

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, JANUARY 14, 2016, 9:00 A.M.**

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

Committee Members Present: Mayor Helps (Chair); Councillors Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe.

Absent: Councillors Alto and Young.

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; A. Hudson – Assistant Director, Community Planning; A. Meyer – Assistant Director, Development Services; S. Thompson – Director, Finance; F. Work – Director, Engineering; M. Miller – Senior Heritage Planner; A. Brett – Heritage Planner; B. Sikstrom – Senior Planner; C. Wain – Planner; R. Bateman – Planner; C. Coates – City Clerk; C. Mycroft – Executive Assistant to the City Manager; J. Schmidt – Manager, Legislative & Regulatory Services; C. Havelka & P. Martin - Recording Secretaries.

2. APPROVAL OF AGENDA

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Agenda of the January 14, 2016, Planning and Land Use Committee meeting be approved.

The Chair canvassed Committee, which approved bringing forward the following agenda items for approval:

- Item #4 – Rezoning Application No. 00490 for 1845 Gonzales Avenue
- Item #5 – Development Permit Application No. 00490 for 1845 Gonzales Avenue
- Item #10 – Development Variance Permit No. 000158 for 950 Rockland Avenue
- Item #11 – Development Variance Permit No. 000166 for 1082 Richmond Street

Amendment: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the agenda of the January 14, 2016 meeting be approved as amended.

On the amendment:
CARRIED UNANIMOUSLY 16/PLUC001

On the main motion as amended:
CARRIED UNANIMOUSLY 16/PLUC002

3. CONSENT AGENDA

3.1 Rezoning Application No. 00490 for 1845 Gonzales Avenue

Committee received a report dated December 18, 2015, regarding a rezoning application for 1845 Gonzales Avenue. The proposal is to construct a garden suite.

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Committee recommends that first and second reading of the attached Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 16/PLUC003

3.2 Development Permit Application No. 00490 for 1845 Gonzales Avenue

Committee received a report dated December 18, 2015, regarding an application for 1845 Gonzales Avenue. The proposal is to construct a garden suite.

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Committee recommends that Council consider the following motion after the Public Hearing for Rezoning Application No. 00490, if it is approved:

That Council authorize the issuance of Development Permit Application No. 00490 for 1845 Gonzales Avenue in accordance with:

1. Plans date stamped November 12, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC004

3.3 Development Variance Permit No. 000158 for 950 Rockland Avenue

Committee received a report dated December 18, 2015, regarding a development variance application for 950 Rockland Avenue. The proposal is to construct a residential unit within the existing building.

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Committee recommends that, after giving notice and allowing an opportunity for public comment, that Council consider the following motion: That Council authorize the issuance of Development Permit Application No. 000158 for 950 Rockland Avenue in accordance with:

1. Plans date stamped September 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. parking requirements reduced from 1.3 parking stalls per dwelling unit to 0.66 stalls per unit;

- ii. bicycle storage requirements reduced from 1 storage space per dwelling unit to 0.49 storage space per unit.
3. That Council authorize staff to register a Section 219 Covenant on title in a form satisfactory to staff.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC005

3.4 Development Variance Permit Application No. 000166 for 1082 Richmond Street

Committee received a report dated December 18, 2015, regarding a development variance application for 1082 Richmond Street. The proposal is to change two of the three required visitor parking stalls to be used solely by the residential units

- Action:** It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:
That Council authorize the issuance of Development Variance Permit Application No. 000166 for 1082 Richmond Avenue, in accordance with:
1. Plans date stamped November 13, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - visitor parking requirements reduced from no less than 10% of total parking stalls to 5% of total parking stalls.
 3. The Development Variance Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC006

4. MINUTES

4.1 Minutes from the Meeting held December 10, 2015

- Action:** It was moved by Councillor Isitt, seconded by Councillor Madoff, that the Minutes from the Planning and Land Use Committee meeting held December 10, 2015, be adopted.

CARRIED UNANIMOUSLY 16/PLUC007

5. COMBINED APPLICATION

5.1 Rezoning Application No. 00489 for 2035 Stanley Avenue

Committee received a report dated December 18, 2015, regarding a rezoning application for 2035 Stanley Avenue. The proposal is to rezone the land to permit the construction of a new small lot house.

Committee discussed:

- The rationale for recommending that the application be declined.
- That Staff could work with applicants to bring a report that can be supported.
- The variances required in terms of the City of Victoria's 'Right of Way'.

Action: It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe that the application be referred back to staff, encouraging that they work with applicant to try and find an application that can be supported.

Committee discussed:

- The possibility of referring the application back to a public hearing as there is support around the property by the neighbours.

Amendment: It was moved by Councillor Thornton Joe, seconded by Councillor Isitt that the application be referred back to staff, encouraging that they work with the applicant to try and find an application that can be supported, **and particularly in relation to height and massing of the building and a reduction of some of the variances.**

Committee discussed:

- The small lot zone was originally created to stabilize neighbourhood areas and to create affordable housing. This type of application is playing a significant role in further inflating house prices in Victoria.
- It was noted that if the application went to a public hearing and failed, a new application would be required to be significantly different.

On the amendment:
CARRIED 16/PLUC008

For: Councillors Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe
Against: Mayor Helps

On the main motion as amended:
CARRIED 16/PLUC009

For: Councillors Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe
Against: Mayor Helps

5.2 Rezoning Application No. 00496 for 1122 and 1124 Leonard Street

Committee received a report dated December 18, 2015, regarding a rezoning application for 1122 and 1124 Leonard Street. The proposal is to alter and strata-title the existing non-conforming duplex.

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the Committee recommends that, Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00496 for 1122 and 1124 Leonard Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Committee discussed:

- There are minimal variances and the proposal will be good from a community point of view.

CARRIED UNANIMOUSLY 16/PLUC010

5.3 Development Permit with Variances Application No. 00496 for 1122 and 1124 Leonard Street

Committee received a report dated December 18, 2015, regarding a development permit with variances application for 1122 and 1124 Leonard Street. The proposal is to alter and strata-title the existing non-conforming duplex.

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the Committee recommends that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing of Rezoning Application No. 00496, if it is approved, Council consider the following motion:

That Council authorize the issuance of Development Permit with Variances Application No. 00496 for 1122 and 1124 Leonard Street, in accordance with:

1. Plans date stamped November 6, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Part 2.1.3 (d): Increase the combined floor area from 380m² to 395.08m²;
 - ii. Part 2.1.4 (a): Increase the height from 7.6m to 8.16m;
 - iii. Part 2.1.4 (a): Increase the height from 1.5 storeys with a basement to 2 storeys with a basement;
 - iv. Part 2.1.5 (b): Reduce the rear yard setback from 13.28m to 9.51m;
 - v. Part 2.1.5 (c): Reduce the side yard (west) setback from 1.5m to 0.99m;
 - vi. Part 2.1.5 (c): Reduce the side yard (east) setback from 3.0m to 0.97m;
 - vii. Part 2.1.5 (d): Reduce the combined side yard setbacks from 4.5m to 1.96m;
 - viii. Schedule "C" (3): Permit parking to be located between the building and the front lot line.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 16/PLUC011

6. DEVELOPMENT APPLICATIONS

6.1 Development Permit Application No. 000445 for 845 Yates Street

Committee received a report dated December 18, 2015, regarding an application for 845 Yates Street. The proposal is to replace the existing ceramic tile mosaic with a painted mural and replace a portion of the thin stone cladding with paint.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that the Committee recommends that Council authorize the issuance of Development Permit Application No. 000445 for 845 Yates Street, subject to registration of a legal agreement securing a maintenance schedule for the mural to the satisfaction of staff, in accordance with:

1. Plans date stamped November 5, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- The need for this application and the original application to be a learning experience in order to have procedures put in place to avoid these types of issues in the future.
- The importance for having the proposed maintenance schedule.

CARRIED 16/PLUC012

For: Mayor Helps; Councillors Coleman, Loveday, Lucas, Madoff and Thornton-Joe

Against: Councillor Isitt

6.2 Development Variance Permit No. 00161 for 1000 Chamberlain Street

Committee received a report dated December 30, 2015, regarding a development variance application for 1000 Chamberlain Street. The proposal is to construct a secondary suite and relocate the existing non-conforming accessory building.

Councillor Madoff withdrew from the meeting at 10:03 a.m. and returned at 10:14 a.m.

Action: It was moved by Councillor Coleman, seconded by Councillor Loveday, that the Committee recommends that, after giving notice and allowing for an opportunity for public comment at a meeting of Council, that Council consider the following motion:

That Council authorize the issuance of Development Variance Permit Application No. 00161 for 1000 Chamberlain Street, in accordance with:

1. Plans date-stamped November 25, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 1.6.4.a - Relaxation to increase the maximum building height from 7.60m to 10.68m
 - ii. Section 1.6.5.a - Relaxation to reduce the front yard setback from 7.50m to 4.70m (Cantilever) and 4.96m for the building façade

- iii. Section 1,6.5.b - Relaxation to reduce the rear yard setback from 9.10m to 3.39m
 - iv. Schedule F, Section 1 - Relaxation to permit an accessory building within the side yard (west) and the front yard instead of the rear yard
 - v. Schedule F, Section 2.a - Relaxation to increase the maximum floor area of an accessory building from 37.00m² to 40.30m²
 - vi. Schedule J, Section 2.a - Relaxation to permit an increase in the enclosed floor area of an addition to a building from 20.00m² to 47.25m² with the installation of a secondary suite.
3. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- The importance on focusing on affordable housing.

CARRIED UNANIMOUSLY 16/PLUC013

Action: Moved by Councillor Coleman, seconded by Councillor Loveday to hold the presentation and discussion on agenda item #12 until after agenda item #16.

CARRIED UNANIMOUSLY 16/PLUC014

6.3 Heritage Designation Application No. 000157 for 534 Pandora Avenue

Committee received a report dated December 18, 2015, regarding an application to designate 534 Pandora Avenue as a Municipal Heritage Site.

Councillor Loveday withdrew from the meeting at 10:10 a.m. and returned at 10:12 a.m.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council:
That Council consider the designation of the property located at 534 Pandora Avenue pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

Committee discussed:

- How downtown architecture is an amenity and this application represents a significant investment in Old Town and Chinatown heritage conservation.
- The importance of continuing to invest in heritage conservation while also continuing to respect and support the Chinese elders living in the community.
- That there is currently a tree that obscures the building and the importance of following the proposed sketch that has the tree removed in order to display the new building.

CARRIED UNANIMOUSLY 16/PLUC015

6.4 Heritage Alteration Permit Application No. 00211 for 534 Pandora Avenue

Committee received a report dated December 18, 2015, regarding an application for 534 Pandora Avenue. The proposal is to refurbish exterior of building as part of seismic upgrades and changes to residential units

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:
That Council authorize the issuance of Heritage Alteration Permit Application No. 00211 for the property located at 534 Pandora Avenue, in accordance with:

1. Revised plans date stamped December 11, 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 Director, Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 16/PLUC016

6.5 Heritage Designation Application No. 000156 for 533-537 Fisgard Street

Committee received a report dated December 18, 2015, regarding an application to designate 533-537 Fisgard Street as a Municipal Heritage Site.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:
That Council consider the designation of the property located at 533-537 Fisgard Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 16/PLUC017

6.6 Heritage Alteration Permit Application No. 00210 for 533-537 Fisgard Street

Committee received a report dated December 18, 2015, regarding an application for 533-537 Fisgard Street. The proposal is to refurbish the exterior of the building as part of seismic upgrades and changes to residential units.

Action: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

That Council authorize the issuance of Heritage Alteration Permit Application No. 00210 for the property located at 533-537 Fisgard Street, in accordance with:

1. Revised plans date stamped December 11, 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 Director, Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 16/PLUC018

Action: Moved by Mayor Helps, seconded by Councillor Coleman to put agenda item #12 back on the floor for presentation and discussion at 10:26 a.m.

CARRIED UNANIMOUSLY 16/PLUC019

6.7 Heritage Designation Application No. 000155 for 59 Cook Street

Committee received a report dated December 18, 2015, regarding an application to designate 59 Cook Street as a Municipal Heritage Site.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Committee recommends that, after giving notice and allowing an opportunity for public comment at a meeting of Council:
That Council consider the designation of the property located at 59 Cook Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 16/PLUC020

7. DECISION REQUEST

7.1 Application for a Permanent Change to a Liquor Licence - The Duke Saloon, 502 Discovery Street

Committee received a report dated December 31, 2015, regarding an application for a permanent change to an existing liquor licence.

Action: It was moved by Mayor Helps, seconded by Councillor Loveday, that the Committee recommends that Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary Licence of the **Duke Saloon**, Liquor Licence No. 167968 located at 502 Discovery Street
supports:

1. The application of the Duke Saloon to amend its Liquor Primary Licence to allow a change in operating hours to include 12:00 PM to 2:00 AM liquor service seven days per week.
2. The Council provides the following comments on the prescribed considerations:
 - a. The location is within the Core Employment Urban Place designation in the Official Community Plan. The Core Area Employment area uses include: industrial, light industrial, high technology, marine industrial, research and development, commercial, office and complementary retail.
 - b. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Seven written responses were received from residents, six opposed and one in favour of the application.

Committee discussed:

- Their views both in favor and against the application to amend the Liquor Licence. It was noted that this type of establishment is what the Council is wanting to see in the neighbouring downtown areas as many groups use this place for meetings. However, due to the proximity to a gymnastics business, this application does not encourage a family friendly area.
- It was noted that special occasion liquor licence applications can only be obtained six (6) times a year which is very limiting.

CARRIED 16/PLUC021

For: Mayor Helps; Councillors Coleman, Isitt, Loveday, Lucas, and Madoff
Against: Councillor Thornton-Joe

8. IN CAMERA MEETING AT 10:42 AM

Action: It was moved by Councillor Coleman, seconded by Councillor Lucas, that the Planning & Land Use Committee convene an in camera meeting that excludes the public under Section 12(6) of the *Council Bylaw* for the reason that the following agenda item deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(e) - The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.
- Section 12(3)(f) - Law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw.
- Section 12(3)(i) - The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY 16/PLUC022

Committee Members Present: Mayor Helps (Chair); Councillors Coleman, Lucas, Loveday, Madoff, and Thornton-Joe.

Absent: Councillors Alto and Young

Absent for a portion of the meeting: Councillor Isitt

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; J. Tinney – Director, Sustainable Planning & Community Development; K. Hamilton – Director, Citizen Engagement & Strategic Planning; A. Meyer – Assistant Director, Development Services; S. Thompson – Director, Finance; T. Zworski – City Solicitor; B. Sikstrom – Senior Planner; C. Coates – City Clerk; J. Schmidt – Manager, Legislative & Regulatory Services; S. Craig – Policy Analyst, Legislative & Regulatory Services; C. Mycroft – Executive Assistant to the City Manager; A. Ferguson – Committee Secretary; P. Martin - Recording Secretary.

Guest: D. Bornhold, Devencore Realty Victoria

Councillor Isitt was not present when the meeting convened.

9. APPROVAL OF AGENDA

Action: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the January 14, 2016, Planning and Land Use Committee In Camera meeting be approved as amended.

CARRIED UNANIMOUSLY 16/PLUC024

10. ADOPTION OF THE IN CAMERA MINUTES

10.1 Minutes from the In Camera Meeting held November 26, 2015.

Action: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the In Camera Minutes from the Meeting held November 26, 2015, be approved.

CARRIED UNANIMOUSLY 16/PLUC025

11. DECISION REQUESTS

11.1 Law Enforcement/Legal Advice

Committee received a report dated January 13, 2016, regarding a law enforcement/legal advice matter.

The discussion and motion were recorded and kept confidential.

11.2 Land Disposition

Committee received a report dated January 7, 2016, regarding potential land disposition.

The discussion and motion were recorded and kept confidential.

12. ADJOURNMENT

Action: It was moved by Councillor Loveday, seconded by Councillor Lucas, that the Planning and Land Use Committee meeting of January 14, 2016, be adjourned at 11:52 a.m.

CARRIED UNANIMOUSLY 16/PLUC029

Mayor Helps, Chair