MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, FEBRUARY 8, 2018, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young.

ABSENT: Councillor Alto

STAFF PRESENT: J. Jenkyns - Acting City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski- City Solicitor; B. Eisenhauer - Head of Engagement; C. Havelka – Deputy City Clerk; M. Angrove – Planner; C. Mycroft – Manager of Executive Operations; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the agenda be approved as amended.

Carried Unanimously

READING OF MINUTES

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that the following minutes be adopted:

1. Minutes from the daytime meeting held October 12, 2017
2. Minutes from the daytime meeting held December 14, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following speakers be permitted to address Council.

Carried Unanimously

Councillor Loveday withdrew from the meeting at 6:32 p.m. and returned at 6:33 p.m.

1. Oona Jean: Request for Exception to Bylaw – 18(1) Animals on Private Property
Outlined why Council should amend the bylaw to allow for outdoor cats.

2. Douglas Curran: Street Character
Outlined why Council should revise the Community Amenity Contribution policy for new development.

3. Bill Stewart: March 16, 2018 National Day of Solidarity for Survivors of Canada's Sixties Scoop
Outlined why Council should support the National Day of Survivors of Canada's Sixties Scoop, and support their request for the Federal Government to make a fair and negotiated settlement.

4. Chris Zmuda: Victoria Bylaw Ignored by City Administration
Outlined why Council should review the allowance of cannabis dispensaries in the City and how they are ruining small businesses.

Councillor Lucas withdrew from the meeting at 6:50 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a retail store that supplies plastic bags to its customers.

5. Zoe Minnaard: Call for Province-Wide Plastic Bag Regulations
Outlined why Council should support the motion for a province-wide plastic bag regulation.

Councillor Lucas returned to the meeting at 6:54 p.m.

REQUESTS TO ADDRESS COUNCIL

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the agenda be amended so that Brandon Rounds be moved to the first section of the Request to Address Council, and be permitted to address Council.

Carried Unanimously

6. Brandon Rounds: Five Star Medicinal to Address Council
Outlined why Council should move the application forward to a Public Hearing.

PROCLAMATIONS

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following proclamation be endorsed:
1. "Rare Disease Day" – February 28, 2018

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following proclamation be endorsed:
2. "International Development Week" – February 4 to 10, 2018

Carried Unanimously

Motion:
It was moved by Councillor Lucas, seconded by Councillor Coleman, that the following proclamation be endorsed:
3. "Chamber of Commerce Week" – February 19 to 23, 2018

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Development Variance Permit Application No. 00200 for 2695 Capital Heights

1. **Opportunity for Public Comment**
Development Variance Permit No. 00200
The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 2695 Capital Heights for the purpose of varying certain requirements of the *Victoria*

Subdivision and Development Servicing Bylaw, namely removing the requirement to construct frontage improvements such as a sidewalk.

Legal description of the land: Lot 12, Section 4, Victoria District, Plan 11117

Michael Angrove (Planner): *Advised that the application is to vary the frontage improvement requirements within the Victoria Subdivision and Development Servicing Bylaw.*

Mayor Helps opened the public hearing at 6:59 p.m.

Cameron Brown (Applicant): Advised that the application is to support the neighbours, who are opposed to the implementation of a sidewalk.

John O'Brien (Kings Road): Expressed support for the application as it is a neighbourhood street.

Mayor Helps closed the public hearing at 7:13 p.m.

Following the conclusion of the Opportunity for Public Comment for Development Variance Permit Application No. 00200, approval of the motions from the October 12, 2017 Public Hearing for Rezoning and Development Permit Application No. 00564 for 2695 Capital Heights may also be considered.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1116) No. 17-095

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas, that the following bylaw **be adopted:**
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1116) No. 17-095

Carried Unanimously

4. **Development Variance Permit Approval**

Motion:
It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council authorize the issuance of Development Variance Permit Application No. 00200 for 2695 Capital Heights, in accordance with:

1. Plans date stamped October 30, 2017.
2. Development meeting all *Victoria Subdivision and Development Servicing Bylaw* requirements, except for the following variances:
   i. remove the requirement to construct frontage improvements as described within the *Victoria Subdivision and Development Servicing Bylaw.*
3. Provision of a $36,000 security equivalent to the costs of installing frontage improvements. The $36,000 would be applied to frontage improvements, following public consultation completed within one year of the date of this resolution, on an alternate design.
4. References to a split rail fence removed from the submitted plans.

5. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

5. **Development Variance Permit Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday:

1. That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
   a. Plans date stamped June 9, 2017.
   b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
      i. reduce the rear setback from 7.50m to 1.01m.
   c. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

6. **Development Permit Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe:

1. That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
   a. Plans date stamped June 9, 2017.
   b. Development meeting all *Zoning Regulation Bylaw* requirements.
   c. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

Motion Arising:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that staff report to Council with the following information:
1. A proposed design for the right-of-way in the 1200-block of Kings Road.

Carried Unanimously

2. Development Permit with Variances Application No. 000064 for 785 Caledonia Avenue

1. **Opportunity for Public Comment**
Development Permit with Variances No. 00064
The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 785 Caledonia Avenue, in Development Permit Area 2 (HC), for purposes of allowing an already constructed patio enclosure along with the resulting minor changes to the exterior of the previously approved mixed-use building.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw:*

- reduce the required side yard setback from 4.50m to 0m.

Legal description of the land:
Lot B of Lots 723, 724, 725 and 726, Victoria City, Plan EPP66100

Michael Angrove (Planner): *Advised that the application is to allow the enclosure of a patio and minor changes to the exterior in the approved mixed-use building.*

Mayor Helps opened the public hearing at 7:31 p.m.

Justin Filuk (Applicant): Provided information regarding the application, which is to allow the currently constructed patio enclosure and allow for changes to the landscaping.

There were no persons present to speak to the proposed application.

Mayor Helps closed the public hearing at 7:37 p.m.

2. **Development Permit with Variances Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit with Variance Application No. 00064 for 785 Caledonia Avenue in accordance with:

1. Plans date stamped November 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except reducing the sideyard setback from 4.5 metres to 0.
3. Registration of the lot line adjustment at the Land Title and Survey Authority Office to the satisfaction of staff.
4. The Development Permit with Variance lapsing two years from the date of this resolution.

Carried Unanimously

Councillor Young withdrew from the meeting at 7:38 p.m. due to a pecuniary conflict of interest with the following item, as he lives under 200 meters from the subject property.

3. Rezoning, Development Permit, and Development Variance Permit Application No. 00538 for 335 Moss Street

1. **Public Hearing**
Rezoning Application No. 00538
To rezone a portion of the land known as 335 Moss Street from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit the land being used for a single family dwelling.
New Zone: R1-S2 Zone, Restricted Small Lot (Two Storey) District

Legal description: Amended Lot 15 (DD 79076-I), Fairfield Farm Estate, Victoria City, Plan 1456

Existing Zone: R1-B Zone, Single Family Dwelling District

2. **Development Permit No. 00538**
The Council of the City of Victoria will also consider issuing a Development Permit for a portion of the land known as 335 Moss Street, in Development Permit Area 15A: Intensive Residential Small Lot for the purposes of establishment of objectives for the form and character of intensive residential development.

3. **Development Variance Permit No. 00538**
The City of Victoria will be considering the issuance of a Development Variance Permit for a portion of the land known as 335 Moss Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* for the existing dwelling zoned R1-B Zone, Single Family Dwelling District, namely:

- reduce the minimum required south side yard setback from 3.00m to 1.30m
- reduce the minimum required combined side yard setback from 4.5 m to 3.1m.

Michael Angrove (Planner): *Advised that the application is to subdivide the existing lot, allowing for a small lot within for a new single-family dwelling.*

Mayor Helps opened the public hearing at 7:39 p.m.

Deane Strongitharm (Applicant): Provided information regarding the application, which is to subdivide the property to allow for a new single-family dwelling.

Paul Burton (Briar Place): Expressed concerns relating to the application as they have an easement through the subject property.

Lee Heron (Collinson Street): Expressed support for the application as it is a sensitive infill project.

Mike Hobble (Richardson Street): Expressed support for the application as it will be a good fit for the neighbourhood.

Robert Miller (Scott Street): Expressed support for the application due to how the design is setback from the road and due to the need for housing.

Patrick Lance (Moss Street): Expressed support for the application as it will be a good fit for the neighbourhood.

Sharon Hoffman (May Street): Expressed support for the application as it will be a good fit for the neighbourhood.

Scott Travelbea (Humboldt Street): Expressed support for the application as it will be a good fit for the neighbourhood.

Council discussed the following:
- *That the easement is private and is therefore a civil matter, and that its intention is to provide access for the purpose of utilities.*

Mayor Helps closed the public hearing at 8:28 p.m.

4. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Mayor Helps, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1124) No. 17-111

Council discussed the following:
- *The supportability of the sensitive infill.*

Councillor Loveday withdrew from the meeting at 8:31 p.m. and returned at 8:32 p.m.

- *Whether it is appropriate for Council to consider the easement, when making the land use decision.*

Motion to refer:
It was moved by Councillor Isitt, that the application be referred back to staff to work with applicant to adjust the landscaping over the easement.

On the motion to refer:
Defeated due to no seconder

Carried

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

5. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1124) No. 17-111

Carried

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

6. **Development Permit Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council authorize the issuance of a Development Permit for the subdivided portion of 335 Moss Street, in accordance with:

1. Plans date stamped September 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried

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

7. **Development Variance Permit Approval**

Motion:
It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council authorize the issuance of a Development Variance Permit for the existing house at 335 Moss Street, in accordance with:

1. Plans date stamped September 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    a. reduce the minimum required side yard setback from 3.00m to 1.30m
    b. reduce the minimum required combined side yard setback from 4.5m to 3.1m.
3. That prior to the issuance of the Development Variance Permit, the City receive confirmation that a car share agreement between the applicant and MODO has been established for three memberships, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Variance Permit lapsing two years from the date of this resolution.

Carried

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

Councillor Young returned to the meeting at 8:40 p.m.

Councillor Isitt withdrew from the meeting at 8:40 p.m.

4. Rezoning and Development Permit with Variances Application No. 00578 for 1410 Myrtle Avenue

1. **Public Hearing**
   Rezoning Application No. 00578
   To rezone the land known as 1410 Myrtle Avenue, from the R1-B Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit subdividing the existing lot into two small lots while retaining the existing single family dwelling and constructing a new single family dwelling.

   New Zone: R1-S2 Zone, Restricted Small Lot (Two Storey) District

   Legal description: Lot 1, Block 3, Section 29-30, Victoria District, Plan 302A

   Existing Zone: R1-B Single Family Dwelling District

2. **Development Permit with Variances No. 00578**
   The Council of the City of Victoria will also consider issuing a Development Permit with Variances for the land known as 1410 Myrtle Avenue, in Development Permit Area 15A: Intensive Residential Small Lot for the purposes of establishment of objectives for the form and character of intensive residential development. Variances to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, are required as follows:

   - reduce the front yard setback for the new house from 6.00m to 3.14m
   - reduce the rear yard setback for the existing house from 6.00m to 2.40m.

   Michael Angrove (Planner): *Advised that the application is to subdivide an existing lot into two new small lots, while retaining the existing single family dwelling, and constructing a new single family dwelling.*

Mayor Helps opened the public hearing at 8:42 p.m.

Cara Keck (Applicant): Provided information regarding the application which will construct a new single family home on the subdivided lot.

Councillor Isitt returned to the meeting at 8:44 p.m.

Jessica Lea (Myrtle Avenue): Expressed concerns relating to the application, due to the impact of privacy, view, and shadowing.

Tom Smith (Myrtle Avenue): Expressed support for the application as sensitive infill is a good fit for the neighbourhood.

Council discussed the following:

- *Whether the new single-family dwelling would have a privacy impact on a neighbouring home.*

Mayor Helps closed the public hearing at 8:59 p.m.

3. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1137) No. 18-011

Council discussed the following:
- *Concerns relating to the lack of neighbourhood consultation with the most affected neighbour.*

Motion to refer:
It was moved by Councillor Isitt, seconded by Councillor Young, that the application be referred to staff to work with the applicant to pursue design changes to address privacy concerns in relation to the property at 1414 Myrtle Avenue, including options relating to the placement and design of windows, fencing and landscape features.

Amendment to the motion to refer:
It was moved by Councillor Isitt, that the motion be amended as follows:

That **approval of** the application be **conditional on the referral of the application** ~~**referred**~~ to staff to work with the applicant to pursue design changes **to the satisfaction of the Director of Planning** to address privacy concerns in relation to the property at 1414 Myrtle Avenue, including options relating to the placement and design of windows, fencing and landscape features.

Mayor Helps ruled the amendment to the motion to refer out of order.

On the motion to refer:
Defeated

For: **Councillors Isitt and Young**
Opposed: **Mayor Helps, Councillors Coleman, Loveday, Lucas, Madoff and Thornton-Joe**

Amendment:
It was moved by Councillor Isitt, that approval of the application be conditional on referral of the application to staff to work with the applicant to pursue design changes to the satisfaction of the Director of Planning to address privacy concerns in relation to the property at 1414 Myrtle Avenue, including options relating to the placement and design of windows, fencing and landscape features.

Mayor Helps ruled the amendment out of order, following advice from the City Solicitor, as the amendment is related to the design application, not the rezoning application.

Motion to postpone:
It was moved by Councillor Isitt, seconded by Mayor Helps, that Council postpone consideration of third reading of the bylaw, until the Development Permit has been considered.

On the motion to postpone:
Carried Unanimously

4. **Development Permit Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that Council authorize the issuance of Development Permit No. 00578 for 1410 Myrtle Avenue, in accordance with:
1. Plans date stamped October 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, R1-S2 Zone, Restricted Small Lot (Two Storey District) except for the following variances:
   i. reduce the front yard setback for Lot A (new house) from 6.00m to 3.14m;
   ii. reduce the rear yard setback for Lot B (existing house) from 6.00m to 2.40m.

3. The Development Permit lapsing two years from the date of this resolution.

Amendment:
It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council authorize the issuance of Development Permit No. 00578 for 1410 Myrtle Avenue, in accordance with:
1. Plans date stamped October 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, R1-S2 Zone, Restricted Small Lot (Two Storey District) except for the following variances:
   i. reduce the front yard setback for Lot A (new house) from 6.00m to 3.14m;
   ii. reduce the rear yard setback for Lot B (existing house) from 6.00m to 2.40m.
3. The Development Permit lapsing two years from the date of this resolution.
4. **That approval be subject to privacy changes being made to address the concerns raised at the hearing, and that these concerns be addressed subject to the director of planning.**

Amendment to the amendment:
It was moved by Councillor Isitt, seconded by Councillor Madoff, that the amendment be amended as follows:

That Council authorize the issuance of Development Permit No. 00578 for 1410 Myrtle Avenue, in accordance with:
1. Plans date stamped October 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, R1-S2 Zone, Restricted Small Lot (Two Storey District) except for the following variances:
   i. reduce the front yard setback for Lot A (new house) from 6.00m to 3.14m;
   ii. reduce the rear yard setback for Lot B (existing house) from 6.00m to 2.40m.
3. The Development Permit lapsing two years from the date of this resolution.
4. **That approval be subject to privacy changes being made to address the concerns raised at the hearing, and that these concerns be addressed subject to the director of planning, with consideration given to the placement and design of windows, fencing, and landscape features.**

On the amendment to the amendment:
Carried Unanimously

On the amendment:
Carried Unanimously

Main motion as amended:
That Council authorize the issuance of Development Permit No. 00578 for 1410 Myrtle Avenue, in accordance with:
1. Plans date stamped October 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, R1-S2 Zone, Restricted Small Lot (Two Storey District) except for the following variances:
   i. reduce the front yard setback for Lot A (new house) from 6.00m to 3.14m;
   ii. reduce the rear yard setback for Lot B (existing house) from 6.00m to 2.40m.
3. The Development Permit lapsing two years from the date of this resolution.
4. That approval be subject to privacy changes being made to address the concerns raised at the hearing, and that these concerns be addressed subject to the director of planning, with consideration given to the placement and design of windows, fencing, and landscape features.

On the main motion as amended:
Carried Unanimously

Motion to lift from the table:
It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council lift third reading of the bylaw from the table.

On the motion to lift from the table:
Carried Unanimously

5. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1137) No. 18-011

Carried Unanimously

6. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1137) No. 18-011

Carried Unanimously

Councillor Loveday withdrew from the meeting at 9:25 p.m. and returned at 9:26 p.m.

5. Amendment to the R1-G Zone, Gonzales Single Family Dwelling District

1. **Public Hearing**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1142) No. 18-026
To amend the R1-G Zone, Gonzales Single Family Dwelling District to update building siting regulations applicable to waterfront lots to clarify that no building or portion of a building on a waterfront lot may be located further than 36.5m from the front property line.

This amendment bylaw will affect properties currently zoned R1-G Zone, Gonzales Single Family Dwelling District.

Michael Angrove (Planner): *Advised that the amendment to the Zoning Regulation Bylaw will correct and clarify the R1-G Zone, Gonzales Single Family Dwelling District, relating to building setbacks from the waterfront.*

Mayor Helps opened the public hearing at 9:26 p.m.

There were no persons present to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 9:26 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1142) No. 18-026

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1142) No. 18-026

Carried Unanimously

Council recessed at 9:28 p.m. and reconvened at 9:36 p.m.

REQUESTS TO ADDRESS COUNCIL

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following speaker be permitted to address Council.

Carried Unanimously

1. **Aleksandar Milojevic: World Accordion and Tango Festival November 10-17, 2018**
   Outlined why Council should approve financial support of $20,000 for the World Accordion and Tango Festival.

UNFINISHED BUSINESS

Councillor Thornton-Joe withdrew from the meeting at 9:39 p.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.

1. **Letter from the City of Colwood**
   Council received a letter dated January 23, 2018, regarding the Capital Regional District's Draft Bylaw 4093, on Regional Transportation Service

   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Loveday, that the correspondence dated January 23, 2018 from the City of Colwood be received for information.

   Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 9:45 p.m.

2. **Rise and Report from Closed Meeting for Information**

   From the January 11, 2018 Closed Council Meeting:
   That Council appoint Tzu-I Chung to the Greater Victoria Public Library for a 2-year term from January 1, 2018 to December 31, 2019.

   That Council appoint Sandra Sarsfield to the Victoria Family Court and Youth Justice Committee for a 1-year term from January 1, 2018 to December 31, 2018.

REPORTS OF COMMITTEES

1. **Committee of the Whole – February 1, 2018**

   1. **Development Variance Permit Application No. 00201 for 821-827 Broughton Street**

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

"That Council authorize the issuance of Development Variance Permit Application No. 00201 for 821-827 Broughton Street, in accordance with:

1. Plans date stamped December 20, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
   i. reduce the off-street parking requirement from an additional three stalls to nil for the change of use from general office to medical office.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3. Rezoning Application No. 00557 for 2616-2626 Douglas Street

Motion:
It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

Defeated

For: **Councillors Madoff, Lucas, and Young**
Opposed: **Mayor Helps, Councillors Coleman, Isitt, Loveday, and Thornton-Joe**

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

(1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
(2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Madoff, and Thornton-Joe**
Opposed: **Councillors Lucas and Young**

4. Temporary Use Permit Application No. 00005 for 2610 Rock Bay Avenue

Motion:
It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. reduce the parking requirements for retail from 1 stall per 37.5m^2 to 1 stall per 76m^2.
3. The Temporary Use Permit lapsing two years from the date of this resolution.
4. That the Temporary Use Permit be subject to the applicant agreeing to post publicly that this is a Temporary Use Permit that will lapse two years from the date of the public hearing, subject to the Director of Planning.

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, and Madoff**
Opposed: **Councillors Lucas, Thornton-Joe, and Young**

5. Tax Incentive Permit Application No. 00028 for 727-729 Johnson Street

Motion:
It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 727-729 Johnson Street for 10 years, pursuant to Section 392 of the *Local Government Act,* subject to the building receiving Heritage Designation, with the following conditions:

1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

Carried Unanimously

6. Revised Zoning Bylaw 2017

Motion:
It was moved by Councillor Isitt, seconded by Councillor Madoff:

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Madoff, and Thornton-Joe**
Opposed: **Councillors Lucas and Young**

Motion:
It was moved by Councillor Isitt, seconded by Councillor Madoff:

2. That staff consider amending the Land Use Procedures Bylaw to add transparency by providing notice of any Development Permit applications to adjoining property owners (and CALUCs) at the beginning of the process.

Carried Unanimously

Motion:
It was moved by Councillor Isitt, seconded by Councillor Madoff:

3. That Council request staff examine and report back on notification opportunities for the public to address Council on applications such as Development Permits, Development Permits with Variances and Development Variance Permits.

Carried Unanimously

7. Proposed Amendment to FCM Motion re: Encouraging the Residential Use of Housing

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council Endorse the motion as presented in Appendix A and forward it to FCM for consideration at their March board meeting.

Carried Unanimously

4. **Committee of the Whole – February 8, 2018**

Councillor Lucas withdrew from the meeting at 9:54 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a retail store that supplies plastic bags to its customers.

1. Resolution: Uniform Business Regulations for Disposable Plastic Packaging

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council endorse the following resolution for consideration at the 2018 annual meetings of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of BC Municipalities (UBCM), and direct staff to forward electronic copies of the resolution to local governments belonging to the AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Uniform Business Regulations for Disposable Plastic Packaging

WHEREAS uniform regulations of businesses provide predictability, certainty and efficiency for consumers and business operators;

AND WHEREAS unrestricted use of disposable plastic packaging is inconsistent with values of British Columbia residents and imposes costs on local governments in British Columbia, prompting communities to examine options for business regulations limiting disposable plastic packaging in order to contain costs and manage solid waste streams responsibly;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia work with local governments and retailers to introduce uniform, province-wide business regulations in relation to disposable plastic packaging, to substantially reduce the volume of disposable plastic packaging in local solid waste streams.

Carried Unanimously

Councillor Lucas returned to the meeting at 9:55 p.m.

2. Resolution: Advocacy for Review of Board of Variance Process

Motion:
It was moved by Councillor Isitt, seconded by Councillor Madoff, that Council endorse the following resolution for consideration at the 2018 annual meetings of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of BC Municipalities (UBCM), and direct staff to forward electronic copies of the resolution to local governments belonging to the AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Advocacy for Review of Board of Variance Process

WHEREAS the *Local Government Act* requires local governments to appoint Boards of Variance that are empowered to consider minor variances where a person alleges that complying with a bylaw respecting the siting, size or dimensions of a building would cause them hardship;

AND WHEREAS deliberations of local Boards of Variance provide minimal opportunities for public comment on the requested variances, and provide no role for comment from the elected council of a municipality or the board of a regional district in unincorporated areas;

THEREFORE BE IT RESOLVED THAT the provincial government review the current provisions in the *Local Government Act* relating to Boards of Variance and consider amendments to ensure that the interests of public accountability, transparency, and local democracy are upheld.

Carried Unanimously

3. AVICC Motion re: Gender-Based Violence Strategy for Youth

Motion:
It was moved by Councillor Loveday, seconded by Councillor Isitt:

WHEREAS children and youth who have been impacted by violence experience devastating and long-ranging mental health, physical health, social and educational impacts.

AND WHEREAS the #metoo campaign has recently highlighted gender-based violence as one of the most pervasive forms of violence, taking various forms (e.g. cyber, physical, sexual, psychological, emotional, and economic).

AND WHEREAS according to Statistics Canada, young women aged 15 to 17 report the highest rate of gender-based violence amongst all age groups (2,710 per 100,000), and Indigenous, LGBTQ2, and disabled girls experience even higher rates of violence.

AND WHEREAS in 2017 the Government of Canada launched It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence identifying three priority areas: prevention, engaging men and boys, and support for survivors. To support the strategy, the federal government has committed $100.9 million over five years, and an additional $20.7 million per year going forward. While the BC government recently announced $5 million to assist organizations working to prevent and respond to gender-based violence, there is currently no cohesive provincial strategy in place

AND WHEREAS in order to combat gender-based violence among youth in BC and support healthy relationships, healthy families and healthy communities, a provincial strategy is needed. Drawing on the expertise of all relevant Ministries, and building on the resources and strategies identified in the federal strategy, a comprehensive provincial strategy can be a catalyst for positive cultural change.

THEREFORE BE IT RESOLVED THAT the AVICC call on the Ministry of Education, the Ministry of Child and Family Development, the Ministry of Public Safety, and the Ministry of Mental Health to work together to develop a Gender-Based Violence Prevention Strategy for Youth.

AND BE IT FURTHER RESOLVED THAT AVICC forward this motion on to UBCM for consideration.

Carried Unanimously

4. Update on Rezoning Application No. 00562 and Official Community Plan Amendment for 3025 Douglas Street

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe:

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* by *removing* the property located at 3025 Douglas Street from the *General Employment* Urban Place Designation and adding it to the *Town Centre* Urban Place Designation; as well as, the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00562 for 3025 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
    i. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
        a. Housing Agreement to ensure that the dwelling units in the existing building would remain as rental in perpetuity.
    ii. That Council determine, pursuant to section 475(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m

radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; and posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

iii. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.

iv. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.

v. That Council give first reading to the Official Community Plan Amendment Bylaw.

vi. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2018-2020 Draft Financial Plan, the Capital Regional District Liquid Waste Management Plan, and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.

vii. That Council give second reading to the Official Community Plan Amendment Bylaw.

viii. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

2. That Council instruct staff to change the land use designation of the property located at 3025 Douglas Street from General Employment to Town Centre in the *Burnside Gorge Neighbourhood Plan.*

Carried Unanimously

5. Development Permit with Variances Application No. 00054 for 1800 Quadra Street

Motion:

It was moved by Councillor Isitt, seconded by Councillor Lucas, that Council direct staff to:

1. work with the applicant to reduce the prominence of the proposed addition and reduce its impacts on the public street, and to bring the revised proposal back to a future Committee of the Whole meeting;
2. request that the applicant provide any information they have on the older portion of the building;
3. request the applicant to engage the CALUC on the proposed design.

Carried Unanimously

6. Update on Archives Digitization Project

Motion:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council receive this report for information.

Carried Unanimously

7. Storm Water Utility and Rainwater Rewards Update

Motion:

It was moved by Councillor Young, seconded by Councillor Coleman, that Council directs staff to:

1. Extend the Rainwater Rewards rebate pilot program and report back with a review and recommendations in June 2018.

2. Amend the Sanitary Sewer and Stormwater Utilities Bylaw No. 14-071, *Section 30 Multiple Occupancy (Strata Property Act) Premises* to reflect the practices for imposing fees and charges with respect to strata lot premises.
3. That staff report back on the implications of removing the street cleaning fee from the utility and be returned to general revenue as soon as practical
4. That staff provide advice on other options for removing the inequity for owners and occupiers on corner lots;
5. That staff provide advice on other options for adjusting the formula for this component of the program.

Carried Unanimously

8. AVICC Motion re: Climate Accountability for Fossil Fuel Companies

Motion:
It was moved by Mayor Helps, seconded by Councillor Isitt, that Council approve the following motion:

AVICC Motion re: Climate Accountability for Fossil Fuel Companies

WHEREAS communities in British Columbia face a range of impacts from climate change, including sea-level rise, increased coastal erosion, prolonged summer drought, and increased winter precipitation;

AND WHEREAS communities are required to consider these impacts in infrastructure planning, construction and maintenance, as well as to mitigate the financial impacts of these costs on residents and businesses given the limits of local government revenue raising to property taxes and utilities;

AND WHEREAS while the precise amount of increased costs due to the increase in work on infrastructure due to climate change is not yet quantified, local governments in British Columbia are almost certainly already paying significantly increased costs and those amounts will only increase;

AND WHEREAS fossil fuel companies have played a major role in the creation of climate change, making hundreds of billions of dollars in selling products which cause climate change with the 20 largest fossil fuel companies having contributed – through their operations and products – to approximately 29.3% of greenhouse gases in the global atmosphere today;

THEREFORE BE IT RESOLVED that the AVICC write a Climate Accountability Letter to the 20 fossil fuel companies outlining the types of costs that communities are incurring and expected to incur due to climate change, and requesting that the companies pay their fair share of those impacts.

AND BE IT FURTHER RESOLVED that AVICC forward this motion to UBCM and to FCM and request that those local governments write Climate Accountability Letters on behalf of their member local governments.

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe**
Opposed: **Councillor Young**

9. Resolution: Protecting Coastal Communities and Waterways from Oil Spills

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council endorse the following resolution for consideration at the 2018 annual meeting of the Association of Vancouver Island and Coastal Communities (AVICC) and direct staff to forward electronic copies of the resolution to local governments belonging to the AVICC, requesting favourable consideration and resolutions of support:

Resolution: Protecting Coastal Communities and Waterways from Oil Spills

WHEREAS the Province of British Columbia is pursuing regulations to restrict the transport of diluted bitumen until such time as adequate safeguards are in place to protect coastal communities and waterways from the harm caused by oil spills;

AND WHEREAS the impacts of oil spills on local communities are severe, including: costs relating to emergency response, clean-up and recovery; damage and loss of enjoyment of shoreline areas; damage to biological diversity of plant and animal species; reduced property values; public health impacts; and economic losses in tourism, fishing and other sectors;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities endorses the efforts of the Province of British Columbia to introduce regulations that will safeguard coastal communities and waterways from harm caused by oil spills and that staff be directed to forward the resolution to the Premier of BC, the Minister of Environment, and Members of the Legislative Assembly representing the constituents of Vancouver Island.

Carried Unanimously

BYLAWS

1. Bylaws for Rezoning Application No. 00516 for 1120-1128 Burdett Avenue

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council **rescind second reading** of the following bylaw:
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young**
Opposed: **Councillor Madoff**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council **amend Schedule 1** of the following bylaw:
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young**
Opposed: **Councillor Madoff**

Motion:
It was moved by Councillor Lucas, seconded by Councillor Coleman, that the following bylaw **be given second reading**, as amended:
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, and Thornton-Joe**
Opposed: **Councillors Madoff and Young**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council **rescind third reading** of the following bylaw:
b. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No. 17-048*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young**
Opposed: **Councillor Madoff**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council amend Schedule A of the following bylaw:
b. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No. 17-048*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young**
Opposed: **Councillor Madoff**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given third reading**, as amended:
b. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No. 17-048*

Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young**
Opposed: **Councillor Madoff**

2. Bylaw for Heritage Designation Application No. 000168 for 1120 Faithful Street

Motion:
It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the following bylaw **be given first and second reading:**
a. *Heritage Designation (1120 Faithful Street) Bylaw No. 18-023*

Carried Unanimously

3. Bylaw for Heritage Designation Application No. 000169 for 35 San Jose Avenue

Motion:
It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the following bylaw **be given first and second reading:**
a. *Heritage Designation (35 San Jose Avenue) Bylaw No. 18-024*

Carried Unanimously

4. Bylaw for Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030*

Carried Unanimously

Mayor Helps recalled the motion to give Bylaw No. 18-030 first and second reading.

4. Bylaw for Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030*

Council discussed the following:
- *That there is an interest in traffic calming, in relation to this application.*

Carried Unanimously

5. Bylaw for Rezoning Application No. 00583 for 3110 Doncaster Drive

Motion:
It was moved by Councillor Coleman, seconded by Councillor Young, that the following bylaw **be given first and second reading:**
a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1136) No. 18-009*

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that the Council meeting adjourn.
Time: 10:05 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK MAYOR