

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, APRIL 17, 2014, 9:00 A.M.**

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

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

Absent: Councillor Isitt

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

2. APPROVAL OF THE AGENDA

Action: It was moved by Councillor Helps, and seconded by Councillor Alto, that the Agenda of the April 17, 2014, Planning & Land Use Committee meeting be approved.

CARRIED UNANIMOUSLY 14/PLUC083

3. MINUTES

Minutes from the meeting held April 3, 2014.

Action: It was moved by Councillor Alto, and seconded by Councillor Helps, that Minutes from the Planning & Land Use Committee meeting held April 3, 2014, be approved.

CARRIED UNANIMOUSLY 14/PLUC084

4. DECISION REQUEST

4.1 Rezoning Application # 00380 and Development Permit with Variance for 62 Cambridge Street - Update

Committee received an updated report regarding Rezoning Application and Development Permit with Variance for the property located at 62 Cambridge Street. The proposal is to rezone the property from the R1-B Zone (Single Family Dwelling District) to permit a single family dwelling with a secondary suite on a subdivided lot and construction of a new small lot house with one variance related to the front

yard setback requirements. The existing single family dwelling on a newly created lot will have a greater total floor area and higher density than the R1-B Zone, so a custom zone is required.

In an earlier report staff advised that the proposal was not consistent with the land use policy and design guidelines. Staff recommended that this application be declined because the applicant did not achieve a “satisfactory support” level (75%) of neighbours as identified in the Small Lot House Rezoning Policy. The Committee postponed a decision and directed the applicant to seek more support and to refine the small lot house design.

Subsequent new information has been received that demonstrates that the support from the neighbours is below the required level of 75%.

Committee discussed:

- If it is valid to have the polling done by the proponent
- Neighbours are clearly against the proposal.
- That the lot seems appropriate for development and if a garden suite would be a more appropriate use of the property.
- The applicant proposed doing too much on the site. If the desire is to protect neighbourhoods, then the City must have a policy to keep single family dwelling residential areas stable.

Action: It was moved by Councillor Young, and seconded by Councillor Madoff, that Committee recommends that Council decline Rezoning Application # 00380 and Development Permit with Variance for 62 Cambridge Street.
CARRIED UNANIMOUSLY 14/PLUC085

4.2 Development Permit Application # 000347 for 845 Yates Street

Committee received a report regarding Development Permit Application # 000347 for the property located at 845 Yates Street.

The proposal is to remove the existing wave mural (quartzite tiles) from the east elevation of the exit stair tower that extends from the second floor level up to the roof. The proposed exterior finish would instead consist of a painted mural to replace the existing wave image.

The key issues associated with this application are the appearance of the proposed wave image that would likely result from the change in materials and the contemporary interpretation of the original image and the durability and resulting maintenance requirements of a painted finish. The subject property is within the DPA 2 (HC): Core Business Urban Place Designation and the Downtown and Harris Green Neighbourhood.

Action: It was moved by Helps, and seconded by Madoff, that Committee recommends that Council authorize the issuance of Development Permit # 000347, subject to the applicant reducing the size of the proposed grid to the satisfaction of the Director of Sustainable Planning and Community Development.

Committee discussed:

- If a mural is an appropriate response for such a prominent landmark.
- That a lesser material might not be an appropriate substitute for the tile.
- The need to learn why the quartzite tile failed.

Councillor Alto withdrew from the meeting at 9:41a.m. and returned at 9:42 a.m.

Action: It was moved by Councillor Madoff, and seconded by Councillor Gudgeon, that Committee recommends that Council postpone consideration of the motion until the applicant provides more information on the need for replacement of the tiling.

CARRIED 14/PLUC086

For: Councillors Alto, Coleman, Gudgeon, Madoff, Thornton-Joe and Young
Against: Mayor Fortin, Councillor Helps

4.3 Development Permit with Variance Application # 00132 for 1637 Hollywood Crescent

Committee received a report regarding a Development Variance Permit Application for the property at 1637 Hollywood Crescent. The applicant proposes to replace an existing single family detached dwelling with a new single family detached dwelling having a total floor area of 359.3m². The increased floor area would permit the full excavation of the basement and allow an extra guest bedroom and exercise area.

The following conclusions were reached in analysing this application:

- While the increased floor area is above that permitted under the existing R1-G Zone, it will not affect its height or massing and will not adversely impact the neighbouring properties.
- The proposed single family detached dwelling meets all other zoning regulations and will fit with the neighbouring houses in the area.

Committee discussed:

- The existing zoning provides for a generous size house; is the additional square footage warranted?
- The design is one that maximizes the site and does not fit in with the neighbourhood.

Action: It was moved by Councillor Gudgeon, and seconded by Councillor Alto, that Committee recommends that Council authorize that Development Variance Permit # 00132 for 1637 Hollywood Crescent proceed to a Public Hearing, in accordance with plans stamped "Development Variance Permit # 00132" dated February 17, 2014, subject to:

1. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Part 1.6, Section 1.6.3.c.: Floor area, of all floor levels combined (maximum) varied from 300m² to 359m².

2. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED 14/PLUC087

For: Mayor Fortin, Councillors Alto, Coleman, Helps, Gudgeon,
Thornton-Joe and Young.

Against: Councillor Madoff

Councillor Thornton-Joe withdrew from the meeting at 9:54 a.m. and returned at 9:55 a.m.

4.4 Interim Update on Garden Suites Policy for Detached Accessory Dwelling Units

Committee received an interim review and update on the Garden Suite Policy (attached) adopted by Council on September 8, 2011.

At the time of its adoption, Council requested that staff report back with information on the development of garden suites after 18 months. The review and report back from staff has been delayed due to the small number of applications received for garden suites. To date, 12 applications have been received, most within the past year. A summary of these applications is provided in Appendix 1 of this report.

The staff conclusions from the Rezoning Applications received to date are as follows:

- The applications have generally complied with the *Garden Suite Policy* and demonstrated support from neighbours in petitions and Community Association Land Use Committee (CALUC) letters that accompanied the applications.
- The small number of Rezoning Applications for garden suites does not provide a strong basis on which to recommend changes to the Policy, including the requirement for a rezoning.
- It appears that applications for garden suites are increasing as the Policy becomes known and opportunities are being considered in the real estate market.
- When further applications are received and more garden suites are built, a better understanding of the issues and opportunities will be possible with a more comprehensive review and staff report.

Committee discussed:

- If garden suites do create affordable housing.
- Each garden suite requires a rezoning. The process ensures that the suites are the right fit and that any concerns of the neighbours are taken into consideration.
- Some applicants have commented that the process is exhaustive and it was questioned if staff could provide an overview on ways the City could assist in the process. It was also questioned what the average length of time is to take a garden suite development from start to finish and the costs involved.
- Parking is one of the greatest concerns with all neighbourhoods; as density is increased, parking needs to be dealt with in a thoughtful manner taking into consideration all modes of alternate transport.

Councillor Helps withdrew from the meeting at 10:11 a.m. and returned at 10:13 a.m.

Action: It was moved by Councillor Alto, and seconded by Councillor Helps, that the interim update on garden suites be received for information and that staff report back with a full review and update in one year.
CARRIED UNANIMOUSLY 14/PLUC088

*Committee recessed at 10:24 a.m.
Committee reconvened at 10:30 a.m.*

5. PROPERTY MAINTENANCE BYLAW HEARING – 10:30 A.M.

Committee received a report dated March 20, 2014, in respect to work that has been done without permit at 1060 Queens Avenue to expand the liveable space of the property by converting one basement into a suite, making a rental four-plex. The owner has not made application to obtain a new occupancy permit nor have they sought to obtain the required building, plumbing, or electrical permits to return the property to an approved configuration.

The Chair opened the hearing at 10:30 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 1060 Queens Avenue, legally described as Section 3, Victoria District, Plan 957, 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. Campbell (Property Owner): Yes

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

K. Murphy (Bylaw Officer): The property located at 1060 Queens Avenue is located in the Fernwood neighbourhood in an R-2, Two Family Dwelling District. The approved use of the property as per the approved building plans is a triplex. The property was inspected originally October 2nd, 2008, and again on October 11th, 2013. Upon inspection, it was discovered that there was an additional suite located in the basement of the dwelling. It was also revealed that a substantial amount of work had been completed without permit. While these inspections confirmed that the building and use do not comply with the City's bylaws, there was

nothing observed by the Bylaw Officer that indicated that the work performed represented a risk to the health or safety of the occupants.

The Chair asked the property owner to present their evidence.

Allan Bisset (Contractor representing the Property Owner): Stated that he has been hired to bring the property into compliance. They will not fight the notice and will be working with the Planning Department. They have come up with a budget and will proceed as quickly as possible.

The Chair closed the hearing at 10:41 a.m.

Action: It was moved by Councillor Madoff , and seconded by Councillor Alto, 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 1060 Queens Avenue, legally described as Section 3, Victoria District, Plan 957, 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/PLUC089

Action: It was moved by Councillor Madoff, and seconded by Councillor Helps, that the Planning and Land Use Committee meeting of April 17, 2014, be adjourned at 10:42 a.m.

CARRIED UNANIMOUSLY 14/PLUC090

Mayor Fortin, Chair