted that while their family pays the monthly rent to the property owner they did not currently reside on the property. They stated they attended the property very infrequently. As a result, it was concluded that the property and individual rooms within the structure were being sub-let on a transient basis by an unauthorized third party and that no one with any legal authority was in care and control of the property. This had resulted in an increased number of police calls for service and substantial deterioration of the condition of the property.

The property owner was directed to vacate all unpermitted tenancies and rental of individual rooms immediately and to make application for the required permits to return the property to a permitted use and configuration. The property owner did comply and served legal notice to vacate the property. This was only partially successful; the owner obtained and served an Order to vacate issued by the Residential Tenancy Branch. The owner took vacant possession of the property in January 2014, but has since stated his intention to sell the property and allow the original family to again take up residency despite unrepaired damage from a recent fire.

Given the owner’s ongoing failure to comply and the uncertainty of how effectively this property may be managed in the future, it is recommended that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will ensure that full disclosure is made to a prospective purchaser and lender as the property is currently for sale.

The Chair asked if the property owner had any questions of staff.

Mr. Huan Nguyen (Property Owner): No

Mr. Nguyen (Property Owner): Stated that before the fire in December 2013 he had applied for a permit and intended to repair the home but after the fire the property was found to be beyond repair and too costly to repair. The house is also very unsafe.

The Chair asked if the Committee had any questions.

Councillor Thornton-Joe: If a notice is placed on title and if the home is demolished, is the notice tied only to the structure?

A. Dolan: The issues with the property are with the structure only; if Mr. Nguyen demolishes the house, the notice would be removed once the demolition is complete and the Building Inspector has signed off.

A. Dolan: Clarified that Mr. Nguyen has asked the City to condemn the property but to his knowledge that recommendation has not been put forth. A fire inspection was prepared but no order to demolish has been given. He has explained to Mr. Nguyen that it is his property and he has the option to make an application for a demolition permit if he chooses but the City is not in a position to order that.

The Chair explained to Mr. Nguyen that the purpose of Property Maintenance Hearing is to place a notice on title and is unrelated to a demolition order.

Action: Councillor Thornton-Joe moved that Committee direct the Corporate Administrator to file a Notice on Title in the Land Title Office in relation to the property located at 584 John Street, legally described as PID 007-635-788, Lot 24, Block R, Plan 33A, Section 4, Victoria E PT, 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 advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

Action: Councillor moved that the Planning & Land Use Committee meeting of March 20, 2014, be adjourned at 10:50 a.m.

CARRIED UNANIMOUSLY 14/PLUC062

Councillor Madoff (Acting Mayor)