

Thursday, January 31, 2019, 6:30 P.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

Council is committed to ensuring that all people who speak in this chamber are treated in a fair and respectful manner. No form of discrimination is acceptable or tolerated. This includes discrimination because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or economic status. This Council chamber is a place where all human rights are respected and where we all take responsibility to create a safe, inclusive environment for everyone to participate.

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A. APPROVAL OF AGENDA

*B. POETRY READING

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Addendum: Correspondence

- Motion to give third reading to:
 - Zoning Bylaw 2018, Amendment Bylaw (No. 2) No. 19-016
- Motion to adopt:
 - Zoning Bylaw 2018, Amendment Bylaw (No. 2) No. 19-016

G. REQUESTS TO ADDRESS COUNCIL

*G.1 Julia Ford: VicPD Budget Considerations Addendum: Speaker

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- *G.2 Christy Love: Delegated Development Permit Request
 <u>Addendum</u>: Speaker
- *G.3 Kim Hines: Police Budget

Addendum: Speaker

H. UNFINISHED BUSINESS

*H.1 Letter from South Island Prosperity Project

Addendum: New Item

A letter dated January 28, 2019 regarding a response for Call for Written Submissions - Select Standing Committee on Crown Corporations.

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the January 24, 2019 COTW Meeting

Link to January 24, 2019 COTW Agenda

- I.1.a.a 1516-1564 Fairfield Road Rezoning Application No. 00677 (Fairfield)
- I.1.a.b 819-823, 825 and 827 Fort Street Rezoning Application No. 00621, Heritage Alteration Permit Application with Variances No. 00009, and Heritage Designation Application No. 000176 (Fairfield)

- I.1.a.c Rear Yard Landscaping in the C1-L Zone, Commercial Landscape District
- I.1.a.d Citizen-Led Heritage Conservation Areas Policy
- I.1.a.e Safer Drug Supply to Save Lives in British Columbia
- I.1.a.f Attendance at Association of Vancouver Island and Coastal Communications Annual Meeting, April 2019
- I.1.a.g Attendance at Federation of Canadian Municipalities Annual Meeting, May 30-June 2, 2019
- I.1.a.h Attendance at Higher Ground Governance Forum, March 2019
- I.1.a.i Recognizing Victoria as the Home to the Oldest Chinatown in Canada
- I.1.b Report from the January 31, 2019 COTW Meeting

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Link to January 31, 2019 COTW Agenda

Addendum: Report

- *I.1.b.a Rezoning Application No.00654 for 700 Government Street (Downtown)
- *I.1.b.b Attendance at Higher Ground Governance Forum, March 2019
- *I.1.b.c Attendance at Association of Vancouver Island and Coastal Communities Annual Meeting, April 2019
- *I.1.b.d Attendance at New Westminster Mayor's Housing Roundtable, February 16, 2019
- *I.1.b.e Resolution: Shifting Investment to Low-Emission Transportation
- *I.1.b.f Resolution: Protection of Old Growth Forests on Vancouver Island
- *I.1.b.g Downtown Victoria Business Association
- *I.1.b.h South Island Prosperity Project Smart Mobility Proposal
- *I.1.b.i Letter from Employment and Social Development Canada

- *I.1.b.j **Development Permit with Variances Permit Application** No. 00082 and Development Variance Permit Application No. 00218 for 931 Redfern Street (Gonzales)
- *I.1.b.k Application for a Lounge Endorsement to a Manufacturer's License (brewing) for Whistle Buoy Brewing Company, 63-560 Johnson Street
- *I.1.b.I Development Variance Permit No.00214 for 3147 Douglas Street (Burnside)
- *l.1.b.m **Climate Action Program Update and Planning** Considerations
- *l.1.b.n **Climate Action Program Update and Planning Considerations – Motion Arising**
- *l.1.b.o Climate Action Program Update and Planning **Considerations – Motion Arising**
- Climate Action Program Update and Planning *I.1.b.p **Considerations – Motion Arising**
- *l.1.b.q Application for Lounge Endorsements to Manufacturer's Licenses Regarding Brewing and Distilling Manufacture Licenses, Hudson Brew Corp., o/a Hudson Taphouse and Grill Brewery and Distillery, 785 Caledonia Avenue

J. NOTICE OF MOTIONS

Κ. **BYLAWS**

*1/ 1

*K.1	Bylaw for Rezoning Application for 205 Simcoe Street	345
	A report recommending: 1st and 2nd readings of: Zoning Regulation Bylaw, Amendment Bylaw (No. 1178) No. 19-002	
	The application is ready to proceed to Public Hearing and proposes to rezone the property to permit daycare use within the existing building.	
K.2	Bylaw for 875 North Park Street	349
	A report recommending: 1st, 2nd, and 3rd readings of: Housing Agreement (875 North Park Street) Bylaw No. 19-005	
	The purpose of the Bylaw is to authorize an agreement for affordable rental housing for the lands known as 875 North Park Street, Victoria, BC.	

K.3 Bylaw for Rezoning Application for 672 Niagara Street

361

Adoption of: Zoning Regulation Bylaw, Amendment Bylaw (No. 1164) No. 18-092

The 2.38m Statutory Right-of-Way over the Niagara Street frontage has been registered so adoption of the Zoning Bylaw can now occur.

L. CORRESPONDENCE

M. NEW BUSINESS

*M.1 Support Transformational Improvements to Regional BC Transit

Addendum: New Item

Referred from January 31, 2019 COTW Meeting.

N. QUESTION PERIOD

O. ADJOURNMENT



October 2, 2018, 11:30 A.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, Councillor Young

ABSENT FOR A PORTION OF THE MEETING:

- ABSENT: Councillor Thornton-Joe
- STAFF PRESENT: J. Jenkyns City Manager, C. Coates City Clerk, S. Thompson -Director of Finance, J. Tinney - Director of Sustainable Planning & Community Development, C. Havelka - Deputy City Clerk, C. Mycroft -Manager of Executive Operations, P. Martin - Council Secretary

A. <u>APPROVAL OF AGENDA</u>

The City Clerk outlined amendments to the agenda.

Councillor Alto

Moved By Councillor Madoff Seconded By Councillor Coleman

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

F. <u>BYLAWS</u>

F.1 <u>Bylaws for Heritage Tax Incentive Program Applications for 888</u> <u>Government Street and 811-813 Wharf Street, and 727-729 Johnson Street</u>

Councillor Alto joined the meeting at 11:34 a.m.

Moved By Councillor Madoff Seconded By Councillor Coleman

That the third reading and adoption of the following bylaw be rescinded:

1. Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-063

CARRIED UNANIMOUSLY

Moved By Councillor Madoff Seconded By Councillor Coleman

That the following bylaw **be given third reading**, as amended:

1. Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-063

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Madoff, and Councillor Young OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

Moved By Councillor Madoff Seconded By Councillor Coleman

That the third reading and adoption of the following bylaw **be rescinded:** 1. Tax Exemption (727-729 Johnson Street) Bylaw No. 18-062

CARRIED UNANIMOUSLY

Moved By Councillor Madoff Seconded By Councillor Coleman

That the following bylaw **be given third reading**, as amended: 1. Tax Exemption Bylaw (727-729 Johnson Street) Bylaw No. 18-062

CARRIED UNANIMOUSLY

H. <u>NEW BUSINESS</u>

H.1 Reconsideration of Trans-Mountain Pipeline Expansion Project

Moved By Councillor Isitt Seconded By Councillor Loveday

That Council:

- 1. Reaffirms the City of Victoria's position of opposition to the Trans-Mountain Pipeline Expansion Project, on the grounds that the Project is not in the public interest because the risk to communities located along the tanker shipping route far outweigh any potential benefits.
- 2. Directs staff to respond to the National Energy Board by the October 3 deadline for preliminary responses and report back to Council with information on future submissions for the NEB reconsideration process.

Council discussed the following:

• The importance of reaffirming the City opposition.

Amendment:

Moved By Councillor Coleman Seconded By Councillor Lucas

That the motion be amended by removing the following wording:

"on the grounds that the Project is not in the public interest".

FOR (2): Councillor Coleman, and Councillor Lucas OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Madoff, and Councillor Young

DEFEATED (2 to 6)

On the motion: CARRIED UNANIMOUSLY

I. <u>ADJOURNMENT</u>

Moved By Councillor Alto Seconded By Councillor Coleman

That the Council meeting adjourn. TIME: 11:52 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

December 6, 2018, 9:00 A.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

- ABSENT: Councillor Young
- STAFF PRESENT: J. Jenkyns 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, T. Zworski - City Solicitor, B. Eisenhauer -Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson -Assistant Director of Community Planning, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary

A. CONVENE COUNCIL MEETING

C. <u>CLOSED MEETING</u>

Moved By Councillor Loveday Seconded By Councillor Collins

MOTION TO CLOSE THE DECEMBER 6, 2018, COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the

council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

D. APPROVAL OF CLOSED AGENDA

Moved By Councillor Collins Seconded By Councillor Alto

That the agenda be approved with the following amendment:

Item No. E. 4 - Legal Advice, be deferred to the December 13, 2018 Closed Council Meeting

CARRIED UNANIMOUSLY

E. READING OF CLOSED MINUTES

E.1 Minutes from the closed meeting held July 26, 2018

That the minutes from the closed meeting held July 26, 2018, be adopted.

CARRIED UNANIMOUSLY

H. <u>NEW BUSINESS</u>

H.1 Proposed Municipal Service - Section 90(1)(k) of the Community Charter

Council received a confidential report dated November 7, 2018 from the Fire Chief regarding a proposed municipal service.

The discussion and motion were recorded and kept confidential.

H.2 Proposed Municipal Service - Section 90(1)(k) of the Community Charter

Council received a confidential report dated November 23, 2018, from the Fire Chief regarding a proposed municipal service.

Councillor Dubow withdrew from the meeting at 2:47 p.m.

The discussion and motion were recorded and kept confidential.

H.3 Land - Section 90(1)(e) of the Community Charter

Council received a confidential report dated December 2, 2018, from the Head of Strategic Real Estate regarding a land item

Councillor Dubow returned at 3:10 p.m.

The discussion and motion were recorded and kept confidential.

H.5 Legal Advice - Section 90(1)(i) of the Community Charter

Council received a confidential report dated December 6, 2018, from the City Solicitor regarding legal advice.

The discussion was recorded and kept confidential.

H.6 Employee Relations - Section 90(1)(c) of the Community Charter

Council agreed to defer the item to the December 13, 2018, Closed Council Meeting.

J. ADJOURNMENT

Moved By Councillor Alto Seconded By Councillor Dubow

That the Closed Council Meeting be adjourned at 3:56 p.m.

CITY CLERK

MAYOR



December 13, 2018, 3:06 P.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

STAFF PRESENT: J. Jenkyns - 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, T. Zworski - City Solicitor, B. Eisenhauer -Head of Engagement, C. Havelka - Deputy City Clerk, C. Mycroft -Manager of Executive Operations, K Sidhu - Committee Secretary

A. <u>CONVENE COUNCIL MEETING</u>

B. <u>CLOSED MEETING</u>

Moved By Councillor Young Seconded By Councillor Alto

MOTION TO CLOSE THE DECEMBER 13, 2018 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

C. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto Seconded By Councillor Thornton- Joe

That the Agenda be approved.

D. CONSENT AGENDA

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That the following items be approved without further debate

D.1 Minutes from the closed meeting held August 9, 2018.

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That the minutes from the August 9, 2018 Closed Council meeting be adopted.

CARRIED UNANIMOUSLY

D.2 Minutes from the closed meeting held November 8, 2018

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held November 8, 2018 be adopted.

CARRIED UNANIMOUSLY

D.3 Land/Legal – Legal Advice on the City's Expropriation Powers

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That Council receive this report for information

CARRIED UNANIMOUSLY

D.5 <u>Legal Advice – Enforcement Options for Demolition of Buildings to be</u> <u>Preserved under a Development Permit.</u>

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That Council receive this report for information

CARRIED UNANIMOUSLY

E. <u>NEW BUSINESS</u>

E.1 Land

Council received a closed report regarding a land item.

The discussion and motion were recorded and kept confidential.

E.2 Appointments

Council received a closed reports regarding an appointments. The discussion and motion were recorded and kept confidential.

E.4 Legal Advice

Council received a closed report regarding legal advice. The discussion and motion were recorded and kept confidential.

E.6 Legal Advice

Council received a closed report regarding legal advice.

The discussion was recorded and kept confidential.

All staff except the City Manager were excused from the meeting at 4:40 p.m.

E.7 <u>Employee Relations</u>

Council received a closed report regarding employee relations.

The discussion was recorded and kept confidential.

G. <u>ADJOURNMENT</u>

Moved By Councillor Collins Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 5:46 p.m.

CARRIED UNANIMOUSLY

CITY CLERK MAYOR



December 13, 2018, 6:30 P.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT FOR A PORTION OF THE MEETING:

STAFF PRESENT: J. Jenkyns - 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, T. Zworski - City Solicitor, B. Eisenhauer -Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson -Assistant Director of Community Planning, C. Mycroft - Manager of Executive Operations, P. Martin - Council Secretary, M. Angrove -Planner

A. <u>APPROVAL OF AGENDA</u>

The City Clerk outlined amendments to the agenda.

Councillor Dubow

Moved By Councillor Alto Seconded By Councillor Collins

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

B. <u>POETRY READING</u>

Youth Poet Laureate, Agartu Ali read a poem titled "My mother is an interesting woman" and Poet Laureate, Yvonne Blomer read a poem titled "Notes from a writer's book".

Mayor Helps presented the poets with flowers as a thank you, as their terms have ended.

Councillor Dubow joined the meeting at 6:35 pm.

C. <u>READING OF MINUTES</u>

Moved By Councillor Isitt Seconded By Councillor Dubow

That the following minutes be adopted:

- 1. Minutes from the evening meeting held June 28, 2018
- 2. Minutes from the daytime meeting held August 9, 2018
- 3. Minutes from the daytime meeting held November 8, 2018

CARRIED UNANIMOUSLY

D. <u>REQUESTS TO ADDRESS COUNCIL</u>

Moved By Councillor Isitt Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

- **D.3** <u>Lisa Gordon: Tree Preservation</u> Outlined suggestions that Council should add to the Strategic Plan in regards to tree preservation measures.
- **D.5** <u>Verna Stone: Implementing Victoria's Urban Forest Master Plan</u> Outlined why Council should implement Victoria's Urban Forest Master Plan.

D.6 <u>Judith Conway: Overdose Awareness Display</u> Requested that Council display her overdose awareness memorial exhibit, in a highly visual place.

E. <u>PROCLAMATIONS</u>

E.1 "National Homeless Persons' Memorial Day" - December 21, 2018

Moved By Councillor Alto Seconded By Councillor Isitt

That the following proclamation be endorsed: 1. "National Homeless Persons' Memorial Day" - December 21, 2018

CARRIED UNANIMOUSLY

E.2 <u>World Junior Hockey Championship</u>

Mayor Helps on behalf of Council welcomed the teams that will be playing in the World Junior Hockey Championship. Council expressed their excitement in hosting the Championship and thanked all the volunteers who helped put on this event.

F. <u>PUBLIC AND STATUTORY HEARINGS</u>

F.1 Rezoning Application No. 00557 for 2616 to 2626 Douglas Street

Zoning Regulation Bylaw, Amendment Bylaw (No. 1148) No. 18-037: To rezone the lands known as 2616 & 2622-2626 Douglas Street from the C1-N Zone, Neighbourhood Shopping District, to the C1-NC Zone, Neighbourhood Shopping (Cannabis) District, to permit a storefront cannabis retailer.

F.1.a Public Hearing & Consideration of Approval

<u>Michael Angrove (Planner)</u>: Advised that the application is to rezone the property to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 7:05 p.m.

<u>Ryan Reynolds (Applicant)</u>: Provided information regarding the application.

<u>Sarah Buston (Miles Crescent):</u> Expressed support for the application as they provide a benefit to the community.

Mayor Helps closed the public hearing at 7:14 p.m.

Moved By Councillor Potts Seconded By Councillor Isitt

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1148) No. 18-037

Council discussed the following:

• Concerns relating to the distance between applications as well as the 400 meter policy.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

Moved By Councillor Potts Seconded By Councillor Loveday

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1148) No. 18-037

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

F.2 Rezoning Application No. 00601 for 1541 to 1545 Fort Street

Zoning Regulation Bylaw, Amendment Bylaw (No. 1173) No. 18-118: To rezone the land known as 1541-1545 Fort Street from the C1-NM Zone, Neighbourhood (Modified) Shopping District, to the C1-N2 Zone, Neighbourhood Shopping (Cannabis) 2 District, to permit a storefront cannabis retailer.

F.2.a Public Hearing & Consideration of Approval

<u>Michael Angrove (Planner)</u>: Advised that the application is to rezone the property to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 7:28 p.m.

Alex Robb (Applicant): Provided information regarding the application.

<u>Don Stewart & Melinda Jackman (Verrinder Avenue)</u>: Expressed concerns relating to the application due to the increased traffic on the corner of Fort Street and Verrinder Avenue.

<u>Sheryl Bucking Ham (Verrinder Avenue)</u>: Expressed concerns relating to the application due to the increased traffic on the corner of Fort Street and Verrinder Avenue.

Council discussed the following:

- Potential changes to parking allowances.
- Neighbourhood consultation that was undertaken by the applicant.

Mayor Helps closed the public hearing at 8:00 p.m.

Moved By Councillor Isitt Seconded By Councillor Dubow

That the following bylaw be given third reading:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1173) No. 18-118

Council discussed the following:

- Concerns relating to the lack of parking and increased traffic in this area.
- The need for a dispensary in this neighbourhood.
- The lack of neighbourhood support.

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

Moved By Councillor Isitt Seconded By Councillor Dubow

That the following bylaw be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1173) No. 18-118

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

Moved By Councillor Isitt Seconded By Councillor Dubow

Direct staff to engage residents of Verrinder Avenue to move forward with residential-parking only regulations for both sides of Verrinder Avenue.

Amendment:

Moved By Councillor Collins Seconded By Councillor Dubow

That the motion be amended by replacing "residential-parking only regulations for both sides of Verrinder Avenue" with the following:

"parking solutions for the street".

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday Seconded By Councillor Collins

That the motion be amended by adding the following: "and traffic management".

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Dubow

That Councillor Collins be allowed to speak a second time.

Council discussed the following:

• Clarification regarding future use of the building.

CARRIED UNANIMOUSLY

Main motion as amended:

Direct staff to engage residents of Verrinder Avenue to move forward with parking solutions for the street and traffic management.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

F.3 Rezoning Application No. 00657 for 475 Gorge Road East

Zoning Regulation Bylaw, Amendment Bylaw (No. 1175) No. 18-123:

To rezone the land known as 475 Gorge Road East from the S-1 Zone, Limited Service District, to the S-11 Zone, Limited Service (Cannabis 2) District, to permit a storefront cannabis retailer.

F.3.a Public Hearing & Consideration of Approval

<u>Michael Angrove (Planner)</u>: Advised that the application is to rezone the property to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 8:18 p.m.

Erin Drew (Applicant): Provided information regarding the application.

<u>Renee Gauneau (Lexington Avenue)</u>: Expressed support for the application as the location is appropriate for the use.

<u>Steve Palmer (Jackman Road):</u> Expressed support for the application due to the location and need in the community.

Brian McKay (Denman Street): Expressed support for the application as the area and business have high walk-ability.

<u>Resident:</u> Expressed support for the application as the location is appropriate for the use.

Mayor Helps closed the public hearing at 8:29 p.m.

Moved By Councillor Loveday Seconded By Councillor Potts

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1175) No. 18-123

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

Moved By Councillor Loveday Seconded By Councillor Alto

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1175) No. 18-123

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

F.4 Development Variance Permit Application No. 00209 for 1300 Yates Street

Development Variance Permit Application No. 00209:

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1300 Yates Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: reducing the minimum number of vehicle parking stalls and visitor parking stalls in order to convert an underused amenity space into a new residential unit.

F.4.a Opportunity for Public Comment & Consideration of Approval:

<u>Michael Angrove (Planner):</u> Advised that the application is to convert a rooftop amenity space to a residential suite.

Mayor Helps opened the opportunity for public comment at 8:37 p.m.

<u>Robert Thibodeau (Applicant):</u> Provided information regarding the application.

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

Mayor Helps closed the opportunity for public comment at 8:47 p.m.

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

That Council authorize the issuance of Development Variance Permit Application No. 00209 for 1300 Yates Street, in accordance with:

1. Plans date stamped September 17, 2018.

- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce vehicle parking stalls from 78 to 57;
 - ii. reduce visitor vehicle parking stalls from 8 to nil.
- 3. The Development Permit lapsing two years from the date of this resolution.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (7 to 2)

Council recessed from 8:53 p.m. until 9:01 p.m.

Councillor Dubow withdrew from the meeting at 9:01 pm.

G. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Loveday Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

G.4 David Willows: Accessible Parking Outlined why Council should support the motion on Accessible Parking.

Councillor Dubow joined the meeting at 9:02 pm.

G.5 <u>Frances Litman: Urban Forest Management Plan and Tree Preservation</u> <u>Bylaws</u>

Outlined why Council should add the Urban Forest Management Plan to the 2019 budget.

- **G.6** <u>Rene Gauthier: 1137 Dominion / 737 Bolton / Affordable Housing</u> Outlined why Council should reconsider the small lot rezoning application process.
- G.7 <u>Ben Baird: Land Bank Proposal and Condo Development</u> Outlined why Council should slow down condominium developments and move forward on land bank initiatives.
- **G.8** <u>Robin Drader: Oaklands Rise Woonerf</u> Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.9 <u>Madeline Bakker: Oaklands Rise Woonerf</u>

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.10 John Farguharson: Brighton Avenue Greenway

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.11 Elin Kelsey: Oaklands Rise Woonerf

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.12 Saul Arbess: Urban Forest Master Plan

Outlined why Council should implement the Urban Forest Master Plan.

G.13 Beth Cruise: Engaging Affordable Housing

Outlined why Council should take steps to provide land for social and affordable housing.

G.14 Connie Mitchell: Woonerf

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.15 Shelley Cardinal: Oaklands Rise Woonerf

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.16 Robert Tornack: Oaklands Rise Woonerf - Working with City Staff Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.17 Russell Smith: Oaklands Rise Woonerf - Support

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

G.18 John James O'Brien: Oaklands Rise Woonerf

Outlined why Council should review bylaws and policies in order to allow Oaklands Rise Woonerf to create a People Priority Greenway.

- **G.19** Heather Anne Armstrong: History of Casinos in Victoria, CRD, BC Provided Council with a history of casinos in the Capital Regional District and British Columbia.
- **G.20** <u>Mark von Schellwitz: Checkout Bag Regulation Bylaw Implementation</u> Outlined why Council should expand the proposed amendment to the Checkout Bag Regulation Bylaw, to exempt drive-through operations and take-out food, for food safety reasons.

G.21 <u>Robert W. E. Laurie: Business Licence</u>

Outlined why Council should reconsider the motion relating to 950 Yates Street.

H. UNFINISHED BUSINESS

H.1 Letter from the Attorney General

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the correspondence dated November 1, 2018 from the Attorney General be received for information.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the motion be amended to include the following: "and be referred to the late night task force".

CARRIED UNANIMOUSLY

Main motion as amended:

That the correspondence dated November 1, 2018 from the Attorney General be received for information and be referred to the late night task force.

CARRIED UNANIMOUSLY

H.2 Letter from the Minister of Public Safety and Solicitor General

Moved By Councillor Isitt Seconded By Councillor Loveday

That the correspondence dated November 2, 2018 from the Minister of Public Safety and Solicitor General be referred to a future COTW meeting requesting that staff provide an update on the status on the Victoria emergency management volunteer program.

CARRIED UNANIMOUSLY

H.3 Checkout Bag Regulation Bylaw Implementation

Council discussed the following:

The food safety issues raised by the food service sector and members of the Accessibility Working Group.

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That Council approve option three:

Option 3 - Exemption by Business Type

Option 3 proposes an exemption to the requirement that a business charge a fee for paper bags for any business categorized as food service.

Impacts

- This option would allow quick service and full service restaurants to continue to follow their current food safety, transactional and packaging procedures.
- The objective of the Bylaw to reduce single-use checkout bags could be met through maintaining the requirement that a business ask first whether a customer needs a bag, but this provision is difficult to enforce and is a weaker tool for changing behaviour than a fee.

Council discussed the following:

- Whether the charge for a bag could be considered a hardship.
- That the exemption could be taken under consideration in a year.
- Moving forwards to a zero-waste agenda.

Moved By Councillor Isitt Seconded By Councillor Alto

That the previous question be called.

FOR (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, and Councillor Potts OPPOSED (4): Councillor Collins, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

On the motion:

FOR (2): Councillor Thornton-Joe, and Councillor Young OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

DEFEATED (2 to 7)

H.4 Indicate to BCLC that Victoria is Not Interested in Hosting a Casino

Moved By Mayor Helps Seconded By Councillor Isitt

That Council direct the Mayor to write to the British Columbia Lottery Corporation to indicate that Victoria is no longer interested in hosting a casino.

Amendment:

Moved By Councillor Alto Seconded By Councillor Thornton-Joe That the motion be amended by adding the following at the end of the motion, after the word 'casino':

"but may consider a proposal by a local First Nation, reflecting their right to economic development self-determination."

Council discussed the following:

 How to balance the importance of reconciliation with Council's opposition to hosting a casino.

Motion to extend:

Moved By Councillor Alto Seconded By Councillor Dubow

That the meeting be extended to 12:00 a.m.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Mayor Helps

That the motion be amended by replacing "but may consider a proposal by a local First Nation" with the following:

"But that takes no position on potential future proposals from local First Nations".

FOR (3): Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Thornton-Joe, and Councillor Young

DEFEATED (3 to 6)

Moved By Mayor Helps Seconded By Councillor Loveday

That Council postpone consideration of this matter to the January 17, 2019 Council Meeting.

CARRIED UNANIMOUSLY

H.5 Requirement for Accessible Parking

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council

1. Direct staff to report to Council on the implications of this change on city planning, parking and accessibility.

2. Request the Mayor write to the Premier of British Columbia objecting to this new policy and its negative impacts on standards of accessibility.

Amendment:

Moved By Councillor Loveday Seconded By Councillor Alto

That the motion be amended to create a new point #1:

1. That council maintain the previous provincial standards on an interim basis, while staff develop new stronger accessible parking standards.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council

- 1. That council maintain the previous provincial standards on an interim basis, while staff develop new stronger accessible parking standards.
- 2. Direct staff to report to Council on the implications of this change on city planning, parking and accessibility.
- 3. Request the Mayor write to the Premier of British Columbia objecting to this new policy and its negative impacts on standards of accessibility.

CARRIED UNANIMOUSLY

H.6 Leadership for Climate Action

Moved By Councillor Collins Seconded By Councillor Isitt

That Council direct staff to report back on options for expediting implementation of the Climate Leadership Plan, including options for:

- 1. Accelerating the reduction of the City of Victoria's corporate emissions.
- 2. Expediting the transition of the municipal vehicle fleet, as well as the transition of passenger vehicles, commercial vehicles and the VicPD fleet to renewable energy.
- Mandating electric-vehicle charging capacity in all new construction that provides on-site parking, including a possible exemption for affordable housing.
- 4. Accelerating the implementation of the BC Energy Step Code for new buildings.
- 5. Accelerating the retrofitting of existing buildings for energy efficiency, including incentives for the installation of solar hot water, heat pumps and other clean energy technologies.
- 6. Expediting waste reduction and the capture and re-use of methane.
- 7. Reviewing the targets in the Climate Leadership Plan to account for GHG emission reductions necessary to limit global warming to 1.5°C.
- 8. Increasing transparency of the City's annual reporting on emissions targets.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I. <u>REPORTS OF COMMITTEES</u>

I.1 <u>Committee of the Whole</u>

I.1.a 2019-2022 Draft Strategic Plan

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

Council agreed to vote on item #4 seperately.

1. Heritage Register

That Council direct staff to bring forward the prior report on the properties recommended for the Heritage Register to a Committee of the Whole meeting.

2. Citizen – Led Conservation Areas

That Council direct staff to report back to Council in January 2019 with a draft policy for Citizen Led Heritage Conservation areas.

3. Street Vending

That Council direct staff to provide a final report and recommendations in January 2019 on the Mobile Bicycle Street Vending Pilot Project with a view to making the regulations permanent. Further that the broader street vending review be discontinued at this time.

5. Ship Point Master Plan

That Council direct staff to bring forward the Draft Ship Point Master Plan to a Committee of the Whole meeting.

6. Waterfront Pathway

That Council direct staff to monitor opportunities for land acquisition and pathway completion and bring forward opportunities to Council on a case by case basis.

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

4. Centennial Square

That Council direct staff to report back to Council concluding public engagement on Centennial Square.

Council discussed the following:

• What will occur once public engagement has been concluded.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Alto

That Council approve the Draft Strategic Plan as attached to the December 13, 2018 Council Meeting Agenda and move it forward for public input.

Amendment:

Moved By Mayor Helps Seconded By Councillor Alto

That Council strike Objective #1, Item #27, the establishment of an oversight and personnel committee.

FOR (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young OPPOSED (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

DEFEATED (4 to 5)

Amendment:

Moved By Councillor Collins Seconded By Councillor Dubow

That Council move Objective #1, Item #27, the establishment of an oversight and personnel committee to 2021.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (7 to 2)

Amendment:

Moved By Councillor Collins Seconded By Councillor Potts

That Council add "Explore the potential of creating a Victoria Housing Corporation" to 2021.

Amendment to the amendment:

Moved By Councillor Collins Seconded By Councillor Isitt

That the amendment be amended by adding the following to the motion: "or other options for increasing the capacity for co-development".

FOR (3): Councillor Collins, Councillor Isitt, and Councillor Potts OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

DEFEATED (3 to 6)

Motion to extend:

Moved By Councillor Alto Seconded By Councillor Dubow

That the meeting be extended to 12:30 a.m.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Councillor Dubow

That the amendment be amended by adding the following to the motion: "in partnership with the Esquimalt and Songhees First Nations".

Council discussed the following:

That the First Nations are already working on addressing housing in the community.

FOR (1): Councillor Isitt

OPPOSED (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

DEFEATED (1 to 8)

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Councillor Dubow

That the amendment be amended by replacing the word "Housing" with "Development".

FOR (3): Councillor Collins, Councillor Dubow, and Councillor Isitt

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

DEFEATED (3 to 6)

On the amendment:

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

On the main motion as amended:

That Council approve the Draft Strategic Plan as attached to the December 13, 2018 Council Meeting Agenda and move it forward for public input, with the following amendments:

- 1. That Council move Objective #1, Item #27, the establishment of an oversight and personnel committee to 2021.
- 2. That Council add "Explore the potential of creating a Victoria Housing Corporation" to 2021.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.b Reports from the Special COTW Meetings - 2019-2023 Draft Financial Plan

I.1.b.a Report from the November 26, 2018 Special COTW Meeting

Council agreed to vote on item #4 separately.

Moved By Councillor Isitt Seconded By Councillor Alto

- 1. That Council direct staff to report back on the revenue generating potential of charging for parking on Sundays.
- 2. That Council direct staff to report back on funding in the budget for policy work in 2019 on accessibility including accessible parking.
- 3. That Council direct staff report back on options with regards to the Ross Bay Cemetery trust fund with regards to funding operations of the Ross Bay Cemetery.

- 5. That Council direct staff to explore cooperating with Royal Oak Burial Park on the marketing of grave spaces in Ross Bay Cemetery.
- 6. That Council direct staff to report back on the implications of extending the LIFE program for a one year pilot project in 2019 to allow for unlimited use of the Crystal Pool and the arena community ice time for holders of the pass.
- 7. That Council direct staff to report back on the cost and service level implications of having garbage from the Crystal Pool and other city operated facilities collected by municipal employees

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Alto

4. That Council direct staff report back on the financial implications of providing a uniformly high level of service to community and senior centres with respect to janitorial services, facilities maintenance, solid waste services and cost of utilities.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.b.b Report from the November 27, 2018 Special COTW Meeting

Moved By Councillor Isitt Seconded By Councillor Alto

- 1. That Council direct staff to report back on the feasibility of locating housing on top of the emergency management facilities on Bay Street.
- 2. That Council direct staff Council direct staff to report back on options for and implications of increasing revenues to offset the costs of opening the Johnson Street Bridge for marine users.
- 3. That Council direct staff to report back as part of the 2020 budget process on beginning a plan for mitigating the Inflow and Infiltration issue on private property.
- 4. That Council direct staff to report back on the resources required and/or de-scoping required to complete phases 2 to 4 of the Bike Network by 2022 or earlier.

5. Direct staff to report back on options for expediting the implementation of crosswalk installations and upgrades including Blanshard / Kings crosswalk.

CARRIED UNANIMOUSLY

I.1.b.c Report from the December 7, 2018 Special COTW Meeting

Moved By Councillor Potts Seconded By Councillor Dubow

Council agreed to vote on items #2, 3, and 7 separately.

- 1. That Council direct staff to report back with options and implications for increasing traffic calming in general.
- 4. That Council direct staff to report back on the budget implications of continuing the Indigenous Artist in Residence Program.
- 5. That Council direct staff to report back on options for a funding increase of \$50,000 for the Festival Investment Grants starting in 2019 potentially from new assessed revenue.
- 6. That Council direct staff to report back on increasing the project funding for the poet laureate and youth poet laureate from \$1000 to \$2000.

CARRIED UNANIMOUSLY

Moved By Councillor Potts Seconded By Councillor Collins

2. Council direct staff to review the delivery model for the city's animation program and report back to Council.

Council discussed the following:

• What the city's animation program does.

CARRIED UNANIMOUSLY

Moved By Councillor Potts Seconded By Councillor Collins

3. That Council direct staff to report back on options for secularizing or increasing the diversity of the elements of the seasonal animation program.

Amendment:

Moved By Councillor Young Seconded By Councillor Isitt That the motion be amended to remove the words "secularizing or".

CARRIED UNANIMOUSLY

Motion as Amended:

3. That Council direct staff to report back on options for increasing the diversity of the elements of the seasonal animation program.

CARRIED UNANIMOUSLY

Moved By Councillor Potts Seconded By Councillor Collins

7. That Council direct staff to report back on the Late Night Great Night Task Force, including options for adjusting the allocation to policing and/or delivering services through non-police resources.

FOR (5): Councillor Collins, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Dubow, and Councillor Thornton-Joe

CARRIED (5 to 4)

Moved By Councillor Isitt Seconded By Councillor Alto

Council agreed to vote on items #9, 10, and 12 separately.

- 8. That Council direct staff to report back with options for recovering costs related to the Late Night Great Night Task Force from bar and nightclub operators through business license fees
- 11. That Council direct staff to report back with information on contracting out janitorial and security services for the Victoria Conference Centre.
- 13. That Council direct staff to report back as part of the 2022 budgeting process on taking a participatory budgeting approach to neighbourhood transportation.
- 14. That Council direct staff to report back on options for providing some resources for neighbourhoods to help expedite the neighbourhood planning process.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Alto
9. That Council direct staff to report back on the option of bringing the operations of the Victoria Conference Centre parkade in house.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Isitt Seconded By Councillor Alto

10. That Council direct staff to continue to monitor the contract relating to the Victoria Conference Centre retail stores and report back to Council should in house delivery be deemed advisable.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Isitt Seconded By Councillor Alto

12. That Council direct staff to report back with information on the current condition of the artificial turf field and the implications of deferring the replacement to 2021 including options for reducing design costs.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

Council agreed to reconsider item #11.

Moved By Councillor Isitt Seconded By Councillor Alto

11. That Council direct staff to report back with information on contracting out janitorial and security services for the Victoria Conference Centre.

Amendment:

Moved By Councillor Isitt Seconded By Councillor Collins

That the motion be amended by changing the words "contracted out" to "contracted".

CARRIED UNANIMOUSLY

Main motion as amended:

11. That Council direct staff to report back with information on contracted janitorial and security services for the Victoria Conference Centre.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday Seconded By Councillor Isitt

Council agreed to vote on items #19, 21, and 22 separately.

- 15. That Council direct staff to report back with options for increasing the funding to the housing reserve fund by \$750,000.
- 16. That Council direct staff to report back on the implications of increasing the per capita base grants to community associations by the rate of inflation.
- 17. That Council direct staff to report back on how the youth outreach grants are allocated and the implications of increasing the youth outreach grants by the rate of inflation.
- 18. That Council direct staff to report back on the implication of indexing the Strategic Plan grants to the rate of inflation.
- 20. That Council direct staff to report back on implications of indexing the my Great Neighbourhood grant program to the rate of inflation.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday Seconded By Councillor Isitt

19. That Council direct staff to report back on the implications of increasing the community garden volunteer coordinator grant to \$10,000 per neighbourhood in 2019 with indexation to inflation for subsequent years.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Loveday Seconded By Councillor Isitt

21. That Council direct staff to report back on the financial implications of increasing the Council travel and conference budget to \$45,000 for the conferences and travel with the direction that this be indexed to inflation in subsequent years.

FOR (7): Mayor Helps, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (2): Councillor Alto, and Councillor Young

CARRIED (7 to 2)

Moved By Councillor Loveday Seconded By Councillor Isitt

22. That Council:

- 1. Approve senior level executive support for the Mayor's Office and total compensation to be established after hearing back from staff on comparable compensation.
- 2. That this position be funded from new assessed revenue.
- 3. That the position be instituted as of January 7, 2019 and to be reviewed as a part of the budget process in 2021.

Amendment:

Moved By Mayor Helps Seconded By Councillor Isitt

That point #3 of the motion be amended by removing the wording "as of January 7, 2019" and replacing it with the following:

"after approval of a salary has been given by Council".

CARRIED UNANIMOUSLY

Motion as Amended:

22. That Council:

- 1. Approve senior level executive support for the Mayor's Office and total compensation to be established after hearing back from staff on comparable compensation.
- 2. That this position be funded from new assessed revenue.
- 3. That the position be instituted after approval of a salary has been given by Council and to be reviewed as a part of the budget process in 2021.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.b.d Report from the December 10, 2018 Special COTW Meeting

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

Council agreed to vote on items #2 and 3 separately.

- 1. That Council direct staff to report back as part of the 2020 budget process on options to add another enclosed leash optional park.
- 4. That Council direct staff to report back in the 2019, 2020, 2021 and 2022 budgets for options to increase the number of murals in public space and on private buildings to make Victoria a City of Murals.
- 5. That Council direct staff to report back in the 2019, 2020, 2021 and 2022 budgets for options to increase the number of public art installations in the city.
- 6. That Council direct the mayor to write to the Medical Health Officer and request that he examine the health impacts of woodstoves and fireplaces.
- 7. That Council direct the Mayor to write to the Capital Regional District, copying the Medical Health Officer, requesting amendments to permit designated smoking areas, and stricter enforcement of the smoking bylaw.

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Thornton-Joe 2. That Council direct staff to report back as part of the 2020 budget process on a plan to address friction between dog owners and walkers on Dallas Rd. with the consideration of protecting migratory birds and other wildlife.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Young

That the motion be amended by adding an "s' to the word "dog" and remove the word "owners".

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Loveday

CARRIED (8 to 1)

Motion as Amended:

2. That Council direct staff to report back as part of the 2020 budget process on a plan to address friction between dogs and walkers on Dallas Rd. with the consideration of protecting migratory birds and other wildlife.

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

3. That Council direct staff to report back in the 2019, 2020, 2021 and 2022 budgets for options to increase food production on public land including increasing community gardens in all neighbourhoods in the city and building urban food systems into our parks operations.

Amendment:

Moved By Councillor Isitt Seconded By Councillor Loveday

That the motion be amended by replacing "building urban food systems into" with the following: "enhance food and medicinal plants in".

FOR (8): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Collins

CARRIED (8 to 1)

Motion as Amended:

3. That Council direct staff to report back in the 2019, 2020, 2021 and 2022 budgets for options to increase food production on public land including increasing community gardens in all neighbourhoods in the city and enhance food and medicinal plants in our parks operations.

FOR (8): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Collins

CARRIED (8 to 1)

Moved By Councillor Isitt Seconded By Councillor Collins

Council agreed to vote on item #10 separately.

- 8. That Council direct staff to inquire with the School District about opportunities to create a lighted soccer pitch at Victoria High School.
- 9. That Council direct staff to report back as part of the 2022 budget process on the budget implications of replacing the two all-weather fields in the South West corner of Beacon Hill Park with a lighted field and opportunities to re-naturalize the area and alternately improving the field to the northeast corner of the park.
- 11. That Council direct staff to report back as part of the 2019, 2020, 2021 and 2022 budgets on opportunities to expand public washrooms and drinking fountains, with a priority in the north half of the city.
- 12. That Council direct staff to increase on-street and parkade parking for people with disabilities on an ongoing basis and report to Council on a quarterly basis with the net new number of spots added.
- 13. That Council direct staff to report back a part of the 2019, 2020, 2021 and 2022 budgets for opportunities to increase pollinator habitat on public and private lands.
- 14. That Council direct staff to report back as part of the 2020, 2021 and 2022 budget process with opportunities for daylighting streams.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Collins

10. That Council direct staff to report back as part of the 2022 budget on options for lighting tennis courts in the City.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Isitt

That the motion be amended by replacing "for lighting tennis courts" with the following:

"to create a lighted tennis court".

CARRIED UNANIMOUSLY

On the main motion as Amended:

10. That Council direct staff to report back as part of the 2022 budget on options to create a lighted tennis court in the City.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Alto

Council agreed to vote on item #17 separately.

- 15. That Council direct staff to report back as part of the 2021 budget on options to add an apiary in Beacon Hill Park or on other public lands.
- 16. That Council direct staff to report back to Council as part of the 2020 budget process for options to expedite the transition of the City's fleet to renewables.
- 18. That Council direct staff to identify opportunities for opening undeveloped pedestrian routes and bring these forward on a priority basis in the 2020, 2021 and 2022 budgets.
- 19. That Council direct staff to report back on the potential to incorporate into the 2020 capital budget the paving of the bike route through Bamfield Park to link with Selkirk.
- 20. That Council direct staff to report back as part of the 2021 budget process on the cost and potential costsharing opportunities with the CRD for lighting up the Galloping Goose for safer evening travel.

21. That Council direct staff to identify missing sidewalks and opportunities for sidewalks to be widened and bring these forward on a priority basis in the 2020, 2021 and 2022 budgets.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Alto

17. That Council direct staff to report on climate implications and options for re-naturalizing all the city's garden beds between 2019 and 2022, with the exception of Beacon Hill Park and the hanging basket program.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Mayor Helps

That the motion be amended by removing all wording after "2022" with the following:

"where possible".

Amendment to the amendment:

Moved By Councillor Collins Seconded By Councillor Alto

That the amendment be amended to the following: "except only where possible in Beacon Hill Park".

DEFEATED UNANIMOUSLY

Amendment to the amendment:

Moved By Mayor Helps Seconded By Councillor Isitt

That the amendment be amended to include the following: "in Beacon Hill Park and the hanging basket program".

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Loveday

CARRIED (8 to 1)

On the amendment: CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Collins Seconded By Mayor Helps

That the motion be amended to change the word "possible" to "appropriate".

CARRIED UNANIMOUSLY

On the main motion as Amended:

17. That Council direct staff to report on climate implications and options for re-naturalizing all the city's garden beds between 2019 and 2022, where appropriate.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Motion to extend:

Moved By Councillor Collins **Seconded By** Councillor Dubow That the meeting be extended to 2:00 a.m.

CARRIED UNANIMOUSLY

Moved By Councillor Collins Seconded By Councillor Potts

Council agreed to vote on item #28 separately.

- 22. That Council direct staff to require bushes on private property to be cut back to the sidewalk edge to enhance the pedestrian experience and to send out a reminder about this with tax and/or utility bills.
- 23. That Council direct staff to report back as part of the 2020, 2021 and 2022 budget on options for increasing investments in festivals and community arts events.
- 24. That Council direct staff to report back as part of the 2020 budget process on the cost and other implications of joining the triangle at Mile Zero to Beacon Hill Park

and creating an additional safe crossing of Dallas to the park South of Beacon St.

- 25. That Council direct staff to report back as part of the 2019, 2020, 2021 and 2022 budget on options to create more child friendly spaces downtown.
- 26. That Council direct staff to report back as part of the 2019, 2020, 2021 and 2022 budget on options to create more dog friendly spaces downtown.
- 27. That Council direct staff to report back as part of the 2019, 2020, 2021 and 2022 budget on options to create more greenspaces downtown.

CARRIED UNANIMOUSLY

Moved By Councillor Collins Seconded By Councillor Potts

28. That Council instruct the City of Victoria Council appointee to communicate with Greater Victoria Public Library to explore removing barriers and encouraging early access by eliminating library fines and fees on children's materials.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

l.1.b.e

Report from the December 12, 2018 Special COTW Meeting

Moved By Councillor Alto Seconded By Councillor Isitt

Council agreed to vote on items #1, 3, and 6 separately.

2. That Council refer this motion to the Council remuneration discussion and move that discussion to 2019:

That Council direct staff to report back on the implications of eliminating Council's parking privileges and including Council in the bus pass program available through payroll deduction.

- 4. That for Supplementary Requests Managing Public Green Spaces Sheltering, be moved to a one-time request.
- 5. That Council adopts that policy that the FTE count indicated in the Financial Plan for each department / division / business unit is approximate, meaning that the FTE count will not be interpreted in a restrictive

manner to prevent in-house delivery of services, subject to expenditures not exceeding the maximum budgeted amount for the relevant department / division / business unit.

- 7. That Council direct staff to report back on options for increasing parks planning staff resources for coordinating the acceleration of implementation of the Urban Forest Master Plan.
- 8. That Council direct staff to report back on the potential to cost share a full spectrum neighbourhood assessment with Island Health and BC Housing for the 900 block of Pandora Avenue, subject to the terms of reference of the assessment being approved by Council prior to any municipal funds be expended.

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Isitt

1. That Council direct staff to report back with options and implications for including budgetary allowance in 2019 for constituency funds for up to \$8,000.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Alto Seconded By Councillor Isitt

3. That Council direct staff to report back on the budget implications of adding resources to the City Manager's office sufficient to facilitate a dedicated protocol function.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Alto Seconded By Councillor Isitt

6. That Council direct staff to report on the implications and options of installing a marked crosswalk at Dallas Road and Simcoe Street on a cost-sharing basis with the Greater Victoria Harbour Authority. Council discussed the following:

• That work has begun on the installation of marked crosswalks.

CARRIED UNANIMOUSLY

I.1.c Report from the December 6, 2018 COTW Meeting

I.1.c.a Increasing Provincial Funds for Mental Health and Addiction Services

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

- (a) That the Mayor, on behalf of the City of Victoria, write to the BC Minister of Health, the BC Minister of Addictions and Mental Health, and the BC Minister of Finance asking that their ministries immediately increase funds for mental health and addiction services throughout the province, and further direct BC Health Authorities to use such additional resources specifically in the provision of additional and enhanced government and non-profit services and programs dealing with addictions and mental health.
- (b) That the Mayor's letter be copied to the Township of Esquimalt, with a request that the Township's Mayor write a similar letter to the same Ministers with the same request.
- (c) That the Mayor's letter be copied to the Mayors of all the municipalities in the Capital Region, and the BC Premier, for their information.

CARRIED UNANIMOUSLY

Creating a City-Wide Child Care Action Plan

Moved By Mayor Helps Seconded By Councillor Loveday

- 1. Council commits to the development and implementation of a City-Wide Child Care Action Plan to increase access to childcare for families in neighbourhoods across the City.
- 2. Council direct staff to apply for the Community Child Care Planning Program funding as a first step towards building a City-Wide childcare Action Plan.

CARRIED UNANIMOUSLY

I.1.c.b

I.1.c.c Third Quarter 2018 Operational Plan Progress Report

Moved By Councillor Thornton-Joe Seconded By Councillor Isitt

That Council receive the Victoria Police Third Quarter Report for information

Staff report back in the 1st quarter with options for traffic calming for the Hillside / Quadra, Oaklands, North Park and Fernwood neighbourhoods.

That Council receive the Third Quarter report for information.

CARRIED UNANIMOUSLY

Councillor Young withdrew from the meeting at 1:18 a.m. due to a pecuniary conflict of interest with the following item, as he lives close by.

I.1.c.d Update on OCP Amendment Application, Rezoning Application No. 00558 and Development Permit with Variances Application No. 000496 for 1303 Fairfield Road (Fairfield)

> Moved By Councillor Alto Seconded By Councillor Collins

OCP Amendment and Rezoning Application No. 00558 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. 00558 for 1303 Fairfield Road, 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:

- 1. Revision and execution of the following legal documents:
 - 1. Housing Agreement to ensure the residential units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
 - 2. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages, to the satisfaction of the Director of Engineering and Public Works
 - 3. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road, to

the satisfaction of the Director of Engineering and Public Works

- 4. Section 219 Covenant to secure commitment to Step 3 of the BC Energy Step Code, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 2. 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; and that such persons, organizations and authorities have been notified of the proposed OCP Amendment throuah mailed notice 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, and having 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.
- 3. 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.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 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.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit with Variances Application No. 000496

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. 00558, if it is approved, consider the following updated motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00496 for 1303 Fairfield Road, in accordance with:

- 1. Plans date stamped July 20, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height from 12.00m to 15.04m
 - ii. reduce the front setback (Moss Street) from 6.00m to 0.00m
 - iii. reduce the rear setback from 7.80m to 3.67m
 - iv. reduce the south side setback from 3.90m to 3.23m (to the building) and 0.00m (to the pergola)
 - v. reduce the flanking street setback (Fairfield Road) from 2.40m to 1.02m
 - vi. reduce the vehicle parking requirement from 44 stalls to 16 stalls.
- 3. The Development Permit lapsing two years from the date of this resolution."

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

Councillor Young returned to the meeting at 1:19 a.m.

I.1.c.e Rezoning Application No. 00634 & Development Permit Application No. 00527 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street (Fairfield)

> Moved By Councillor Alto Seconded By Mayor Helps

Rezoning Application No. 00634

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street, and that staff report back to Committee of the Whole once the following conditions are met:

1. Preparation and execution of the following legal agreements:

- 1. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
- 2. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to nonowners, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
 - i. raingardens along Pendergast Street
 - ii. enhanced boulevard planting and low seating wall
 - iii. permeable and impermeable concrete sidewalk pavers.
- 5. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year, to the satisfaction of the Director of Parks, Recreation and Facilities.
- 2. Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development.

Development Permit Application No. 00527

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. 00634, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

- Receipt of final plans, generally in accordance with the plans date stamped November 23, 2018, with refinement to artwork panels, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 2. The Development Permit lapsing two years from the date of this resolution."

Direct staff to work with BC Housing and/or the applicant to secure 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

Motion to refer:

Moved By Councillor Isitt Seconded By Councillor Potts

That Council refer the application back to staff to engage with the applicant and report back to Council on the prospects of substantially improving affordability in this project.

FOR (2): Councillor Isitt, and Councillor Young

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

DEFEATED (2 to 7)

Amendment:

Moved By Councillor Loveday Seconded By Councillor Alto

That the motion be amended by striking the following wording:

"prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street, and that staff".

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt Seconded By Councillor Loveday That the motion be amended by striking point #1.

Mayor Helps recalled the previous amendment motion.

Motion to refer:

Moved By Councillor Isitt Seconded By Councillor Loveday

That this matter be referred to the January 10, 2019 Committee of the Whole meeting for discussion.

Amendment on the motion to refer:

Moved By Councillor Isitt Seconded By Councillor Loveday

That the referral motion be amended as follows:

"That this matter be referred to staff with direction to work on:

Direct staff to work with BC Housing and/or the applicant to secure 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development."

FOR (7): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (2): Mayor Helps, and Councillor Alto

CARRIED (7 to 2)

Mayor Helps recalled the amendment on the motion to refer.

Amendment on the motion to refer:

Moved By Councillor Isitt Seconded By Councillor Young

That the referral motion be amended as follows:

"That this matter be referred to staff with direction to work on:

Direct staff to work with BC Housing and/or the applicant to incorporate affordability into the project, including the option of securing 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development."

CARRIED UNANIMOUSLY

On the motion to refer as amended:

That this matter be referred to staff with direction to work on:

Direct staff to work with BC Housing and/or the applicant to incorporate affordability into the project, including the option of securing 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space. Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development.

FOR (7): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (2): Mayor Helps, and Councillor Alto

CARRIED (7 to 2)

I.1.c.f Development Permit with Variances Application No. 00094 for 1137 Dominion Road (Victoria West)

> Moved By Councillor Loveday Seconded By Councillor Collins

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 with Variances Application No. 00094 for 1137 Dominion Road, in accordance with:

- 1. Plans date stamped October 10, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 0.90m;
 - ii. reduce the flanking street side yard setback from 2.4m to 0.42m.
- 3. Landscape plan revisions to move the trees along the eastern property line further west to eliminate conflict between the root zone and the existing retaining wall.
- 4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

I.1.d Report from the December 13, 2018 COTW Meeting

I.1.d.a Development Permit with Variances Application No. 00054 for 1800 Quadra Street (North Park)

> Moved By Councillor Alto Seconded By Councillor Potts

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 with Variances Application No. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped November 14, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the building setback along North Park Street from 6.0m to 0.58m
 - ii. increase the horizontal distance of the structure on one plane from a maximum of 30m to a maximum of 41.93m.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

I.1.d.b Request to Install Commemorative Plaque In Old Town

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That Council:

- 1. Approve the request from Parks Canada to install a commemorative plaque at the intersection of Government Street, Wharf Street and Humboldt Street.
- 2. Authorize the Mayor and City Clerk, to execute a letter of agreement with Parks Canada.

CARRIED UNANIMOUSLY

I.1.d.c Accessibility Working Group

Moved By Councillor Loveday **Seconded By** Councillor Dubow

That Council direct staff to prepare Interim Terms of Reference for the January 10, Committee of the Whole meeting for the Accessibility Working Group that would see it conclude one month after Council approval of the Accessibility Framework.

CARRIED UNANIMOUSLY

I.1.d.d Budget Motions from the December 12, Special COTW

Moved By Councillor Isitt Seconded By Councillor Collins That this item be moved to Council's consideration of the Financial Plan following the receipt of the results of public engagement:

That Council does not approve all the items in the 2019 Police budget.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Collins

That Council refers the budget back to the Police Board, requesting that a revised budget be submitted for Council's consideration, with the total requested increase accounting for all items in the budget not to exceed the rate of inflation plus 1% tax increase related to the police budget.

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

Moved By Councillor Alto Seconded By Councillor Collins

Refer the issue of alternate response models, regarding calls for service for mental health, addictions, crisis intervention, and non-emergency community issues, to Councillors Potts, Collins and Alto to report back in January 2019.

CARRIED UNANIMOUSLY

Moved By Councillor Dubow Seconded By Councillor Collins

Public engagement on the 2019 financial plan include a question on the appropriate level of the policing expenditures for the community.

CARRIED UNANIMOUSLY

Moved By Mayor Helps Seconded By Councillor Potts

That Council:

- 1. Direct staff to include the employer health tax with funding from a tax increase (1.45%)
- 2. Direct staff to bring forward the Five-year Financial Plan Bylaw, 2019 to the December 13, 2018 Council

meeting for consideration of first reading prior to commencing public consultation.

- 3. Approve the following allocations of new property tax revenue from new development:
 - a. \$500,000 to the Buildings and Infrastructure Reserve as per the Financial Sustainability Policy.
 - b. 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 2018 surplus upon completion of public consultation.
- 5. Direct staff to bring forward options for funding items Council previously referred to the 2019 financial planning process outlined in Appendix A upon completion of public consultation.
- 6. Direct staff to bring forward options for funding supplementary budget requests upon completion of public consultation.
- 7. Approve the direct-award grants as outlined in this report.
- 8. Direct staff to bring forward options for funding increased grant requests upon completion of public consultation.
- 9. Approve adding 0.5 FTE utility position to address new regulations funded through existing budgets.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.d.e Update on Rezoning Application No. 00582 & Development Permit Application No. 00582 & Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street

> Moved By Councillor Thornton-Joe Seconded By Councillor Collins

Rezoning Application No. 00582

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set, subject to the preparation and execution of a Housing Agreement to ensure future strata bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of the Director of Sustainable Planning and Community Development.

Development Permit Application No. 00582

That Council, after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit No. 00582 for 224 Superior Street, in accordance with:

- 1. Plans date stamped August 8, 2018.
- 2. Development meeting all Zoning Regulation Bylaw
- 3. The Development Permit lapsing two years from the date of this resolution.

Heritage Alteration Permit Application with Variances No. 00007

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion: "That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing heritage-designated building at 224 Superior Street, subject to all chimneys being reconstructed to match existing photographs and drawings, to the satisfaction of the Director of Sustainable Planning and Community Development, and in accordance with:

- 1. Plans, date stamped August 8, 2018
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce side yard setback from 3.65m to 1,20m
 - b. Reduce rear yard setback from 4.0m to 1,36m
 - c. Reduce parking from six stalls to four stalls
 - d. Relaxation to allow parking in the front yard
 - e. Increase the site coverage from 30.0% to 35.09%
- 3. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

I.1.d.f Rezoning Application No. 00668 for 950 Yates Street (Harris Green)

Moved By Councillor Thornton-Joe Seconded By Councillor Collins

That Council decline Rezoning Application No. 00668 for the property located at 950 Yates Street.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (7 to 2)

I.1.d.g Heritage Alteration Permit with Variances Application No. 00005 for 603-607 Pandora Avenue (Downtown)

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

- 1. That Council, subject to:
 - Housing Agreement to ensure that rental of the residential units is not prohibited by future strata councils, to the satisfaction of the Director of Sustainable Planning and Community Development
 - the provision of security for the installation of 8 offsite bicycle parking stalls to the satisfaction of the Director of Engineering and Public Works
 - an amended or replacement covenant to reflect the proposed changes to the public plaza, and secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development
 - the placement of \$90,000.00 in a trust fund for discharge to a car share organization for the provision of a car, car share membership, usage credits, and parking stall

And 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 Heritage Alteration Permit with Variances Application No. 00005 for 603-607 Pandora Avenue, in accordance with:

- 1. Plans, date stamped September 24, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance(s):
 - a. reduce vehicle parking from 81 stalls to 28 stalls
 - b. reduce visitor vehicle parking from 10 stalls to 0 stalls
 - c. reduce short-term bicycle parking from 8 on-site stalls to 0 on-site stalls
 - d. Provision of bike storage, maintenance and repair facilities to the satisfaction of the Director of Engineering and Public Works.
 - e. Final plans to be generally in accordance with the plans identified above to the satisfaction of the

Director of Sustainable Planning and Community Development.

- f. Heritage Alteration Permit with Variances lapsing two years from the date of this resolution."
- 3. Council authorize anchor-pinning, cornices and streetlevel projecting canopies over 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.
- 4. With a consideration for playful elements added into the public plaza.

Motion to refer:

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

1. Refer the project back to the HAC and ADP committees for review and report back to Committee of the Whole.

Council requests comment on:

• Whether the proposed addition complies to the Standards & Guidelines for the Conservation of Historic Places in Canada

And from the report, whether the application has addressed the following issues:

- brick needs to be the primary material in context with the building across from the site, Chinatown and the McPherson Theatre. Replace the masonry with brick, or at least a masonry pattern
- Increase the degree to which the contemporary additions along Pandora Street and the key corner element are compatible, distinguishable, and subordinate to the heritage- designated Plaza Hotel and integrates with the rest of the new building
- consider a simplification of the built form, materials, scale, rhythm and window openings within the historic district and the Chinatown National Historic District to add coherence of the proposal "
- 2. That the staff works with the applicant to ensure that the windows meet the heritage guidelines but also addresses liveability issues in relation to noise in Activity Districts.

FOR (6): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (3): Mayor Helps, Councillor Alto, and Councillor Young

CARRIED (6 to 3)

Motion to extend:

Moved By Councillor Dubow Seconded By Councillor Collins

That the meeting be extended to 2:30 a.m.

CARRIED UNANIMOUSLY

I.1.d.h Residential Rental Tenure Zoning Options

Moved By Councillor Isitt Seconded By Councillor Loveday

That Council direct staff to:

- 1. Introduce residential rental tenure zoning in Victoria by
 - a. preparing general amendments to Zoning Bylaw 2018 and the Zoning Regulation Bylaw;
 - b. adding residential rental tenure regulations to zones permitting secondary and garden suites;
 - c. adding residential rental tenure regulations to all new zones proposing:
 - i. purpose-built rental projects;
 - ii. projects seeking bonus density per the draft Inclusionary Housing and Bonus Density policy;
 - d. report back by February 2019 with a work plan for adding residential rental tenures regulations to existing purpose-built rental housing.
- 2. Add Residential Rental Tenure Zoning as a priority action item in the forthcoming *Victoria Housing Strategy, 2016-2025* update to explore options for broader utilization, with implementation to begin in 2019;
- 3. Participate in a University of British Columbia School of Community and Regional Planning (SCARP) sponsored rental tenure zoning research project, with costs estimated to be approximately \$2500 and allocated from the contingency fund.

FOR (7): Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (2): Mayor Helps, and Councillor Young

CARRIED (7 to 2)

Moved By Councillor Potts Seconded By Councillor Collins

That Council direct staff to:

- 1. Implement all changes to the Victoria Housing Reserve Fund approved at the September 27, 2018 Committee of the Whole Meeting.
- 2. Direct staff to update the fund guidelines to incorporate the following changes developed during the consultation period:
 - Develop an eligibility checklist and withhold financial and schedule information for privacy reasons
 - Redefine "No Income" to "Very Low Income"
 - Set a targeted application review timeline
 - Prioritize projects that provide housing for individuals and families who are either experiencing homelessness or are at risk.

Motion to refer:

Moved By Councillor Potts Seconded By Councillor Isitt

That this item be referred to the January 10, 2019 Committee of the Whole meeting.

CARRIED UNANIMOUSLY

I.1.d.j Bicycle Network - Vancouver Street Design Considerations

Moved By Councillor Isitt Seconded By Mayor Helps

That Council:

1. Direct staff to report back in Q1 2019 following the completion of the Vancouver Street design engagement process, with a preferred design recommendation, consideration to giving design treatments to limit motor-vehicle traffic volumes to 500-1000 per day on shared use sections of the corridor.

CARRIED UNANIMOUSLY

I.1.d.k Funding Options in Support of Land Acquisitions

Moved By Councillor Isitt Seconded By Councillor Loveday That Council:

- Authorize City staff to undertake discussions with the Capital Regional District, and BC Housing for the purposes of informing decisions on the City's desired level of property acquisition and related number of units to be built.
- Direct staff to use the information developed through the discussions with the Capital Regional District and BC Housing for the purpose of informing the Council's decisions on funding priorities.
- Confirm that the City's approach to financing acquisitions consider all funding options to support the securement of lands in support of affordable housing, including allocating funds from tax revenues, capital reserves and potential land inventory re-adjustments and the potential disposition, exchange or use of City owned property considered underutilized or surplus to the City's needs.
- Authorize the hiring of 2 FTEs to the Strategic Real Estate Division funded from new assessed revenue.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

K. <u>BYLAWS</u>

K.1 <u>Bylaw for Official Community Plan and Rezoning Application for 1400</u> <u>Quadra Street</u>

Moved By Councillor Loveday Seconded By Councillor Alto

That the following bylaw be given first and second readings:

- 1. Zoning Bylaw, 2018, Amendment Bylaw (No. 1) No. 18-115
- 2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 27) No. 18-116

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

Moved By Councillor Isitt Seconded By Councillor Loveday

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (1400 Quadra Street) Bylaw (2018) No. 18-117

CARRIED UNANIMOUSLY

K.2 Bylaw for Heritage Designation Application for 1314-1324 Douglas Street

Moved By Councillor Collins Seconded By Councillor Loveday

That the following bylaw **be given first and second readings:** 1. Heritage Designation (1314-1324 Douglas Street) Bylaw No. 18-109

CARRIED UNANIMOUSLY

K.3 Bylaw for Heritage Designation Application for 645-651 Johnson Street

Moved By Councillor Alto Seconded By Councillor Collins

That the following bylaw be given first and second readings:1. Heritage Designation (645-651 Johnson Street) Bylaw No. 18-110

CARRIED UNANIMOUSLY

K.4 Bylaw for Financial Plan

Moved By Councillor Collins Seconded By Councillor Potts

That the following bylaw be given first reading:

1. Five Year Financial Plan Bylaw, 2019 No. 18-121

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (3): Councillor Collins, Councillor Isitt, and Councillor Young

CARRIED (6 to 3)

K.5 Bylaw for Sanitary Sewer and Stormwater Utilities

Moved By Councillor Dubow Seconded By Councillor Collins

That the following bylaw **be adopted:**

1. Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 6) No. 18-098

CARRIED UNANIMOUSLY

K.6 Bylaw for Solid Waste Utilities

Moved By Councillor Loveday Seconded By Councillor Potts

That the following bylaw **be adopted:** 1. Solid Waste Bylaw, Amendment Bylaw (No. 7) No. 18-099

CARRIED UNANIMOUSLY

K.7 Bylaw for Waterworks Utilities

Moved By Councillor Young Seconded By Councillor Loveday

That the following bylaw be adopted:1. Waterworks Bylaw, Amendment Bylaw (No. 13) No. 18-100

CARRIED UNANIMOUSLY

K.8 Bylaw for Ticket Bylaw Amendment

Moved By Councillor Loveday Seconded By Councillor Isitt

That the following bylaw be adopted:1. Ticket Bylaw, Amendment Bylaw (No. 10) No. 18-125

FOR (8): Mayor Helps, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Alto

CARRIED (8 to 1)

L. <u>CORRESPONDENCE</u>

L.1 Letter from The Honourable Mobina Jaffer, Senator for British Columbia

Moved By Councillor Alto Seconded By Councillor Collins

That the correspondence dated October 24, 2018 from the The Honourable Mobina Jaffer, Senator for British Columbia be received for information.

CARRIED UNANIMOUSLY

L.2 Letter from the Minister of Citizens' Services

Moved By Councillor Alto Seconded By Councillor Collins That the correspondence dated November 8, 2018 from the Minister of Citizens' Services be received for information.

CARRIED UNANIMOUSLY

N. <u>QUESTION PERIOD</u>

A question period was held.

O. ADJOURNMENT

Moved By Councillor Collins Seconded By Councillor Dubow

That the Council meeting adjourn. TIME: 2:13 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

January 17, 2019, 11:36 A.M. COUNCIL CHAMBERS CITY HALL, #1 CENTENNIAL SQUARE, VICTORIA, BC To be held immediately following the Committee of the Whole Meeting

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe and Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, P. Bruce - Fire Chief, S. Thompson -Deputy City Manager / Director of Finance, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, C. Havelka -Deputy City Clerk, C. Mycroft - Manager of Executive Operations, K Sidhu - Committee Secretary, K.Moore - Head of Business and Community Relations; K. Sidhu – Committee Secretary.

A. <u>CONVENE COUNCIL MEETING</u>

B. CLOSED MEETING

Moved By Councillor Loveday Seconded By Councillor Young

MOTION TO CLOSE THE JANUARY 17, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

C. <u>APPROVAL OF CLOSED AGENDA</u>

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the Agenda be approved.

Amendment to agenda:

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the agenda be amended to include the following items on the consent agenda:

B.1 - Minutes from the closed meeting held September 27, 2018

B.2 – Minutes from the closed meeting held November 15, 2018

CARRIED UNANIMOUSLY

Main motion as amended:

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That the following items be approved without further debate:

B.1 Minutes from the closed meeting held September 27, 2018.

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That the minutes from the September 27, 2018 Closed Council meeting be adopted.

CARRIED UNANIMOUSLY

B.2 Minutes from the closed meeting held November 15, 2018.

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That the minutes from the November 15, 2018 Closed Council meeting be adopted.

CARRIED UNANIMOUSLY

F. UNFINISHED BUSINESS

F.1 <u>Appointments</u>

Council received a closed report regarding appointments.

The discussion and motion were recorded and kept confidential.

H. <u>NEW BUSINESS</u>

H.1 Legal Advice

Council received a closed report regarding legal advice.

The discussion was recorded and kept confidential.

H.2 Legal Advice

Council received a closed report regarding legal advice.

The discussion was recorded and kept confidential.

J. ADJOURNMENT

Moved By Councillor Alto Seconded By Councillor Young

That the Closed Council Meeting be adjourned at 12:06 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



January 17, 2019, 6:30 P.M. Council Chambers, City Hall, 1 Centennial Square Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

 STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, F. Work - Director of Engineering & Public Works, T. Soulliere -Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson - Assistant Director of Community Planning, C. Mycroft -Manager of Executive Operations, R. Bateman – Senior Planner, J. Jensen – Head of Human Resources, P. Martin - Council Secretary

B. <u>APPROVAL OF AGENDA</u>

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto Seconded By Councillor Isitt

That the agenda be approved as amended.

Amendment:

Moved By Councillor Isitt Seconded By Councillor Alto

That Council approve that Don Halton and Ray Zimmerman be added to the second Request to Address Council section of the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended: CARRIED UNANIMOUSLY

C. <u>READING OF MINUTES</u>

Moved By Councillor Isitt Seconded By Councillor Loveday

That the following minutes be adopted:

- 1. Minutes from the evening meeting held July 12, 2018
- 2. Minutes from the evening meeting held July 26, 2018

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- 3. Minutes from the special evening meeting held August 2, 2018
- 4. Minutes from the evening meeting held August 9, 2018
- 5. Minutes from the evening meeting held September 6, 2018
- 6. Minutes from the evening meeting held September 20, 2018
- 7. Minutes from the daytime meeting held September 27, 2018
- 8. Minutes from the evening meeting held October 4, 2018
- 9. Minutes from the inaugural meeting held November 1, 2018
- 10. Minutes from the evening meeting held November 8, 2018
- 11. Minutes from the daytime meeting held November 15, 2018
- 12. Minutes from the daytime meeting held November 22, 2018
- 13. Minutes from the evening meeting held November 22, 2018

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Isitt Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Jenn Neilson: Victoria Needs a Hillside Library Petition

Outlined why Council should include funds in the 2019 City of Victoria budget to begin the planning process for improved local library services in Hillside-Quadra, Oaklands and North Park.

D.2 <u>Seamus Wolfe: Hillside Library</u>

Outlined why Council should include funds in the 2019 City of Victoria budget to begin the planning process for improved local library services in Hillside-Quadra, Oaklands and North Park.

D.3 <u>Dr. Teale Phelps Bondaroff: Libraries and the Need for a New Community</u> <u>Library Near Hillside</u>

Outlined why Council should include funds in the 2019 City of Victoria budget to begin the planning process for improved local library services in Hillside-Quadra, Oaklands and North Park.

D.4 <u>Steve Barber: The Future of Old Town</u>

Outlined why Council should consider their recommendations to forestall the irreversible erosion of the character of Old Town.

D.5 Harold Kalman: The Future of Old Town

Outlined why Council should consider their recommendations to forestall the irreversible erosion of the character of Old Town.

E. <u>PROCLAMATIONS</u>

E.1 <u>"BC Aware Days 2019: Be Secure, Be Aware Days" - January 28 to</u> February 5, 2019

Moved By Councillor Thornton-Joe Seconded By Councillor Potts

That the following proclamation be endorsed:

1. "BC Aware Days 2019: Be Secure, Be Aware Days" - January 28 to February 5, 2019

CARRIED UNANIMOUSLY

F. <u>PUBLIC AND STATUTORY HEARINGS</u>

F.1 <u>Official Community Plan, Rezoning Application No. 00595, and</u> <u>Development Permit with Variances Application No. 000503 for 1400</u> <u>Quadra Street</u>

<u>Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 27) - No. 18-116</u>: To change 1400 Quadra Street from the Core Business urban place designation to the Core Residential urban place designation, to add text to specify the density, and to change the Development Permit Area from DPA 2 (HC): Core Business to DPA 3 (HC): Core Mixed-Use Residential for the same land.

Zoning Regulation Bylaw, Amendment Bylaw (No. 1) - 18-115:

To change the zoning for 1400 Quadra Street from the Central Business District-1 Zone (CBD-1) and Mixed Use Residential District-1 Zone (MRD-1), to the Central Business District-2 Zone (CBD-2), and to amend Zoning Bylaw 2018 by adding site-specific regulations in order to permit the construction of a 14-storey, mixed-use building consisting of ground-floor commercial and residential units above.

Development Permit with Variance Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1400 Quadra Street, in Development Permit Area 3 (HC): Core Mixed-Use Residential for the purposes of approving the exterior design and finishes for the 14-storey, mixed-use building, as well as landscaping.

F.1.a Public Hearing & Consideration of Approval

<u>Rob Bateman (Senior Planner):</u> Advised that the application is to allow for a 14 storey mixed-use building, with ground floor commercial and purpose built rental above.

Mayor Helps opened the public hearing at 7:07 p.m.

<u>Charles Kierulf (Applicant)</u>: Provided information regarding the application.

<u>Dave Cannon (Spartan Road)</u>: Expressed support for the application due to the need for purpose built rental buildings.

<u>Ty Whittaker (St. Charles Street)</u>: Expressed support for the application as it will be a good addition in the neighbourhood as well as the need for purpose built rental buildings.

<u>Gabe (Fairfield Road)</u>: Expressed support for the application due to the need for purpose built rental buildings.

<u>Helena (Yates Street)</u>: Expressed support for the application as a new building will help to make the area more safe.

<u>Jennifer Beady (Resident)</u>: Expressed support for the application as a new building will help to make the area more safe.

<u>Mark Freeshly (Yates Street)</u>: Expressed support for the application due to the need for purpose built rental buildings and as a new building will help make the area more safe.

<u>Stephen Green (Dean of the Conservatory of Music)</u>: Expressed support for the application due to the need for purpose built rental buildings and as a new building will help make the area more safe for students and staff of the Conservatory.

<u>Chris Cask (CFO of the Victoria Conservatory of Music)</u>: Expressed support for the application as a new building will help make the area more safe and vibrant for patrons of Alix Goolden Hall as well as students and staff of the Conservatory.

<u>Ian Sutherland (Yates Street)</u>: Expressed support for the application as it will help provide vibrancy and safety to the area.

<u>Annette Vee (Resident)</u>: Expressed concerns with the application due to potential safety issues with a neighbouring building during blasting and concerns with how new residents of the area may interact with current residents due to negative stereotypes.

<u>Silas Anelly (Resident)</u>: Expressed support for the application as it will help provide vitality and safety to the area.

Julia Ford (Balmoral Road): Expressed concerns with the application due to concerns with how new residents of the area may interact with current residents due to negative stereotypes and the need for affordability to be considered with every application.

<u>Resident (Yates Street)</u>: Expressed support for the application due to the need for purpose built rental buildings.

Council discussed the following:

• Whether neighbouring buildings will be impacted by blasting during the development.

Mayor Helps closed the public hearing at 7:55 p.m.

Moved By Councillor Thornton-Joe Seconded By Councillor Isitt

That the following bylaw **be given third reading:**

- 1. Zoning Bylaw 2018, Amendment Bylaw (No. 1) No. 18-115
- 2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 27) No. 18-116

Council discussed the following:

- Concerns relating to gentrification and how the building may impact current residents.
- The need for purpose built rental buildings in the City.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

That the following bylaw **be adopted:**

- 1. Zoning Bylaw 2018, Amendment Bylaw (No. 1) No. 18-115
- 2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 27) No. 18-116
- 3. Housing Agreement (1400 Quadra Street) Bylaw (2018) No. 18-117

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe Seconded By Councillor Collins

That Council authorize the issuance of Development Permit with Variances Application No. 000503 for 1400 Quadra Street, in accordance with:

- 1. Plans date stamped October 19, 2018
- 2. Development meeting all *Zoning Bylaw 2018* requirements, except for the following variances:
 - i. Permit one parking stall to be located outside the building.
- 3. The Development Permit with Variances lapsing two years from the date of this resolution.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the applicant work with staff to incorporate partial opaque balcony enclosures to the satisfaction of the Director of Planning.

Amendment to the amendment:

Moved By Mayor Helps Seconded By Councillor Thornton-Joe

That the amendment be amended by striking out "incorporate" and replacing it with the following: "to consider incorporating".

CARRIED UNANIMOUSLY

On the amendment:

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Main motion as Amended:

That Council authorize the issuance of Development Permit with Variances Application No. 000503 for 1400 Quadra Street, in accordance with:

- 1. Plans date stamped October 19, 2018
- 2. Development meeting all *Zoning Bylaw 2018* requirements, except for the following variances:
 - i. Permit one parking stall to be located outside the building.
- 3. The Development Permit with Variances lapsing two years from the date of this resolution.
- 4. That the applicant work with staff to consider incorporating partial opaque balcony enclosures to the satisfaction of the Director of Planning.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council direct staff to prepare the following plan amendments:

1. Consequent amendment of the *Downtown Core Area Plan, 2011* to change the Central Business District designation, covering the site, to the Residential Mixed-Use District designation.

CARRIED UNANIMOUSLY

Council recessed from 8:17 p.m. until 8:24 p.m.

F.2 Heritage Designation Application No. 000178 for 1314-1324 Douglas Street

Heritage Designation Application:

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 1314-1324 Douglas Street, legally described as PID 009-370-242, the easterly 70 feet of Lot 430, Victoria City, except the northerly 30 feet thereof and PID 009-370-323, the easterly 70

feet of Lot 431, Victoria City, as protected heritage property, under Heritage Designation (645-651 Johnson Street) Bylaw No. 18-109.

F.2.a Public Hearing & Consideration of Approval:

<u>Robert Bateman (Senior Planner):</u> Advised that the application is to designate the exterior of the property as heritage.

Mayor Helps opened the public hearing at 8:25 p.m.

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

Mayor Helps closed the public hearing at 8:26 p.m.

Moved By Councillor Isitt Seconded By Councillor Alto

That the following bylaw be given third reading:

1. Heritage Designation (1314-1324 Douglas Street) No. 18-109

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe Seconded By Councillor Isitt

That the following bylaw **be adopted**:

1. Heritage Designation (1314-1324 Douglas Street) No. 18-109

CARRIED UNANIMOUSLY

Mayor Helps recalled the vote on the motion.

Council discussed the following:

The setbacks that were changed as per the approved Heritage Alteration Permit.

On the motion:

That the following bylaw **be adopted:**

1. Heritage Designation (1314-1324 Douglas Street) No. 18-109

CARRIED UNANIMOUSLY

F.3 Heritage Designation Application No. 000177 for 645-651 Johnson Street

Heritage Designation Application:

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 645-651 Johnson Street, legally described as PID 009-369-775, Parcel A (DD 74649I) of Lots 430 and 431,

Victoria City, except Parcel No. 1 (DD 176785I) thereof, as protected heritage property, under Heritage Designation (645-651 Johnson Street) Bylaw No. 18-110.

F.3.a Public Hearing & Consideration of Approval

<u>Robert Bateman (Senior Planner):</u> Advised that the application is to designate the exterior of the property as heritage.

Mayor Helps opened the public hearing at 8:29 p.m.

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

Mayor Helps closed the public hearing at 8:30 p.m.

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the following bylaw **be given third reading**:

1. Heritage Designation (645-651 Johnson Street) Bylaw No. 18-110

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the following bylaw be adopted:1. Heritage Designation (645-651 Johnson Street) Bylaw No. 18-110

CARRIED UNANIMOUSLY

F.4 <u>Development Permit with Variance Application No. 00066 for 1501-1503</u> <u>Haultain Street</u>

Development Permit with Variances Application:

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1501 and 1503 Haultain Street, in Development Permit Area 16: General Form and Character, for purposes of expanding and renovating the exterior of the existing building and constructing a third residential storey.

F.4.a Opportunity for Public Comment & Consideration of Approval

<u>Robert Bateman (Senior Planner):</u> Advised that the application is to add a third residential storey consisting of three dwellings.

Mayor Helps opened the opportunity for public comment at 8:31 p.m.

<u>Architect and Li Sharp (Applicant)</u>: Provided information regarding the application.

Council discussed the following:

- That the Car Share Agreement will stay with the units.
- The parking requirements required by the zone.

Liam Sandaram (Almley Street): Expressed support for the application due to the need for residential housing in the City.

<u>Natalie Dell (Belmont Avenue):</u> Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Shane (Belmont Avenue)</u>: Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>David Maxwell (Chair of the Fernwood Land Use Committee)</u>: Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Ann Whitaker (Belmont Avenue):</u> Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Dustin Miller (View Street)</u>: Expressed support for the application due to the need for residential housing in the City.

Lauren Clocks (Bay Street): Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Michael Manhas (Haultain Street)</u>: Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Mike Hardy (Haultain Street)</u>: Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Robin Langley (Forbes Street):</u> Expressed concerns with the application due to the lack of accessibility in the proposed building and the proposed parking variance.

<u>Greg Langley (Forbes Street)</u>: Expressed concerns with the application due to the proposed massing and its impact on the area.

<u>Teresa Cornish (Forbes Street):</u> Expressed concerns with the application due to how the proposed parking variance will negatively impact the neighbourhood, as well as proceed with development before a neighbourhood plan has been completed.

<u>Jim Kerr (Haultain Street)</u>: Expressed concerns with the application due to how the proposed parking variance will negatively impact the neighbourhood.

<u>Dennis Carson (Bay Street)</u>: Expressed support for the application due to the need for residential housing in the City and will be a benefit to the neighbourhood.

Kay Marshall (Belmont Avenue): Expressed concerns with the application due to how the proposed parking variance will negatively impact the neighbouring businesses.

<u>Lisa McDonald (Belmont Avenue)</u>: Expressed concerns with the application due to how the proposed parking variance and setbacks will negatively impact the neighbourhood.

<u>Josh Good (Perry Street)</u>: Expressed a wish for a comprehensive neighbourhood plan before development is approved.

Council discussed the following:

• Why certain setbacks and variances have been requested.

Mayor Helps closed the opportunity for public comment at 10:11 p.m.

Moved By Mayor Helps Seconded By Councillor Collins

That Council authorize the issuance of Development Permit with Variance Application No. 00066 for 1501 and 1503 Haultain Street, subject to registration of the required legal agreements, to the satisfaction of the City Solicitor, and in accordance with:

- 1. Plans date stamped July 10, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Decrease the front yard setback from 6.00m to 0.22m to building and 0.00m to allow for a canopy projection.
 - ii. Decrease the south side setback from 3.00m to 1.06m for the staircase projection only
 - iii. Decrease the flanking street setback from 2.40m to 1.67m to building and 0.53m to allow for a canopy projection.
 - iv. Decrease the required number of parking spaces from 14 to 3.
- 3. Provide a sketch of the proposed gate to be installed adjacent to the staircase on the north side of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. The Development Permit lapsing two years from the date of this resolution.

Council discussed the following:

- That the reduction of parking by 80% fits with the City's 2018 Draft Climate Leadership Plan.
- The need for additional residential units in the City.

- The lack of neighbourhood support.
- Neighbourhood concerns relating to the lack of residential parking.

Council recessed from 10:38 p.m. until 10:42 p.m.

• Concerns relating to the lack of accessibility.

Motion to refer:

Moved By Mayor Helps Seconded By Councillor Thornton-Joe

That Council refer the application back to the applicant to work with staff and the neighbourhood to address the design and massing concerns.

FOR (5): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (4): Councillor Collins, Councillor Dubow, Councillor Isitt, and Councillor Young

CARRIED (5 to 4)

Motion to extend:

Moved By Councillor Thornton-Joe **Seconded By** Councillor Dubow That the meeting be extended to 12:00 a.m.

CARRIED UNANIMOUSLY

G. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Isitt Seconded By Councillor Loveday

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

G.1 Susan Abells: Police Budget Outlined why Council should not fund police participation on the Assertive Community Treatment (ACT) teams.

H. UNFINISHED BUSINESS

H.1 Indicate to BCLC that Victoria is Not Interested in Hosting a Casino

Moved By Councillor Alto Seconded By Councillor Thornton-Joe That Council lift the following motion and amendment from the table.

Main Motion:

That Council direct the Mayor to write to the British Columbia Lottery Corporation to indicate that Victoria is no longer interested in hosting a casino.

Amendment:

That the motion be amended by adding the following at the end of the motion, after the word 'casino':

"but may consider a proposal by a local First Nation, reflecting their right to economic development self-determination."

On the motion to lift from the table: CARRIED UNANIMOUSLY

On the motion:

Council discussed the following:

- The importance of leaving the opportunity available to the local First Nations.
- That there is not a current application from the First Nations and whether the amendment is necessary.

Moved By Councillor Loveday Seconded By Councillor Isitt

That Council change the rules to Committee of the Whole rules of order for this debate.

CARRIED UNANIMOUSLY

• The potential merits and concerns of hosting a casino in the City of Victoria.

Motion to postpone indefinitely:

Moved By Councillor Isitt Seconded By Councillor Dubow

That consideration of this matter be postponed indefinitely.

FOR (6): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (3): Mayor Helps, Councillor Alto, and Councillor Collins

CARRIED (6 to 3)

H.2 <u>Rise and Report: Decision on Business Licence Appeal Hearing for 1412</u> <u>Douglas Street</u>

That Council adopt the following statement as its reasons for denying the appeal from a refusal to issue a business licence to Kyle Cheyne for a business known at "Terp City" at 1412 Douglas Street:

Introduction

Under section 60(5) of the Community Charter, an applicant who is refused a business licence by a municipal officer or employee is entitled to have Council reconsider the matter.

On October 2, 2017, Kyle Cheyne applied to the City for a cannabisrelated business licence under the City's Cannabis Related Business Regulation Bylaw and Business Licence Bylaw for a business located at 1412 Douglas Street and known as "Terp City" (the "Applicant"). The business is described as a "cannabis lounge" and is essentially a place where, for a fee, anyone can come in and consume their cannabis. Patrons can also purchase prepackaged foods and drinks. The City's Licence Inspector refused to issue a cannabis-related business licence because the business did not comply with the provisions of the City's Bylaw and on May 29, 2018 the Applicant was informed of that decision.

The Applicant requested that Council reconsider the Licence Inspector's decision, and on November 22, 2018, Council held a business licence hearing to receive submissions from the Applicant and the City's Manager of Bylaw & Licensing Services (the Manager") with regards to this matter.

Applicant's Submissions

The Applicant's submissions were presented by his lawyer and can be summarized as follows.

First, that licencing of cannabis is a matter within the exclusive federal jurisdiction and the City lacks jurisdictional competence to enact a prohibition on cannabis consumption. The laws related to cannabis continue to evolve and, according to the Applicant's submission, City bylaws are likely to be declared invalid soon.

Secondly, that many of Terp City customers are licensed medical users of cannabis who either cannot or choose not to consume cannabis at home, at work, or in public. Terp City, it was argued, fills an important gap in the regulation of cannabis by providing them with a safe location to consume their medicine. These medical users have, according to the Applicant's submissions, a constitutionally protected right to consume cannabis and any municipal bylaw that limits that right is unconstitutional.

Thirdly, that the regulatory scheme established by the City is itself contradictory in that it authorizes the sale of cannabis and cannabisrelated paraphernalia, while prohibiting

consumption of the very product that it promotes. Included in the Applicant's submissions was a request to Council to allow for a site for

safe consumption of cannabis. The Applicant informed Council that no cannabis is sold on the premises and no food is prepared on the premises. The Applicant also said that no persons under 19 years of age are allowed on the premises.

City's Manager of Bylaw & Licencing Services Submissions

The Manager submitted that both the Business Licence Bylaw (section 35) and the Cannabis Related Business Regulation Bylaw (section 6(c)) expressly prohibit consumption of cannabis on any business premises in Victoria. Because the Applicant's entire business model relates to on-site consumption of cannabis, the Licence Inspector denied the Applicant's cannabis-related business licence application.

Council's Decision

The role of City Council in a business licence hearing is very limited. As was recognized by the Applicant's lawyer during his submission, City Council is not a court of competent jurisdiction to determine constitutional issues or to grant a remedy under the Canadian Charter of Rights and Freedoms. Nor is the business licence hearing a proper forum to decide the validity of a municipal bylaw. Our role in this hearing is to reconsider the decision of the Licence Inspector to refuse the Applicant a business licence.

The City has enacted a set of business regulations to deal with the proliferation of cannabis related businesses in Victoria. In doing so even before the formal legalization of cannabis, the City was proactively responding to the need to better manage the impact the presence of these businesses has had on the community. The object of these regulations has not been to deny access to medical cannabis. To the contrary, the City's Cannabis Related Business Regulation Bylaw expressly states that it does not apply to the production or distribution of cannabis licensed by Health Canada under the Access to Cannabis for Medical Purposes Regulations. The purpose of the City's cannabis-related bylaws has been to balance the interests of the community with the rights of cannabis users.

A prohibition of consumption of cannabis on business premises is one of the regulations contained in City bylaws. It was adopted, in part, because there are currently no provincial or federal standards or rules currently in place regarding the safe consumption or service of cannabis. While Council feels a certain degree of sympathy towards the argument that provision of a safe location in which medical or recreational cannabis can be consumed is beneficial, this remains contrary to the City's bylaws. In our view, the Licence Inspector had no choice but to withhold a business licence from the applicant. Similarly, we feel compelled to deny the appeal and refuse to issue a business licence for a business whose entire business model revolves around a contravention of the existing City bylaw. Therefore, the appeal is denied.

In the course of the hearing, a question was asked regarding existing Council directions in relation to the issue of on-site consumption. Although it does not affect Council's decision in relation to this business licence application, it seems appropriate to mention that Council had previously directed staff to explore the possible repeal of the prohibition of on-site consumption of cannabis. We want to be clear that our decision in relation to this Applicant is based solely on the current status of the City's bylaws and should not be taken as precluding issuance of a business licence in the future if the prohibition on on-site consumption is repealed.

I. <u>REPORTS OF COMMITTEES</u>

I.1 Committee of the Whole

I.1.a Report from the January 10, 2019 COTW Meeting

Councillor Collins withdrew from the meeting at 11:50 p.m.

I.1.a.a Rezoning Application No. 00658 for 1402-1404 Douglas Street (Downtown)

Moved By Councillor Alto Seconded By Councillor Collins

That Council receive the report for information.

CARRIED UNANIMOUSLY

I.1.a.b Evacuation Route Planning Grant

Moved By Councillor Thornton-Joe Seconded By Councillor Isitt

Councillor Collins returned to the meeting at 11: 52 p.m.

 Provide Council resolution supporting the \$25,000 grant application submitted by staff on November 30th to the Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) for Evacuation Route Planning.

2. Authorize the Mayor and City Clerk to execute any agreements related to a successful grant application.

CARRIED UNANIMOUSLY

I.1.a.c 2018 My Great Neighbourhood Grants- Fall Intake

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council:

- 1. Approve 22 applications received for the fall intake of the 2018 My Great Neighbourhood Grant program as outlined in Tables 1 and 2 and 3.
- 2. Approve the following changes to the My Great Neighbourhood Grant Policy:

For a multi-phased project to be considered, a substantial new element must be introduced with each application. This program limits a maximum of three (3) proposals for the same project area. Applications for new projects will be prioritized over recurring applications, factoring in quality of application.

CARRIED UNANIMOUSLY

I.1.a.d Update Report on Rezoning Application No. 00641 and Development Permit with Variances Application No. 000528 for 430 Parry Street (James Bay)

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council approve the following revised motion:

"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00641 for 430 Parry Street, that first and second reading of the Zoning Regulation Bylaw be considered by Council, and a Public Hearing date be set once the following conditions are met:

- 1. Preparation and execution of legal agreements to secure two one-bedroom units as below-market housing, to the satisfaction of the City Solicitor (below market housing offered at 15% less market rate, in perpetuity)
- 2. Preparation and execution of a Housing Agreement to ensure that future Strata Bylaws could not prohibit the rental of units (with the exception of the two belowmarket ownership units).

That the applicant be required to provide \$10,000 for the relocation of the home or \$20,000 for the relocation of the home in James Bay."

CARRIED UNANIMOUSLY

I.1.a.e Development Variance Permit No. 00207 for 423 Edward Street (Victoria West)

Moved By Councillor Alto Seconded By Councillor Potts That Council approve the following revised motion: "That Council authorize the issuance of Development Variance Permit Application No. 00207 for 423 Edward Street, in accordance with:

- 1. Plans date stamped August 30, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required vehicle parking from four stalls to one stall
 - ii. reduce the rear yard setback from 7.5m to 3.25m
 - iii. allow the addition of a roof deck
 - iv. allow exterior changes to the street façade to a proposed house conversion
 - v. reduce the separation distance for an accessory building from the main building from 2.4m to 2.15m
 vi. allow an accessory building in the side yard.
- The Development Permit lapsing two years from the
- date of this resolution4. Final issuance of the Development Variance Permit
- 4. Final issuance of the Development Variance Permit subject to:
 - i. a Statutory Right-of-Way of 1.8m on the Russell Street frontage being registered on title, to the satisfaction of the Director of Engineering and Public Works
 - ii. revised plans addressing minor drafting errors, to the satisfaction of the Director of Sustainable Planning and Community Development
 - iii. a Housing Agreement securing at least two residential units as rental for a period of not less than 10 years, to the satisfaction of the City Solicitor
 - iv. screening of the landing with lattice work or green landscape, subject to the discretion of the Director of Sustainable Planning and Community Development
 - v. the applicant entering into an agreement with a car share organization for membership for all three residential units, to the satisfaction of the Director of Sustainable Planning and Community Development."

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

I.1.a.f Development Permit Application No. 000525 for 90 Saghalie Road (Victoria West)

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

- 1. That Council authorize the issuance of Development Permit Application No. 000525 for 90 Saghalie Road, in accordance with:
 - a. Plans date stamped December 14, 2018.
 - b. Development meeting all Zoning Regulation Bylaw
 - c. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Mayor Helps recalled the motion for I.1.a.d.

Councillor Collins withdrew from the meeting at 11:54 p.m. due to a pecuniary conflict of interest with the following item, as she lives in close proximity.

I.1.a.d Update Report on Rezoning Application No. 00641 and Development Permit with Variances Application No. 000528 for 430 Parry Street (James Bay)

On the motion:

That Council approve the following revised motion: "That Council instruct staff to prepare the necessary Zoning Regulation Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00641 for 430 Parry Street, that first and second reading of the Zoning Regulation Bylaw be considered by Council, and a Public Hearing date be set once the following conditions are met:

- 1. Preparation and execution of legal agreements to secure two one-bedroom units as below-market housing, to the satisfaction of the City Solicitor (below market housing offered at 15% less market rate, in perpetuity)
- 2. Preparation and execution of a Housing Agreement to ensure that future Strata Bylaws could not prohibit the rental of units (with the exception of the two below-market ownership units).

That the applicant be required to provide \$10,000 for the relocation of the home or \$20,000 for the relocation of the home in James Bay."

CARRIED UNANIMOUSLY

Councillor Collins returned to the meeting at 11:55 p.m.

Councillor Isitt withdrew from the meeting at 11:55 p.m. due to a potential non-pecuniary conflict of interest with the following item, as he is the regional representative on the board of the Island Corridor Foundation.

I.1.a.g Improving Frontages along Rail Corridors for Future Development Projects

Moved By Councillor Alto **Seconded By** Councillor Young That staff report back on any potential mechanisms for improving frontages along the rail corridor for future development projects.

CARRIED UNANIMOUSLY

Councillor Isitt returned to the meeting at 11:56 p.m.

Motion to extend:

Moved By Councillor Thornton-Joe Seconded By Councillor Dubow

That the meeting be extended to 12:30 a.m.

CARRIED UNANIMOUSLY

I.1.a.h Victoria Housing Reserve Fund Guidelines Update

Moved By Councillor Alto Seconded By Councillor Potts

That Council direct staff to:

- 1. Implement all changes to the Victoria Housing Reserve Fund approved at the September 27, 2018 Committee of the Whole Meeting.
- 2. Direct staff to update the fund guidelines to incorporate the following changes developed during the consultation period:
- Develop an eligibility checklist and withhold financial and schedule information for privacy reasons
- Redefine "No Income" to "Very Low Income"
- Set a targeted application review timeline
- Prioritize projects that provide housing for individuals and families who are either experiencing homelessness or are at risk.
- Prioritize projects that have affordability in perpetuity.

New bullet in Project Priority:

 Projects that provide a component of housing for people with low and very low incomes first, over moderate income households.

Amendment:

Moved By Councillor Potts Seconded By Councillor Alto

That the motion be amended to add "persons with disabilities" as a new bullet in Project Priority.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council direct staff to:

- 1. Implement all changes to the Victoria Housing Reserve Fund approved at the September 27, 2018 Committee of the Whole Meeting.
- 2. Direct staff to update the fund guidelines to incorporate the following changes developed during the consultation period:
- Develop an eligibility checklist and withhold financial and schedule information for privacy reasons
- Redefine "No Income" to "Very Low Income"
- Set a targeted application review timeline
- Prioritize projects that provide housing for individuals and families who are either experiencing homelessness or are at risk.
- Prioritize projects that have affordability in perpetuity.

New bullets in Project Priority:

- Projects that provide a component of housing for people with low and very low incomes first, over moderate income households.
- Persons with disabilities.

CARRIED UNANIMOUSLY

Youth Services Delivery Model

Moved By Councillor Loveday Seconded By Councillor Dubow

That Council approve the proposed improvement to the delivery of Youth Services, and refer consideration of funding a new full-time position as part of the 2019 Financial Planning process.

Motion to refer:

Moved By Councillor Isitt Seconded By Councillor Loveday

I.1.a.i

Refer this matter to the January 24, 2019 Committee of the Whole meeting.

CARRIED UNANIMOUSLY

I.1.a.j Interim Terms of Reference – Accessibility Working Group

Moved By Councillor Loveday **Seconded By** Councillor Potts That Council approve the Interim Terms of Reference for the Accessibility Working Group.

Amendment:

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That the motion be amended to include the following: "and that the City of Victoria reimburse the Accessibility Working Group for travel costs until all members can be accommodated at meetings at City Hall".

Amendment to the amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

That the amendment be amended to replace "City Hall" with the following:

"meetings at a location that meet the transportation needs of the Accessibility Working Group".

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Mayor Helps

That the amendment be amended to include the following: "subject to the members travelling at the lowest cost adequate option".

CARRIED UNANIMOUSLY

On the amendment: CARRIED UNANIMOUSLY

On the main motion as amended:

That Council approve the Interim Terms of Reference for the Accessibility Working Group and that the City of Victoria reimburse the Accessibility Working Group for travel costs until all members can be accommodated at meetings at a location that meets the transportation needs of the Accessibility Working Group, subject to the members travelling at the lowest cost adequate option.

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Isitt

That Council re-invoke the Council Meeting rules of order.

CARRIED UNANIMOUSLY

I.1.a.k Letter from Shell Canada Limited

Moved By Councillor Isitt Seconded By Councillor Collins

That Council:

- 1. Refer the matter to the closed portion of the meeting for legal advice.
- 2. Direct staff to begin tracking costs and expenditures incurred by the City of Victoria in relation to climate change, and include an itemized summary of these costs and expenditures in the annual update on the Climate Leadership Plan.
- 3. Endorse the following resolution for consideration at the annual meetings of the Union of BC Municipalities and the Association of Vancouver Island Coastal Communities, and direct staff to forward the resolution electronically to member local governments in BC encouraging favourable consideration and resolutions of support:

Recovering Municipal Costs Arising from Climate Change

WHEREAS local governments are incurring substantial costs in relation to the impacts of climate change, including volatile weather patterns, drought, wildfires, erosion and other impacts;

AND WHEREAS it is fiscally prudent to recover these costs from corporations that have profited from the burning of fossil fuels, with knowledge that these economic activities contribute to climate change;

THEREFORE BE IT RESOLVED THAT UBCM explore the initiation of a class action lawsuit on behalf of member local governments to recover costs arising from climate change from major fossil fuels corporations;

AND BE IT FURTHER RESOLVED THAT the Province of British Columbia consider legislation to support local governments in recovering costs arising from climate change from major fossil fuel corporations.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.a.I Neighbourhood Liaison Appointments - Rockland and North Park - 2019/2020

Moved By Councillor Potts Seconded By Councillor Loveday

That Council appoint:

- 1. Councillor Young as the Rockland Neighbourhood Liaison for 2019/2020
- 2. Councillor Dubow as the North Park Neighbourhood Liaison for 2019/2020
- 3. Councillor Alto as the North Park Neighbourhood Co-Liaison for 2019/2020

CARRIED UNANIMOUSLY

I.1.b Report from the January 17, 2019 COTW Meeting

I.1.b.a Public Hearing Submissions and Public Comment Policy

> Moved By Councillor Isitt Seconded By Councillor Potts

That Council direct staff to revise the Council approved Correspondence Management Policy to formalize the submission locations and deadline for providing advance written comments before a public hearing that includes:

- 1. Standards for receiving different forms of submissions (letter, e-mail, or drop-off);
- 2. Closing time of 2:00 pm on the day of the public hearing for receiving submissions by Legislative Services that will be published on the agenda; and
- 3. Process for distributing advance submissions to Council prior to a public hearing.

CARRIED UNANIMOUSLY

I.1.b.b Neighbourhood Input on Greenway Design Standards

Moved By Councillor Isitt Seconded By Councillor Alto

That Council refer the attached materials from the Oaklands Rise and Brighton Greenway neighbourhood working groups to staff, to inform the review and implementation of Greenway Design Standard for shareduse laneways.

CARRIED UNANIMOUSLY

I.1.b.c Rezoning Application No.00649 for 2424 Richmond Street (North Jubilee)

Moved By Councillor Alto Seconded By Councillor Young

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application No. 00649 for 2424 Richmond Road; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and that a Public Hearing date be set once the following conditions are met:

Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:

- 1. registration of a section 219 covenant to secure the design of the proposed single-family dwelling unit, and to ensure that the existing single-family dwelling is upgraded in accordance with the plans approved by Council and to specify the sequencing of construction and landscaping, including retention of a landscape security deposit
- receipt of an executed Statutory Right-of-Way (SRW) of 4.82m along Richmond Road, to the satisfaction of the Director of Engineering and Public Works.
- 3. registration of a housing agreement in a form satisfactory to the City Solicitor that prohibits the establishment of strata bylaws that prohibit the rental of the units.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (2): Councillor Isitt, and Councillor Thornton-Joe

CARRIED (7 to 2)

I.1.b.d Update Report for Rezoning Application No.00556 and Development Permit with Variance Application No.00028 for 1417 May (Fairfield)

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

Rezoning Application No. 00556:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00556 for 1417 May 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 legal agreement for on-site storm water management is updated based on the revised proposal.

<u>Development Permit with Variance Application No. 00028:</u> 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. 00556, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00556 for 1417 May Street, in accordance with:

- 1. Plans date stamped September 10, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the minimum vehicle parking requirement from six stalls to four stalls.
- 3. The Development Permit lapsing two years from the date of this resolution."

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.b.e 2019 Draft Financial Plan - Mayor's Office Support

Moved By Councillor Isitt Seconded By Councillor Alto

- 1. The total compensation be no more than \$80,000 plus benefits and pension.
- 2. Council appoint one of its members today to participate in the hiring process should the Mayor decide to proceed.
- 3. Councillor Potts be appointed to this hiring process.

Amendment:

Moved By Councillor Dubow Seconded By Mayor Helps

That the motion be amended to change "\$80,000" to "\$100,000".

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Councillor Collins

That the amendment be amended to change "\$100,000" to "\$90,000".

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Loveday, and Councillor Potts

CARRIED (5 to 4)

Motion to extend:

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the meeting be extended to 12:45 a.m.

FOR (8): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Collins

CARRIED (8 to 1)

Amendment to the amendment:

Moved By Councillor Isitt Seconded By Councillor Young

That the motion be amended by adding a point four as follows:

4. Subject to Council approval in a closed meeting of probationary terms and the supervisory relationship.

FOR (2): Councillor Isitt, and Councillor Young OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

DEFEATED (2 to 7)

On the amendment: CARRIED UNANIMOUSLY

On the main motion as amended:

- 1. The total compensation be no more than \$90,000 plus benefits and pension.
- 2. Council appoint one of its members today to participate in the hiring process should the Mayor decide to proceed.
- 3. Councillor Potts be appointed to this hiring process.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

I.1.b.f Call for Written Submissions - Select Standing Committee on Ride Hailing Services

Moved By Councillor Isitt Seconded By Councillor Young

1. That Council communicate to the province that the City supports regulations that provide fairness for different operators, proper compensation for drivers and safety for the public and that the staff's original letter be appended.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt Seconded By Councillor Dubow

1. That priority be given in the granting of license to local operators.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Councillor Thornton-Joe withdrew from the meeting at 12:40 a.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.

Moved By Councillor Isitt Seconded By Councillor Collins 1. That the City request that BC Transit give consideration of the establishment of a public ride hailing platform to address the priorities noted above.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Councillor Thornton-Joe returned to the meeting at 12:41 a.m.

I.1.b.g Extension of Vacancy Taxation Authority to Local Governments

Moved By Councillor Isitt Seconded By Councillor Loveday

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministers responsible for Local Government, Finance and Housing, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Extension of Vacancy Taxation Authority to Local Governments

WHEREAS the Province of British Columbia responded to a housing affordability crisis in 2016 with legislation empowering the City of Vancouver to introduce a surtax on vacant residential properties, resulting in \$38-million in revenues for that community in 2018 and creating a strong disincentive to leaving properties vacant;

AND WHEREAS communities across British Columbia face housing affordability pressures, while a portion of the housing supply in all communities remains vacant, including properties that have remained derelict for years or decades;

AND WHEREAS vacant and derelict buildings pose substantial risks in terms of public safety in communities, as well as liveability and desirability for nearby and adjoining neighbourhoods and properties;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia extend the authority to introduce a surtax

on vacant residential properties to local governments across British Columbia, providing communities with the discretion to decide whether to introduce an additional tax to discourage vacant and derelict buildings, and encourage the occupancy, maintenance, and improvement of buildings to address housing affordability and public safety.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

K. <u>BYLAWS</u>

K.1 Bylaw for Rezoning Application for 1402 Douglas Street

Moved By Councillor Alto Seconded By Councillor Isitt

That the following bylaw **be given first and second readings:** 1. Zoning Bylaw 2018, Amendment Bylaw (No. 2) No. 19-016

Council discussed the following:

Whether the Cannabis Policy includes a maximum floor area.

Moved By Councillor Thornton-Joe Seconded By Councillor Potts

That the motion be tabled.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

K.2 Bylaw for Temporary Borrowing Bylaw, 2019

Moved By Councillor Alto Seconded By Councillor Isitt

That the following bylaw **be given first, second, and third readings:** 1. Temporary Borrowing Bylaw, 2019 No. 19-008

CARRIED UNANIMOUSLY

K.1 Bylaw for Rezoning Application for 1402 Douglas Street

The Acting Director of Sustainable Planning and Community Development advised Council that there is not a maximum floor area in the Cannabis Policy.

Moved By Councillor Alto Seconded By Councillor Potts

That the motion be lifted from the table.

CARRIED UNANIMOUSLY

On the motion:

That the following bylaw **be given first and second readings:**

1. Zoning Bylaw 2018, Amendment Bylaw (No. 2) No. 19-016

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (8 to 1)

L. <u>CORRESPONDENCE</u>

L.1 Letter from Employment and Social Development Canada

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the correspondence dated October 1, 2018 from Employment and Social Development Canada be received for information.

Motion to refer:

Moved By Councillor Isitt Seconded By Councillor Alto

That the correspondence dated October 1, 2018 from Employment and Social Development Canada be referred to the January 31, 2019 Committee of the Whole meeting.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (1): Councillor Thornton-Joe

CARRIED (8 to 1)

Motion to extend:

Moved By Councillor Isitt Seconded By Councillor Potts

That the meeting be extended to 12:55 a.m.

FOR (8): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young OPPOSED (1): Councillor Collins

CARRIED (8 to 1)

L.2 Letter from the Minister of Infrastructure and Communities

Moved By Councillor Alto Seconded By Councillor Isitt

That the correspondence dated December 7, 2018 from the Minister of Infrastructure and Communities be received for information.

CARRIED UNANIMOUSLY

N. <u>QUESTION PERIOD</u>

A question period was held.

O. ADJOURNMENT

Moved By Councillor Loveday Seconded By Councillor Potts

That the Council meeting adjourn. TIME: 12:50 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



January 31, 2019

1 Centennial Square Lekwungen Territories Victoria, BC, V8W 1P6 [mayorandcouncil@victoria.ca]

ATTN: Mayor and Council - City of Victoria

Through Mayor Lisa Helps:

RE: Health, Social Services and Accountability in the Victoria Police Budget

We write to express concerns on behalf of Together Against Poverty Society (TAPS), with the proposed increase in funding to the Victoria Police Department (VICPD) through the 2019-2020 Draft Financial Plan.

In addition to the current provisional budget, past VICPD Budgets increase requests (2016-2019) have noted the impact of addictions, mental health and homelessness, in support of increased funding allocations. Past Councils have supported increases based on the narrative of police as the appropriate intervention in social supports by approving budget increases to the VICPD, while citing gaps in the social safety net and in particular a lack of supports in mental health and addictions. Historic increases to the VICPD budget, on the basis of social and health based interventions, have been approved without adequate evidence to support shifting the role of police toward roles traditionally performed by the social services and health sectors.

It is our view that these increases have unnecessarily strained police resources while increasing stigma against people from marginalised groups by presenting homelessness, mental health and poverty as matters that require a primarily criminal justice response. These resources have limited the capacity of the municipality to invest in alternative social and health base services that are desperately needed.

The City of Victoria has been vocal, along with other municipalities, in stating that mental health and addictions should be treated as health matters. To ensure that all current and future resources are appropriately allocated, we call on this Council to deny the approval of the VICPD 2019-2020 provisional budget pending the outcome of an independent audit of VICPD resource allocation toward matters that are unrelated to criminal justice, particularly the use of police resources to respond to calls involving overdoses from illicit substances.

We ask council to provide direction to the Victoria Police Board to engage a process for an immediate third party and independent efficiencies audit of existing police operations to determine the level of budgetary expenditure on non-criminal matters including but not limited to the following:

> Supported by: The Law Foundation of British Columbia, United Way of Greater Victoria, Province of British Columbia, The Provincial Employees Community Services Fund, and other generous donors.

- 1. Calls and response to mental health related incident
- 2. Calls and response to overdose
- 3. Calls and response to overnight camping bylaw
- 4. Calls and response to panhandling and other survival economic activity
- 5. Calls and response to loitering chattel bylaw

We suggest that a timely and extensive audit is necessary in order for council to ensure that taxpayer resources are not misused through the prioritization of criminal justice responses to homelessness, mental health and addictions, over community based, peer led support services that save lives and increase the safety and security of people living in our community.

From the Voice of our Clients:

TAPS' clients regularly report on how the crisis driven nature of living in poverty is compounded by interactions with police through surveillance, daily displacement, confiscation of personal belongings, and disruption of grey market income generation necessary for survival. The following exemplify the use of police resources to respond to non-criminal matters resulting from poverty and social condition. Without additional resources these become cyclical interactions that are costly to the taxpayer and will only be effectively addressed through strengthening community supports:

- 1. <u>Outdoor Sheltering</u>: 7am wake up calls by police serve to make poverty invisible and negatively impact individual's health through exacerbating sleep deprivation and increasing anxiety.
- <u>Administrative Charges:</u>: Through police ordered conditions on a promise to appear, or conditions of bail and probation, individuals with disabilities and those living outside often struggle to attend for supervision appointments and court appearances. Failing to appear will result in warrant which must be enacted by police, often resulting in a period of incarceration. Despite multiple calls for reform on how police issue and ask for conditions upon release, we continue to see the VICPD dedicate an extensive amount of resources toward "administration of justice offences".
- <u>Redzoning</u>: Clients barred from certain areas of downtown are sometimes forced to breach court ordered or police imposed conditions due to the need to access food, shelter, or overdose prevention sites. This breach of conditions can lead to a warrant for their arrest.
- 4. <u>Police response to overdose calls during the opioid crisis:</u> While other major jurisdictions like Vancouver have enacted policies which dictate that police should not be responding to overdoses calls as a matter of course, Victoria continues to dispatch police to these calls which are clearly health matters. Clients have indicated that the possibility of police attending to an overdose call can act as a barrier to that call being placed, especially if the individuals involved have outstanding administrative charges or conditions which could result in their incarceration.

Many of our clients have voiced negative experiences due to harassment, intimidation, and violence at the hands of law enforcement. Fear of the police is a common sentiment amongst the street community, particularly for people of colour. These experiences are reflected in a 2018 report conducted by PIVOT Legal Society based on interviews with 76 individuals from across BC: "On the whole, study participants' reactions to engagement with police ranged from exhaustion at constant experiences of displacement, to anger as a result of a lifetime of harassment, to absolute fear. [sic] As they attempted to survive with minimal access to resources, people who took part in this study found it difficult to make sense of how the level of police attention directed toward them was connected to public safety."

Police involvement with the street community often serves as enforcement of unjust laws, suggests that poverty is inherently a threat to public safety, and perpetuates discrimination based on social condition. Increasing funds for social interventions by police into the lives of people living in poverty dismisses the life experiences repeatedly voiced by marginalized members of our community. Rather than continuing to exacerbate harm, these areas must be addressed by directing municipal funds towards improving access to basic needs for survival.

Police on Assertive Community Treatment Teams:

Assertive Community Treatment (ACT) medical outreach teams fill a needed gap in mental health and addictions services. Our clients note that ongoing support enables familiarity and opportunities to build relationships based on trust. However, our clients have also voiced frustrations with the close connection between their health and law enforcement as this introduces an element of intimidation and potential force. We recognize that certain clients of ACT teams have voiced support of police involvement but urge you to recognize that dissenting voices cannot share their concerns publicly due to fear of repercussions for doing so.

Police officers are empowered to apprehend under the *Mental Health Act* which means that individuals could be faced with enduring forced injections and/or institutionalization. Experiences with law enforcement during forced injections have been particularly traumatic for clients as well as their peer support network. Police presence increases anxiety which can negatively impact de-escalation techniques from peers and health professionals.

Overdose Crisis and Policing:

The negative impact of police inclusion in response to overdose was addressed via the Good Samaritan Drug Overdose which came into effect in May of 2017. BC Emergency Health Services notes that "while dispatchers may notify police of a suspected overdose, the presence of the police is to ensure the safety of bystanders and the responding paramedics."

We recognize that VicPD officers have offered the vital service of administering naloxone, however, immediate response to overdose within the street community is most often carried out by peers and is preferred. It is imperative that we invest in efforts to support peer networks and work to build an alternative overdose response framework for all members of our community. Citing the opioid epidemic as reason for increased funding sends the message that drug users are incapable of supporting each other and that drug use necessitates force to ensure safety.

Conclusion:

We appreciate your consideration of the experiences of our clients and urge you to reject any request for an increase in budget based on service delivery without clear and convincing evi-

dence through an independent audit showing its necessity, as well as the inability for other service providers and peer networks to respond to that need.

We also urge you to take this opportunity to communicate with the provincial government to advocate for changes to the *Police Act*, which would allow municipal governments to elect or appoint their own municipal police boards, rather than rely on provincial appointments. It is patently unfair for Mayor and Council to be delivered a demand for an increase in budget without having any control over the administrative body responsible for the oversight and operational accountability of its own police department.

Sincerely,

Stephen Portman Advocacy Lead, TAPS (250) 361-3521 sportman@tapsbc.ca

Khalela Bell Outreach Legal Advocate, TAPS (250) 361-3521 <u>kbell@tapsbc.ca</u>

"EATING DISORDER AWARENESS WEEK"

- **WHEREAS** Eating Disorder Awareness Week seeks to raise awareness of eating disorders, shed light on dangerous and pervasive myths, and promote prevention; and
- **WHEREAS** the Provincial Eating Disorders Awareness (PEDAW) campaign launches annually in February with events and activities taking place throughout the year and is part of a national effort to raise awareness around prevention and early intervention of eating disorders as well as media literacy, resiliency, building healthy body image and selfesteem; and
- **WHEREAS** the Vancouver Island Voices for Eating Disorders Society (VIVED) is a grassroots organization that, despite its members' ongoing struggle with illnesses, has pulled together people with eating disorders, their loved ones, friends and allies, and has met with the Minister of Mental Health and Addictions to talk about lived experiences and present ideas about how services and programs can be improved, and is hosting a public panel on eating disorders February 7th at 7pm at Bolen Books, and
- *WHEREAS* eating disorders are psychiatric illnesses with higher mortality rates than any other mental illness, and
- **WHEREAS** it is critical that greater awareness be raised in this area to support additional and innovated services in the City of Victoria so more adults with eating disorders to receive can access appropriate services in their own home community,
- NOW, THEREFORE I do hereby proclaim the week of February 1st February 7th, 2019 as "EATING DISORDER AWARENESS WEEK" on the HOMELAND of the Lekwungen speaking ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
- *IN WITNESS WHEREOF*, *I* hereunto set my hand this 31st day of January Two Thousand and Nineteen.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA

Sponsored By: Vancouver Island Voices for Eating Disorders Society

"INTERNATIONAL DEVELOPMENT WEEK"

- WHEREAS 2019 marks the 29th year of celebrating Canadian contributions to poverty reduction and international humanitarian assistance. The theme for the year is "Together for Gender Equality" and we recognize that action from local organizations is an essential path towards social justice around the world; and
- WHEREAS from February 3-9, we will commemorate Canadian partnerships between civil society organizations, community leaders, and governments, in their work to address the social, political, economic, and environmental inequalities around our world; and
- **WHEREAS** Canadians significantly help improve quality of life in various communities through their involvement as international development stakeholders, volunteers, and supporters. The theme for this year's International Development Week is "Together for Gender Equality", encouraging Canadians to be leaders in promoting an equal and *just world; and*
- WHEREAS International Development Week provides an opportunity for Canadians, to exercise their responsibilities as global citizens, and reflect on what we are doing to shape a better world; and
- WHEREAS For this year's International Development Week, VIDEA, alongside many university and community partners will be putting on a series of events through Victoria to give Canadians a chance to celebrate Canada's international development achievements and challenges.
- **NOW, THEREFORE** I do hereby proclaim the week of February 3^{st} February 9^{th} , 2019 as "INTERNATIONAL DEVELOPMENT WEEK" on the HOMELAND of the Lekwungen speaking ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
- IN WITNESS WHEREOF, I hereunto set my hand this 31^{st} day of January Two Thousand and Nineteen.

LISA HELPS Sponsored By: MAYOR Victoria **CITY OF VICTORIA Development BRITISH COLUMBIA** Association (VIDEA)

International

Education


Council Report For the Meeting of January 31, 2019

То:	Council	Date:	January 24, 2019
From:	Andrea Hudson, Acting Director, Development	Sustainable	Planning and Community
Subject:	Development Permit with Variances Ap - Update Report	plication No. (00054 for 1800 Quadra Street

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information regarding the Development Permit with Variances Application for the property located at 1800 Quadra Street. The proposal is to construct an addition to the south elevation of the existing church. In order to comply with the British Columbia Building Code, the applicant proposes minor revisions to the November 14, 2018 plans, as follows:

- to change the single door to a double door in order to increase the width of the exit
- to increase the length of the entrance canopy to be proportionate to the proposed double door.

No changes to the requested variances are proposed. The design revision provides a prominent building entrance facing the street with weather protection that is consistent with the applicable design guidelines contained in Development Permit Area 3 (HC): Core Mixed-Use Residential of the Official Community Plan, 2012 (OCP).

The Development Permit with Variances Application has been amended accordingly.

Respectfully submitted,

NILSON M. heys Ander Hude

Moira Wilson Senior Planner – Urban Design **Development Services Division**

Andrea Hudson, Acting Director Sustainable Planning and Community **Development Department**

January 24, 2019 Page 1 of 2 Report accepted and recommended by the City Manager: (

Joceph der ngafus Date:

List of Attachments

• Attachment A: Revised Plans deemed November 14, 2018

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RE-ISSUED FOR DEVELOPMENT PERMIT

1800 QUADRA STREET VICTORIA, BRITISH COLUMBIA

PROJECT NUMBER: 17-490

22 January., 2019



#118 - 21 Erie Street, Victoria, British Columbia t 250.360.2888



analise?

alan lowe arci	hitect inc.
253 - 1110 Government St. Victoria, Britain Columbia	1 250.300.2558
114	



CITY OF VICTORIA RECEIVED DEEMED



















I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.d Report from the December 13, 2018 COTW Meeting

I.1.d.a Development Permit with Variances Application No. 00054 for 1800 Quadra Street (North Park)

> Moved By Councillor Alto Seconded By Councillor Potts

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 with Variances Application No. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped November 14, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the building setback along North Park Street from 6.0m to 0.58m
 - ii. increase the horizontal distance of the structure on one plane from a maximum of 30m to a maximum of 41.93m.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

E.4 <u>Development Permit with Variances Application No. 00054 for 1800 Quadra</u> <u>Street</u>

Moved By Councillor Alto Seconded By Councillor Collins

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 with Variances Application No. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped November 14, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the building setback along North Park Street from 6.0m to 0.58m
 - ii. increase the horizontal distance of the structure on one plane from a maximum of 30m to a maximum of 41.93m.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of December 13, 2018

То:	Committee of the Whole	Date: November 29, 2018
From:	Andrea Hudson, Acting Director, Development	Sustainable Planning and Community
Subject:	Development Permit with Variances Street	Application No. 00054 for 1800 Quadra

RECOMMENDATION

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 with Variances Application No. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped November 14, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the building setback along North Park Street from 6.0m to 0.58m
 - ii. increase the horizontal distance of the structure on one plane from a maximum of 30m to a maximum of 41.93m.
- 3. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information and recommendations for the Development Permit with Variances Application for the property located at 1800 Quadra Street. The revised proposal is to construct a 15.5 square metre addition to the south elevation of the existing church. The requested variances are related to the minimum setback of a building and the maximum horizontal distance of a structure on one plane.

The application was first considered by Council on February 8, 2018 (see attached Committee of the Whole report) and Council passed the following motion:

- 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."

In response, the applicant has revised the design to reduce the impact of the proposed addition on North Park Street and reduce its prominence in relation to the original portion of the building, which was constructed circa 1912. The entry vestibule to the church, constructed when the church was built circa 1978, is proposed to be removed and the entry recess enclosed with an addition. The proposed addition is a continuation of the 1978 church architecture, extending the horizontal lines and materials of the walls, window openings and cedar fascia to the older building. A new building entrance would be constructed several meters to the east. The key revisions to the proposal are as follows:

- the proposed addition to the church has been reduced from 60 square metres to 15.5 square metres
- the proposed addition no longer requires the removal of trees along the North Park Street frontage
- the streetwall of the church, generally at a distance of 2.74m from the lot line, would remain set back further from North Park Street than the 1912 building
- the original base at the corner of the east elevation of the 1912 building is proposed to be exposed and repaired after removal of the newer concrete stairs and planter box
- the proposed exterior finishes for the addition are brick cladding, vinyl windows and doors with tinted glazing, an aluminum canopy, concrete steps, metal flashings and cedar siding to match existing exterior finishes of the church
- the requested variances are a decrease in the south setback from 6.0m to 0.58m, and an increase in the maximum horizontal distance of a structure along one plane from 30.0m to 41.93m. A decrease in open site space (%) is no longer requested as a variance.

Minimum Building Setback

The applicant is proposing a variance to reduce the minimum setback of a building from 6.00m to 0.58m from the south lot line. Staff support the proposed variance given consideration of the existing condition, and that the proposed addition is generally consistent with the applicable design guidelines for Development Permit Area 3 (HC): Core Mixed-Use Residential in the *Official Community Plan* (OCP). The building setback of 0.58m is measured from the property line to the proposed stairs, which are approximately 2.19m in width facing the street frontage. For the remainder of the street frontage, the church streetwall, which is generally 2.74m from the property line, is maintained which allows for some pedestrian movement and landscape between the building and sidewalk. The 1912 building remains closer to North Park Street, distinct from the newer additions and its south east corner gains prominence through removal of the 1978 stairs and canopy. The proposed stairs, as part of the addition, address the street and provide an identifiable building entrance.

Maximum Horizontal Distance of a Structure Along One Plane

The applicant is proposing a variance to increase the maximum horizontal distance of a structure from 30.00m to 41.93m. The increase is related to enclosing the existing south entry recess of the church with an addition that would add approximately 4.42m of building frontage to the existing plane of the church. Staff support the proposed variance given consideration of the existing condition, and that the proposed addition is generally consistent with the applicable design guidelines. The design guidelines encourage articulation of building facades and rich detailing in order to provide a high-degree of public interest along streets. To add visual interest along the length of the proposed south elevation of the structure, the applicant has proposed the inclusion of windows, a pedestrian entrance with lit canopy, and a masonry planter with ornamental plantings.

Data Table

The following data table compares the proposal with the previous proposal considered at the February 8, 2018 Committee of the Whole meeting and the existing R3-C Zone, Central Area Residential District. An asterisk is used to identify where the proposal would require variances.

Zoning Criteria	Proposal Considered at February 8, 2018 Council Meeting	Current Proposal	R3-C Zone
Setbacks (m) – minimum:			
South - North Park Ave.	0.40*	0.58*	6.00
Horizontal distance of a structure extending continuously along one plane (m) – maximum	38.20*	41.93*	30.00

The applicant has provided scans of architectural drawings (see attached), which show plans for alterations to The Knights of Pythias Hall at 840 North Park Street, now consolidated with the Glad Tidings Pentecostal Church at 1800 Quadra Street.

The Knights of Pythias Hall at 840 North Park Street/1800 Quadra Street was originally constructed in 1912. The subject property is not registered or designated; however, a Statement of Significance that was on file at the City has been attached as information.

The applicant has also responded to Council's request to engage the CALUC on the proposed design (see attached correspondence dated October 9 and 11, 2018 and Letter to Mayor and Council dated October 17, 2018).

Respectfully submitted,

Moira Wilson Senior Planner – Urban Design Development Services Division

Andrea Hudson, Acting Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

Date:

November 29, 2018 Page 3 of 4

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Letter from applicant to Mayor and Council dated October 17, 2018
- Attachment D: Plans date stamped November 14, 2018
- Attachment E: Committee of the Whole Report dated February 8, 2018
- Attachment F: Minutes from the Council meeting dated February 8, 2018
- Attachment G: Architectural drawings from applicant of previous alterations dated 1965 and date unknown, as information
- Attachment H: Statement of Significance for 840 North Park Street / 1800 Quadra Street, as information
- Attachment I: Correspondence dated October 9 and October 11, 2018





1800 Quadra Street Development Permit with Variance #00054

N





17 October 2018

City of Victoria #1 Centennial Square Victoria, British Columbia

Attention: Moira Wilson, Senior Planner

Re: Revised Development Permit Application – 1800 Quadra Street

Dear Moira,

Please find enclosed revised application for a development permit for Glad Tidings Church at 1800 Quadra Street. In the previous submission the church was aiming to create a better functioning building by adding a new lobby (67 sqm.) along the North park frontage of the building and was asking for a variance in setback. After comments from City of Victoria staff and the North park neighborhood association we have revised our design. In the current design we are connecting the old assembly hall and church building by adding a small lobby (only 15.5 sqm.) within the existing setback. The R3-C zone requires a setback of 4.5 meters from a street boundary, but the existing setback of the church building is 2.74m. We are not making any changes in existing setback and total number of existing trees. We are relocating the exit door off North park Ave. with additional landscaping.

This addition creates better functional space for the church. It encloses an exterior staircase that is hidden away from the street and is not safe from a CPTED point of view. The church is proposing to locate all of their public washrooms to this side of the building and an interior connection to the new washrooms will be required. The existing connection is through a 3 foot wide corridor.

The cedar siding along the fascia on the existing façade is also in need of repair and refurbishment. By creating this addition at this location, the church can create a new cedar fascia that is identical to the existing fascia. The materials and finishes to the addition will match the existing building.

We trust that this revised Development Permit application request is supportable.

#203-1110 Government Street, Victoria, B.C. tel. 250.360.2888 fax.250.360.2555 Our proposal meets all other R3-C zoning bylaw requirements. Should you have any questions regarding our proposal, please contact our office at 250-360-2888.

Yours truly,

Alan Lowe, Architect AIBC Alan Lowe Architect Inc.

RE-ISSUED FOR DEVELOPMENT PERMIT

1800 QUADRA STREET VICTORIA, BRITISH COLUMBIA

PROJECT NUMBER: 17-490

16 OCT., 2018



#118 - 21 Erle Street, Victoria, British Columbia t 250.360.2888





Received City of Victoria

NOV 1 4 2018

Planning & Development Department **Development Services Division**

project no,: 17-400 fine Oct. 10 2016 state AS NOTED sheet by LOWE states by RM A0.0

















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Received City of Victoria

NOV 1 4 2018

Planning & Development Department Development Services Division

17-490

ASNOTES

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Committee of the Whole Report For the Meeting of February 8, 2018

To:	Committee of the Whole	Date:	January 26, 2018
From:	Jonathan Tinney, Director, Sustainable Plannin	g and Com	munity Development
Subject:	Development Permit with Variances No. 000	54 for 1800	Quadra Street

RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00003 for the property located at 1800 Quadra Street.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances application for the property located at 1800 Quadra Street. The proposal is for a 60 square meter addition to the existing church. The variances being requested are related to setbacks and the maximum horizontal distance of a structure.

The following points were considered in assessing this application:

- the proposal is partially consistent with the objectives and guidelines contained in Development Permit Area 3 (HC): Core Mixed-Use Residential of the Official Community Plan, 2012 (OCP). The proposal provides visual interest and a connection to the public street with windows and a prominent entry, and includes materials and details that would fit with the existing building to the east. The proposal does not, however, respond to the context of the existing older portion of the building to the west
- the requested variances are to reduce the setback to the south lot line and increase the maximum horizontal distance of a structure. These variances would impact the public street. To help mitigate the impacts, the applicant is proposing to provide a landscaping strip between the addition and the lot line and to provide a break between the existing older portion of building to the west and the new addition

 a variance is also requested to reduce the minimum open site space. The existing site is legal non-conforming and the proposed change is small; therefore, it will not have a substantial impact.

BACKGROUND

Description of Proposal

The proposal is for a one-storey 60 square meter addition to the existing church. Specific details include:

- design elements such as a flat roof, prominent entry with roof overhang, and windows (to match existing windows)
- the exterior materials are to match existing, including brick, cedar fascia, and metal flashing, and aluminium cladding on entry overhang
- new soft landscaping would be introduced including shrubs and groundcover between the proposed addition and the street.

The proposed variances are related to:

- reducing the minimum open site space from 40.00% to 7.00%
- reducing the minimum setback of a building from 6.00m to 0.40m for 19.50m of building frontage
- increasing the maximum horizontal distance of a structure from 30.00m to 38.20m.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a church. Under the current R3-C Zone, the site could be redeveloped as multiple dwellings, churches, business or professional offices, retail stores, restaurants, rest homes, nursing homes and hospitals, launderettes, theatres, auditoriums and places of recreation, private hospitals, intermediate care facilities, and commercial care facilities. The maximum floor space ratio is 2.50:1.00 to 3.00:1.00 depending on the site coverage and open site space provided.

Data Table

The following data table compares the proposal with the existing R3-C Zone, Central Area Residential District. An asterisk is used to identify where the proposal would require variances.

Two asterisks are used where the existing development is legally non-conforming.

Zoning Criteria	Proposal	R3-C Zone
Site area (m²) - minimum	8079.00	920.00
Density (Floor Space Ratio) - maximum	0.54:1.00	2.50:1.00 to 3.00:1.00
Total floor area (m²) - maximum	4367.37	n/a
Height (m) - maximum	13.40	37.00
Storeys - maximum	2	n/a
Site coverage % - maximum	31.80	50.00
Open site space % - minimum	7.00*	40.00
Setbacks (m) – minimum: South - North Park Ave. East - Quadra St. West – Julia St. North - Internal Horizontal distance of a	0.40* 40 (approx.) Less than 1.0** 9.48	6.00 4.50 6.00 6.00
structure - minimum	38.20*	30.00
Parking - minimum	173	88
Parking setback - minimum	0.00**	6.50

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 8, 2017, the application was referred for a 30-day comment period to the North Park CALUC. A letter dated December 10, 2017 is attached to this report.

This application proposes variances; therefore, in accordance with the City's Land Use *Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 3 (HC): Core Mixed-Use Residential. The proposal is partially consistent with the design guidelines associated with this development permit area.

The proposal provides a connection to the public street and sidewalk with windows on both the south and east elevations. Additionally, an entrance faces the street that is clearly identified with a roof overhang and stairs.

The proposed building façade would provide visual interest along the street and includes materials and details that would fit with the existing building to the east. The proposal does not,

however, respond to the context of the existing older portion of the building to the west in terms of building elements such as façade rhythm and horizontal cornice lines.

The applicant is proposing to provide a 0.91m break between the existing western portion of the building and the proposed addition. This would help differentiate between the two portions of building that were built at different times and have different styles. The existing older portion would not, however, retain its prominence over the newer addition because the proposed addition would be located closer to the street.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

The applicant is requesting three variances related to setbacks. These are not supportable because of the impact they would have on the public sidewalk and street.

Minimum Site Open Space

The applicant is proposing a variance to reduce the minimum site open space from 40.00% to 7.00%. The existing open site space is legal non-conforming and is only approximately 8.00%; therefore, this variance will not have a substantial impact.

Minimum Setback of a Building

The applicant is proposing to reduce the minimum setback from a building to the south lot line from 6m to 0.405m. This variance will impact the public street and sidewalk by permitting the building to be located closer to North Park Street than is currently allowed. The sidewalk at this location is located close to the lot line. To help soften the impact on the street the applicant is proposing to have a landscape planting strip located between the addition and the lot line. The proposed addition would also provide a connection to the public street with windows and a covered entry.

Minimum Setback between Adjacent Planes

The applicant is proposing a variance to increase the maximum aggregated horizontal distance of a structure from 30m to 38.20m. To help break-up this length of façade, the applicant is proposing to provide a 0.909m wide break between the existing building located to the west and the proposed addition. This would help differentiate between the two portions of building.

CONCLUSIONS

The proposal to construct an addition to an existing church is partially consistent with Development Permit Area 3 (HC): Core Mixed-Use Residential. The materials and details would provide visual interest and would be in keeping with the existing building. The variances, however, are not supportable because of the impacts the addition would have on the public street and sidewalk by permitting the building to be located close to the lot line. Staff recommend that Council consider declining this application. An alternate motion has been provided should Council wish to direct staff to work with the applicant to revise the proposal to reduce the prominence of the proposed addition, and reduce its impacts on the public street.

ALTERNATE MOTIONS

Option 1 - Direct Staff to Work with Applicant to Revise Plans

That Council direct staff to 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.

Option 2 – Approve the Current Proposal

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. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped December 4, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum open site space from 40.00% to 7.00%;
 - ii. reduce the minimum setback from a building to the south lot line from 6.00m to 0.40m for 19.5m of building frontage;
 - iii. increase the maximum horizontal distance of a structure from 30.00m to 38.20m;
- 3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

Rob Bateman Senior Process Planner Development Services Division

Jonathan Finney Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager Date:

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 4, 2017
- Attachment D: Letter from applicant to Mayor and Council dated December 4, 2017
- Attachment E: Community Association Land Use Committee Comments dated December 10, 2017








PROJECT DATA



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alan lowe architect inc.



EAST ELEVATION

Project no.: 17-490















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C SECTION (PARTIAL)















City of Victoria

JAN 31 2018

Planning & Development Department Development Services Division

January 31, 2018

City of Victoria #1 Centennial Square Victoria, British Columbia

Attention: Mayor Helps and Councillors

Re: Development Variance Permit Application – 1800 Quadra Street

Dear Mayor and Council,

Please find enclosed our application for a development permit with variances for a small ones torey 646 square foot addition to the Glad Tidings Church at 1800 Quadra Street. The church is aiming to create a better functioning building for its congregation and accessibility and safety is very important. With the interior renovations proposed for the church, the lobby around the sanctuary becomes very tight within the existing footprint of the building.

The church would like to propose a 60 square metre (646 sq.ft.) addition along the North Park frontage of the building. The R3-C zone requires a setback of 6.0 metres from a street boundary. Our proposal is to request a variance for the setback to 0.4 metres. If a variance was not required, we could have applied for a delegated development permit for the size of this addition. A portion of the existing building is already 0.9 metres from the property line and a brick landscape planter is built within 0.3 metres of the property line. We are requesting that the proposed addition would be allowed to come out to the line of the existing planter.

The zone also requires the staggering of the building along the street wall by 1.5 metres. We would like to request a variance to reduce this to 0.9 metres.

This addition creates better functional space for the church. It encloses an exterior staircase that is hidden away from the street and is not safe from a CPTED point of view. The church is proposing to locate all of their public washrooms to this side of the building and an interior connection to the new washrooms will be required. The existing connection is through a 3 foot wide corridor for a church with a capacity of 1000 persons.

#203-1110 Government Street, Victoria, B.C. tel. 250.360.2888 fax.250.360.2555 In order to show that the new addition does not overlap with the original building built in the early 1900s, we have separated our addition with a 3'-0" structural glazed element to show the existing building fabric. This 3'-0" section is also set back to create a vertical element.



Existing church building built in early 1900s is 0.9 metres from property line, the planter extends further towards sidewalk, with 1979 church building beyond.



Location of proposed one storey lobby addition. Reduced setback would not feel out of character along the north side of North Park. Existing stairs are steep and not accessible. Area to be enclosed and ramp access created from new lobby.

The cedar siding along the fascia on the existing façade is also in need of repair and refurbishment. By creating this one level addition at this location, the church can create a new cedar fascia that is identical to the existing fascia. The materials and finishes to the addition will match the existing building.

We have also reviewed the unprotected openings in the south façade along North Park and have confirmed that the unprotected openings meet the BC Building Code requirements. The unprotected openings allowed would be 60% and our calculations show that our openings are only 50%.

We have canvassed our neighbours along the street and they do not have any concerns regarding our variance to expand the lobby. We will note that the Bethany Court housing complex to the west has balconies extending out to the property line and their entrance canopy extending over the City sidewalk and the North Park Manor across the street having their community room (being converted to residential units) extending out to the property line with a 5 foot high concrete wall and the Baptist Church on the corner extending out to the property line with trees planted in the middle of the sidewalk.



Bethany Court to the west with 3 levels of balconies extending to the property line with parking under the building.



North Park Manor community room extends to property line across the street as well as the Baptist Church on the corner. Tree also planted in the middle of the sidewalk.

Although this may not meet the setback requirements of the zone, the R3-C zone was meant for multi-family developments that are 3 storeys or higher and would have wanted the residential units set back from the property line for some privacy. As this is a church building, those privacy issues are not a concern and it is more beneficial to create better functional space for the church rather than having a dark landscaped area with overgrown trees that is never used. The glazing in the lobby addition will create a more animated street edge. The portion of the building that we are requesting the variance will not be a solid wall.

We trust that this Development Permit application with a variance is minor and that this request is supportable.

Our proposal meets or exceeds all other R3-C zoning bylaw requirements. Should you have any questions regarding our proposal, please contact our office at 250-360-2888.

Yours truly,

Alan Lowe, Architect AIBC Alan Lowe Architect Inc.

Katie Lauriston

From:	Pam Hartling <
Sent:	Sunday, December 10, 2017 8:24 PM
To:	Victoria Mayor and Council
Cc:	Development Services email inquiries; Chris Fleming
Subject:	RE: Development Permit with Variance Received for 1800 Quadra Street - DPV No.
	00054

Dear Mayor and Council,

The NPNA LUC has considered this DVP application. In order to protect the public realm and maintain the best possible pedestrian facilities, we suggest that the applicant be encouraged to find another option.

Regards,

Pam Hartling Land Use Chair, North Park Neighbourhood Association

From: Katie Lauriston [mailto:klauriston@victoria.ca]

Sent: November 8, 2017 8:56 AM

To: info@npna.ca; Control of the store of th

Dear Ms. Jenny Farkas, Ms. Pam Hartling and Mr. Chris Fleming,

Re: 1800 Quadra Street - DPV No. 00054

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances for the building siting along the North Park frontage to accommodate the addition:

- Building setback reduced from 6.0 m to 0.329 m for 24 m of building frontage
- Building setback reduced from 1.5 m to 0.92 m along a horizontal distance of 30 m of building frontage

The details of this application can be found on the Development Tracker at <u>1800 Quadra Street</u>. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department within 30 days from the date of this email.

Yours truly,

Katie Lauriston Planning Secretary Sustainable Planning and Community Development Development Services Division City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0498 F 250.361.0386



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1. 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:

- 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

Council Meeting Minutes February 8, 2018





KNIGHTS OF PYTHIAS HALL 840 NORTH PARK STREET / 1800 QUADRA STREET



Original Owner: Knights of Pythias Historic Name: Castle Hall / Knights of Pythias Hall Architect: Bresemann & Durfee Date of Construction: 1912 Current Name: now consolidated with the Glad Tidings Pentecostal Church, 1800 Quadra Street

Description of Historic Place

The Knights of Pythias Hall is a two-storey masonry building with Classical Revival detailing, situated mid-block on the north side of North Park Street in the North Park neighbourhood of Victoria. The front façade is capped with a projecting metal cornice, and is clad with high-fire two-tone brick and glazed terra cotta arches that frame the first and second storey windows. The original structure has now been consolidated with the Glad Tidings Pentecostal Church, with a large addition built to the east of the original building.

Heritage Value of Historic Place

The Knights of Pythias Hall, constructed in 1912, is significant for its association with the Order of the Knights of Pythias, an international, non-sectarian fraternal order. Organizations such as this were vitally important to the establishment and stability of early Victoria society. It was within such organizations that people met for business and companionship, for assistance in settling in a new environment, and aid in times of trouble. Founded as a non-sectarian fraternal order in Washington, D.C. in 1864 by Justus H. Rathbone, the Knights of Pythias promoted friendship, charity and benevolence. In 1882, the Order was introduced to Victoria by Brother Walter Scott Chambers, with the first lodge instituted in 1883 as Far West Lodge Number 1. Indicative of the order's growth, this large hall was built during the Edwardian era, situated at the eastern edge of downtown in close proximity to the rapidly growing residential areas of the city. At the time, both Blanshard and Quadra Streets were

DRAFT- December 2009 Donald Luxton & Associates developing as major north-south axes, providing convenient access to the Hall, which was also known as Castle Hall.

The Knights of Pythias Hall is additionally significant as a sophisticated example of the work of architects Emanuel Joseph Bresemann (1881-1971) and Morien Eugene Durfee (1885-1941). Bresemann was born in Tacoma, Washington and had a prolific career in San Francisco. There, Bresemann met Wisconsin-born Durfee and subsequently the two formed a partnership. After opening an office in Seattle in 1908, the firm set up branch offices in both Victoria and Vancouver. Among their most notable commissions was the First Congregational Church on Quadra Street, North Park, built in 1912. The Knights of Pythias Hall displays the firm's proficiency with the Classical Revival vocabulary that was reached the height of its popularity during the Edwardian era. This also a notable example of terra cotta ornamentation, used here in an unusual colour that highlights the two-tone brick cladding.

The Knights of Pythias Hall has been consolidated with Glad Tidings Church, contributing to the social vitality of the North Park neighbourhood. It symbolizes the continuing community character of North Park, which developed as a Garden City suburb and continues today as a mix of residential, commercial and recreational uses.

Character-Defining Elements

Key elements that define the heritage character of the Knights of Pythias Hall include its:

- location mid-block on the north side of North Park Street, in the North Park neighbourhood
- continuous community use
- institutional form, scale and massing as expressed by its two-storey height plus full basement, built to the front and side property lines, rectangular plan and flat roof, and an elaborate façade treatment that returns on the side facades for one full bay
- construction materials including: tan and brown high-fire, iron-spot brick; light-orange coloured glazed terra cotta window surrounds, keystones and spandrel blocks; and sheet metal ornamentation
- Classical Revival style details such as: round-arched window surrounds with keystones; and projecting metal cornice with dentils and running ornament
- triple-assembly window openings with heavy wooden mullions; and double-height windows at the sides with fanlight transoms





Knights of Pythias Hall, collection Rick Coleman



Front Elevation 1912, City of Victoria Plans

DRAFT- December 2009 Donald Luxton & Associates

From:	Alan Lowe
To:	Moira Wilson
Cc:	richa; Jerry Stenberg
Subject:	Fwd: Meeting request for Proposed Renovation at Glad Tidings Church
Date:	October 11, 2018 10:57:16 AM
Attachments:	PastedGraphic-2.tiff

FYI, email from North Park Neighbourhood Association.

Regards,

Alan Lowe, Architect AIBC

8

www.lowegroup.ca

250-360-2888

We have moved to:

#118-21 Erie Street Victoria, British Columbia V8V 5A8

Begin forwarded message:

From: Jenny Farkas Subject: Re: Meeting request for Proposed Renovation at Glad Tidings Church Date: October 11, 2018 at 10:17:41 AM PDT To: Alan Lowe Office <<u>alan@lowegroup.ca</u>> Cc: richa@lowegroup.ca, <u>caluc@npna.ca</u>

Hi again Alan and Richa Thank you for meeting with me on site at Glad Tidings Church today.

Your revised plan to connect the old and newer building seems like an intelligent and simpler solution.

As we agreed, you will make one further revision to retain all trees and suggest to the church to do some limb trimming to allow more lighting on the new/proposed entrance.

Jenny Farkas, Acting President North Park Neighbourhood Assoc.

Sent from my iPhone

On Oct 9, 2018, at 11:11 PM, Alan Lowe Office alan@lowegroup.ca wrote:

250-360-2888

























2018-12-12













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2018-12-12







REPORTS OF COMMITTEES

1. Committee of the Whole - February 8, 2018

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

REPORTS OF COMMITTEES

1. Committee of the Whole - February 8, 2018

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

4. LAND USE MATTERS

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

Committee received a report dated January 26, 2018, from the Director of Sustainable Planning and Community Development regarding an application for a 60 square meter addition to the existing church.

Committee discussed:

- Heritage significance of the building.
- Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council direct staff to 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.

Committee discussed:

- Working with the applicant to address the staff's concerns.
- Responding to the heritage qualities while achieving the applicant's needs.

<u>Amendment</u>: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended as follows:

That Council direct staff to 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 and request that the applicant provide any information they have on the older portion of the building.

> On the amendment: CARRIED UNANIMOUSLY 18/COTW

<u>Amendment</u>: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended as follows:

That Council direct staff to:

- 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;
- 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.

On the amendment: CARRIED UNANIMOUSLY 18/COTW

Main motion as amended:

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.

On the main motion as amended: CARRIED UNANIMOUSLY 18/COTW


Committee of the Whole Report For the Meeting of February 8, 2018

To:	Committee of the Whole	Date:	January 26, 2018
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	Development Permit with Variances No. 00	054 for 180	00 Quadra Street

RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00003 for the property located at 1800 Quadra Street.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances application for the property located at 1800 Quadra Street. The proposal is for a 60 square meter addition to the existing church. The variances being requested are related to setbacks and the maximum horizontal distance of a structure.

The following points were considered in assessing this application:

- the proposal is partially consistent with the objectives and guidelines contained in Development Permit Area 3 (HC): Core Mixed-Use Residential of the Official Community Plan, 2012 (OCP). The proposal provides visual interest and a connection to the public street with windows and a prominent entry, and includes materials and details that would fit with the existing building to the east. The proposal does not, however, respond to the context of the existing older portion of the building to the west
- the requested variances are to reduce the setback to the south lot line and increase the maximum horizontal distance of a structure. These variances would impact the public street. To help mitigate the impacts, the applicant is proposing to provide a landscaping strip between the addition and the lot line and to provide a break between the existing older portion of building to the west and the new addition

 a variance is also requested to reduce the minimum open site space. The existing site is legal non-conforming and the proposed change is small; therefore, it will not have a substantial impact.

BACKGROUND

Description of Proposal

The proposal is for a one-storey 60 square meter addition to the existing church. Specific details include:

- design elements such as a flat roof, prominent entry with roof overhang, and windows (to match existing windows)
- the exterior materials are to match existing, including brick, cedar fascia, and metal flashing, and aluminium cladding on entry overhang
- new soft landscaping would be introduced including shrubs and groundcover between the proposed addition and the street.

The proposed variances are related to:

- reducing the minimum open site space from 40.00% to 7.00%
- reducing the minimum setback of a building from 6.00m to 0.40m for 19.50m of building frontage
- increasing the maximum horizontal distance of a structure from 30.00m to 38.20m.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a church. Under the current R3-C Zone, the site could be redeveloped as multiple dwellings, churches, business or professional offices, retail stores, restaurants, rest homes, nursing homes and hospitals, launderettes, theatres, auditoriums and places of recreation, private hospitals, intermediate care facilities, and commercial care facilities. The maximum floor space ratio is 2.50:1.00 to 3.00:1.00 depending on the site coverage and open site space provided.

Data Table

The following data table compares the proposal with the existing R3-C Zone, Central Area Residential District. An asterisk is used to identify where the proposal would require variances.

Two asterisks are used where the existing development is legally non-conforming.

Zoning Criteria	Proposal	R3-C Zone
Site area (m²) - minimum	8079.00	920.00
Density (Floor Space Ratio) - maximum	0.54:1.00	2.50:1.00 to 3.00:1.00
Total floor area (m²) - maximum	4367.37	n/a
Height (m) - maximum	13.40	37.00
Storeys - maximum	2	n/a
Site coverage % - maximum	31.80	50.00
Open site space % - minimum	7.00*	40.00
Setbacks (m) – minimum:		
South - North Park Ave.	0.40*	6.00
East - Quadra St.	40 (approx.)	4.50
West – Julia St.	Less than 1.0**	6.00
North - Internal	9.48	6.00
Horizontal distance of a structure - minimum	38.20*	30.00
Parking - minimum	173	88
Parking setback - minimum	0.00**	6.50

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 8, 2017, the application was referred for a 30-day comment period to the North Park CALUC. A letter dated December 10, 2017 is attached to this report.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 3 (HC): Core Mixed-Use Residential. The proposal is partially consistent with the design guidelines associated with this development permit area.

The proposal provides a connection to the public street and sidewalk with windows on both the south and east elevations. Additionally, an entrance faces the street that is clearly identified with a roof overhang and stairs.

The proposed building façade would provide visual interest along the street and includes materials and details that would fit with the existing building to the east. The proposal does not,

however, respond to the context of the existing older portion of the building to the west in terms of building elements such as façade rhythm and horizontal cornice lines.

The applicant is proposing to provide a 0.91m break between the existing western portion of the building and the proposed addition. This would help differentiate between the two portions of building that were built at different times and have different styles. The existing older portion would not, however, retain its prominence over the newer addition because the proposed addition would be located closer to the street.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

The applicant is requesting three variances related to setbacks. These are not supportable because of the impact they would have on the public sidewalk and street.

Minimum Site Open Space

The applicant is proposing a variance to reduce the minimum site open space from 40.00% to 7.00%. The existing open site space is legal non-conforming and is only approximately 8.00%; therefore, this variance will not have a substantial impact.

Minimum Setback of a Building

The applicant is proposing to reduce the minimum setback from a building to the south lot line from 6m to 0.405m. This variance will impact the public street and sidewalk by permitting the building to be located closer to North Park Street than is currently allowed. The sidewalk at this location is located close to the lot line. To help soften the impact on the street the applicant is proposing to have a landscape planting strip located between the addition and the lot line. The proposed addition would also provide a connection to the public street with windows and a covered entry.

Minimum Setback between Adjacent Planes

The applicant is proposing a variance to increase the maximum aggregated horizontal distance of a structure from 30m to 38.20m. To help break-up this length of façade, the applicant is proposing to provide a 0.909m wide break between the existing building located to the west and the proposed addition. This would help differentiate between the two portions of building.

CONCLUSIONS

The proposal to construct an addition to an existing church is partially consistent with Development Permit Area 3 (HC): Core Mixed-Use Residential. The materials and details would provide visual interest and would be in keeping with the existing building. The variances, however, are not supportable because of the impacts the addition would have on the public street and sidewalk by permitting the building to be located close to the lot line. Staff recommend that Council consider declining this application. An alternate motion has been provided should Council wish to direct staff to work with the applicant to revise the proposal to reduce the prominence of the proposed addition, and reduce its impacts on the public street.

ALTERNATE MOTIONS

Option 1 – Direct Staff to Work with Applicant to Revise Plans

That Council direct staff to 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.

Option 2 – Approve the Current Proposal

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. 00054 for 1800 Quadra Street, in accordance with:

- 1. Plans date stamped December 4, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum open site space from 40.00% to 7.00%;
 - ii. reduce the minimum setback from a building to the south lot line from 6.00m to 0.40m for 19.5m of building frontage;
 - iii. increase the maximum horizontal distance of a structure from 30.00m to 38.20m;
- 3. The Development Permit lapsing two years from the date of this resolution."

1141

Respectfully submitted,

Rob Bateman Senior Process Planner Development Services Division

Jonathan Jinney Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

Date

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 4, 2017
- Attachment D: Letter from applicant to Mayor and Council dated December 4, 2017
- Attachment E: Community Association Land Use Committee Comments dated December 10, 2017





1800 Quadra Street Development Permit with Variance #00054







ATTACHMENT C



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Planning & Development Department Development Services Division

3 1 2018

January 31, 2018

City of Victoria #1 Centennial Square Victoria, British Columbia

Attention: Mayor Helps and Councillors

Re: Development Variance Permit Application – 1800 Quadra Street

Dear Mayor and Council,

Please find enclosed our application for a development permit with variances for a small ones torey 646 square foot addition to the Glad Tidings Church at 1800 Quadra Street. The church is aiming to create a better functioning building for its congregation and accessibility and safety is very important. With the interior renovations proposed for the church, the lobby around the sanctuary becomes very tight within the existing footprint of the building.

The church would like to propose a 60 square metre (646 sq.ft.) addition along the North Park frontage of the building. The R3-C zone requires a setback of 6.0 metres from a street boundary. Our proposal is to request a variance for the setback to 0.4 metres. If a variance was not required, we could have applied for a delegated development permit for the size of this addition. A portion of the existing building is already 0.9 metres from the property line and a brick landscape planter is built within 0.3 metres of the property line. We are requesting that the proposed addition would be allowed to come out to the line of the existing planter.

The zone also requires the staggering of the building along the street wall by 1.5 metres. We would like to request a variance to reduce this to 0.9 metres.

This addition creates better functional space for the church. It encloses an exterior staircase that is hidden away from the street and is not safe from a CPTED point of view. The church is proposing to locate all of their public washrooms to this side of the building and an interior connection to the new washrooms will be required. The existing connection is through a 3 foot wide corridor for a church with a capacity of 1000 persons.

#203-1110 Government Street, Victoria, B.C. tel. 250.360.2888 fax.250.360.2555 In order to show that the new addition does not overlap with the original building built in the early 1900s, we have separated our addition with a 3'-0" structural glazed element to show the existing building fabric. This 3'-0" section is also set back to create a vertical element.



Existing church building built in early 1900s is 0.9 metres from property line, the planter extends further towards sidewalk, with 1979 church building beyond.



Location of proposed one storey lobby addition. Reduced setback would not feel out of character along the north side of North Park. Existing stairs are steep and not accessible. Area to be enclosed and ramp access created from new lobby.

The cedar siding along the fascia on the existing façade is also in need of repair and refurbishment. By creating this one level addition at this location, the church can create a new cedar fascia that is identical to the existing fascia. The materials and finishes to the addition will match the existing building.

We have also reviewed the unprotected openings in the south façade along North Park and have confirmed that the unprotected openings meet the BC Building Code requirements. The unprotected openings allowed would be 60% and our calculations show that our openings are only 50%.

We have canvassed our neighbours along the street and they do not have any concerns regarding our variance to expand the lobby. We will note that the Bethany Court housing complex to the west has balconies extending out to the property line and their entrance canopy extending over the City sidewalk and the North Park Manor across the street having their community room (being converted to residential units) extending out to the property line with a 5 foot high concrete wall and the Baptist Church on the corner extending out to the property line with trees planted in the middle of the sidewalk.



Bethany Court to the west with 3 levels of balconies extending to the property line with parking under the building.



North Park Manor community room extends to property line across the street as well as the Baptist Church on the corner. Tree also planted in the middle of the sidewalk.

Although this may not meet the setback requirements of the zone, the R3-C zone was meant for multi-family developments that are 3 storeys or higher and would have wanted the residential units set back from the property line for some privacy. As this is a church building, those privacy issues are not a concern and it is more beneficial to create better functional space for the church rather than having a dark landscaped area with overgrown trees that is never used. The glazing in the lobby addition will create a more animated street edge. The portion of the building that we are requesting the variance will not be a solid wall.

We trust that this Development Permit application with a variance is minor and that this request is supportable.

Our proposal meets or exceeds all other R3-C zoning bylaw requirements. Should you have any questions regarding our proposal, please contact our office at 250-360-2888.

Yours truly,

Alan Lowe, Architect AIBC Alan Lowe Architect Inc.

Katie Lauriston

From:	Pam Hartling <	
Sent:	Sunday, December 10, 2017 8:24 PM	
To:	Victoria Mayor and Council	
Cc:	Development Services email inquiries; Chris Fleming	
Subject:	RE: Development Permit with Variance Received for 1800 Quadra Street - DPV No. 00054	

Dear Mayor and Council,

The NPNA LUC has considered this DVP application. In order to protect the public realm and maintain the best possible pedestrian facilities, we suggest that the applicant be encouraged to find another option.

Regards,

Pam Hartling

Land Use Chair, North Park Neighbourhood Association

From: Katie Lauriston [mailto:klauriston@victoria.ca]

Sent: November 8, 2017 8:56 AM

To: info@npna.ca; partite the series of; children has the size Operation m

Subject: Development Permit with Variance Received for 1800 Quadra Street - DPV No. 00054

Dear Ms. Jenny Farkas, Ms. Pam Hartling and Mr. Chris Fleming,

Re: 1800 Quadra Street - DPV No. 00054

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances for the building siting along the North Park frontage to accommodate the addition:

- Building setback reduced from 6.0 m to 0.329 m for 24 m of building frontage
- Building setback reduced from 1.5 m to 0.92 m along a horizontal distance of 30 m of building frontage

The details of this application can be found on the Development Tracker at <u>1800 Quadra Street</u>. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department within 30 days from the date of this email.

Yours truly,

Katie Lauriston Planning Secretary Sustainable Planning and Community Development Development Services Division City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0498 F 250.361.0386



*



Attention: Mayor and Council

Re: Development Permit Application – 1800 Quadra Street

Your Worship Mayor Helps and Councillors;

I am a resident or business owner located on North Park Street near the Glad Tidings Church. I understand that they wish to extend their lobby so that it will create a more functional plan for the church. I understand that they require an approval for a setback variance in order to build this addition. I do not have any problems with the proposed addition and I hope that the City will support their request.

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THAN'I COURT HUSING SOCIETY. NORTH-PARK STORFT,

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Mayor and Council Attention:

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Hilda Achlinder <u>Feb. 3nd. (2018)</u> Name Date 416-826-North Park Att.

Address



Mayor and Council Attention:

Development Permit Application - 1800 Quadra Street Re:

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Attention: Mayor and Council

Development Permit Application - 1800 Quadra Street Re:

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Name

Karen Jacobsen Jul 5Th / 18 Date

826 North Park #321

Address



Mayor and Council Attention:

Development Permit Application - 1800 Quadra Street Re:

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Name Date Date Date JIG-G26 HORTH PARK ST.

Address



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107-826 NORTH PARK ST.

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Re: Development Permit Application – 1800 Quadra Street

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Name

FeB 1/2018

Date

317- 826-N. PARKY Address ULCTORIA

alan lowe architect inc.

City of Victoria #1 Centennial Square Victoria, British Columbia

Mayor and Council Attention:

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<u>Diane Pickin</u> Name Date <u>419-826 Moth Park St. Victoria</u> BC Address

Address



Attention: Mayor and Council

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ORVILLE KURTZ FEB 01/18

Date

437- 326 N. PARK ST.

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422-826 North Park St ess Victoria, BC V8W 3B4

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Attention: Mayor and Council

Development Permit Application - 1800 Quadra Street Re:

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Name

Date

1 Feb 2018

422-826 North Park 52. VICTORIE. BC V8W 3B4

Address


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ROBFRET FOSTER OLUMER TECHNICAL FIRE CONSULTANTS

Name

FBB. 2/2018

Date

110-826 NORTH PARK ST. VICTORIA, B.C.

Address



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402-826 NORTH PARK ST Address ViCTURIA, BC. VOW 3BY



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Victoria, PC Address



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Re: Development Permit Application – 1800 Quadra Street

Your Worship Mayor Helps and Councillors;

I am a resident or business owner located on North Park Street near the Glad Tidings Church. I understand that they wish to extend their lobby so that it will create a more functional plan for the church. I understand that they require an approval for a setback variance in order to build this addition. I do not have any problems with the proposed addition and I hope that the City will support their request.

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Attention: Mayor and Council

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I. <u>REPORTS OF COMMITTEES</u>

I.1 Committee of the Whole

I.1.c Report from the December 6, 2018 COTW Meeting

I.1.c.f Development Permit with Variances Application No. 00094 for 1137 Dominion Road (Victoria West)

> Moved By Councillor Loveday Seconded By Councillor Collins

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 with Variances Application No. 00094 for 1137 Dominion Road, in accordance with:

- 1. Plans date stamped October 10, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 0.90m;
 - ii. reduce the flanking street side yard setback from 2.4m to 0.42m.
- Landscape plan revisions to move the trees along the eastern property line further west to eliminate conflict between the root zone and the existing retaining wall.
- 4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.3 <u>Development Permit with Variances Application No. 00094 for 1137</u> Dominion Road (Victoria West)

Committee received a report dated November 22, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an application to construct a new small lot house after the existing house was demolished without approvals in place.

Committee discussed:

Concerns about the demolition of existing housing stock.

Councillor Collins withdrew from the meeting at 1:12 p.m.

Moved By Councillor Alto Seconded By Mayor Helps

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 with Variances Application No. 00094 for 1137 Dominion Road, in accordance with:

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ii. reduce the flanking street side yard setback from 2.4m to 0.42m.

3. Landscape plan revisions to move the trees along the eastern property line further west to eliminate conflict between the root zone and the existing retaining wall.

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

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of December 6, 2018

To:	Committee of the Whole	Date:	November 22, 2018
From:	Andrea Hudson, Acting Director, Sus	stainable Planning an	d Community Development
Subject:	Development Permit with Varianc Road	es Application No.	00094 for 1137 Dominion

RECOMMENDATION

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 with Variances Application No. 00094 for 1137 Dominion Road, in accordance with:

- 1. Plans date stamped October 10, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 0.90m;
 - ii. reduce the flanking street side yard setback from 2.4m to 0.42m.
- 3. Landscape plan revisions to move the trees along the eastern property line further west to eliminate conflict between the root zone and the existing retaining wall.
- 4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 1137 Dominion

Road. The proposal is to construct a new small lot house after the existing house was demolished without approvals in place. The variances are related to reducing the front yard setback and the flanking street setback.

The following points were considered in assessing this application:

- the proposal is consistent with a previously approved design that converted a convenience store into a residential dwelling
- earlier in 2018, the Small Lot House Rezoning Policy, 2002, was used to assess the Rezoning Application that facilitated the subdivision and creation of this zoning entitlement. This policy encourages the retention of existing housing stock, and the plan to maintain the original building, in part, led to staff's recommendation of support for the original proposal
- the proposal also has inconsistencies with the *Small Lot Design Guidelines*, as the shedstyle addition breaks the dominant roofline in the area and the setbacks from the streets are inconsistent with the residential character of the neighbourhood
- the requested setback variances have been increased from the previous application in order to remove an encroachment.

BACKGROUND

Description of Proposal

The proposal is for a new single family dwelling on a small lot. The design of the house is essentially the same as a previous application approved by Council, with a small increase in floor area and an increased setback from Dominion Road. The proposed variances are related to:

- reducing the front yard setback from 6.0m to 0.9m
- reducing the flanking street setback from 2.40m to 0.42m.

Affordable Housing Impacts

The application to rebuild a house does not create any new residential units.

Tenant Assistance Policy

The proposal is to rebuild a house, which does not result in a loss of existing residential rental units.

Sustainability Features

The applicant has not identified sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variances Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a vacant lot, due to the recent demolition of the building. Under the current R1-SC Zone, Restricted Small Lot (Commercial) District, the property could be developed as a small lot house or as a retail commercial store, at a density of 0.6:1 Floor Space Ratio (FSR).

Data Table

The following data table compares the proposal with the existing R1-SC Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing R1-SC Zone
Site area (m²) – minimum	276.69	260.0
Density (Floor Space Ratio) – maximum	0.29	0.60
Total floor area (m²) – maximum	80.42	190.0
Lot width (m) – minimum	18.34	10.0
Height (m) – maximum	4.40	5.0
Storeys – maximum	1	1
Setbacks (m) – minimum		
Front (Belton Avenue)	0.90 *	6.0
Rear	8.77	6.0
Side (east)	6.05	2.40
Side on flanking street (Dominion Road)	0.42 *	2.40
Parking – minimum	1	1

Relevant History

On February 22, 2018, Council approved Rezoning Application No. 00597 and Development Permit with Variances Application No. 00597 to permit the subdivision of the property to demolish the house on the eastern portion of the property and retain and convert the building on the western portion of the property (subject site) to a residential use. The site-specific zone for the western lot was created to maintain the commercial use, given the then existing building's historic use and design as a corner store, to enable the potential to reinstate the small-scale retail in the future.

On September 20, 2018, staff were made aware that the building on the western portion of the lot had been demolished without permits. This is inconsistent with the wording of both the approved plans and the Development Permit, which stated the building was to be retained. As per the attached letter to Mayor and Council, the applicants note that the retention of the structure was not possible due to a lack of a foundation.

As the Development Permit and approved plans were written to retain the building, a new Development Permit is required. The former encroachment agreement is no longer applicable, because no building exists in the road dedication.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on October 26, 2018 the application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property with in Development Permit Area 15A – Small Lot, within which the Small Lot House Design Guidelines are applicable.

The main portion of the building is consistent with the design guidelines. The gabled roof and horizontal siding are common traits found on buildings in the immediate vicinity. The addition of fenestration on the southern façade is consistent with providing views and security to the street.

The shed addition to the building is inconsistent with the neighbourhood character and detracts from the dominant roofline in the area. The very small setbacks from the streets, while appropriate for a commercial use, are inconsistent with the majority of the residential front yard setbacks in the area and were previously recommended as supportable in light of reflecting an existing condition.

Although the *Small Lot House Rezoning Policy* is not directly applicable as this is a Development Permit with Variances Application, it should be noted that the demolition of the building is inconsistent with the policy that seeks to conserve existing housing. In this instance, the demolition of the existing house on the eastern portion of the property was supported by staff due to structural instabilities and because the building on the western portion of the property was being preserved.

Despite the challenges that the demolition of the building have caused and some inconsistencies with the design guidelines, this application replicates a previously approved design that involved the retention of the former building. The character of the neighbourhood is

maintained overall. However, an alternate motion to request design changes has been provided for Council's consideration.

Local Area Plans

The Victoria West Neighbourhood Plan envisions single-family dwellings, house conversions, duplexes and townhouses on this property. The plan further notes that the architectural character of new development should complement nearby heritage sites, of which 1149 Dominion Road is one. The proposed dwelling retains the design of the former building on the site, and thus no change of character for the neighbourhood would occur.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts or impacts to public trees with this proposal.

Regulatory Considerations

There are two proposed setback variances associated with the application. The first is to reduce the front yard setback from 6.0m to 0.90m. This setback is consistent with the location of the previous building. The second variance is to reduce the flanking street side yard setback on Dominion Road from 2.40m to 0.42m. This is an increase over the setback of the previous building, which required an encroachment agreement due to its location within a road dedication. Despite being contrary to the standard R1-S1 Zone, both of these setback variances are considered supportable by staff, as the variances reinstate the former conditions of the property. In addition, the location of the building close to the property lines is beneficial to its street relationship, should the building be converted back to a commercial use in the future.

CONCLUSIONS

The proposed small lot house utilizes the same design as previous approvals, with a small increase in floor area and increased setbacks from the two streets. The former building and use had a unique character that contributed positively to the neighbourhood, which this proposal attempts to replicate. The variances are similar to previous on-site conditions. The demolition of the building without approvals is a very rare occurrence, and staff do not believe this will start a trend to obtain rezoning approvals and subsequently demolish the existing housing on-site for other small lot applications. Therefore, staff recommend Council consider supporting this application.

ALTERNATE MOTIONS

Option 1 – Revise proposal

That Council refer the application back to staff to work with the applicant to revise the design of the proposal to be more consistent with the applicable design guidelines and R1-SC Zone, Restricted Small Lot (Commercial District).

Option 2 – Decline proposal

That Council decline Development Permit with Variances Application No. 00094 for the property located at 1137 Dominion Road.

Respectfully submitted,

Michael Angrove Planner Development Services

Report accepted and recommended by the City Manager

Andrea Hudson, Acting Director Sustainable Planning and Community Development Department

nprs Date:

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 10, 2018
- Attachment D: Letter from applicant to Mayor and Council dated October 5, 2018
- Attachment E: Committee of the Whole reports dated October 5, 2017
- Attachment F: Minutes from the February 22, 2018 Council Meeting.







1137 Dominion Road Development Permit with Variance #00094



1137 DOMINION ROAD VICTORIA, B.C. PROJECT # 1701

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BUILDING SECTIONS

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Landscape Plan

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Planning & Development Department Development Services Division	

Scale: 1:50 Date: March 22, 2018 File: GR-S1R3 DWG Oct 5, 2018

The City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Attention: Mayor and Council of the City of Victoria

Re: Development Permit Application 1137 Dominion Rd, Victoria BC

Enclosed is our Development Permit application for the above noted property.

The Development Permit application is to build a new small lot single family dwelling where there used to be a corner store.

The plans for the small lot single family dwelling includes maintaining the same design as the old grocery store and adding a small addition to the northeast corner of the dwelling, which allows for large windows and a glass door, in order to open up the living area of the house and have access to the yard.

In our initial consultations with the immediate neighbours, there was a strong desire to upgrade the store as it had become rundown due to lack of maintenance over the years. We have endeavored to design a home that uses materials in line with those of the neighbouring homes.

On Feb 22, 2018 Victoria mayor and council unanimously approved the development permit #00597 that we submitted for the property at 1137 Dominion / 737 Belton.

In September 2018 our building permit was approved and our builder began construction of what was set to be our home at 1137 Dominion Road. Our intention has always been to retain as much of the existing structure as possible. However, once our contractor opened up the building they realized that the building was unsound. The majority of the building wasn't actually on a foundation and was built on dirt. Our General Contractor used his judgement and maintained as much of the building as was structurally fit to retain.

Because of this though, the planning department has let us know that our previous Development Permit is void and hence we are submitting a new one in order to proceed. They cited section 532(1) of the Local Government Act. as to the reason why:

If a building or other structure, the use of which does not conform to the provisions of a land use regulation bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

We appreciate that it's our responsibility to fully understand all the rules that may apply to our project. Throughout this process, we have done everything we can to follow the rules, to follow suggestions of city staff and neighbours and to design and build a structure that will fit in Victoria for many years to come. All neighbours supported our application as did all Councilors at the previous council meeting. We still wish to build the same structure as was in our plans and it's incumbent on us and our builder to do so with integrity. If we're going to maintain this iconic building it must be built in a way that is safe for those inside and around it and so it will last for many years to come.

Our proposal now includes the following variances in order to maintain the previously approved building:

PROPOSED VARIANCES	REQUIRED	PROPOSED	VARIANCE
FRONT YARD SETBACK	6.00 m	0.90 m	5.10 m
SIDE YARD SETBACK (WEST)	2.40 m	0.42 m	1.98 m

The proposed setbacks are to recreate the look and feel and location of the previous store that was on the property while also maintaining the option to revert back to commercial use in the future.

The proposed development does not significantly add to original building mass on the site. The design is the same as the old store, with an addition to the northeast corner of the dwelling. The materials will be an improvement on what was there before with wood siding, aluminum clad windows and a metal roof. The construction of the new home will be constructed to high standards. This includes a variety of energy, water, and other resource saving construction features. Sustainable, durable materials will be used whenever possible, and high indoor air quality will be maintained. There will be off-street parking with access from Dominion Road and the driveway will have a permeable surface. Landscaping will incorporate planting materials that are drought tolerant. City Engineering has reviewed the project and payment has been made to install new infrastructure to support a single family home.

The proposal still contributes to Victoria's commitment to improving housing affordability in the city by building a small home on a small lot.

We hope that you are able to support our application again. If you require further information, or have any questions, please contact Aki Kaltenbach at 604-906-2788 or Rene Gauthier at 250-885-7873.

Sincerely,

Aki Kaltenbach & Rene Gauthier



Committee of the Whole Report For the Meeting of October 19, 2017

То:	Committee of the Whole	Date:	October 5, 2017	
From:	: Jonathan Tinney, Director, Sustainable Planning and Community Development			
Subject:	Rezoning Application No. 00597 for 737 Be Road	Iton Avenue	e and 1137 Dominion	

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 737 Belton Avenue and 1137 Dominion Road. The proposal is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Small Lot (Two Storey) District to permit the construction of a small lot house; as well, rezone the western portion of the property from the R1-B Zone, Single R1-B Zone, Single Family Dwelling District to a site-specific zone in order to retain the existing building on site as a small lot house and preserve the commercial use existing on site.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the Official Community Plan, 2012 (OCP)
- the proposal is consistent with the Traditional Community designation within the Victoria West Plan

- the proposal is consistent with the design guidelines referenced in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain one of the existing buildings onsite
- the proposal formalizes the existing legal non-conforming scenario of two primary buildings on a lot in the R1-B Zone, Single Family Dwelling District.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and rezone the western portion of the property to a site-specific zone based on the R1-S1 Zone, Restricted Small Lot (One Storey) District with the additional use of retail. The proposal is to create two lots, maintain and repurpose the existing commercial building on the western lot for residential use, and construct a new small lot house on the eastern lot. A site-specific zone will be created to preserve the small-scale commercial use, should the owners wish to reinstate the convenience store in the future.

Three variances would be required, which are reviewed in relation to the concurrent Development Permit with Variances Application report.

Affordable Housing Impacts

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

Sustainability Features

As indicated in the applicant's letter dated June 6, 2017, the driveways will have permeable surfaces and landscaping will incorporate drought tolerant plantings.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by one to two storey single-family dwellings and three to four storey apartment buildings. In the broader area to the west is Esquimalt High School and the Esquimalt Industrial Park.

Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate a single-family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone, a double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal-Lot A (existing building)	Proposal-Lot A (new building)	Zone Standard R1-S2, Small Lot (Two Storey)
Site area (m²) - minimum	275.96	260.43	260.00
Density (Floor Space Ratio) - maximum	0.28	0.53	0.6 to 1
Total floor area (m²) - maximum	77.88	136.69	190.00
Lot width (m) - minimum	20.96	14.20	10.00
Height (m) - maximum	4.09	7.37	7.50
Storeys - maximum	1.00	2.00	2.00
Site coverage % - maximum	28.00	31.00	40.00
Setbacks (m) – minimum:			
Front (Belton)	0.90**	4.24* - building 2.99 - porch	6.00
Rear	8.91	4.65* - building 3.43 - deck	6.00
Side (east)	7.52	2.15 (habitable)*	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	3.99	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Dominion)	0.00**	n/a	2.40
Parking - minimum	1	1	· 1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions and Summary provided by the applicant are attached to this report.

ANALYSIS

Official Community Plan

The Official Community Plan (OCP) designates the property within the Traditional Residential urban place designation, which envisions single-family dwellings and local retail stores in preexisting locations. The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.

However, the existing house is being removed due to a compromised crawlspace (Attachment F). The *Small Lot House Rezoning Policy* notes that small lot rezoning is not intended to facilitate the demolition of an existing house to enable additional houses to be built in the same place. The removal of the house in this case is not resulting in additional houses; in fact, this rezoning application would formalize an existing legal non-conforming scenario in which two primary buildings occupy one property, so in this instance the potential of disrupting established lot patterns or the rhythm of the street is minimal.

Additionally, the design of the new dwelling is more in-line with the character of the area, and the proposal has been presented and justified to both the neighbourhood association and immediate neighbours.

Local Area Plans

The Victoria West Plan identifies the property as Traditional Community. Within this designation, the existing character of the mainly detached housing should be conserved. In addition, the plan envisions site-specific zoning for compatible uses such as convenience stores within residential areas.

Tree Preservation Bylaw and Urban Forest Master Plan

Impacts to trees will be outlined in the concurrent Development Permit with Variance Application Report.

CONCLUSIONS

The proposal to subdivide and rezone the subject property, retain and repurpose the existing commercial building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan, Victoria West Plan* and the *Small Lot House Rezoning Policy*. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00597 for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,

Michael Angrove

Michael Angrove Planner Development Services

Jønathan Tinney, Director

Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

Date:

List of Attachments:

- Attachment A Subject Map
- Attachment B Aerial Map
- Attachment C Plans date stamped July 24, 2017
- Attachment D Letter from applicant to Mayor and Council dated October 4, 2017
- Attachment E Small Lot House Rezoning Petition stamped June 8, 2017
- Attachment F Letter from Method Engineering & Building Services dated May 24, 2017



Committee of the Whole Report For the Meeting of October 19, 2017

То:	Committee of the Whole	Date:	October 5, 2017
From:	Jonathan Tinney, Director, Sustainable Plannin	ig and Com	munity Development
Subject:	Development Permit with Variances Applica 1137 Dominion Road	ation for 7	37 Belton Avenue and

RECOMMENDATION

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. 00597, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

- 1. Plans date stamped July 24, 2017.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot B: reduce the front setback from 6.0m to 4.24m;
 - ii. Lot B: reduce the rear setback from 6.0m to 4.65m; and,
 - iii. Lot B: reduce the east side setback from 2.4m to 2.15m.
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 737 Belton Avenue and 1137 Dominion Road. The proposal is to subdivide the property and create two small lots with a new building on the eastern lot, and retention of the existing building on the western lot. Variances have been requested for the setbacks on the easterly lot.

The following points were considered in assessing this application:

- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002.* The applicant would retain and repurpose one of the existing buildings on site, while the other house is being replaced with a house more in-line with the existing character of the area
- the proposal is consistent with the Victoria West Plan as the new development compliments the character of nearby heritage sites
- the requested setback variances are minimal in nature and are similar in scale to current setback conditions.

BACKGROUND

Description of Proposal

The proposal is to create two lots, maintain the existing building on the western lot (Lot A) and repurpose it from a commercial building to a single-family dwelling, and construct a new small lot house on the eastern lot (Lot B). Exterior renovations will be completed and a new addition will be constructed to the northeast corner of the existing building on Lot A.

The details for the proposed small lot dwelling on Lot B include:

- two-storey building
- prominent front entrance with small porch
- · pitched rooflines consistent with the character of the area
- exterior materials such as wood siding, asphalt shingles, and fascia board.

The proposed variances on Lot B are related to:

- reduce the front setback from 6.0m to 4.24m
- reduce the rear setback from 6.0m to 4.65m
- reduce the east side setback from 2.4m to 2.15m.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate a single-family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal-Lot A (existing building)	Proposal-Lot A (new building)	Zone Standard R1-S2, Small Lot (Two Storey)
Site area (m²) - minimum	275.96	260.43	260.00
Density (Floor Space Ratio) - maximum	0.28	0.53	0.6 to 1
Total floor area (m²) - maximum	77.88	136.69	190.00
Lot width (m) - minimum	20.96	14.20	10.00
Height (m) - maximum	4.09	7.37	7.50
Storeys - maximum	1.00	2.00	2.00
Site coverage % - maximum	28.00	31.00	40.00
Setbacks (m) – minimum:			
Front (Belton)	0.90**	4.24* - building 2.99 - porch	6.00
Rear	8.91	4.65* - building 3.43 - deck	6.00
Side (east)	7.52	2.15 (habitable)*	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	3.99	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Dominion)	0.00**	n/a	2.40
Parking - minimum	1	1	1

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions and Summary provided by the applicant are attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is consistent with the design guidelines specified in the Small Lot Design Guidelines. Retaining the existing building on Lot A is supported by the policy, and the proposed renovations are consistent with the context of the area.

While retention of the single-family dwelling on Lot B is recommended by the policy, there is justification to remove the building due to a compromised crawlspace. In addition, this provided the opportunity to design a new single-family dwelling more in-line with the existing context of the neighbourhood. The height, roof line, and massing of the proposed dwelling has been designed to fit within the immediately adjacent buildings to the east. Additionally, the entryway and front porch are prominent and provide for a positive relationship with the street. The materials include wood siding, fascia board, and asphalt shingles.

Local Area Plans

The Victoria West Neighbourhood Plan envisions single-family, house conversions, duplex and townhouses on this property. The plan further notes architectural character of new development should complement nearby heritage sites, of which there is one at 1149 Dominion Road. The proposed dwelling on Lot B echoes a number of the characteristics seen at 1149 Dominion Road, including pitched roofs, a prominent main entrance with front porch, and similar materials.

Tree Preservation Bylaw and Urban Forest Master Plan

A city owned boulevard tree (mature Maple) will be impacted by the driveway construction to Lot A. Parks Staff are recommending its removal as the proposed driveway and the existing condition of the adjacent driveway will be detrimental to this tree and its long term survival. A tree replacement fee to plant a new boulevard tree and the tree's appraised value will be required fees from the applicant at building permit stage.

Regulatory Considerations

There are a total of three variances relating to setbacks on Lot B. There are two reduced setbacks on Lot A that are considered legally non-conforming: the front setback is 0.9m down from 6.0m and the side setback is 0.0m down from 2.4m.

Lot B has three setback variances that reduce the front setback from 6.0m to 4.24m, the rear setback from 6.0m to 4.65m, and the east side setback from 2.4m to 2.15m. The east side setback requirement is 2.4m due to there being a habitable window in the basement of the east façade; however, as this window is mostly below grade there would be very minimal views onto the neighbouring property. Additionally, the front, rear and side setbacks of the proposed dwelling are similar to those of the current building on the property.

CONCLUSIONS

The proposal to subdivide the property into two small lots and construct a new small lot house is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. The variances are minor in nature and similar to current on-site conditions. Therefore, Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline the Development Permit with Variances Application for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,

Michael Angrove Planner Development Services

Jonathan Tinney, Director

Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager;

Date:

List of Attachments

- Attachment A Subject Map
- Attachment B Aerial Map
- Attachment C Plans date stamped July 24, 2017
- Attachment D Letter from applicant to Mayor and Council dated October 4, 2017
- Attachment E Small Lot House Rezoning Petition stamped June 8, 2017
- Attachment F Letter from Method Engineering & Building Services dated May 24, 2017

4. <u>Rezoning and Development Permit with Variances Application No. 00597 for 737 Belton</u> <u>Avenue and 1137 Dominion Road</u>

1. Public Hearing

Rezoning Application No. 00597

To rezone the western portion of the land known as 737 Belton Avenue & 1137 Dominion Road, as shown on the attached map, from the R1-B Zone, Single Family Dwelling District, to R1-SC Zone, Restricted Small Lot (Commercial) District and to rezone the remaining eastern portion from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit the subdivision of one lot into two lots, the conversion of an existing building to a small lot house while retaining the commercial use on the western portion of the land, and the construction of a new small lot house on the eastern portion of the land.

New Zones: R1-SC Zone, Restricted Small Lot (Commercial) District and R1-S2 Zone, Restricted Small Lot (Two Storey) District

Legal description: Lot 10, Section 10, Esquimalt District, Plan 253

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

2. Development Permit with Variances Application No. 00597

The Council of the City of Victoria will also consider issuing a development permit with variances for the land known as 737 Belton Avenue & 1137 Dominion Road for the purposes of reducing the flanking street setback from 2.4m to 0.0m, reducing the front yard setback from 6.0m to 4.24m, reducing the rear yard setback from 6.0m to 4.65m, reducing the east side setback from 2.4m to 2.15m, and approving the exterior design and finishes for the proposed small lot house as well as landscaping.

<u>Jim Handy (Senior Planner)</u>: Advised that the application is to subdivide the existing lot into two small lots, replace the existing house with a new single family dwelling, and convert the existing store to a single family dwelling.

Mayor Helps opened the public hearing at 11:02 p.m.

<u>Renee Gautier (Applicant)</u>: Provided information regarding the application, advising that the building on Lot A would be renovated, and a new home would be built on Lot B.

<u>Colin Harper (Architect)</u>: Provided information regarding the application, advising of the form and character of the proposed project.

Councillor Alto withdrew from the meeting at 11:06 p.m. and returned at 11:07 p.m.

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

Mayor Helps closed the public hearing at 11:08 p.m.

3. Bylaw Approval

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given third reading:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030

Carried Unanimously

4. Bylaw Approval

Council Meeting Minutes February 22, 2018

Motion:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030

Carried Unanimously

5. Development Permit with Variances Approval

Motion:

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council authorize the issuance of a Development Permit with Variances Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

- 1. Plans date stamped January 18, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Lot A: reduce the flanking street setback from 2.40m to 0.0m;
 - b. Lot B: reduce the front setback from 6.0m to 4.24m;
 - c. Lot B: reduce the rear setback from 6.0m to 4.65m; and
 - d. Lot B: reduce the east side setback from 2.4m to 2.15m.
- 3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously























I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the January 10, 2019 COTW Meeting

Councillor Collins withdrew from the meeting at 11:50 p.m.

I.1.a.a Rezoning Application No. 00658 for 1402-1404 Douglas Street (Downtown)

Moved By Councillor Alto Seconded By Councillor Collins

That Council receive the report for information.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.4 Rezoning Application No. 00658 for 1402-1404 Douglas Street (Downtown)

Committee received a report dated December 27, 2018 from the Acting Director of Sustainable Planning and Community Development regarding an update to Council on the outcomes of the Heritage Advisory Panel Meeting.

Moved By Councillor Collins Seconded By Councillor Alto

That Council receive the report for information.

CARRIED UNANIMOUSLY

Committee of the Whole Minutes January 10, 2019



Committee of the Whole Report For the Meeting of January 10, 2019

To:Committee of the WholeDate:December 27, 2018From:Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00658 for 1402-1404 Douglas Street

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

The purpose of this report is to update Council on the outcomes of the Heritage Advisory Panel (HAPI) meeting for the Rezoning Application at 1402-1404 Douglas Street. On November 8, 2018, the following motion was passed by Committee of the Whole:

"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

That the application be referred to the heritage advisory committee for comment and report be made back to the Committee of the Whole on the proposed provincial policy that would see the windows of the heritage building be made opaque."

The Application was presented to the HAPI on December 12, 2018. The draft minutes are attached to this report and the motion was as follows:

"That the Heritage Advisory Panel recommend to Council that Rezoning Application No. 00658 for 1402-1404 Douglas Street be approved as presented, and that the Heritage Advisory Panel express its desire to see transparent windows in heritage-designated buildings and Heritage Conservation Areas in the City of Victoria." (draft to be confirmed on January 15, 2019)

Staff are continuing conversations with the provincial government regarding the requirement for opaque windows. While this Rezoning Application will not result in opaque windows, a future Delegated Heritage Alteration Permit to alter the windows will be required should the applicant acquire a provincial license to sell cannabis. This application would likely be declined by staff,

as it would not meet the relevant design guidelines. Council would then have the opportunity to consider the application.

There is no further action required by Council, as the first portion of Council's motion from November 8, 2018 directs staff to prepare the bylaw and schedule a Public Hearing. Therefore, staff recommend that Council receive this report for information.

Respectfully submitted,

Michael Angrove Planner Development Services

Andrea Hudson, Acting Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

Date:

List of Attachments:

- Attachment A: Heritage Advisory Panel draft minutes from the December 12, 2018 meeting
- Attachment B: Committee of the Whole Report dated October 25, 2018.

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CITY OF VICTORIA HERITAGE ADVISORY PANEL MEETING MINUTES DECEMBER 12, 2018

 Present:
 Rick Goodacre, Acting Chair

 Kelly Black
 Keri Briggs

 Doug Campbell
 Ken Johnson

 Theo Riecken
 Shari Khadem

 Connie Quaedvlieg
 Katie Cummer

Absent: Katie Cummer Hal Kalman

Staff: Merinda Conley, Senior Heritage Planner John O'Reilly, Heritage Planner Alison Meyer, Assistant Director, Development Services Katie Lauriston, Secretary

The Chair called the meeting to order at noon.

1. Adoption of the Minutes of the September 11, October 9 and November 13, 2018 Meetings

Moved

Seconded

That the minutes be adopted as distributed.

Carried

2. Announcements

- Merinda Conley: January's meeting will be rescheduled to January 15th, 2019.
- Merinda Conley: Council will consider the appointment of new Panel members for the 2019-2020 term on December 13th. Letters will be sent confirming re-appointments, and thanking departing Panel members for their contributions to the City.
- Merinda Conley: Staff are looking to provide full, electronic copies of agenda packages, including full sets of plans. Panel members will be polled to determine who would like to continue receiving paper copies of the agenda package, and whether any member is interested in opting out of paper copies.

3. 1402-1404 Douglas Street Rezoning Application No. 00658

Attendees: Allen Spillette and Michael Supowitz, Owners.

Mike Angrove, Planner, provided a brief summary of the application.

Panel Questions and Comments

- Was setting a motif inside the store considered, which would be visible from the street, to allow the quality of the glass to be appreciated? The applicants are still exploring whether this is an option within the provincial regulations.
- The tobacco shop on Government Street faced similar display requirements. A panel
 or display set back within the shop would be preferable if this were allowed by the
 province, as it was for the tobacco shop.
- The proposed solutions do not quite meet the heritage requirements. Is the Panel only addressing the Rezoning application? Michael Angrove: Yes, the Rezoning application triggers a larger discussion for windows in cannabis stores in general.
- Would a proposal be referred back to the Panel? Alison Meyer: Changes to the windows would require a Heritage Alteration Permit application, which would be referred to the HAPI prior to Council consideration. It is staff's understanding at the moment that the window must be opaque; however, the City is working in collaboration with the province to achieve urban design and safety objectives. Staff welcome the Panel's feedback on whether the Province might consider changing the regulations requiring opaque windows.
- The Panel is generally not in favour of opaque windows. For this application, the store is designed in a tasteful way and positively contributes to the pedestrian experience, without overtly advertising the sale of cannabis. The store is not out of place in the commercial context along Douglas Street. If the windows were made opaque, this may draw more attention than is currently drawn to the business. Opaque windows aren't supportable from an urban design, heritage or commercial standpoint. The windows should be transparent like those along the rest of the street.
- Is the City seeking a ministerial order for exemption? Alison Meyer: We are not sure if this is the specific process, but ideally the Province would reconsider the requirement for opaque windows in favour of alternative design solutions.
- Has the City been working with the heritage branch of the provincial government? Alison Meyer: No.
- It is strongly recommended that the City work with the provincial heritage branch, as this is a province-wide issue. It would be best if each cannabis business were not individually considered on this issue.
- A solution must be found which is in keeping with the heritage building and which accomplishes the province's goal of not promoting cannabis consumption.
- Owners: We have heritage-designated the building and have great respect for the City and the heritage program. The cannabis storefront regulations have changed over time, with window coverings required initially, then no longer required. Now the windows have to be covered again. The owners want to allow their employees to return to work, and hope for a reasonable solution that will allow cannabis retail at this location.
- The Panel hopes for clarity from the Province on this issue.
- There is a need to rejuvenate the Douglas Street corridor.
- Will the Panel's concerns be brought forward to Council? Michael Angrove: Yes, they will be brought to Council after the Public Hearing.
- It must be emphasized that whatever the solution, that it not be permanent and that it can easily and quickly be reversed without detrimental effects to the glazing.
- The City has authority over buildings' glazing and materials, but this is a federal and legal issue that the Province should coordinate.
- Commercial activities should be encouraged and should be transparent.

Moved

Seconded

That the Heritage Advisory Panel recommend to Council that Rezoning Application No. 00658 for 1402-1404 Douglas Street be approved as presented, and that the Heritage Advisory Panel express its desire to see transparent windows in heritage-designated buildings and Heritage Conservation Areas in the City of Victoria.

Carried (unanimous)



Committee of the Whole Report

For the Meeting of November 8, 2018

To: Committee of the Whole Date: October 25, 2018

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00658 for 1402 Douglas Street

RECOMMENDATION

That Council decline Rezoning Application No. 00658 for the property located at 1402 Douglas Street.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1402 Douglas Street. The proposal is to rezone the property by amending the existing site specific regulations of the OTD-1 Zone, Old Town District-1 in order to increase the maximum allowable floor area of the existing storefront cannabis retailer from 200m² to 450m².

The following points were considered in assessing this Application:

- the proposal is consistent with the Core Historic designation in the Official Community Plan, 2012
- the proposal is consistent with the Historic Commercial designation in the Downtown Core Area Plan
- the proposal is inconsistent with the Storefront Cannabis Retailer Rezoning Policy as there are permitted storefront cannabis retailers within 400m.

An alternate motion has also been provided for Council's consideration, given that the proposal is for an expansion of an existing cannabis retailer rather than introducing a new use in this location.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property by amending the site specific regulations of the OTD-1 Zone, Old Town District-1 to increase the maximum floor area from 200m² to 400m². **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

Existing Site Development and Development Potential

The site is presently a two-storey, heritage-designated building known as the Porter Block. It was constructed in 1900 using mainly brick and stone materials. Under the current OTD-1 Zone, Old Town District-1, the property could be used for commercial, residential, office and transient uses. The site specific regulations for this property permit one storefront cannabis retailer on the lot with a maximum floor area of 200m².

Data Table

The following data table compares the proposal with the site specific regulations of the OTD-1 Zone.

Zoning Criteria	Proposal	Existing Zone OTD-1
Total floor area of a storefront cannabis retailer (m²) – maximum	450	200

Relevant History

On February 6, 2018, Council approved a rezoning application to permit the use of storefront cannabis retailer with a maximum total floor area of 200m².

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the Application was referred to the Downtown CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of VicPD service calls:

Calls for Service	2016	2017	2018 (up to September 7)
Calls to the immediate area	0	O	0
Calls to the block	337	281	174

ANALYSIS

Official Community Plan

The Official Community Plan (OCP, 2012) identifies this property within the Core Historic urban place designation, within which commercial activities including retail are an envisioned use.

Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application and there are no impacts to public trees with this Application.

Storefront Cannabis Retailer Rezoning Policy

While the *Storefront Cannabis Retail Rezoning Policy* does not speak directly to maximum sizes of retailers, this Application could be considered an increase in the intensity of the use. This increase in intensity would be inconsistent with the policy, as there are six approved retailers within 400m of the subject site: 1601 Douglas Street, 826 Johnson Street, 851 Johnson Street, 853 Cormorant Street, 546 Yates Street and 778 Fort Street. However, the property has already been approved for this use and it is unlikely that an expansion would have a deleterious effect on the streetscape or present as a concentration of this type of use in the area. An Alternate Motion, which would advance the application for consideration at a Public Hearing, has also been provided below.



CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are now six permitted storefront cannabis retailers within 400m the subject property. Therefore, staff recommend that Council consider declining this Application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

Michael Angrove Planner Development Services

Ander Hinde

Andrea Hudson, Acting Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Date:

October 25, 2018 Page 4 of 5

Committee of the Whole Report Rezoning Application No. 00658 for 1402 Douglas Street

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 27, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2018
- Attachment E: Correspondence (letters received from residents).








August 24, 2018

Mayor Lisa Helps & Council City of Victoria One Centennial Square Victoria BC V8W 1P6

RE: STOREFRONT CANNABIS RETAILER REZONING APPLICATION FOR 1402 DOUGLAS STREET

Dear Mayor Helps & Council:

INTRODUCTION

Please accept this letter, along with the accompanying forms and fees, as our client's (business name, "Farm") rezoning application for the property at 1402 Douglas Street. This site, recently rezoned CA-82 (Old Town Cannabis District), and issued with a Cannabis Business Licence, is currently operating as a storefront cannabis retailer. Based on operational needs, we wish to apply for a rezoning to expand existing operations into the newly available adjacent retail space in the same building, thus requiring an amendment to the maximum floorspace permitted for storefront cannabis retail.

THE SITE

The ongoing retail function is consistent the City's land use policies, since the property (located at the corner of Douglas and Johnson Streets) is part of the *Official Community Plan* designated area of *Core Historic*. The applicant has a long term lease with the owner of the property, who supports this application. Built in 1900, the building (known as *The Porter Block*) has housed many diverse businesses over the last century, but still retains its architectural integrity and remains a Downtown Victoria landmark. This building is also "Designated" on the City's Heritage Registry.

Legally described as the easterly 60 feet of Lot 671, Victoria City, the site is 18.43 m by 18.35 m, for a total area of about 338 m². The site contains a twostorey commercial building (approximately 930 m²). The owner resides in the upper storey of the same building envelope.

The building's main entrance fronts onto Douglas Street, and abuts other commercial uses on the north and west sides.

CitySpaces Consulting Ltd.

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THE PREMISES

The premises consist of a storefront with a monitored entrance that faces Douglas Street. The existing ground level interior floor plan provides an exterior entrance leading into a 142 m² cannabis "retail" area, in which product is displayed in secure glass cases that can only be accessed by staff. The basement level consists of preparation, packaging, and storage space. The total floor area for the business is 198 m².

During the renovations after the initial rezoning, Farm made extensive and high quality capital improvements to the premises and property, including restoration of an original heritage entrance on Douglas Street. These renovations have enhanced the urban streetscape at this prominent Downtown intersection.

RATIONALE FOR ADDITIONAL FLOORSPACE

Since operations began at Farm (Douglas Street) in April 2018, there has been a steady increase in clientele to the point where there are customer line-ups within the premises. This location has become a "destination" site for retail cannabis in Downtown Victoria for tourists and locals alike. With the upcoming legalization of recreational cannabis, Farm anticipates the demand for cannabis will only continue to grow.

This early success has meant an increase in storage space is already necessary, and having more actual retail space would increase safety and security by giving staff better sitelines of the entrance, the display cabinets, and the client mix in general.

The owner of the building (Paul DaCosta, Flower Power Enterprises) is in the process of retiring and closing his adjacent storefront AVEDA business within 1402 Douglas Street. Expansion into this street level space would add 95 m² to the main floor cannabis retail area. Given that the AVEDA location also contains 88 m² of available basement space, it makes practical sense to include that floorspace as part of the designation, and add it to the existing Farm administration/packaging area. <u>The new total floor area would be 450 m², although only 237 m²</u> would actually be storefront "retail" space. No exterior changes to the building are proposed.

SITE PROFILE

Because renovations to the building to expand the retail and storage spaces will not disturb the soil or involve soil excavation, and none of the uses indicated in Schedule 2 (as indicated in the Ministry of Environment Administrative Guidance on Contaminated Sites) has occurred on the site, a site profile has not been submitted with this application.



ONGOING OPERATIONAL REQUIREMENTS

The following operational requirements are in place, and will continue into the proposed expanded space:

- Admittance is restricted to adults 19+ years of age;
- Exterior signage meets the City's bylaw requirements;
- No consumption of product is permitted on the premises;
- The business operates within designated hours of operation, and does not operate between 8 pm and 7 am;
- Health and safety warnings are posted within the premises;
- Adequate ventilation is provided;
- All security provisions have been met, including a security plan, surveillance cameras, security personnel, training, and a minimum of two employees on-site during business hours, one of whom is a manager; and
- Security and fire alarms are installed, and professionally monitored.

CLOSING

In addition to the Douglas Street location, for the past three years, the applicant has been operating the original "Farm" cannabis dispensary (3055A Scott Street) in a safe and professional manner. Operated to rigorous standards, and respectful of its neighbours, "Farm" intends to continue this level of professionalism within the proposed expanded premises at 1402 Douglas Street.

Thank you for your favourable consideration of this application.

Sincerely,

Longite

Deane Strongitharm, MCIP, RPP

cc: Paul DaCosta Allen Spillette Michael Supowitz

Attachs.

MAYOR'S OFFICE

OCT 0 6 2017

VICTORIA, B.C.



The Honorable Mayor Lisa Helps Honorable Members of the Council City of Victoria 1 Centennial Square V8W 1P6

Dear Mayor Helps,

First, I want to commend you for your leadership in developing bicycle lanes in Victoria. As the population density and traffic congestion increase, bicycle and public transportation will become even more important for living in the city. Although bicycle lanes seem to have become a contentious topic for automobile drivers, I hope that will pass with more experience. I believe that the city leaders who support this effort are on the right side of history. I thank you.

<u>I am writing today</u> because of a growing concern for cannabis retailing in the city. I'm sure you would agree that these retailers are an additional threat to the stability of the downtown retailing area that is already burdened by homelessness and the effects of drugs and mental illness. Cannabis retailing makes this worse, not better; it is going in the wrong direction.

In this regard, I am writing to call your attention to the situation on the 1400 block of Douglas Street. It is my understanding that cannabis retailing and the lust for those illusionary profits are displacing some established business; eg, the *Taste of Europe Deli* at 1412 Douglas.

Although leasing arrangements is a matter of business decision, the municipality has a responsibility to monitor and guide the development of commerce, especially in the city center. Moreover, the choices that you make will affect all of us who live in the metropolitan area. We all have some skin in this game, and I have strong objections to the development of cannabis retailing in the city centre.

I would be grateful if you would investigate this situation on Douglas Street and send me a report of your judgment in this matter.

With best regards,

David Rodenhuis









I. <u>REPORTS OF COMMITTEES</u>

I.1 Committee of the Whole

I.1.b Report from the November 22, 2018 COTW Meeting

I.1.b.c 1402 Douglas Street - Rezoning Application No. 00658 (Downtown)

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

That the application be referred to the heritage advisory committee for comment and report be made back to the Committee of the Whole on the proposed provincial policy that would see the windows of the heritage building be made opaque.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

E. LAND USE MATTERS

E.1 1402 Douglas Street - Rezoning Application No. 00658 (Downtown)

Committee received a report dated October 25, 2018 from the Acting Director of Sustainable Planning and Community Development presenting Council with information, analysis and recommendations for an expansion of an existing cannabis retailer.

Committee discussed:

- the number of windows that would need to be opaque
- alterations that would occur to the heritage building

Moved By Councillor Young

That Council decline Rezoning Application No. 00658 for the property located at 1402 Douglas Street.

Defeated due to no seconder

Moved By Councillor Thornton-Joe Seconded By Councillor Potts

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Amendment:

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

That the application be referred to the heritage advisory committee for comment on the proposed provincial policy that would see the windows of the heritage building be made opaque.

Amendment to the amendment:

Moved By Mayor Helps Seconded By Councillor Thornton-Joe

and a report be made back to the Committee of the Whole.

CARRIED UNANIMOUSLY

Committee of the Whole Meeting Minutes, November 22, 2018

On the amendment: CARRIED UNANIMOUSLY

Main Motion as amended: CARRIED UNANIMOUSLY

Committee of the Whole Meeting Minutes, November 22, 2018



Committee of the Whole Report For the Meeting of November 8, 2018

To:Committee of the WholeDate:October 25, 2018From:Andrea Hudson, Acting Director, Sustainable Planning and Community DevelopmentSubject:Rezoning Application No. 00658 for 1402 Douglas Street

RECOMMENDATION

That Council decline Rezoning Application No. 00658 for the property located at 1402 Douglas Street.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1402 Douglas Street. The proposal is to rezone the property by amending the existing site specific regulations of the OTD-1 Zone, Old Town District-1 in order to increase the maximum allowable floor area of the existing storefront cannabis retailer from 200m² to 450m².

The following points were considered in assessing this Application:

- the proposal is consistent with the Core Historic designation in the Official Community Plan, 2012
- the proposal is consistent with the Historic Commercial designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are permitted storefront cannabis retailers within 400m.

An alternate motion has also been provided for Council's consideration, given that the proposal is for an expansion of an existing cannabis retailer rather than introducing a new use in this location.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property by amending the site specific regulations of the OTD-1 Zone, Old Town District-1 to increase the maximum floor area from 200m² to 400m². **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

Existing Site Development and Development Potential

The site is presently a two-storey, heritage-designated building known as the Porter Block. It was constructed in 1900 using mainly brick and stone materials. Under the current OTD-1 Zone, Old Town District-1, the property could be used for commercial, residential, office and transient uses. The site specific regulations for this property permit one storefront cannabis retailer on the lot with a maximum floor area of 200m².

Data Table

The following data table compares the proposal with the site specific regulations of the OTD-1 Zone.

Zoning Criteria	Proposal	Existing Zone OTD-1
Total floor area of a storefront cannabis retailer (m ²) – maximum	450	200

Relevant History

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Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the Application was referred to the Downtown CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of VicPD service calls:

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Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

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There are no Tree Preservation Bylaw impacts with this Application and there are no impacts to public trees with this Application.

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CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are now six permitted storefront cannabis retailers within 400m the subject property. Therefore, staff recommend that Council consider declining this Application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

Michael Angrove Planner Development Services

And Hinde

Date:

Andrea Hudson, Acting Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 27, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2018
- Attachment E: Correspondence (letters received from residents).









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August 24, 2018

Mayor Lisa Helps & Council City of Victoria One Centennial Square Victoria BC V8W 1P6

RE: STOREFRONT CANNABIS RETAILER REZONING APPLICATION FOR 1402 DOUGLAS STREET

Dear Mayor Helps & Council:

INTRODUCTION

Please accept this letter, along with the accompanying forms and fees, as our client's (business name, "Farm") rezoning application for the property at 1402 Douglas Street. This site, recently rezoned CA-82 (Old Town Cannabis District), and issued with a Cannabis Business Licence, is currently operating as a storefront cannabis retailer. Based on operational needs, we wish to apply for a rezoning to expand existing operations into the newly available adjacent retail space in the same building, thus requiring an amendment to the maximum floorspace permitted for storefront cannabis retail.

THE SITE

The ongoing retail function is consistent the City's land use policies, since the property (located at the corner of Douglas and Johnson Streets) is part of the *Official Community Plan* designated area of *Core Historic*. The applicant has a long term lease with the owner of the property, who supports this application. Built in 1900, the building (known as *The Porter Block*) has housed many diverse businesses over the last century, but still retains its architectural integrity and remains a Downtown Victoria landmark. This building is also "Designated" on the City's Heritage Registry.

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CitySpaces Consulting Ltd. Suite 101 848 Courtney St. Victoria BC

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THE PREMISES

The premises consist of a storefront with a monitored entrance that faces Douglas Street. The existing ground level interior floor plan provides an exterior entrance leading into a 142 m² cannabis "retail" area, in which product is displayed in secure glass cases that can only be accessed by staff. The basement level consists of preparation, packaging, and storage space. The total floor area for the business is 198 m².

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RATIONALE FOR ADDITIONAL FLOORSPACE

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- Security and fire alarms are installed, and professionally monitored.

CLOSING

In addition to the Douglas Street location, for the past three years, the applicant has been operating the original "Farm" cannabis dispensary (3055A Scott Street) in a safe and professional manner. Operated to rigorous standards, and respectful of its neighbours, "Farm" intends to continue this level of professionalism within the proposed expanded premises at 1402 Douglas Street.

Thank you for your favourable consideration of this application.

Sincerely,

Dunt

Deane Strongitharm, MCIP, RPP

cc: Paul DaCosta Allen Spillette Michael Supowitz

Attachs.

OCT 0 6 2017

2 October 2017

The Honorable Mayor Lisa Helps Honorable Members of the Council City of Victoria 1 Centennial Square V8W 1P6

Dear Mayor Helps,

First, I want to commend you for your leadership in developing bicycle lanes in Victoria. As the population density and traffic congestion increase, bicycle and public transportation will become even more important for living in the city. Although bicycle lanes seem to have become a contentious topic for automobile drivers, I hope that will pass with more experience. I believe that the city leaders who support this effort are on the right side of history. I thank you.

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Although leasing arrangements is a matter of business decision, the municipality has a responsibility to monitor and guide the development of commerce, especially in the city center. Moreover, the choices that you make will affect all of us who live in the the metropolitan area. We all have some skin in this game, and I have strong objections to the development of cannabis retailing in the city centre.

I would be grateful if you would investigate this situation on Douglas Street and send me a report of your judgment in this matter.

With best regards

David Rodenhuis















MEMORANDUM

TO:	Mayor Helps & Members of Council
FROM:	Deane Strongitharm
DATE:	November 19, 2018
RE:	Retail Cannabis Rezoning Application for 1402 Douglas Street

An application to expand the area of cannabis retail within the existing zoned lot at 1402 Douglas Street is to be considered by Council at the November 22, 2018 Committee of the Whole Meeting.

BACKGROUND

- Cannabis retail zoning was approved for the property in September 2017. The applicant (The Original FARM) was the first to actually apply for and receive rezoning and business licence approval of the site prior to the store's opening in Spring 2018. During the rezoning application process, the applicant communicated with its surrounding neighbours, and received their support.
- The original application included agreement by the owner to designate the building as "heritage" as part of the new zoning designation. The applicant also invested about \$1 million in tenant improvements to complement the building's heritage designation status.
- The Original FARM has more than 100 staff, and operates an education centre in a separate commercial space adjacent to its other retail location at 3055A Scott Street. Both stores are currently closed to comply with the Province's new licensing requirements (unlike many other stores), and is currently awaiting confirmation on the City of Victoria's approval requirements with respect to feedback on Provincial licence applications.

CURRENT APPLICATION

- The adjacent storefront in the 1402 Douglas Street building has become available, and would greatly assist the owner with additional space for product presentation, customer convenience and queuing, and educational displays.
- The entire lot at 1402 Douglas Street is zoned for cannabis retail, but the zone restricts the size of the retail area to 200 m², which is what the owner requested at the time of rezoning. In hindsight, more basement storage space should have been included.
- The new application before Council approximately doubles the gross floor area. However, this is because, with the exception of the electrical room, the entire basement will be included in the allowable floor space for the purpose of storage, product packaging, basement hallways, and other

CITY SPACES

common areas. It simply makes sense to zone the entire basement to ensure compliance in every way in terms of activities accessory to the upstairs storefront retail space. <u>The actual "additional</u> retail space" on the main floor is only 95 m².

- The City staff report recommends the application be declined because there are other stores within 400 m. The 1402 Douglas Street property is zoned for cannabis retail, and the store already exists. It is only the size of the area within the building that is the subject of the rezoning. The application is NOT setting a precedent with respect to proximity of other retail stores.
- Council's updated policy regarding the distance between cannabis retail locations (October 27, 2017) states that:

"This policy is intended to guide applicants and City staff as part of the application process, but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits."

 The applicant has demonstrated the highest level of responsibility, integrity, and professionalism in working with the City and the Province on the zoning and licensing of its retail stores. We believe the 400 m separation from other cannabis retailers is inappropriate in this instance, and that this application merits consideration at a Public Hearing.

We respectfully request that Council forward the rezoning application for 1402 Douglas Street to Public Hearing.

1402 Douglas Street – Rezoning Application:

January 29, 2019

Re: Support for 1402 Douglas Rezoning.

To Whom It May Concern,

I am writing to confirm that I am the owner of the building located at 722 Johnson Street less than half a block away from the applicant's location.

I wanted to write mayor and council and express my support for this rezoning at this specific location and my support for the operator. This location is well suited for a retail cannabis location and I welcome this operator and use in the neighborhood.

Sincerely, Ian Laing



www.ianlaingproperties.com

From: Sent: To: Subject: Mia Yamanashi Wednesday, January 30, 2019 3:36 PM Development Services email inquiries; Zoning Farm on Douglas complaint

Hi

Word is your council and the rezoning committee are considering changing the historical points of our city and shading out old windows which should be a loss and such a shame. could you please consider a different area or building.

thanks;)

Mia Yamanashi

Subject:

Heritage first

From: Mike Chef Sent: January 29, 2019 9:41 AM To: Zoning <<u>zoning@victoria.ca</u>> Subject: Heritage first

Dear City Officials,

Regarding :

Farm on Douglas in Victoria

Im disgusted that some of Canadian heritage will be lost by the fogging or hazing of the windows which I believe is a heritage building. Please do not allow this to happen. Why would you not choose another building or location which would not have this take place. I strongly disagree with the rezoning consideration and demand it be stopped immediately. As a Canadian I DON'T WANT this to happen to my HERITAGE. Lets take example from countries and protect it before its lost.

Yours truly, M.Duncan

From:	Anna Cole
Sent:	Wednesday, January 30, 2019 2:47 PM
То:	Ben Isitt (Councillor); Zoning; Victoria Mayor and Council; Development Services email inquiries
Subject:	FARM ON DOUGLAS

Dear Victoria City Council Members and Government,

Re: Proposed Dispendary on Douglas

I am writing as a constituent to urge you to oppose repurposing of the heritage building on Douglas in Victoria. Hazing or fogging the windows of this heritage site to allow for repurposing or rezoning would irreparably deface this historic building, and disrespect our Canadian heritage. As a patriotic Canadian, I ask that you oppose this desecration of a historical site and work with other members of the council to find an alternative dispensary site. Our citizens deserve to have their heritage preserved for themselves and future generations. Please do not allow the rezoning to take place on Douglas.

Yours truly, Anna Prokes

From: Sent: To: Cc: Subject: Jay Prokes Wednesday, January 30, 2019 2:42 PM Ben Isitt (Councillor) Development Services email inquiries; Zoning; Victoria Mayor and Council FARM ON DOUGLAS

Dear Victoria City Council Members,

Re: FARM ON DOUGLAS

I am writing as a constituent to urge you to oppose repurposing of the heritage building in Victoria. Hazing or fogging the windows of this heritage site to allow for repurposing or rezoning would irreparably deface this historic building, and disrespect our Canadian heritage. As a patriotic Canadian, I ask that you oppose this desecration of a historical site and work with other members of the council to find an alternative dispensary site. Our citizens deserve to have their heritage preserved for themselves and future generations. Please do not allow the rezoning to take place!!!

Yours truly, Jadyn Prokes

Sent from my iPhone
Devon Cownden

William Standfore
Wednesday, January 30, 2019 2:25 PM
blsitt@vitctoria.ca
Development Services email inquiries; Zoning; publichearing@victoria.ca
Stop ruining our cities Heritage building/Farm on Douglas

Hi

As it has come to my knowledge that FARM ON DOUGLAS has applied to have rezoning which allows them to tint or shade the windows of the heritage building I have walked passed many times and wish it remain apart of the Canadian heritage we have left. lets protect it and not destroy it please please please do not allow this to occur. why not pick another location nearby and more modern which keeps our cities heritage alive and well for the future generations to enjoy as much as we have. Looking forward to your reply...

Sincerely Bill

Devon Cownden

From:	Mich chan
Sent:	Wednesday, January 30, 2019 2:56 PM
То:	Victoria Mayor and Council; Zoning; Development Services email inquiries
Subject:	Our city/No to rezoning heritage bldg

Hi Mr mayor and council,

I wanted to make my voice heard on the matter of Farm on Douglas request to change a heritage building windows and shade them or make some changes to the building. Definitely not cool !! I think I would feel bad telling my grandchildren about how we took something old with pleanty of history and culture left in it to make a weed shop. Ya this isnt cool at all . I would rather different options . Like a modern building or something less notable on a culture scale.

Proud Canadian , Chanko

Devon Cownden

From: Sent: To: donna crowe Wednesday, January 30, 2019 5:41 PM Development Services email inquiries

Dear City Officials,

Regarding:

Farm on Douglas in Victoria

I would like to join the list of people who disagree with the application to alter the heritage building where they plan to open a pot shop and change a monumental and historic buildings appearance. Please don't allow the change

Yours truly,

Donna Crowe

Sent from my iPhone

From: Sent: To: Subject: Victoria Mayor and Council January 30, 2019 2:37 PM Public Hearings FW: rezoning of farm dispensary

From: Neil Owen Photography Sent: Wednesday, January 30, 2019 2:11 PM To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Lisa Helps (Mayor) <LHelps@victoria.ca> Subject: rezoning of farm dispensary

RE: rezoning of farm dispensary

Mayor and council of Victoria BC,

I send this email as I DO NOT support the rezoning of farm dispensary. While I do support the sale of recreational and medicinal cannabis in this province, all applications must fit within the guidelines set out by the province. Farm Dispensary is 110 metres away from another dispensary, and that does not comply with the 400m mandated by provincial regulations. The building is a heritage building, and I do not think that the frosted glass required by provincial regulations is allowed in a building that has that designation.

Thank you for reading this.

Neil Owen

From the desk of Neil Owen

Website Design, Management and Hosting Services

From: Sent: To: Subject: Victoria Mayor and Council January 31, 2019 10:48 AM Public Hearings Fw:

From: donna crowe Sent: January 30, 2019 5:40 PM To: Victoria Mayor and Council Subject:

Dear City Officials,

Regarding :

Farm on Douglas in Victoria

I would like to join the list of people who disagree with the application to alter the heritage building where they plan to open a pot shop and change a monumental and historic buildings appearance. Please don't allow the change

Yours truly,

Donna Crowe

Sent from my iPhone

From: Sent: To: Subject: Victoria Mayor and Council January 30, 2019 4:12 PM Public Hearings FW: Farm On Douglas /Heritage building

From: Pam Swann

Sent: Wednesday, January 30, 2019 3:12 PM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Zoning <zoning@victoria.ca>; Development Services email inquiries <DevelopmentServices@victoria.ca> Subject: Farm On Douglas /Heritage building

Good Afternoon Mayor,

My nephew and I were having a tea and he told me about some legal cannabis shop trying to change some of Canadian heritage by fogging out some windows on the historical building. We both think Farm on Douglas should not go through with those types of changes to our cultural buildings. Therefore I demand it stopped please and thank you. Just chose a less established cultural building to make history and not erase what has been here already.

Yours Truly,

Pamela Swann

From: Sent: To: Subject: Victoria Mayor and Council January 30, 2019 4:28 PM Public Hearings FW: Farm Re Zoning issue 1402 Douglas St

From: Derek ter Mul

Sent: Wednesday, January 30, 2019 2:25 PM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Lisa Helps (Mayor) <LHelps@victoria.ca> **Subject:** Farm Re Zoning issue 1402 Douglas St

Good day Major and Council,

I was informed recently that there will be a vote tomorrow for a potential Re Zoning of the dispensary Farm at 1402 Douglas St.

If I'm not mistaken that is a heritage building that restricts frosted windows that dispensaries in Victoria require. On top of that they are also located within 200 meters of another dispensary (Lotus Land). These issues raise red flags and are cause to turn down this bid.

Kindest regards,

Derek Ter Mul

From: Sent: To: Subject: Victoria Mayor and Council January 31, 2019 10:50 AM Public Hearings Fw: Regarding: Farm on Douglas in Victoria

From: Stephane Constantineau
Sent: January 30, 2019 5:48 PM
To: Victoria Mayor and Council; Zoning; Development Services email inquiries
Subject: Regarding: Farm on Douglas in Victoria
Dear City Officials,

I would like to ask you don't change the heritage or cultural values of the building in this rezoning application. I do no want to see a piece of glass tinted on the old structure. Thank you.

Steph C.

From:
Sent:
To:
Subject:

Victoria Mayor and Council January 30, 2019 4:18 PM Public Hearings FW: Respecting laws in place

From: Jane Michaels

Sent: Wednesday, January 30, 2019 8:52 AM

To: Lisa Helps (Mayor) <LHelps@victoria.ca>; Victoria Mayor and Council <mayorandcouncil@victoria.ca> **Subject:** Respecting laws in place

Hey,

I'm a designer that works in Victoria and Toronto. I truly believe that farm dispensary should not be licensed downtown.

They are within 200m from another dispensary and they are in a heritage building. All dispensaries need to frost their windows like you said on the news a couple of weeks ago Lisa so there's absolutely no reason this licence should be moving forward, please respect the laws that are in place.

PS I love the bike lane upgrades great touch! Keep up the great work Lisa

Thanks,

Jane

NO. 19-016

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Bylaw 2018 to increase the maximum area permitted for a Storefront Cannabis Retailer at 1402 Douglas Street from 200m² to 450m² by amending the Old Town District-1 Zone (OTD-1) Site Specific Regulations for this property.

Pursuant to its statutory powers, including section 479 of the *Local Government Act,* the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

1 This Bylaw may be cited as the "ZONING BYLAW 2018, AMENDMENT BYLAW (NO. 2)".

Amendments

2 Bylaw No. 18-072, Zoning Bylaw 2018, is amended in section 8 of Part 4.4, Old Town District-1 Zone (OTD-1), by deleting "200m²" in row 21 and replacing it with "450m²".

READ A FIRST TIME the	17 th	day of	January	2019
READ A SECOND TIME the	17 th	day of	January	2019
Public hearing held on the		day of		2019
READ A THIRD TIME the		day of		2019
ADOPTED on the		day of		2019

CITY CLERK

MAYOR





1402 &1404 Douglas Street Rezoning No.00658





South Island Prosperity Project 901 – 747 Fort St Victoria, BC V8W 3E9

28 January, 2019

Dear Mayor Helps,

RE: Response for Call for Written Submissions – Select Standing Committee on Crown Corporations

On November 27th, 2018 the Legislative Assembly of British Columbia authorized the all-party Select Standing Committee on Crown Corporations to conduct an inquiry into transportation network services (e.g. ride-hailing services). The Select Standing Committee invited recipients to submit a response by Friday, February 1st based on feedback for establishing boundaries, the regulations to best balance supply and demand, as well as criteria for fare regimes and driver licencing requirements.

Based on smart mobility research and consultations with industry and community stakeholders, South Island Prosperity Project (SIPP) recommends 10 guiding principles for emerging mobility services (as listed below). These principles are designed to maximize consumer choice for multi-modal options that are safe, green, convenient, and affordable, while also ensuring citizen and community interests are properly managed.

Our 10 guiding principles are based on assessing best practices in other international jurisdictions and are well suited for our region. We ask you to consider endorsing the ten principles below in your submissions to the Select Standing Committee, as we feel strongly that BC and the South Island region needs to adopt an adaptive and forward-looking regulatory framework that can encompass all existing and emerging mobility services and technologies.

SIPP is currently leading the application to Infrastructure Canada's Smart Cities Challenge with a focus on improving Transport and Mobility in the South Island region. The three major projects in SIPP's submission have an underlying theme of MaaS (Mobility-as-a-Service). The proposal incorporates a number of different mobility providers into an easy, green and affordable way of moving around the region, encouraging a multimodal transportation system that is connected and includes emerging mobility services and technologies.

The South Island's 10 Guiding Principles for Emerging Mobility Services

1. Collaboration

Emerging mobility services and technology providers and the municipalities must engage and collaborate with each other and the community to improve the region and its transportation system.

2. Safety

Emerging mobility services and technologies must be consistent with Greater Victoria's goals for reducing conflicts and ensuring public safety and security.

3. Transit

Emerging mobility services and technologies must support, rather than compete with public transit services, must account for the operational needs of public transit and encourage use of high-occupancy modes.

4. Congestion

Emerging mobility services and technologies must consider the effects on traffic congestion, including the resulting impacts on road safety, modal choices, emergency vehicle response time, transit performance and reliability.

5. Sustainability

Emerging mobility services and technologies must support sustainability, including helping to meet the region's greenhouse gas (GHG) emissions reduction goals, promote use of all non-auto modes, and support efforts to increase the resiliency of the transportation system.

6. Accessibility

Emerging mobility services and technologies must promote equitable access to all services. All people, regardless of physical, psychological or developmental capability, age, race, color, gender, sexual orientation and identity, national origin, religion, or any other protected category, should benefit from emerging mobility services and technologies.

7. Data Privacy

Emerging mobility services and technology providers must ensure personal information/data of users are protected and secured from non-validated access. Users should know how their collected data are being used and should have the ability to consent/remove consent on the use of their data within the parameters of effective operations.

8. Data Sharing

Emerging mobility services and technology providers must consent to share anonymized transportation data to validated users, so that the municipalities and the public can effectively evaluate the services' benefits to, and impacts on, the transportation system and determine whether the services reflect the goals of the region.

9. Labour

Emerging mobility services and technologies must ensure fairness in pay and labour policies and practices. Emerging mobility services and technologies should support Greater Victoria's local hire principles, promote equitable job training opportunities, and maximize procurement of goods and services from disadvantaged business enterprises.

10. Financial Impact

Emerging mobility services and technologies must promote a positive financial impact on the region's infrastructure investments and delivery of publicly-provided transportation services.

SIPP will be submitting the South Island's 10 guiding principles to promote the need for a progressive and forward-thinking legislative framework that can encompass all existing and emerging mobility services and technologies. Please show your support and encourage these principles to be considered by the Select Standing Committee so that together we can ensure that mobility services and technologies will tangibly improve quality of life, and enhance our #freedomtomove.

Thank you.

Sincerely,

Parforle

Emilie de Rosenroll CEO, South Island Prosperity Project

<u>COMMITTEE OF THE WHOLE REPORT</u> FROM THE MEETING HELD JANUARY 24, 2019

For the Council meeting of January 31, 2019, the Committee recommends the following:

1. <u>1516-1564 Fairfield Road - Rezoning Application No. 00677 (Fairfield)</u>

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00677 for 1516-1564 Fairfield Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

2. <u>819-823, 825 and 827 Fort Street - Rezoning Application No. 00621, Heritage Alteration Permit Application with Variances No. 00009, and Heritage Designation Application No. 000176 (Fairfield)</u>

Rezoning Application No. 00621

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00621 for 819- 823, 825 and 827 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 the following conditions are met:

- 1. Direct staff to explore options for short term bike parking.
- 2. Direct staff to explore additional opportunities for outdoor space on the top of the roof.
- 3. Plan revisions to address setback and building design issues, as outlined in the concurrent Heritage Alteration Permit (No. 00009) report, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Preparation and execution of legal agreements to secure the tenure of all dwelling units as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.

Heritage Alteration Permit with Variances Application No. 00009

That Council, subject to design revisions to step back the upper storey from the side and rear property lines, increase the setback to the balconies on the south and west elevations and provide greater articulation of the west facade to improve the overall fit with the context and after giving notice and allowing an opportunity for public comment and after a Public Hearing for a Rezoning Application, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00009 for 819-823, 825 and 827 Fort Street, in accordance with:

- 1. Plans, date stamped October 25, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - increase the height from 30m to 33.5m
 - reduce bicycle parking from 12 to 0
 - reduce parking from 75 stalls to 57 stalls.
- 3. Receipt of a car-share agreement that includes 45 MODO car-share memberships for residents without vehicles in perpetuity and a dedicated car-share vehicle parking stall on site.
- 4. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

5. Heritage Alteration Permit with Variances lapsing two years from the date of this resolution."

Heritage Designation Application No. 000176

That Council approve the designation of the property located at 819-823 Fort Street, 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 a Public Hearing date be set, concurrent to consideration of Rezoning Application No. 00621 if it is approved.

3. <u>Rear Yard Landscaping in the C1-L Zone, Commercial Landscape District</u> That Council:

- 1. instruct staff to arrange and attend a Community Meeting with the Oaklands Community Association Land Use Committee, including mailing notice to property owners and occupiers within 100 meters, and report back on the feedback received at that meeting and with further recommendations regarding how best to achieve the desired outcome noted in Council's resolution of October 4, 2018.
- 2. direct staff to report back with legal advice to Council in advance of the January 31, 2019 Council Meeting.

4. <u>Citizen-Led Heritage Conservation Areas Policy</u>

That Council:

- 1. Adopt the Citizen-Led Heritage Conservation Areas Policy appended to this report as Attachment A.
- 2. Direct staff to report back on the policy's effectiveness after two years.
- 3. Direct staff to form a working group comprised of Community Association Land Use Committee (CALUC) members, citizen representatives and heritage advocates to develop recommendations for improvements to the City's heritage program and strategies for increasing awareness, comprehension and appreciation of heritage conservation in the City of Victoria.

5. <u>Safer Drug Supply to Save Lives in British Columbia</u>

THAT Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, the Ministers responsible for Local Government, Health, Mental Health and Addictions, the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention, the Union of British Columbia Municipalities (UBCM) Annual Convention, and member local governments and regional districts within the Capital Region, AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Safer Drug Supply to Save Lives British Columbia

WHEREAS It has been two years since B.C. declared a public-health emergency due to increased overdoses, yet the death toll for those consuming substances continues to rise due to an unpredictable and highly-toxic drug supply;

WHEREAS people with opioid use disorder, a chronic relapsing medical condition, are at high risk of overdose-related harms including death;

WHEREAS an estimated 42,200 people inject toxic substances in British Columbia;

WHEREAS it is not possible for the treatment system to rapidly increase services fast

enough to manage this number of people as "patients" within a medical treatment model given the many challenges in achieving and retaining the people on opioid use disorder treatment;

WHEREAS people at risk of overdose in British Columbia do not have access to a safer alternative to the unpredictable, highly-toxic drug supply;

THEREFORE BE IT RESOLVED THAT, in an effort to save lives and reduce harm due to an unpredictable and highly-toxic drug supply, and as part of a holistic response to the public-health emergency, including prevention, treatment, and recovery, that the Province of British Columbia work with local communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions, and the Ministry of Health ensure that people at risk of overdose harm have access to safer alternatives.

6. <u>Attendance at Association of Vancouver Island and Coastal Communications</u> <u>Annual Meeting, April 2019</u>

That Council authorize the attendance and associated costs for Councillor Isitt to attend the Association of Vancouver Island and Coastal Communities annual meeting at Powell River, BC, from April 12-14, 2019, with estimated costs as follows:

Registration:	\$300
Transportation:	\$250
Accommodation:	\$300
Incidentals:	\$150
Estimated total costs:	\$1,000

7. <u>Attendance at Federation of Canadian Municipalities Annual Meeting, May 30-June</u> 2, 2019

That Council authorize the attendance and associated costs for Councillor Isitt to attend the Federation of Canadian Municipalities Annual Meeting at Quebec City, Quebec, from May 30 to June 2, 2019, with estimated costs as follows:

Registration:	\$1000
Transportation:	\$800
Accommodation:	\$700
Incidentals:	\$200
Estimated total costs:	\$2,700

8. <u>Attendance at Higher Ground Governance Forum, March 2019</u>

That Council authorize the attendance and associated costs for Councillor Isitt to attend the Higher Ground Governance Forum at Harrison Hot Springs, BC, from March 29-30, 2019, with estimated costs as follows:

Registration:	\$400
Transportation:	\$250
Accommodation:	\$300
Incidentals:	\$100
Estimated total costs:	\$1,050

9. <u>Recognizing Victoria as the home to the Oldest Chinatown in Canada</u>

WHEREAS in September of 2018, the Province of British Columbia and the City of Vancouver signed a Memorandum of Understanding committing to work in partnership to have Vancouver's Chinatown designated a United Nations Education, Scientific and Cultural Organization (UNESCO) World Heritage site and to establish a Chinese Canadian Museum.

AND WHEREAS the Province of British Columbia is considering a hub and spoke model and may be considering museums.

AND WHEREAS the City of Victoria is the Province's Capital City and has the oldest Chinatown in Canada and second oldest in North America.

THEREFORE Move to Request the Mayor write to the Minister of State and Trade and the Province of BC asking to be recognized that as the Provincial Capital and the home to the oldest Chinatown in Canada, that the Province commit to putting a Chinese Museum in Victoria.

<u>COMMITTEE OF THE WHOLE REPORT</u> FROM THE MEETING HELD JANUARY 31, 2019

For the Council meeting of January 31, 2019, the Committee recommends the following:

1. Rezoning Application No.00654 for 700 Government Street (Downtown)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00654 for 700 Government Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

2. Attendance at Higher Ground Governance Forum, March 2019

That Council authorize the attendance and associated costs for Councillor Collins to attend the Higher Ground Governance Forum at Harrison Hot Springs, BC, from March 29-30, 2019, with estimated costs as follows:

Dediatration	\$400
Registration:	\$250
Transportation:	\$300
Accommodation:	\$100
Incidentals:	\$1050
Estimated total costs:	Ψ1000

3. <u>Attendance at Association of Vancouver Island and Coastal Communities Annual</u> <u>Meeting, April 2019</u>

That Council authorize the attendance and associated costs for Councillor Collins to attend the Association of Vancouver Island and Coastal Communities annual meeting at Powell River, BC, from April 12-14, 2019, with estimated costs as follows:

Registration:	\$300
Transportation:	\$250
Accommodation:	\$300
Incidentals:	\$150
Estimated total costs:	\$1000

4. <u>Attendance at New Westminster Mayor's Housing Roundtable, February 16, 2019</u> That Council authorize the attendance and associated costs for Councillor Collins to

That Council authorize the attendance and associated costs for Councillor Collins to attend the New Westminster Mayor's Housing Roundtable at New Westminster, BC, on February 16, 2019, with estimated costs as follows:

Transportation:	\$175
Incidentals:	\$25
Estimated total costs:	\$200

5. <u>Resolution: Shifting Investment to Low-Emission Transportation</u>

THAT Council endorse the following resolution for consideration at the 2019 annual conventions of the Association of Vancouver Island and Coastal Communities and Union of BC Municipalities, and directs staff to forward this resolution to member local governments requesting favourable consideration and resolutions of support:

Resolution: Shifting Investment to Low-Emission Transportation

WHEREAS the Prime Minister of Canada and the Premiers of BC and most provinces signed the Pan-Canadian Framework on Clean Growth and Climate Change in 2016, endorsing a policy shift that could substantially reduce greenhouse gas (GHG) pollution from transportation while funding public transit improvements, including inter-city and commuter bus and rail service;

AND WHEREAS the transportation sector is the second-largest contributor of GHG pollution in Canada, representing 23% of total emissions;

THEREFORE BE IT RESOLVED that local governments call on the Governments of Canada and British Columbia to fully implement their commitment in the Pan-Canadian Framework on Clean Growth and Climate Change, to shift investments "from higher to lower-emitting types of transportation".

6. <u>Resolution: Protection of Old Growth Forests on Vancouver Island</u>

THAT Council endorse the following resolution for consideration at the 2019 annual convention of the Association of Vancouver Island and Coastal Communities, and directs staff to forward this resolution to member local governments requesting favourable consideration and resolutions of support:

Resolution: Protection of Old Growth Forests

And whereas old-growth forest has significant economic, social and environmental value as wildlife habitat, tourism resource, carbon sink and much more;

And whereas old-growth forest is increasingly rare on Vancouver Island and current plans on provincial Crown land call for logging the remaining old-growth forest, outside of protected areas, Old-Growth Management Areas, and similar reserves, over the next 10-20 years:

Therefore be it resolved that the old-growth forest on provincial Crown Land on Vancouver Island be protected from logging;

And be it further resolved that the Provincial government amend the Vancouver Island Land Use Plan to protect all of Vancouver Island's remaining old growth forest on provincial Crown land.

7. Downtown Victoria Business Association

That Council receive the report for information.

8. South Island Prosperity Project – Smart Mobility Proposal

That Council receive the report for information.

9. Letter from Employment and Social Development Canada

That the correspondence dated October 1, 2018 from Employment and Social Development Canada be received for information.

10. <u>Development Permit with Variances Permit Application No. 00082 and</u> <u>Development Variance Permit Application No. 00218 for 931 Redfern Street</u> (Gonzales)

1) 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 with Variances Application No. 00082 for 931 Redfern Street for the subdivision of the property to create a panhandle lot and renovate the existing house in accordance with:

- 1. Plans date stamped December 18, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum building height from 5.0m and 1 storey to 6.4m and 2 storeys
 - ii. reduce the minimum front setback from 7.5m to 0.0m
 - iii. reduce the minimum non-habitable south side building setback from 4.0m to 2.05m and the habitable south side building setback from 7.5m to 3.08m
 - iv. reduce the minimum habitable north side building setback from 7.5m to 4.24m
 - v. increase the maximum eave projections into setbacks from 0.75m to 1.0m.
- 3. The Development Permit with Variances lapsing two years from the date of this resolution.
- 2) At the same meeting that Development Permit with Variances Application No. 00082 is considered, if it is approved, and subject to revisions to reduce the protrusion of the secondary suite stairwell and below-grade outdoor amenity area into the front yard setback to the satisfaction of the Director of Sustainable Planning and Community Development, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00218 for 931 Redfern Street in accordance with:

- 1. Plans date stamped December 18, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum front setback from 7.5m to 3.23m
 - ii. reduce the minimum rear setback from 9.1m to 3.64m
 - iii. reduce the minimum south side setback from 2.6m to 1,93m
 - iv. reduce the combined side yards setback from 5.4m to 4.53m
 - v. increase the maximum eave projections into setbacks from 0.75m to 1.1m.
- 3. The Development Variance Permit lapsing two years from the date of this resolution."

11. <u>Application for a Lounge Endorsement to a Manufacturer's License (brewing) for</u> <u>Whistle Buoy Brewing Company, 63-560 Johnson Street</u>

That Council direct staff to provide the following response to the Liquor Licensing Agency:

Council, after conducting a review with respect to noise and community impacts, does support the application of Whistle Buoy Brewing Company, located at 560 Johnson Street, to have a lounge endorsement added to their manufacturing license, having hours of operation from 11:00 am to 12:00 am Thursday- Sunday, 11:00 am to 11:00 pm Monday -Wednesday, and an occupant load of 112 persons.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and assumptions are the noise impacts would be proportional to existing licence capacity in the vicinity. The applicant has committed to operating as a respectful and conscientious neighbour and to avoid disturbances to adjacent businesses and residences. The requested hours of operation are modest and support for the application is not expected to result in disproportionately high negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long term viability of the establishment. The business model is seen to align well with recent changes made to zoning bylaws which encourage this type of development. The establishment contributes to the richness, and diversity of offerings in the area.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received eight letters in response to the request, six in support of the application and two opposed. The applicant has collected and submitted an additional 25 letters of support from residents in the area.
- d. Council recommends the license endorsements be approved.

12. Development Variance Permit No.00214 for 3147 Douglas Street (Burnside)

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.00214 for 3147 Douglas Street, in accordance with:

- 1. Plans date stamped September 17, 2018.
- 2. The following variances to the Sign Bylaw:
 - i. Vary the size of the maximum permitted sign area from 9m² to:
 - a. 36.9m² for "Mayfair" sign (fronts Douglas Street)
- ii. Vary the total sign allowance area from 73m² to 131m² along Douglas Street.
- 3. That Council direct staff to amend point 2 accordingly.
- 4. The Development Permit lapsing two years from the date of this resolution."

13. Climate Action Program Update and Planning Considerations

That Council:

- 1. Direct staff to proceed on the basis of option 2 outlined in this report (Enhanced Program); while limiting the use of contracted services where possible.
- 2. Approve the Council Proposed Actions to advocate to the Province for the following immediate actions:
 - a) Make available all ICBC municipal vehicle km/make/model/fuel economy information.
 - b) Continue the development and implementation of world-class low carbon fuel standards.
 - c) Continue progressive and direct funding programs and partnerships for municipal low-carbon initiatives, including building retrofit, transportation, waste management and other priority and shared GHG reduction programs.
 - d) Fully invest in delivery of the zero-emission vehicles sales targets as established in the CleanBC Plan.
 - e) Support transformational improvements to regional BC transit infrastructure to promote and enable rapid mode shift to transit in the region, including transitioning the BC Transit fleet to zero emissions as early in the 2020s as possible, and:
 - i. Completion of dedicated bus lanes on all connections between the West Shore and downtown
 - ii. Installation of Traffic Signal Priority (TSP) sensors in all buses that operate in the City of Victoria.
 - iii. Installation of 'all door loading' capabilities for all busses in the Victoria regional transit system.
 - iv. Introduction of real-time, digital bus information to enable super-convenient, accessible transit operational information.
 - v. Introduction of "tap" payment-systems common to multi-modal service providers, to support rapid loading of busses and align with Smart Mobility goals.
 - vi. Completion of the business-case to determine the most effective investments in public transportation to realize the highest potential modeshift and ridership in the south island, including but not limited assessing commuter ferry, public transit along the E&N rail corridor and Douglas Street / Highway 1 / Highway 99, bus rapid transit (BRT) or light-rail transit (LRT).
 - vii. Reporting of annual regional transit GHG and combustion pollutants, mitigation priorities, progress and business cases for investments.
 - f) And that Council continue to advocate and engage with the CRD to prioritize the introduction of systems to minimize fugitive methane and capture all landfill GHGs.
- 3. Consider the 2019 Climate Action Program spending plan as part of the 2019 Financial Planning process
 - i) Include within the 2019 Financial Plan an allocation of \$369,700 from the Climate Action Reserve Fund to fund the one-time initiatives as outlined in this report.
 - ii) Authorize the expenditure of \$223,000 for two new positions outlined in the report funded from tax revenue from new development.

- 4. Undertake the necessary legal review and prepare a bylaw for first reading mandating "EV-Ready" capability in new buildings that provide on-site parking. Staff consider a possible exemption for affordable housing.
- 5. That these priorities are the focus for staff's Climate Action Work in 2019:
 - 1) **Building Retrofit Program** Buildings represent the largest source of GHG emissions in Victoria.
 - 2) **Oil Heat Elimination Project** Oil tank elimination represents a single area with potential for one of the highest GHG reductions.
 - 3) **Bike Master Plan** Ongoing investments in mode shift through development of improved safe cycling network.
 - Transit Improvements / Electrification Partnerships and incentives to transform regional public transit and drastically increase mode-shift to clean public transit system.
 - 5) **Climate Outreach Program** Developing strategy and plans for social programs to enable and promote progress in climate action at the personal, family, business and societal levels.
 - Expert Consultant Advice (Policy Workshop) Comprehensive review of City programs, policy options, approach and priorities to reduce risks and guide staff and Council.

14. <u>Climate Action Program Update and Planning Considerations – Motion Arising</u>

Direct staff to review and analyze the considerations related to the latest IPCC 1.5°C report and report back to Council at a later date with additional considerations of the 1.5 vs 2.0 temperature rise.

15. <u>Climate Action Program Update and Planning Considerations – Motion Arising</u>

Direct staff to report back in 2020 with a plan for tracking and reporting of the city's progress on GHG emission reductions both for Council and for an accessible and engaging reporting function for the public, with reporting on community emissions as data is available and corporate emissions on a quarterly basis.

16. Climate Action Program Update and Planning Considerations – Motion Arising

THAT Council endorse the following resolution for consideration at the 2019 annual convention of the Association of Vancouver Island and Coastal Communities, and directs staff to forward this resolution to member local governments requesting favourable consideration and resolutions of support:

Resolution: Promoting and Enabling GHG Reductions

WHEREAS the world's leading climate scientists have warned that we have less than 12 years to meet our climate targets, and early action is required to avoid significant costs and impacts to social and environmental well-being in our communities, and worldwide.

AND WHEREAS local governments are uniquely positioned to enable this mobilisation effort, in a coordinated and integrated fashion across sectors, enabling individual action with timely and accurate information, incentives, directions, coordination, tools, targets and scalable, impactful programs.

AND WHEREAS local governments GHG reduction plans will be effectively and expeditiously realised through a dedicated focus on cutting the most impactful GHG sources, including: retrofitting existing buildings to high-efficiency standards; renewable electricity; elimination of fossil fuel heating sources; shifting people to transit, active

transportation, and renewably powered mobility options; and the electrification of commercial and passenger vehicle fleets.

AND WHEREAS the complexity and pace/progress of GHG reductions in both local governments and community require additional resources and planning to reduce risks of missing interim and longer GHG and renewable energy targets.

THEREFORE BE IT RESOLVED that local governments call on the Governments of Canada and British Columbia to pursue the following immediate sector actions to promote and enable GHG reductions and realize important social and economic co-benefits:

- 1. Make available all ICBC municipal vehicle km/make/model/fuel economy information.
- 2. Continue the development and implementation of world-class low carbon fuel standards.
- 3. Fully invest in delivery of the zero-emission vehicles sales targets as established in the CleanBC Plan.
- 4. Continue progressive and direct funding programs and partnerships for municipal low-carbon initiatives, including building retrofit, transportation, waste management and other priority and shared GHG reduction programs.

17. <u>Application for Lounge Endorsements to Manufacturer's Licenses Regarding</u> <u>Brewing and Distilling Manufacture Licenses, Hudson Brew Corp., o/a Hudson</u> <u>Taphouse and Grill Brewery and Distillery, 785 Caledonia Avenue</u>

That Council direct staff to provide the following response to the Liquor Licensing Agency:

 Council, after conducting a review with respect to noise and community impacts, does support the application of Hudson Taphouse and Grill Brewery and Distillery, owned and operated by Hudson Brew Corp., located at 785 Caledonia Avenue, to have a lounge endorsement added to each of the two manufacturing licenses, having hours of operation from 9:00 am to 12:00 am daily with an occupant load of 358 persons and request

Request that both patios be closed at 10 p.m.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and assumptions are that the noise impacts would be proportional in comparison to existing licence capacity in the vicinity and its noise impacts. The applicant has demonstrated commitment to abide by the Noise Bylaw and has committed to operating a respectful and conscientious business and neighbour. The requested hours of operation are modest and support for the application is not expected to cause a trend of significant negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be economically positive as the approval supports the business plan and long-term viability of the establishment. The establishment is in close proximity to sporting and entertainment venues and so is thought to contribute to the vibrancy and diversity of offerings in the area.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice

posted at the property. The City received nine letters in response to the request, two in support of the application and seven opposed.

d. Council recommends the license endorsements be approved.



Council Report For the Meeting of January 31, 2019

To: Council

Date: January 25, 2019

From: C. Coates, City Clerk

Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1178) No. 19-002

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1178) No. 19-002

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-002.

The issue came before Council on November 22, 2018 where the following resolution was approved:

Rezoning Application No. 00653 for 205 Simcoe Street (James Bay)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00653 for 205 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set subject to an amendment of the existing restrictive covenant to add daycare as one of the permitted uses on the property, executed by the applicant to the satisfaction of City staff.

Respectfully submitted,

Chris Coates

City Clerk

Report accepted and recommended by the City Manage(:

Date:

List of Attachments:

Bylaw No. 19-002

NO. 19-002

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to add daycare as a permitted use within C1-C Zone, Club District and to update the format of the regulations to current bylaw standards.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1178)".
- 2 The Zoning Regulation Bylaw is amended in Schedule B by deleting Part 4.21 and replacing it with the provisions contained in Schedule 1 of this Bylaw as the new Part 4.21.

READ A FIRST TIME the	day of	2019
READ A SECOND TIME the	day of	2019
Public hearing held on the	day of	2019
READ A THIRD TIME the	day of	2019
ADOPTED on the	day of	2019

CITY CLERK

MAYOR

Schedule 1 PART 4.21 – C1-C ZONE, CLUB DISTRICT

4.21.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Athletics Club
- b. Day Care

4.21.2 Floor Area

a.	Assembly floor	area within	a <u>building</u>	(maximum)	264.9m ²
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6.1m

30%

4.21.3 Height

a. Principal building height (maximum)

4.21.4 Setbacks, Projections

- a. Front yard setback (minimum)13.9mb. Side yard setback on a flanking street for a corner lot
(minimum)6.0m
- c. <u>Setback</u> from <u>street boundary</u> with a lane (minimum) 3.8m
- d. For the purposes of calculating setbacks, any porch or step shall be deemed not to be a <u>building</u>.

4.21.5 Site Coverage

a. Site Coverage (maximum)

4.21.6 Vehicle and Bicycle Parking

a. <u>Vehicle parking</u> (minimum)
b. Vehicle Parking requirement for Assembly use (minimum)
c. Bicycle parking (minimum)
Subject to the regulations in this Part
Subject to the regulations in Schedule "C"
Subject to the regulations in Schedule "C"





Council Report For the Meeting of January 31, 2019

То:	Council	Date: Januar	y 8, 2019
From:	Andrea Hudson, Acting Director, Sustainable Planning & Community Development		
Subject:	875 North Park – Housing Agreement for Victoria Housing Reserve Grant Funds		

RECOMMENDATION

That the following bylaw be given first, second, and third readings:

1. Victoria Housing Reserve Fund Housing Agreement (875 North Park) Bylaw No. 19-005.

BACKGROUND

At Committee of the Whole on March 8, 2018, Council approved a \$30,000 grant from the Victoria Housing Reserve Fund to the North Park Manor Society to assist in the construction of three bachelor units of housing for low and medium income seniors at the North Park manor, located at 875 North Park Street. The Victoria Housing Reserve Fund housing agreement and grant agreement have both since been signed by the applicant.

Adoption of the attached bylaw is required to register the Housing Agreement for the grant funds on title.

Respectfully submitted,

Lindsay Milburn Senior Planner – Housing Policy

And that

Andrea Hudson Acting Director, Sustainable Planning & Community Development

Report accepted and recommended by the City Manager

Date:

List of Attachments

- 1. Bylaw No. 19-005
- 2. Schedule A 875 North Park VHRF Housing Agreement

January 8, 2019

NO. 19-005

HOUSING AGREEMENT (875 North Park Street) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for affordable rental housing for the lands known as 875 North Park Street, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (875 North Park Street) BYLAW".

Agreement authorized

- 2 The Mayor and the City Clerk are authorized to execute the Housing Agreement
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and North Park Manor Society (Inc. No S0009596) or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 875 North Park Street legally described as:
 PID: 000-667-242
 Strata Lot 1 of Suburban Lot 3 Victoria City Strata Plan 403

READ A FIRST TIME the	day of	2019.
READ A SECOND TIME the	day of	2019.
READ A THIRD TIME the	day of	2019.
ADOPTED on the	day of	2019.

CITY CLERK

MAYOR

HOUSING AGREEMENT

(Pursuant to Section 483 of the Local Government Act)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

OF THE SECOND PART

AND:

NORTH PARK MANOR SOCIETY

Inc. No. S0009596 875 North Park Street Victoria, BC V8W 3B8

(the "Owner")

AND:

PROVINCIAL RENTAL HOUSING CORPORATION

Suite 1701-4555 Kingsway Burnaby, BC V5H 4V8

PEOPLES TRUST COMPANY Suite 1400 - 888 Dunsmuir Street Vancouver, BC V6C 3K4

MCAP FINANCIAL CORPORATION

1400-1140 West Pender Street Vancouver, BC V6E 4G1

(the "Existing Chargeholders")

OF THE THIRD PART

WHEREAS:

- A. Under section 483 of the Local Government Act the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the Local Government Act.
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 875 North Park Street, Victoria, B.C. and legally described as:

(00012931:3)

PID: 000-667-242 Strata Lot 1 of Suburban Lot 3 Victoria City Strata Plan 403

(the "Lands");

- C. The Owner has applied to the City to rezone the Lands to permit 3 affordable rental housing units within the Development in accordance with this Agreement.
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide low income rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of \$30,000.00 and the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"BC Housing" means the British Columbia Housing Management Commission;

"CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"Development" means the three new Dwelling Units to be constructed within the existing building consisting of residential housing and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 3 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and

"Dwelling Unit" means any of such residential dwelling units located on the Lands;

"HILs" means the annual Housing Income Limits that are determined from time to time by BC Housing and that apply to a particular Low Income Unit, for example depending on whether the Low Income Unit is a bachelor, 1 bedroom or 2 bedroom Dwelling Unit. The parties agree that for 2018, the HILs are: bachelor = \$34,500.00;

"Immediate Family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew;

"Low Income Unit" means a Dwelling Unit that is designated as a Low Income Unit in accordance with Article 23.0 of this Agreement;

"Market Rent" means the rent (as determined by a professional appraiser acceptable to the City in the City's sole and absolute discretion) that a willing tenant would pay to a willing landlord to rent the Dwelling Unit in question pursuant to a Tenancy Agreement, on the open market in Victoria, British Columbia, having regard to any utility or other services or amenities available to the tenant or provided by the Owner as landlord;

(00012931:3)

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"Non-owner" means a person other than the Owner and other than a member of the Owner's Immediate Family, who occupies a Dwelling Unit for residential purposes;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section <u>78.3</u>; and

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy* Act that is regulated by that Act.

- 1.2 In this Agreement:
 - reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
 - (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 LOW INCOME HOUSING

- 2.1 The Owner covenants and agrees that all of the Dwelling Units shall be designated as Low Income Units and shall only be occupied and used as Low Income Units.
- 2.2 Each of the Low Income Units shall only be occupied by a Non-owner or Non-owners under the terms of a Tenancy Agreement with a combined annual household income that is equal to or less than the HILs that apply to the particular Low Income Unit being occupied by such Non-owner or Non-owners. In the event that BC Housing ceases to determine HILs and such determination is not replaced by a similar publication, then the income limit with respect to a Low Income Unit shall be determined by reference to the last published HILs which shall be increased annually by an amount equal to the increase in the CPI commencing January 1 following the year BC Housing ceased determining HILs.
- 2.3 Monthly rent for each Low Income Unit shall not exceed:
 - (a) thirty percent (30%) of the HILs that apply to a particular Low Income Unit; or
 - (b) in the event that BC Housing ceases to determine HILs, eighty percent (80%) of the Market Rent for a particular Low Income Unit.
- 2.4 For the purpose of section 23.3(a) where rent is payable on a monthly basis and HILs are reported or determined as an annual amount, either the rent or the income figures shall be adjusted to a monthly or annual amount so that an appropriate comparison can be made.

3.0 REPORTING

3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, on the 1st day of February in each calendar year, a report in writing confirming the following:

(00012931:3)

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(a) three Low Income Units are being rented in accordance with Article 23.0; and

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- (b) such other information as may be requested by the Director from time to time.
- 3.2 The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

4.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

4.1 Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the Local Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 LIABILITY

- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

6.0 PRIORITY AGREEMENT

6.1 The Existing Chargeholders, as the registered holders of charges by way of CA3384815, CA3384816, CA3384817 (modified by CA3796859), CA3384818, CA3384819 (modified by CA4909090 and CA5060809), and CA3384820 against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to Section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

7.0 GENERAL PROVISIONS

7.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received

(00012931:3)
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- seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria #1 Centennial Square Victoria, BCV8W 1P6

Attention: Director of Sustainable Planning and Community Development Fax: 250-361-0386

to the Owner:

North Park Manor Society 875 North Park Street Victoria, BC V8W 3B

Attention: Terry Gagne

Fax: 250-383-2574

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (b) notice sent by the impaired service is considered to be received on the date of delivery, and
- (c) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.
- 7.2 TIME. Time is of the essence of this Agreement.
- 7.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 7.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

(00012931-3)

7.5 HEADINGS. The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

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- 7.6 LANGUAGE. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 7.7 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 7.8 CUMULATIVE REMEDIES. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 7.9 ENTIRE AGREEMENT. This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.10 FURTHER ASSURANCES. Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.11 AMENDMENT. This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.12 LAW APPLICABLE. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.13 NO DEROGATION FROM STATUTORY AUTHORITY. Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 7.14 JOINT AND SEVERAL. The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 7.15 COUNTERPARTS. This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

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7.16 EFFECTIVE DATE. This Agreement is effective as of the date of the signature of the last party to sign.

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IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

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/ICTORIA by its autho		
MAYOR Lise Helps		
CITY CLERK Chris Co	ates	
Date signed:	_	

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. .

NORTH PARK MANOR SOCIETY (INC NO. S0009596) by its authorized signatory(ies):

Print Name: RATHLOEN SHARPE Print Name: They Capto Date signed: Dec 5, 2018

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· .				
7 0040		8		
	PROVINCIAL RENTAL HOUSING CORPORATION (INC. NO. BC052129) by its authorized signatory(ies) Rrint forme: Dan Maxwell)))))	a.	
	Priet Name: Craig Crawford Date: MAY 0 7 2018	>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>		Ε.
	PEOPLES TRUST COMPANY (INC. NO. A0033943) by its authorized signatory(ies)))		
	Print Name:)))		
	Print Name: Date:)))		
	MCAP FINANCIAL CORPORATION (INC. NO. A0062340) by its authorized signatory(ies)) }		
	Print Name:	>		
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	Date:	Y		

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PROVINCIAL RENTAL HOUSING CORPORATION (INC. NO. BC052129) by its authorized signatory(ies))))))
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PROVINCIAL RENTAL HOUSING CORPORATION (INC. NO. BC052129) by its authorized signatory(ies)

Print Name:

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Print Name:

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PEOPLES TRUST COMPANY (INC. NO. A0033943) by its authorized signatory(ies)

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NO. 18-092

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-88 Zone, Niagara & Thetis Multiple Dwelling District, and to rezone land known as 672 Niagara Street from the R3-2 Zone, Multiple Dwelling District to the R-88 Zone, Niagara & Thetis Multiple Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1164)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 3 – MULTIPLE DWELLING ZONES</u> by adding the following words:

"3.120 R-88, Niagara & Thetis Multiple Dwelling District"

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.120 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 672 Niagara Street, legally described as Lot 35, Beckley Farm, Victoria City, Plan 231, PID: 009-214-178, and shown hatched on the attached map, is removed from the R3-2 Zone, Multiple Dwelling District, and placed in the R-88 Zone, Niagara & Thetis Multiple Dwelling District.

READ A FIRST TIME the	9 th	day of	August	2018
READ A SECOND TIME the	9 th	day of	August	2018
Public hearing held on the	6 th	day of	September	2018
READ A THIRD TIME the	6 th	day of	September	2018
ADOPTED on the		day of		2018

CITY CLERK

MAYOR

Schedule 1 PART 3.120 – R-88 ZONE, NIAGARA & THETIS MULTIPLE DWELLING DISTRICT

3.120.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw
- b. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- c. <u>Multiple Dwelling</u>

3.120.2 Lot Area

a.	Lot area (minimum)	550m ²
3.120	.3 Floor Area, Floor Space Ratio	
a.	Total floor area (maximum)	580m ²
b.	Floor space ratio (maximum)	1.05:1
3.120	.4 Height	
a.	Principal <u>building</u> height (maximum)	10m
b.	<u>Storeys</u> (maximum)	3
3.120	.5 Setbacks, Projections	
a.	Front yard setback (minimum)	5.0m
	Except for the following maximum projections into the setback:	
	Steps less than 1.7m in <u>height</u>	3.1m
b.	Rear yard setback (minimum)	5.0m
C.	Side yard setback from interior lot lines (minimum)	3.0m
d.	Side yard setback on a flanking street (minimum)	1.5m

Schedule 1 PART 3.120 – R-88 ZONE, NIAGARA & THETIS MULTIPLE DWELLING DISTRICT

3.120.6 Site Coverage, Open Site Space	
a. Site Coverage (maximum)	40%
b. Open site space (minimum)	30%
3.120.7 Vehicle and Bicycle Parking	
3.120.7 Vehicle and Bicycle Parking a. Vehicle parking (minimum)	Subject to the regulations in Schedule "C"

Words that are <u>underlined</u> see definitions in Schedule "A" of the Zoning Regulation Bylaw



E. PUBLIC AND STATUTORY HEARINGS

Councillor Madoff withdrew from the meeting at 6:50 p.m. due to a potential pecuniary conflict of interest with the following item, as she lives within the notification area.

E.1 <u>Rezoning Application No. 00609 and Development Permit with Variances</u> <u>Application No. 00029 for 672 Niagara Street</u>

Zoning Regulation Bylaw, Amendment Bylaw (No. 1164) No. 18-092: To rezone the land known as 672 Niagara Street from the R3-2 Zone, Multiple Dwelling District to the R-88 Zone, Niagara & Thetis Multiple Dwelling District, to permit a three-storey, multi-family dwelling.

Development Permit with Variances Application:

The Council of the City of Victoria will also consider issuing a Development Permit with Variances Application for the land known as 672 Niagara Street, in Development Permit Area 16 for the purposes of approving the general form and character of the proposed building additions and alterations, and varying certain requirements of the Zoning Regulation Bylaw.

E.1.a Public Hearing & Consideration of Approval

<u>Michael Angrove (Planner)</u>: Advised that the application is to construct a four unit strata-titled multi family dwelling.

Mayor Helps opened the public hearing at 6:56 p.m.

<u>Richard Iredale (Applicant)</u>: Provided information regarding the application.

<u>Ric No Houle (Pandora Avenue)</u>: Expressed concerns relating to the size of the application.

Mayor Helps closed the public hearing at 7:02 p.m.

Moved By Councillor Lucas Seconded By Councillor Thornton-Joe

That the following bylaw **be given third reading**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1164) No. 18-092

Council discussed the following:

- Neighbours' concerns regarding parking, and how those have been addressed by the applicant.
- The support that the application received at the neighbourhood meeting.

CARRIED UNANIMOUSLY

Council withheld adoption of Zoning Regulation Bylaw, Amendment Bylaw (No. 1164) No. 18-092, pending receipt of confirmation that a 2.38m Statutory Rightof-Way over the Niagara Street frontage has been registered on the relevant property titles.

Moved By Councillor Lucas Seconded By Councillor Loveday

That Council authorize the issuance of Development Permit Application No. 00029 for 672 Niagara Street, in accordance with:

- 1. Plans date stamped February 16, 2018.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce required number of parking stalls from six to four
 - ii. reduce the flanking street side yard setback from 1.5m to 0.72m
 - iii. reduce the internal side yard setback from 3.00m to 1,03
 - iv. reduce the front yard setback from 5.0m to 4.38
 - v. increase the maximum site coverage from 40% to 46%.
- 3. The Development Permit lapsing two years from the date of this resolution.
- 4. Request the applicant reconsider the use of the slate grey veneer on the lower floor of the building.

CARRIED UNANIMOUSLY

Councillor Madoff returned to the meeting at 7:11 p.m.