MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, NOVEMBER 9, 2017, AT 6:30 P.M.

PLACE OF MEETING:	Council Chambers, City Hall
PRESENT:	Mayor Helps in the Chair, Councillors Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young.
ABSENT:	Councillors Alto and Madoff
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; L. Taylor – Senior 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 Coleman, seconded by Councillor Isitt, that the following minutes be adopted:

1. Minutes from the evening meeting held August 10, 2017
2. Minutes from the evening meeting held September 7, 2017
3. Minutes from the evening meeting held September 21, 2017
4. Minutes from the evening meeting held October 26, 2017
5. Minutes from the daytime meeting held October 5, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

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

Carried Unanimously

1. Kelly Kurta: In Kind Funding for Labour Costs at Community Events
Outlined why Council should cover the costs of the Community Based Free Family Event promoting a Walkable City.

2. Mary Davies: Amendment to Mayor and Council Requirements in Regards to Citizen Addresses to Council
Outlined why Council should make it mandatory for all Mayor and Council to be present for Requests to Address Council.

3. Teale Phelps Bondaroff: Pocket Places Project
Outlined why Council should further support the Greater Victoria Placemaking Network and presented their Pocket Places Project.

4. Steve Sxwithul'txw: Indigenous Walk of Fame – City of Victoria
Outlined why Council should enter into discussions on a possible location for an area within the City to have an Indigenous Walk of Fame location.

5. **Mark Crisp: Pending Heritage Application Permit – Inner Causeway Lower Level Repairs**
Outlined for Council information on Greater Victoria Harbour Authority's inner causeway lower level repairs.

Councillor Lucas withdrew from the meeting at 6:59 p.m. due to a pecuniary conflict of interest with the following item due to the ~~her~~ proximity of her place of employment to the business in question for the next item.

6. **Chris Zmuda: Cannabis Sandwich**
Outlined why Council should review the allowance of cannabis dispensaries in the City and how they are ruining small businesses.

Councillor Lucas returned to the meeting at 7:03 p.m.

PROCLAMATIONS

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Proclamation be endorsed:

1. "National Nurse Practitioner Week" – November 12 to 18, 2017

Carried Unanimously

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

2. "World Pancreatic Cancer Day" – November 16, 2017

Carried Unanimously

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following Proclamation be endorsed:

3. "Movember" – November 2017

Carried Unanimously

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following Proclamation be endorsed:

4. "UNiTE to End Violence Against Women Day" – November 25, 2017

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Isitt, that the following Proclamation be endorsed:

5. "Think Local Week" – November 13 to 19, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. **Development Variance Permit Application No. 00193 and Development Permit with Variance Application No. 00033 for 1421 Fairfield Road**

1. **Opportunity for Public Comment**
Development Permit with Variances No. 00033
The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1421 Fairfield Road, in Development Permit Area 15B Intensive – Panhandle Lot, for the purposes of allowing two single-family dwellings on panhandle lots.

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

Proposed Lot D
- Increase the height from 5.00m to 6.66m;
- Increase the number of storeys from 1 to 1.5.

Proposed Lot E
- Increase the height from 5.00m to 7.01m;
- Increase the number of storeys from 1 to 1.5.

Legal description of the land:
Lot A, Fairfield Farm Estate, Victoria District, Plan 17481

2. **Development Variance Permit Application No. 00193**
The Council of the City of Victoria will consider issuing a Development Variance Permit for the land known as 1421 Fairfield Road for purposes of reducing the front and rear setbacks to allow a single-family dwelling.

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

Proposed Lot F
- Reduce the front setback from 7.5m to 6.2m;
- Reduce the rear setback from 7.5m to 3.5m.

Leanne Taylor (Senior Planner): Advised that the application is to subdivide the existing lot into three strata lots and construct three new single family dwellings.

Mayor Helps opened the public hearing at 7:06 p.m.

Evan Peterson (Barefoot Planning): Provided information regarding the application and the work that has been undertaken to reduce previous neighbours' concerns, such as privacy, massing and height, as well as density and parking.

Councillor Loveday withdrew from the meeting at 7:16 p.m. and returned at 7:18 p.m.

Kenny Scott (Moss Rock Place): Expressed support for the application as it will be a positive addition to the neighbourhood.

Ben How (Faircliff Lane): Expressed concerns relating to the application due to the size of the proposed buildings.

Dale Bate (Fairfield Road): Expressed concerns relating to the application due to the size of the proposed buildings.

Meddy Malihpoor (Fairfield Road): Expressed concerns relating to the application as the requested setbacks may affect the roots of neighbouring trees.

David Roach (Moss Rock Place): Expressed support for the application as it will be a positive addition to the neighbourhood.

Stephane Hamonic (Moss Rock Place): Expressed support for the application as it will be a positive addition to the neighbourhood.

Council discussed the following:
- *The storeys of neighbouring houses and whether their sunlight would be affected.*

Mayor Helps closed the opportunity for public comment at 7:41 p.m.

3. **Development Permit with Variances and Development Variance Permit Approval**

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

Development Permit with Variances
That Council authorize the issuance of Development Permit Application No. 00033 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped September 18, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot D
i. Schedule H(3)(a): Increase the height from 5.00m to 6.66m
ii. Schedule H(3)(a): Increase the number of storeys from 1 to 1.5.

Proposed Lot E
i. Increase the height from 5.00m to 7.01m
ii. Increase the number of storeys from 1 to 1.5.

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

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016.

Development Variance Permit Approval
That Council authorize the issuance of Development Permit Application No. 00193 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped June 23, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot F

a. Part 1.2.5(a): Reduce the front setback from 7.5m to 6.2m
b. Part 1.2.5(b): Reduce the rear setback from 7.5m to 3.5m.

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

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016.

Council discussed the following:
- *That the development will help increase density in the neighbourhood.*
- *The work that had been undertaken by the applicant to address neighbours' concerns.*

Carried Unanimously

2. Rezoning Application No. 00545 and Heritage Designation Application No. 000165 for 750 Pemberton Road

1. **Public Hearing**
Rezoning Application No. 00545
To rezone the land known as 750 Pemberton Road from the T-22 Zone, Pemberton Transient Accommodation District, to the CD-14 Zone, Pemberton Comprehensive Development, to permit a four lot subdivision and construct three new single-family dwelling units.

New Zone: CD-14 Zone, Pemberton Comprehensive Development

Legal description: Lot 1, Section 68, Victoria District, Plan 38875

Existing Zone: T-22 Zone, Pemberton Transient Accommodation District

2. **Heritage Designation Application No. 000165**
Under the provisions of the *Local Government Act*, the City of Victoria intends to designate the exterior of the Carriage House located at 750 Pemberton Road, legally described as Lot 1, Section 68, Victoria District, Plan 38875, as protected heritage property, under Heritage Designation (750 Pemberton Road) Bylaw No. 17-086.

Leanne Taylor (Senior Planner): Advised that the application is to allow for the subdivision of the existing property, the construction of 3 new single family dwelling units while maintaining the existing heritage designated dwelling.

Mayor Helps opened the public hearing at 7:56 p.m.

Melanie Smith (Applicant): Provided information regarding the application, advising of how the lot would be split to construct three single family dwelling units alongside the history of the mansion and carriage house building, the heritage designation, and the green space and community garden that will be kept.

Lawrence Bortoluzzi (Pemberton Road): Expressed concerns relating to the application due to the loss of greenspace.

Doris Schuh (Pemberton Road): Expressed concerns relating to the application due to the increased density and the number of parking spaces.

Council discussed the following:
- *How the setbacks would affect the distance between the proposed buildings and neighbouring units.*
- *That the proposal fits with the City's parking requirements.*

Mayor Helps closed the public hearing at 8:27 p.m.

3. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Young, that the following bylaw~~s~~ **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1117) No. 17-096

Council discussed the following:
- *That the site coverage of the proposal is less than neighbouring units.*
- *The uniqueness of allowing the greenspace and community garden open to neighbours.*
- *The importance of maintaining heritage buildings.*

Carried Unanimously

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw~~s~~ **be given third reading:**
1. Heritage Designation (750 Pemberton Road – Carriage House) Bylaw No. 17-086

Carried Unanimously

4. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the following bylaws **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1117) No. 17-096
2. Heritage Designation (750 Pemberton Road – Carriage House) Bylaw No. 17-086
3. Housing Agreement (750 Pemberton Road) Bylaw (2017) No. 17-097

Carried Unanimously

Council recessed at 8:44 p.m. and returned at 8:51 p.m.

3. Rezoning Application No. 00541 and Development Permit with Variance Application No. 000488 for 1068 Chamberlain Street

1. **Public Hearing**
Rezoning Application No. 00541
To rezone the land known as 1068 Chamberlain Street from the R1-G Zone, Single Family Dwelling (Gonzales) District to the R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District, to permit a two-family dwelling with secondary suite.

New Zone: R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District

Legal description: Lot 16, Section 74, Victoria District, Plan 252

Existing Zone: R1-G Zone, Single Family Dwelling (Gonzales) District

2. **Development Permit with Variance Application No. 00048**
The Council of the City of Victoria will also consider issuing a development permit for the land known as 1068 Chamberlain Street, in Development Permit Area 15D: Intensive Residential Duplex for the purposes of establishment of objectives for the form and character of intensive residential development. Variances on the new Zone, R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District, are required as follows:

- allow parking in the front yard
- reduce the minimum rear setback from 12.78m to 10.26m

Michael Angrove (Planner): Advised that the application is to rezone the property to allow for a duplex with one secondary suite.

Mayor Helps opened the public hearing at 8:51 p.m.

Christy Love (Applicant): Provided information regarding the application, which would be a passive house duplex.

Leonard Weaver (Chamberlain Street): Expressed support for the application due to the positive consultation process with the neighbourhood.

Gail Caron (Chamberlain Street): Expressed support for the application as it will be a positive addition to the character of the neighbourhood.

David Nichols (Chamberlain Street): Expressed support for the application due to the positive consultation process with the neighbourhood and the positive addition to the neighbourhood.

Melissa Zyderdine (Cadboro Bay Road): Expressed support for the application as it will be a positive addition to the neighbourhood and will be an exemplary example of environmental living.

Rolf Warburton (Chamberlain Street): Expressed support for the application as it will be a positive addition to the neighbourhood and the positive example of sustainable living.

Mayor Helps closed the public hearing at 9:18 p.m.

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
1.Zoning Regulation Bylaw, Amendment Bylaw (No. 1125) No. 17-114

Council discussed the following:
- *The positive neighbourhood support that has been received.*
- *The supportability of the passive house conversion.*

Carried Unanimously

4. **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. 1125) No. 17-114

Carried Unanimously

5. **Development Permit with Variances Approval**

Motion:
It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council authorize the issuance of Development Permit with Variances Application No. 000488 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped July 14, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   a. allow parking in the front yard
   b. reduce the minimum rear yard setback from 12.78m to 10.26m.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. Early Termination of Land Use Contract

The Council of the City of Victoria will consider adoption of bylaws directing early termination of a land use contract at the following properties:
1. Bylaw No. 17-055: 104 Dallas Road
2. Bylaw No. 17-056: 1177-1185 Fort Street
3. Bylaw No. 17-057: 1964 Fort Street
4. Bylaw No. 17-058: 1195 Fort Street
5. Bylaw No. 17-059: 1022 Pandora Avenue
6. Bylaw No. 17-060: 717 Market Street
7. Bylaw No. 17-061: 902 Caledonia Avenue & 1911 Quadra Street
8. Bylaw No. 17-062: 1633 Hillside Avenue & 3055 Scott Street
9. Bylaw No. 17-063: 910 Government Street & 525 Broughton Street
10. Bylaw No. 17-064: 1248 Fort Street
11. Bylaw No. 17-065: 1112 Wharf Street
12. Bylaw No. 17-066: 1720 Cook Street
13. Bylaw No. 17-067: 1175 Cook Street

Michael Angrove (Planner): *Advised that for Council's consideration are thirteen bylaws which would terminate the land use contracts at their respective properties one year from today's date. This provides owners with a period to adjust to the zoning or submit an application for a rezoning to a new zone. On November 9, 2018, the underlying zoning would take effect and any existing and lawful uses or*

structures at the time of termination that are inconsistent with the underlying zoning will become legally non-conforming.

4.1. Early Termination of Land Use Contract – 104 Dallas Road

1. Public Hearing
104 Dallas Road
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-055:104 Dallas Road

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 104 Dallas Road. The underlying zoning is the R3-L Zone, Low Density Multiple Dwelling District.*

Mayor Helps opened the public hearing at 9:31 p.m.

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

Mayor Helps closed the public hearing at 9:32 p.m.

1. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (104 Dallas Road) Bylaw No. 17-055

Carried Unanimously

2. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (104 Dallas Road) Bylaw No. 17-055

Carried Unanimously

4.2. Early Termination of Land Use Contract – 1177-1185 Fort Street

1. **Public Hearing**
1177-1185 Fort Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-056: 1177-1185 Fort Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1177-1185 Fort Street. The underlying zoning is the R3-AM-2 Zone, Mid-Rise Multi Dwelling District*

Mayor Helps opened the public hearing at 9:33 p.m.

Clyde Tommen (Real Estate Agent): Expressed concerns relating to the application due to possible effects of the early termination.

Mayor Helps closed the public hearing at 9:39 p.m.

Council discussed the following:
- *The next steps that the owner can take in order to conform to the underlying zoning.*

2. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Coleman, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (1177-1185 Fort Street) Bylaw No. 17-056

Council discussed the following:

- *Whether there is a benefit of terminating the land use contracts prior to the province's legislated terminated deadline.*

Amendment:
It was moved by Mayor Helps, seconded by Councillor Loveday, that the appropriate section of the bylaw be amended so that the bylaw comes into force on November 9, 2020.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried

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

3. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Coleman, that the following bylaw **be adopted:**
2. Land Use Contract Discharge (1177-1185 Fort Street) Bylaw No. 17-056

Carried

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

Councillor Loveday withdrew from the meeting at 9:56 p.m. due to a pecuniary conflict of interest with the following item, as he lives within 100 meters of the subject property.

4.3. Early Termination of Land Use Contract – 1964 Fort Street

1. **Public Hearing**
1964 Fort Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-057: 1964 Fort Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1964 Fort Street. The underlying zoning is the R3-A2 Zone, Low Profile Multiple Dwelling District.*

Mayor Helps opened the public hearing at 9:56 p.m.

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

Mayor Helps closed the public hearing at 9:57 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Isitt, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (1964 Fort Street) Bylaw No. 17-057

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Isitt, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (1964 Fort Street) Bylaw No. 17-057

Carried Unanimously

4.4. Early Termination of Land Use Contract – 1195 Fort Street

1. **Public Hearing**
   1195 Fort Street
   The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

   1. Bylaw No. 17-058: 1195 Fort Street

   The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

   Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1195 Fort Street. The underlying zoning is the R3-AM-2 Zone, Mid-Rise Multi Dwelling District*

Mayor Helps opened the public hearing at 9:58 p.m.

Craig (Lawyer): Expressed concerns relating to the application, in relation to zoning.

Mayor Helps closed the public hearing at 10:01 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. Land Use Contract Discharge (1195 Fort Street) Bylaw No. 17-058

Carried Unanimously

3. **Bylaw Approval**

   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
   1. Land Use Contract Discharge (1195 Fort Street) Bylaw No. 17-058

Carried Unanimously

Councillor Loveday returned to the meeting at 10:02 p.m.

4.5. Early Termination of Land Use Contract – 1022 Pandora Avenue

1. **Public Hearing**
   1022 Pandora Avenue
   The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

   1. Bylaw No. 17-059: 1022 Pandora Avenue

   The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

   Michael Angrove (Planner): *Advised that is a City-initiated early termination of the land use contract located at 1022 Pandora Avenue. The underlying zoning is the CA-1 Zone, Pandora Avenue Special Commercial District.*

Mayor Helps opened the public hearing at 10:02 p.m.

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

Mayor Helps closed the public hearing at 10:03 p.m.

2. **Bylaw Approval**

   Motion:
   It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
   1. Land Use Contract Discharge (1022 Pandora Avenue) Bylaw No. 17-059

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (1022 Pandora Avenue) Bylaw No. 17-059

Carried Unanimously

4.6. Early Termination of Land Use Contract – 717 Market Street

1. **Public Hearing**
717 Market Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-060: 717 Market Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 717 Market Street. The underlying zoning is the C-SS Zone, Special Service Station District.*

Mayor Helps opened the public hearing at 10:03 p.m.

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

Mayor Helps closed the public hearing at 10:04 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. Land Use Contract Discharge (717 Market Street) Bylaw No. 17-060

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (717 Market Street) Bylaw No. 17-060

Carried Unanimously

4.7. Early Termination of Land Use Contract – 902 Caledonia Avenue & 1911 Quadra Street

1. **Public Hearing**
902 Caledonia Avenue & 1911 Quadra Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-061: 902 Caledonia Avenue & 1911 Quadra Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 902 Caledonia Avenue & 1911 Quadra Street. The underlying zoning is the C-1 Zone, Limited Commercial District.*

Mayor Helps opened the public hearing at 10:04 p.m.

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

Mayor Helps closed the public hearing at 10:04 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (902 Caledonia Avenue & 1911 Quadra Street) Bylaw No. 17-061

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (902 Caledonia Avenue & 1911 Quadra Street) Bylaw No. 17-061

Carried Unanimously

4.8. Early Termination of Land Use Contract – 1633 Hillside Avenue & 3055 Scott Street

1. **Public Hearing**
1633 Hillside Avenue & 3055 Scott Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-062: 1633 Hillside Avenue & 3055 Scott Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1633 Hillside Avenue & 3055 Scott Street. The underlying zoning is split between three zones: the C-1 Zone, Limited Commercial District; the C1-N Zone, Neighbourhood Shopping District; and the R1-B Zone, Single Family Dwelling District.*

Mayor Helps opened the public hearing at 10:06 p.m.

Malcolm McMicken (Lawyer for Applicant): Expressed concerns relating to the early termination, as the parking requirements of the underlying zoning are onerous.

Bhagwant Jawanda (Owner) Expressed concerns relating to the early termination of the land use contract as it might negatively affect his retirement.

Council discussed the following:
- *That a future rezoning application would take into consideration the current parking configuration.*

Mayor Helps closed the public hearing at 10:13 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Loveday, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (1633 Hillside Avenue & 3055 Scott Street) Bylaw No. 17-062

Amendment:
It was moved by Mayor Helps, seconded by Councillor Loveday, that the appropriate section of the bylaw be amended so that the bylaw comes into force on November 9, 2020.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried

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

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (1633 Hillside Avenue & 3055 Scott Street) Bylaw No. 17-062

Carried

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

4.9. Early Termination of Land Use Contract – 910 Government Street & 525 Broughton Street

1. **Public Hearing**
910 Government Street & 525 Broughton Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-063: 910 Government Street & 525 Broughton Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 910 Government Street & 525 Broughton Street. The underlying zoning is the CA-3 Zone, Central Area General Commercial District. Under the draft Downtown Zoning Bylaw update, the new zoning would be the ODT-1 Zone, Old Town District-1 District.*

Mayor Helps opened the public hearing at 10:15 p.m.

Craig Beveridge (Lawyer for Applicant): Expressed concerns relating to the early termination of the land use contract due to the significant hardship it would create for his client.

Sandra Rivet (Broughton Street): Expressed concerns relating to the early termination of the land use contract due to potential impacts on the two strata corporations.

Vafa Javanmardi (Property Manager): Expressed concerns relating to the early termination of the land use contract due to the long term commercial and rental contracts that are currently in place.

Mayor Helps closed the public hearing at 10:24 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Mayor Helps, seconded by Councillor Lucas, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (910 Government Street & 525 Broughton Street) Bylaw No. 17-063

Amendment:
It was moved by Mayor Helps, seconded by Councillor Loveday, that the appropriate section of the bylaw be amended so that the bylaw comes into force on November 9, 2020.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried

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

3. **Bylaw Approval**

Motion:
It was moved by Councillor Isitt, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (910 Government Street & 525 Broughton Street) Bylaw No. 17-063

Carried

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

Councillor Loveday withdrew from the meeting at 10:30 p.m. due to a pecuniary conflict of interest with the following item, as he lives close to the subject property.

4.10. Early Termination of Land Use Contract – 1248 Fort Street

1. **Public Hearing**
   1248 Fort Street
   The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

   1. Bylaw No. 17-064: 1248 Fort Street

   The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

   Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1248 Fort Street. The underlying zoning is the R3-2 Zone, Multiple Dwelling District.*

Mayor Helps opened the public hearing at 10:30 p.m.

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

Mayor Helps closed the public hearing at 10:30 p.m.

2. **Bylaw Approval**

   Motion:
   It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
   1. Land Use Contract Discharge (1248 Fort Street) Bylaw No. 17-064

   Carried Unanimously

3. **Bylaw Approval**

   Motion:
   It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
   1. Land Use Contract Discharge (1248 Fort Street) Bylaw No. 17-064

   Carried Unanimously

Councillor Loveday returned to the meeting at 10:31 p.m.

Councillor Young withdrew from the meeting at 10:31 p.m. due to a pecuniary conflict of interest with the following item, as he owns property close to the subject property.

4.11. Early Termination of Land Use Contract – 1112 Wharf Street

1. **Public Hearing**
   1112 Wharf Street
   The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

   1. Bylaw No. 17-065: 1112 Wharf Street

   The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

   Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1112 Wharf Street. The underlying zoning is the IHBA Zone, Inner Harbour Bastion District.*

Mayor Helps opened the public hearing at 10:31 p.m.

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

Mayor Helps closed the public hearing at 10:31 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Lucas, seconded by Councillor Loveday, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (1112 Wharf Street) Bylaw No. 17-065

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas, that the following bylaw **be adopted:**
2. Land Use Contract Discharge (1112 Wharf Street) Bylaw No. 17-065

Carried Unanimously

Councillor Young returned to the meeting at 10:32 p.m.

4.12. Early Termination of Land Use Contract – 1720 Cook Street

1. **Public Hearing**
1720 Cook Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-066: 1720 Cook Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1720 Cook Street. The underlying zoning is split between three zones: the CR-4 Zone, Upper Cook Commercial-Residential District; CR-NP Zone, North Park Commercial Residential District; and the R-2 Zone, Two Family Dwelling District.*

Mayor Helps opened the public hearing at 10:33 p.m.

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

Mayor Helps closed the public hearing at 10:33 p.m.

2. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
1. Land Use Contract Discharge (1720 Cook Street) Bylaw No. 17-066

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (1720 Cook Street) Bylaw No. 17-066

Carried Unanimously

4.13. Early Termination of Land Use Contract – 1175 Cook Street

1. **Public Hearing**
1175 Cook Street
The Council of the City of Victoria will consider adoption of a bylaw directing early termination of a land use contract at the following property:

1. Bylaw No. 17-67: 1175 Cook Street

The termination of a land use contract will be effective one year after adoption of the bylaw directing termination of it.

Michael Angrove (Planner): *Advised that this is a City-initiated early termination of the land use contract located at 1175 Cook Street. The underlying zoning is the C-1 Zone, Limited Commercial District.*

Mayor Helps opened the public hearing at 10:34 p.m.

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

Mayor Helps closed the public hearing at 10:34 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. Land Use Contract Discharge (1175 Cook Street) Bylaw No. 17-067

Carried Unanimously

3. **Bylaw Approval**

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the following bylaw **be adopted:**
1. Land Use Contract Discharge (1175 Cook Street) Bylaw No. 17-067

Carried Unanimously

Council recessed at 10:35 p.m. and returned at 10:40 p.m.

REQUESTS TO ADDRESS COUNCIL

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

Carried Unanimously

Mayor Helps withdrew from the meeting at 10:40 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.

Councillor Isitt assumed the Chair in her absence.

Councillor Lucas withdrew from the meeting at 10:40 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

1. Paul Nursey: Short-Term Rentals
Provided for Council the tourism industry's perspective on the importance of regulation short-term vacation rentals.

2. Eric Ney: Short-Term Rental Regulations
Outlined why Council should work towards a regulation framework that restricts short-term rentals to a primary residence only.

3. Mark Atkins: Short-Term Rentals
Outlined why Council should approve staff's short-term rental recommendations, and to consider a licensing process, where platforms are fined if they list illegal listings.

Mayor Helps returned to the meeting at 10:53 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 10:53 p.m.

UNFINISHED BUSINESS

1. Update Report on Development Permit with Variances Application No. 00034 for 515 and 533 Chatham Street
Council received a report dated October 27, 2017 from the Director of Sustainable Planning and Community Development providing an updated motion on the application.

Motion:
It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that 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 Permit with Variances Application No. 00034 for 515 and 533 Chatham Street in accordance with:

1. Plans date stamped September 21, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. Part 6.7.1 (e): relaxation to allow residential use on the ground floor
   ii. Part 6.7.6 (1): increase the height from 15m to 19.52m
   iii. General Regulations - Part 19: relaxation to allow more than one building on a lot.
3. Confirmation of cladding details and metal panel layout to the satisfaction of the Director of Planning and Sustainability.
4. Reconciliation of existing easements, as required to the satisfaction of the City Solicitor.
5. Council authorizing anchor-pinning into the City Right-of-Way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
6. Council authorizing the street level projecting canopies over the City Right-of-Way on Chatham Street and Store Street provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
7. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
8. The Development Permit lapsing two years from the date of this resolution.
9. Registration of the following legal agreements on the property's title, to the satisfaction of City Staff:
   a. Housing Agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
   b. Statutory Right-of-Way of a minimum of 1.5m along the eastern property line to allow for the expansion of the through-block walkway;
10. Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property."

Carried Unanimously

2. Letter from the Minister of Energy, Mines and Petroleum Resources

Council received a letter of response dated October 4, 2017 regarding measures to encourage building retrofits for energy efficiency.

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the correspondence dated October 4, 2017 from the Minister of Energy, Mines and Petroleum Resources be referred to the November 16, 2017 Committee of the Whole meeting.

Carried Unanimously

Councillor Thornton-Joe withdrew from the meeting at 10:55 p.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.

3. Letter from the Mayor of the City of Colwood

Council received a letter of response dated October 26, 2017 advising that Colwood Council passed a motion expressing support for maintaining and improving inter-city bus service.

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the correspondence dated October 26, 2017 from the Mayor of the city of Colwood be received for information.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 10:56 p.m.

4. Rise and Report from Closed Meeting for Information

From the October 19, 2017 Closed Council Meeting

1. Appoint Lee Johnson to the Active Transportation Advisory Committee for the remainder of the two-year term ending January 1, 2018;
2. Rescind the appointment of Suzan Jennings; and
3. Rise and report on the appointment once the applicants have been notified.

REPORTS OF COMMITTEES

1. Committee of the Whole – November 2, 2017

Councillor Thornton-Joe withdrew from the meeting at 10:56 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 Langford

Motion:
It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council receive this letter for information.

Carried Unanimously

2. Regional Transit

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council adopt the following resolution, and direct staff to forward copies to the provincial Minister of Transportation, copying the Premier of British Columbia, Members of the Legislative Assembly representing constituencies in the Capital Region, the Capital Regional District Board, the CRD Transportation Committee and local governments within the Capital Region:

Establishment of Regional Transportation Authority for the Capital Region
WHEREAS improved coordination, resources and governance are required to provide an efficient and multi-modal transportation system for the movement of people and goods in the Capital Region;

AND WHEREAS the Capital Regional District is on record requesting that authority over public transit operations and governance within the Capital Region be transferred from the Victoria Regional Transit Commission and BC Transit to the Capital Regional District;

AND WHEREAS the Capital Regional District provides a mechanism for representation and decision-making that accounts for the interests of residents of all local governments and electoral areas in the Capital Region, balancing the principle of representation by population with the interests of rural areas, unincorporated areas and small municipalities;

AND WHEREAS the City of Victoria is ready to work with other local governments, the Capital Regional District and the Province of BC to fix the regional transportation system;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to introduce an effective Regional Transportation Authority in the Capital Region without delay, with responsibilities including the governance and operations of public transit.

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

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to ~~**introduce**~~ **begin the transition to** an effective Regional Transportation Authority in the Capital Region ~~**without delay**~~, with responsibilities including the governance and operations of public transit.

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

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to **introduce** ~~**begin the transition to**~~ an effective Regional Transportation Authority in the Capital Region ~~**without delay**~~, with responsibilities including the governance and operations of public transit.

On the amendment to the amendment:
Carried Unanimously

On the amendment:
Carried

For: **Mayor Helps, Councillors Coleman, Isitt, Lucas, and Young**
Opposed: **Councillor Loveday**

Amendment:
It was moved by Mayor Helps, seconded by Councillor Coleman, that the motion be amended by striking all whereas clauses, as follows:

That Council adopt the following resolution, and direct staff to forward copies to the provincial Minister of Transportation, copying the Premier of British Columbia, Members of the Legislative Assembly representing constituencies in the Capital Region, the Capital Regional District Board, the CRD Transportation Committee and local governments within the Capital Region:

Establishment of Regional Transportation Authority for the Capital Region
~~**WHEREAS improved coordination, resources and governance are required to provide an efficient and multi-modal transportation system for the movement of people and goods in the Capital Region;**~~

~~**AND WHEREAS the Capital Regional District is on record requesting that authority over public transit operations and governance within the Capital Region be transferred from the Victoria Regional Transit Commission and BC Transit to the Capital Regional District;**~~

~~**AND WHEREAS the Capital Regional District provides a mechanism for representation and decision-making that accounts for the interests of residents of all local governments and electoral areas in the Capital Region, balancing the principle of representation by population with the interests of rural areas, unincorporated areas and small municipalities;**~~

~~**AND WHEREAS the City of Victoria is ready to work with other local governments, the Capital Regional District and the Province of BC to fix the regional transportation system;**~~

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to introduce an effective Regional Transportation Authority in the Capital Region, with responsibilities including the governance and operations of public transit.

Amendment to the amendment:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended to keep clauses one and four, as follows:

That Council adopt the following resolution, and direct staff to forward copies to the provincial Minister of Transportation, copying the Premier of British Columbia, Members of the Legislative Assembly representing constituencies in the Capital Region, the Capital Regional District Board, the CRD Transportation Committee and local governments within the Capital Region:

Establishment of Regional Transportation Authority for the Capital Region
WHEREAS improved coordination, resources and governance are required to provide an efficient and multi-modal transportation system for the movement of people and goods in the Capital Region;

~~**AND WHEREAS the Capital Regional District is on record requesting that authority over public transit operations and governance within the Capital Region be transferred from the Victoria Regional Transit Commission and BC Transit to the Capital Regional District;**~~

~~**AND WHEREAS the Capital Regional District provides a mechanism for representation and decision-making that accounts for the interests of residents of all local governments and electoral areas in the Capital Region, balancing the principle of representation by population with the interests of rural areas, unincorporated areas and small municipalities;**~~

AND WHEREAS the City of Victoria is ready to work with other local governments, the Capital Regional District and the Province of BC to fix the regional transportation system;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to introduce an effective Regional Transportation Authority in the Capital Region, with responsibilities including the governance and operations of public transit.

On the amendment to the amendment:
Carried Unanimously

On the amendment:
Carried

For: **Mayor Helps, Councillors Coleman, Isitt, and Lucas**
Opposed: **Councillors Loveday and Young**

Amendment:
It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended to include the following clause:

AND BE IT RESOLVED THAT the City of Victoria is committed to working with the Ministry of Transportation, the Capital Regional District, and the Transit Commission to fix transit in the region.

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

AND BE IT RESOLVED THAT the City of Victoria is committed to working with the Ministry of Transportation, the Capital Regional District, and the Transit Commission to fix transit in the region, including rapid transit from Downtown to the Westshore.

On the amendment to the amendment:
Carried Unanimously

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

AND BE IT RESOLVED THAT the City of Victoria is committed to working with the Ministry of Transportation, the Capital Regional District, and the Transit Commission to fix transit in the region, including rapid transit from Downtown to the Westshore, without delay.

On the amendment to the amendment:
Carried Unanimously

On the amendment:
Carried Unanimously

Motion to extend meeting:
It was moved by Councillor Loveday, seconded by Councillor Young, that the meeting be extended until 11:30 p.m.

On the motion to extend the meeting:
Carried Unanimously

Main motion as amended:
That Council adopt the following resolution, and direct staff to forward copies to the provincial Minister of Transportation, copying the Premier of British Columbia, Members of the Legislative Assembly representing constituencies in the Capital Region, the Capital Regional District Board, the CRD Transportation Committee and local governments within the Capital Region:

Establishment of Regional Transportation Authority for the Capital Region
WHEREAS improved coordination, resources and governance are required to provide an efficient and multi-modal transportation system for the movement of people and goods in the Capital Region;

AND WHEREAS the City of Victoria is ready to work with other local governments, the Capital Regional District and the Province of BC to fix the regional transportation system;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia and British Columbia Transit work with the Capital Regional District and local governments to introduce an effective Regional Transportation Authority in the Capital Region, with responsibilities including the governance and operations of public transit.

AND BE IT RESOLVED THAT the City of Victoria is committed to working with the Ministry of Transportation, the Capital Regional District, and the Transit Commission to fix transit in the region, including rapid transit from Downtown to the Westshore, without delay.

On the main motion as amended:
Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 11:02 p.m.

3. Council Member Motion: Policy for Allocation of Weighted Votes for Regional Water Supply Commission

Motion:
It was moved by Councillor Coleman, seconded by Councillor Young, that Council adopt the policy that weighted votes for the Regional Water Supply Commission will be allocated on the basis of the highest votes received in the general election for council members.

Carried Unanimously

4. Advocacy to Government of Canada on Carbon Pricing

Motion:
It was moved by Councillor Young, seconded by Councillor Isitt, that Council:

1. Endorse the Open Letter to the Government of Canada on carbon pricing, calling for an extension of the rising national price on carbon to the year 2030; and
2. Request that the Mayor, on behalf of Council, write to the Prime Minister of Canada in support of this policy.

Carried Unanimously

5. Rezoning Application No. 00562 & Development Variance Permit Application No. 00198 for 3025 Douglas Street

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

Rezoning Application No. 00562

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act, and 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:
   a. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
      i. Housing Agreement to ensure that the dwelling units in the existing building would remain as rental in perpetuity
   b. 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; 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.
   c. 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.
   d. 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.
   e. That Council give first reading to the Official Community Plan Amendment Bylaw.
   f. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 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.
   g. That Council give second reading to the Official Community Plan Amendment Bylaw.
   h. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing

Development Variance Permit Application No. 00198

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00562, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00562 for 3025 Douglas Street, in accordance with:

1. Plans date stamped August 3, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for:
   - Part 3.9, Section 13(2): reduce the required number of parking spaces from 62 to 28;
   - Schedule C, Section 7.2(g): reduce the required number of visitor parking spaces from 3 to 0;
   - Schedule C, Section C(5) and Section D(1): reduce the required number of parking 18 to 0. 3.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

6. Development Permit Application No. 000498 for 1088 Johnson Street

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit Application No. 000498 for 1088 Johnson Street, in accordance with:

1. Plans date stamped August 31, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Preparation of a reciprocal easement agreement for access to exiting across the property line, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Council authorizing anchor-pinning into the City Right-of-Way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
5. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
6. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

7. Progress Report on 1525 Shasta Place 60-Day Temporary Protection Order

Motion:
It was moved by Councillor Lucas, seconded by Councillor Young, that Council receive this report for information.

Carried

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

8. Work Without Permit - 2315 Cook St. / Bylaw File #51445

Motion:
It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council direct the City Clerk to file a notice in the Land Title Office in relation to a property located at 2315Cook Street, legally described as **LOT 25, 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

9. Options for Including Pollinator Habitat in Parks

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council direct staff to work with the Accessibility Working Group and Urban Food Table and report back in the context of the Parks Master Plan Implementation Plan update on options for balancing accessibility considerations with pollinator habit, **including** in the vicinity of playgrounds.

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

That Council direct staff to work with the Accessibility Working Group and Urban Food Table and report back in the context of the Parks Master Plan Implementation Plan update on options for balancing accessibility considerations with pollinator habit, **in particular ~~including~~** in the vicinity of playgrounds.

Defeated

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

Council discussed:
- Receiving further information on the rationale for the request.

Main motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council direct staff to work with the Accessibility Working Group and Urban Food Table and report back in the context of the Parks Master Plan Implementation Plan update on options for balancing accessibility considerations with pollinator habit, **including** in the vicinity of playgrounds.

Main motion
Carried Unanimously

2. Special Committee of the Whole – October 30 & 31, November 2 & 7, 2017 (2018-2022 Financial Plan)

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

From the October 30, 2017 meeting:

2. That Council direct staff to report back on the implications of adding the implementation of accessible pedestrian signals utilizing funds from the accessibility reserve. Is this numbering correct?

3. Direct staff to engage with the Victoria Placemaking Society on active transportation pilot projects.

5. That Council direct staff to report back on the budget implications and work plan associated with cleaning and power washing of downtown sidewalks during the summer months especially during long periods of hot and dry weather, and explore options for enhanced weekend sidewalk cleaning and snow removal on top levels of City parkades.

6. That Council direct staff to report back on implications and advisability on developing a policy relating to the sharing of data from traffic cameras.

7. That Council direct staff to report on options for increasing funds available for the Neighbourhood Transportation Management Plan.

From the October 31, 2017 meeting

8. THAT Council request that the Mayor, on behalf of Council:
    1. Write to the provincial Minister of Mental Health and Addictions, copying the Minister of Health and the Chair of the Vancouver Island Health Authority Board of Directors, requesting that the Province of British Columbia and the Vancouver Island Health Authority fully fund the operations of the Greater Victoria Assertive Community Treatment (ACT) Teams for the 2018 fiscal year; and
    2. Include the following rationale in the letter:
        a. the orientation of the teams toward the provision of health services;
        b. the focus of the teams on case management and the health outcomes of individuals;
        c. the regional nature of the services and clientele accessing these services; and
        d. actual and potential cost-savings to the provincially funded health system arising from the provision of this service.
        e. include with the letter the annual report of the ACT Team that was provided to Council.

9. That Council:
    1. Direct staff to report back on options for levying a surcharge on licensed liquor seats to offset the costs of policing arising from consumption of alcohol.
    2. Direct staff to report on Dec 7, 2017 on the implications of carrying out this work.

10. That Council direct staff to report back on the implications of including a new skateboard park in the financial plan starting in 2018.

From the November 2, 2017 meeting:

11. That Council direct staff to report back on the implications of allocating resources to notify residents of the 2018 general election and how they can participate, including the option of a mail-out to each household and online advertising in social media platforms.

12. That Council direct staff to report back on the implementation of the Youth Strategy.

From the November 7, 2017 meeting:

13. That Council direct staff to report back on the opportunity / implications of funding an additional, full-time, heritage planner to develop new approaches to heritage planning.

14. That Council direct staff to include affordability of new housing units as a metric in reporting to Council and the public in annual financial planning and quarterly strategic planning processes.

16. That Council direct staff to report back to Council on the implications and options of reviewing the *Council Remuneration Bylaw*.

17. That Council direct staff to report back on the opportunities and funds available to implement requests from the Accessibility Working Group.

18. That Council direct staff to report back on the possibility of installing the Cameron Street, Kings Park connection in 2018.

19. That Council direct staff to report back on the implications of increasing the allocation to community garden capital improvements.

20. That Council:
    1. Direct staff to bring forward the Five-year Financial Plan Bylaw, 2018 to the November 9 Council meeting for consideration of first reading prior to commencing public consultation
    2. Direct staff to bring forward bylaws outlining solid waste, stormwater and water utility user fee increases to the November 9 Council meeting for consideration of first, second and third readings

3. Approve the following allocations of assessment growth (non-market change) property tax revenue:
    a. $500,000 to the Buildings and Infrastructure Reserve as per the Financial Sustainability Policy
    b. $87,000 to maintain the correspondence coordinator position (as directed by Council during 2017 financial planning process)
    c. Direct staff to bring forward options for the use of the remainder upon completion of public consultation
4. Direct staff to bring forward options for the use of 2017 surplus upon completion of public consultation
5. Direct staff to bring forward options for funding supplementary budget requests upon completion of public consultation
6. Allocate $2,450,000 of the annual gas tax funding to the Storm Drain Brick Main project and direct staff to bring forward options for the allocation of the remainder upon completion of public consultation
7. Create a direct-award grant for seniors outreach funded by a reallocation of $30,000 from the Strategic Plan Grant program
8. Approve the direct-award grants as outlined in this report
9. Direct staff to bring forward options for funding increased grant requests upon completion of public consultation
10. Approve adding 1.0 FTE carpenter currently managed through auxiliary staffing and funded through existing budgets

Carried Unanimously

Motion:
It was moved by Mayor Helps, seconded by Councillor Isitt:
1. That Council direct staff to report back on the budget implications and work plan associated with a two-year pilot project for a strategic procurement adviser shared between the City of Victoria and other local governments in the AVICC region.

Carried

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

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt:
4. That staff report back on the opportunities/implications of installing a crosswalk on Oak Bay Avenue at Redfern Street.

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

4. That staff report back on ~~**the opportunities/implications of installing a crosswalk on**~~ **the advisability of adding** Oak Bay Avenue at Redfern Street **to the crosswalk priority list**.

On the amendment:
Carried Unanimously

Main motion as amended:
It was moved by Councillor Isitt, seconded by Mayor Helps that the motion be amended as follows:

4. That staff report back on the advisability of adding Oak Bay Avenue at Redfern Street to the crosswalk priority list.

On the main motion as amended:
Carried

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

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday:
15. That Council direct staff to report back to Council on the implications of providing an inflationary increase to the community garden volunteer management program.

Carried

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

Motion:
It was moved by Councillor Loveday, seconded by Councillor Isitt:
21. That Council direct staff to report back on the implications of expediting the implementation of the crosswalk priority list.

Carried Unanimously

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday:
22. That Council direct staff to report on the implications of expediting the pilot project for the Haultain-Kings corridor.

Carried Unanimously

Motion to extend meeting:
It was moved by Councillor Coleman, seconded by Councillor Isitt, that the meeting be extended until 11:40 p.m.

On the motion to extend the meeting:
Carried Unanimously

3. Committee of the Whole – November 9, 2017

1. Heritage Designation Application No. 000169 for 35 San Jose Avenue (James Bay)

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council consider the following motion:

"That Council approve the designation of the Heritage-Registered property located at 35 San Jose Avenue, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and that a Public Hearing date be set."

Carried Unanimously

2. Requests for Boulevard Removal for the Taxed Boulevard Program

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Young, That Council approve the removal of 1000 block Craigdarroch Road (west side) from the Taxed Boulevard Program effective the 2018 tax year.

Carried Unanimously

3. Council Resolution for Emergency Services Grant Application

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council:
1. Authorize staff to apply for a $25,000 grant through the Community Emergency Preparedness Fund for Emergency Social Services (ESS) training and exercise program.
2. Authorize the Mayor and City Clerk to execute any agreements related to a successful grant application.

Carried Unanimously

4. Motion regarding the South Island Prosperity Project

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council receive the report for information and promote the November 25, 2017 Smart South Island Symposium.

Carried Unanimously

5. Update Report – Rezoning Application No. 00516 and Development Permit with Variances Application No. 000462 for 1120, 1124, and 1128 Burdett Avenue (Fairfield)

Motion:
It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council authorize the following in relation to the proposed bylaws and set a Public Hearing date for Rezoning Application No. 00516 for 1120, 1124 and 1128 Burdett Avenue:
1. Amend Schedule 1 of the Zoning Regulation Bylaw Amendment No. 17-047.
2. Give third reading to to Zoning Regulation Bylaw Amendment No. 17-047 as amended.
3. Rescind third reading of the Housing Agreement Bylaw No. 17-048.
4. Amend Schedule A of the Housing Agreement Bylaw No. 17-048.
5. Give third reading to Housing Agreement Bylaw No. 17-048 as amended.

Following consideration of Rezoning Application No. 00516, if it is approved, that Council consider this updated motion with respect to Development Permit with Variances No. 000462:

"That Council authorize the issuance of Development Permit with Variances Application No. 000462 for 1120, 1124 and 1128 Burdett Avenue, in accordance with:

1. Plans date stamped August 11, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. increase the height from 12m to 13.53m (previously 13.55m)
   ii. increase the site coverage from 40% to 51.42% (previously 57.06%)
   iii. reduce the open site space from 50% to 46.58% (previously 42.16%)
   iv. reduce the minimum required front yard setback from 10.5m to 5.11m for the building (previously 4.51m)
   v. reduce the east side yard setback from 6.77m to 3.75m for the building, and 2.82m for the parkade stairs
   vi. reduce the west side yard setback from 6.77m to 4.22m for the building face, 2.22m for the balconies, and nil for the parkade
   vii. reduce the required residential parking from 1.2 spaces per dwelling unit to 0.8 spaces per dwelling unit (previously 1.02 spaces per dwelling unit).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of $750, plus $25 per m^2 of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way.
5. The Development Permit lapsing two years from the date of this resolution."

That Council write a letter of thanks to the CMHC for the rental construction financing program.

Carried

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

Councillor Young withdrew from the meeting at 11:36 p.m. due to a non-pecuniary conflict of interest with the following item, as a family member lives within 200 meters of the subject property.

6. Development Variance Permit Application No. 00197 for 501-503 Government Street (James Bay)

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, 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 Permit Application No. 00197 for 501-503 Government Street, in accordance with:

1. Plans date stamped August 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. increase the maximum commercial floor area from $45m^2$ to $95m^2$.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

Councillor Young returned to the meeting at 11:37 p.m.

7. Temporary Use Permit Application No. 0005 for 2610 Rock Bay Avenue

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council defer the proposal outlined in Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay Avenue until the Public Hearing for Rezoning Application No. 00533 for 603 Gorge Road East.

Carried

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

8. Rezoning Application No. 00601 for 1541-1545 Fort Street (Rockland)

Motion:
It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00601 for 1541-1545 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once Staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 3.439m on Fort Street and 1.407m on Verrinder Avenue.

Carried

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

9. 1240 Yates Street – Lease Agreement

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorizes the Mayor and City Clerk to execute a lease agreement, in a form satisfactory to the City Clerk, for premises at 1240 Yates Street with the Provincial Rental Housing Corporation for a period of up to 6 months commencing no earlier than November 1, 2017 and ending April 30, 2018, subject to the publication of the statutory notices required by the Community Charter.

Carried Unanimously

10. 2017 Development Summit Action Plan

Motion:
It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council:
1. Approve the 2017 Development Summit Action Plan (Attachment 1)
2. Direct staff to provide an update to Council on the status of the action items outlined in the Action Plan in May 2018.
3. Direct staff to organize the 2018 Development Summit and report back on details of the planned event in May 2018.
4. Add to the Development Summit Action Plan: ask departments for their top 5 challenges if staff were empowered to facilitate business and development

Carried Unanimously

11. Provincial Cannabis Consultation

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

Minimum Age
That the City recommend to the province that the minimum age for possession is consistent with the minimum age for the consumption of alcohol.

Personal Possession
That Council take no position on personal possession.

Public consumption
That Council request that the province establish a licensing scheme to allow for designated consumption lounges with a use model that takes into consideration the health and wellbeing of all users and employees.

Drug –Impaired Driving
That Council direct staff to include comments supporting strong restrictions on drug impaired driving, zero tolerance for impairment standards for L and N License holders, education, and awareness campaigns regarding cannabis impaired driving and supporting expanded roadside testing, suspension, and prohibition programs.

And that Council direct staff to write the Provincial and Federal Governments to request that Cannabis legalization and associated regulation frameworks be constructed in a way that will lower policing and enforcement costs for municipalities.

Personal Cultivation
That Council supports the Bill C-45 provisions for cultivation.

Distribution Model
That Council calls on the Province to introduce a distribution model for medical and non-medical cannabis that maintains opportunities for local enterprise, craft enterprise and small business in the cultivation, distribution and retail sale of medical and non-medical cannabis.

Retail Model
That the City recommend that:
1. The Province develop a retail regime that makes room for both public and private retail operations and that the Province establish regulations covering retailers and ensuring that there is a provincial standard.
2. That within the Provincial regime local governments retain their zoning authority as to the location of both public and private retail outlets.
3. The Province to introduce a retail model for medical and non-medical cannabis that maintains opportunities for local enterprise, craft enterprise and small business in the cultivation, distribution and retail sale of medical and non-medical cannabis.

General Motions:
That with the exception of provincially regulated smoking lounges, local smoking regulations apply to smoking of cannabis.

That senior levels of government, in discussion with FCM and UBCM, develop a fair and equitable revenue sharing model with local governments.

Carried Unanimously

12. Council Workshop – Draft Create Victoria Arts and Culture Master Plan

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council:
Direct staff to update the draft Create Victoria Arts and Culture Master Plan based on public input received and prepare a final proposed plan for Council consideration.

Receive the Economic Impact Assessment report for information.

Carried

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

BYLAWS

1. Bylaw for 2018-2022 Financial Plan

Motion:
It was moved by Mayor Helps, seconded by Councillor Coleman, that the following bylaw **be given first reading:**
a. *Five Year Financial Plan Bylaw, 2017, No. 17-124*

Carried Unanimously

2. Bylaws for 2018 Utilities

Motion:
It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given first, second, and third reading:**
a. *Solid Waste Bylaw, Amendment Bylaw (No. 6) No. 17-119*
b. *Waterworks Bylaw, Amendment Bylaw (No 12) No. 17-120*
c. *Sanitary Sewer and Storm Drain Utilities Bylaw, Amendment Bylaw (No. 5) No. 17-121*

Carried Unanimously

3. Bylaw for Rezoning Application No. 00544 for 1539 Pearl Street

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. 1121) No. 17-106*

Carried Unanimously

Councillor Lucas withdrew from the meeting at 11:40 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

4. Bylaw for Liquor Licence Fee Bylaw Amendments

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaw **be adopted:**
a. *Liquor Licensing Fee Bylaw, Amendment Bylaw (No. 2) No. 17-118*

Carried Unanimously

Councillor Lucas returned to the meeting at 11:41 p.m.

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that the Council meeting adjourn.
Time: 11:42 p.m.

Carried Unanimously

CERTIFIED CORRECT:

_____ _____

CITY CLERK MAYOR