

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

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:02 A.M.**

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

**Absent:** Mayor Fortin, Councillor Isitt

**Staff Present:** J. Jenkyns – Acting City Manager; D. Day, Director, Department of Sustainable Planning and Community Development; A. Meyer – Assistant Director, Department of Sustainable Planning and Community Development; H. Cain – Senior Planner; M. Miller – Senior Planner; R. Woodland – Director of Legislative & Regulatory Services; J. Appleby - Recording Secretary

**2. APPROVAL OF THE AGENDA**

**Action:** Councillor Helps moved that the Agenda of the January 9, 2014, Planning & Land Use Standing Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC01

**3. CONSENT AGENDA**

**3.1 Rezoning Application # 00403 for 542 Langford Street**

Committee received a report dated December 6, 2013, from Development Services regarding an application to rezone a split-zoned lot from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and R1-B Zone, Single Family Dwelling District, to a new zone that will permit a single family dwelling with a secondary suite.

**Action:** Councillor Madoff moved that Committee recommends that Council direct staff to prepare the necessary *Zoning Regulation Bylaw* amendments for Rezoning Application # 00403 and advance the application for consideration at a Public Hearing.

CARRIED UNANIMOUSLY 14/PLUC02

### **3.2 Development Permit # 000331 for 769 Pandora Avenue**

Committee received a report dated December 12, 2013, from Development Services regarding a Development Permit Application for the property located at 769 Pandora Avenue. The application is to permit the construction of a new one-storey with mezzanine building to house a new climbing gym facility. The application is consistent with the existing CA-4 Zone, Central Area Commercial Office District.

**Action:** Councillor Madoff moved that Committee recommends that Council authorize the issuance of Development Permit # 000331.

CARRIED UNANIMOUSLY 14/PLUC03

### **3.3 Heritage Designation # 000132 for 804 Foul Bay Road**

Committee received a report dated December 17, 2013, regarding a Heritage Designation of an existing house which the owner has agreed to as part of Rezoning Application # 00414 to permit the relocation of the house to one lot (Lot B) in a four-lot subdivision of the property. The application was reviewed by the Heritage Advisory Committee at its December 10, 2013, meeting and was recommended for approval.

**Action:** Councillor Madoff moved that Committee recommends that Council authorize that Heritage Designation Application # 000132 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with Rezoning Application # 00414 and Heritage Alteration Permit Application # 00177 and that City staff prepare the Heritage Designation Bylaw to designate the property as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 14/PLUC04

### **3.4 Heritage Alteration Permit # 00177 for 804 Foul Bay Road**

Committee received a report dated December 4, 2013, regarding a Heritage Alteration Permit Application for exterior alterations to the house located at 804 Foul Bay Road. The application is in conjunction with a rezoning and four-lot subdivision application to allow for the retention and relocation of the existing house to a newly created lot on the corner of Foul Bay Road and Runnymede Avenue. The applicant has agreed to the Heritage Designation of the house as part of the rezoning. New windows and window wells for a basement suite are proposed for the existing northeast and northwest elevations.

**Action:** Councillor Madoff moved that Committee recommends that Council authorize that Heritage Alteration Permit Application # 00177 for 804 Foul Bay Road proceed for consideration at a Public Hearing in conjunction with

Rezoning Application # 00414 and Heritage Designation Application # 000132 in accordance with:

1. Application date stamped November 29 2013.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be in accordance with the plans dated November 29, 2013.

CARRIED UNANIMOUSLY 14/PLUC05

### **3.5 Amendment to Master Development Agreement for 1701 Douglas Street (The Hudson)**

Committee received a report dated December 4, 2013, from Development Services regarding a proposed amendment to the Master Development Agreement (MDA) for 1701 Douglas Street (The Hudson).

The MDA requires that the Developer provide permanent public art installations on the site with a value of no less than \$60,000. Prior to the issuance of a Building Permit for any building to be constructed on the site, the MDA requires that the Developer must provide the City with plans describing the full details of the proposed public art installation and a security deposit for their full value.

The Developer has provided the required security deposit of \$60,000; however, they wish to provide full details of the public art installation at a later stage, stating that this deferral will allow for further consideration of appropriate artwork which responds to both its location and the development context. The deferment of these details requires an amendment to the MDA.

Staff support the request and recommend that the MDA be amended to require that full public art installation details be submitted prior to the issuance of a Building Permit for any building to be constructed on Phase IV of the development.

**Action:** Councillor Madoff moved that Committee recommends that Council authorize an amendment to the Master Development Agreement for 1701 Douglas Street, in a form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development, requiring that the Developer submit plans describing full details of the required public art installations, prior to the issuance of a Building Permit for any building to be constructed in Phase IV of the development.

CARRIED UNANIMOUSLY 14/PLUC06

## **4. MINUTES**

### **4.1 Minutes of the Planning and Land Use Standing Committee held December 5, 2013**

**Action:** Councillor Madoff moved that the Minutes from the Planning and Land Use Standing Committee meeting held December 5, 2013, be corrected as follows:

Rezoning Application # 00410 and Development Permit for 152 Moss Street

- b. Preparation of a legal agreement to the satisfaction of the City Solicitor and Director of Engineering and Public Works to secure a Statutory Right-of-Way of ~~4.86~~ 0.86m along Moss Street.

CARRIED UNANIMOUSLY 14/PLUC07

**Action:** Councillor Madoff moved that the Minutes from the Planning and Land Use Standing Committee meeting held December 5, 2013, be approved as corrected.

CARRIED UNANIMOUSLY 14/PLUC08

## **5. DECISION REQUEST**

### **5.1 Rezoning Application # 00423 and Development Permit for 1580 Hillside Avenue**

Committee received a report dated December 5, 2013, from Development Services regarding a Rezoning Application and Development Permit Application to locate a liquor retail store on the Hillside Avenue frontage of Hillside Centre. The store will occupy a total floor area of 785m<sup>2</sup>, with 489m<sup>2</sup> of the total area devoted to retail.

Committee discussed:

- Concerns from the neighbourhood that it was unclear if the store will be government owned or private and that there is already a private liquor store in close proximity to the proposed site that will be in direct competition.
- The potential of additional policing costs.

**Action:** Councillor Helps moved that Committee recommends that Council authorize:

1. That Rezoning Application # 00423 for 1580 Hillside Avenue proceed for consideration at a Public Hearing and that staff prepare the necessary *Zoning Regulation Bylaw* amendments to allow a Liquor retail Store as a permitted use within the Hillside Center Mall, limited to a location along Hillside Avenue and further limited to a maximum total floor area of 785m<sup>2</sup>.
2. Following consideration of Rezoning Application # 00423, that Council authorize the issuance of Development Permit Application # 000335 in accordance with:
  - a. Plans date stamped October 29, 2013.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements.
  - c. Final plans to be in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 14/PLUC09

## **5.2 Rezoning Application # 00411 and Development Permit for 97 Cook Street**

Committee received a report dated December 19, 2013, from Development Services regarding an application to rezone the property at 97 Cook Street from the R1-B Zone (Single Family Dwelling District) to permit the retention of a Heritage-Registered house on a subdivided lot and the construction of a new small-lot single-family dwelling. As the heritage house has a greater total floor area than allowable under its current zoning, a custom zone is required.

Committee discussed:

- Under the authority delegated to the Approving Officer, this property could have been demolished and two houses built. Providing the lot complies with all requirements, the Approving Officer must approve the sub-division.
- Committee questioned if there were many other lots in this area that fit the same criteria or if this is an unusual circumstance. The applicant responded that it is the only lot in the neighbourhood exceeding 10,000ft<sup>2</sup>.

**Action:** Councillor Madoff moved that Committee recommends that Council authorize:

1. That Rezoning Application # 00411 for 97 Cook Street proceed for consideration at a Public Hearing, subject to:
  - a. Preparation of the necessary *Zoning Regulation Bylaw* amendments for the existing single family dwelling and a new small-lot house.
  - b. Referral of the owners' Heritage Designation Application to the Heritage Advisory Panel.
2. Subject to adoption of the *Zoning Regulation Bylaw* amendments, that Council authorize:
  - a. Heritage designation of the Heritage-Registered house located at 97 Cook Street.
  - b. Issuance of a Development Permit, in accordance with:
    - i. Plans date stamped October 29, 2013.
    - ii. Development meeting all Zoning Regulation Bylaw requirements.
    - iii. Final plans to be in accordance with plans identified above.

CARRIED UNANIMOUSLY 14/PLUC010

## **5.3 Development Permit # 000293 with Variances for 1032 North Park Street**

Committee received a report dated December 12, 2013, from Development Services regarding a Development Permit Application with Variances for the property located at 1032 North Park Street. The application is to develop eleven compact apartment units consisting of eight two-bedroom units and three one-bedroom units. The application also seeks to vary the required parking from fourteen stalls to five stalls.

While the proposal advances other objectives of the *Official Community Plan* in relation to the location of residential growth, the parking provision does not meet Schedule C of the *Zoning Regulation Bylaw*. The applicant is requesting a parking variance from fourteen to five stalls. While the proposed development does not meet the required parking for the proposed use, staff support this application as significant Transportation Demand Management (TDM) measures will be implemented.

Committee discussed:

- The success of the Car Share Co-op Program and the fact that the City now has the legal mechanism to enforce this provision.
- As the committee had several questions regarding the transportation aspect of the application it was requested that should this application be forwarded to a Public Hearing, that Transportation staff be available to respond to Council's inquiries.

**Action:** Councillor Gudgeon moved that Committee recommends that Council advance Development Permit Application with Variances # 00293 for 1032 North Park Street for consideration at a Public Hearing subject to the completion of the following prior to the Public Hearing:

1. Revisions to the design so as to meet the *Official Community Plan*, Place Character Features objective, ensuring that the orientation of the entrance door to Unit 1 faces North Park Street and that the entrance to the building be clearly identifiable to visitors;
2. Plans as revised in relation to the changes noted in condition 1 above;
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance from Schedule C:
  - Number of parking spaces relaxed from 14 to 5
4. The proposed Transportation Demand Management (TDM) measures are secured by the appropriate agreement between the Victoria Car Share Cooperative and the Developer to the satisfaction of the City Solicitor; and
5. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

**For:** Councillors Alto, Coleman, Helps, Gudgeon, Thornton-Joe, and Madoff

**Against:** Councillor Young

CARRIED 4/PLUC011

*Committee recessed at 9:59 a.m.*

*Committee reconvened at 10:30 a.m.*

## **6. PROPERTY MAINTENANCE HEARINGS**

### **6.1 Illegal Use and Work Without Permit – 737 Princess Avenue**

Committee received a report dated November 12, 2013, from Legislative & Regulatory Services in respect to work that has been done without permit to convert the building from its approved use as a single family dwelling to three

separate self-contained dwelling units. The property owner was directed to vacate the unpermitted residential occupancy of both the top floor and basement suites, and to make application for the building, plumbing, and/or electrical permits required to return the property to a permitted use.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends that the Planning and Land Use Standing 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 DISTRICT, 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 10:30 a.m.*

*The Chair explained the recommendation that was before Committee.*

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

John Asfar (Property Owner Representative): Yes

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

A. Dolan (Senior Bylaw Officer): The property at 737 Princess Avenue is located in the Rock Bay neighbourhood in the M-1, Limited Light Industrial District. The approved use of the property is single family dwelling (SFD). The property was inspected by a multi-agency team on July 23, 2013, after concerns were raised regarding the number of occupants residing at the location. Upon inspection it was discovered that the building contained three separate self-contained units: a five bedroom suite in the basement, a five bedroom suite on the main floor and a two bedroom suite in the attic. Due to the low ceiling height in the basement and lack of access to the attic it has been determined that neither area was originally intended to be habitable. The original letter and notice of hearing was sent to the wrong address and such the hearing was postponed until January 9, 2014. Since that time they have heard from Mr. Asfar on several occasions. To date there are no building permits applied for and the property still remains as rental suites.

*The Chair asked if the property owner representative had any questions for Mr. Dolan.*

J. Asfar (Property Owner Representative): He would like to point out that as soon as he found out about the hearing he was quick to take action.

A. Dolan (Senior Bylaw Officer): He has been working with Mr. Asfar on another property to bring into compliance and Mr. Asfar has been very cooperative.

*The Chair asked if Committee members had any questions.*

*The Chair asked the property owner if he wished to explain his version of the events.*

J. Asfar (Property Owner Representative): When the property was purchased in 2004 it had a suite on the top floor. It is a character home from about 1910, and all the wood work is original. The main floor is a character suite that has had minor aesthetic upgrades. The basement appears to be altered within the last 25 years. Some work has been completed to improve the suite such as new bathroom fixtures and replacement of the panelling. Once notice was received about the hearing for this property he immediately hired an architect and provided eviction notice to the tenants. He requested that the hearing be postponed to allow him more time to work at bringing the property into compliance.

*The Chair asked if Mr. Dolan had any questions for the property owner.*

A. Dolan (Senior Bylaw Officer): Clarified that after the last hearing Bylaw & Licensing posted notices on the apartment doors notifying the occupants that occupancy was unapproved.

The enforcement letter that was sent from the Building Inspector on August 15, 2013, provided a detailed plan to bring the property into compliance and should be helpful to Mr. Asfar.

Mr. Dolan stated that not be opposed to a motion to postpone the registration of a Notice on Title. The Notice on Title may prevent Mr. Asfar from obtaining financing to bring the property into compliance.

*The Chair asked if Committee Members had any further comments.*

Councillor Madoff: When the property was purchased did you confirm the legal use?

J. Asfar (Property Owner Representative): At the time four properties were purchased at once and the intent was to demolish the buildings to make a parking lot.

*The Chair asked if any members of the public wished to comment.*

*The Chair asked if staff had any final comments.*

*The Chair closed the hearing at 10:49 a.m.*

**Action:** Councillor Helps moved that Committee postpone consideration of the recommendation to file a Notice on Title for 737 Princess Street for 60 days.

CARRIED UNANIMOUSLY 14/PLUC012



## **6.2 Illegal Use and Work Without Permit – 1124 Empress Avenue and 1128 Empress**

Committee received reports dated November 08, 2013, regarding work that has been done without permit to expand the liveable space of the rental duplex by converting the basement into a suite, making a rental triplex. The owner has indicated that they will not seek building, plumbing or electrical permits to return the property to an approved configuration and are aware the City may place a Notice on Title.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends that the Planning and Land Use Standing Committee direct the Corporate Administrator to file a Notice on title in the Land Title Office in relation to the property located at 1124 Empress Avenue, legally described as PID 008-080-429, THE SOUTHERLY 65 FEET OF LOT 5, SECTION 3, VICTORIA DISTRICT, PLAN 1036, 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.

Recommendation: The Manager, Bylaw & Licensing (Building Inspector) recommends that the Planning and Land Use Standing Committee direct the Corporate Administrator to file a Notice on title in the Land Title Office in relation to the property located at 1128 Empress Avenue, legally described as PID 007-011-642, THE SOUTHERLY 65 FEET OF LOT 6, SECTION 3, VICTORIA, PLAN 1036, 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 10:56 a.m.*

*The Chair explained the recommendation that was before Committee.*

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

S. Logan (Property Owner): Yes.

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

E. Garner (Senior Bylaw Officer): The properties at 1124 and 1128 Empress Avenue are located in the Fernwood neighbourhood in an R-2, Two Family Dwelling District. The approved use of both properties is Duplex. The properties were originally inspected in 1995, October 2008, and again on October 8, 2013. It was discovered that there was an additional suite located in the basement of the

dwellings and it was also discovered that a substantial amount of work had been done without permit

*The Chair asked if the property owner had any questions.*

S. Logan (Property Owner): Not at this time.

*The Chair asked if Committee members had any questions.*

*The Chair asked the property owner if she wished to explain her version of the events.*

S. Logan (Property Owner): The buildings were purchased many years ago and were once owned by the church. The property at 1128 Empress Street was rewired and three hydro meters were installed under permit. Both properties had rental suites.

*The Chair asked if Mr. Garner had any questions for the property owner.*

*The Chair asked if there were any further comments.*

Councillor Thornton-Joe: How could an electrical inspection be done and three meters be installed if this is not legal? Could there be a miscommunication between departments in the City?

E. Garner (Senior Bylaw Officer): The City's records do not show there were permits but he has no reason to doubt Mrs. Logan. With the previous records system, often permits did not migrate to new software. At the time there is a likelihood that the software that would have identified this as a problem did not exist.

*The Chair closed the hearing at 11:00 a.m.*

**Action:** Councillor Helps moved that Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the properties located at 1124 Empress Avenue, legally described as PID 008-080-429, THE SOUTHERLY 65 FEET OF LOT 5, SECTION 3, VICTORIA DISTRICT, PLAN 1036, 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/PLUC013

**Action:** Councillor Helps moved that Committee direct the Corporate Administrator to file a notice in the Land Title Office in relation to the properties located at 1128 Empress Avenue, legally described as PID 007-011-642, THE SOUTHERLY 65 FEET OF LOT 6, SECTION 3, VICTORIA, PLAN 1036, 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/PLUC014

## **7. ADJOURNMENT**

**Action:** Councillor Helps moved that the Planning and Land Use Standing Committee meeting of January 9, 2014, be adjourned at 11:10 a.m.

CARRIED UNANIMOUSLY 14/PLUC015

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Councillor Alto, Chair