



MINUTES - VICTORIA CITY COUNCIL

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. APPROVAL OF AGENDA

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. READING OF MINUTES

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

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 Seamus Wolfe: Hillside Library

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 Dr. Teale Phelps Bondaroff: Libraries and the Need for a New Community Library Near Hillside

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 Steve Barber: The Future of Old Town

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. PROCLAMATIONS

E.1 "BC Aware Days 2019: Be Secure, Be Aware Days" - January 28 to 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. PUBLIC AND STATUTORY HEARINGS

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

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 27) - No. 18-116:

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

Rob Bateman (Senior Planner): 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.

Charles Kierulf (Applicant): Provided information regarding the application.

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

Ty Whittaker (St. Charles Street): 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.

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

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

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

Mark Freeshly (Yates Street): 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.

Stephen Green (Dean of the Conservatory of Music): 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.

Chris Cask (CFO of the Victoria Conservatory of Music): 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.

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

Annette Vee (Resident): 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.

Silas Anelly (Resident): 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.

Resident (Yates Street): 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:

Robert Bateman (Senior Planner): *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

Robert Bateman (Senior Planner): *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 Development Permit with Variance Application No. 00066 for 1501-1503 Haultain Street

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

Robert Bateman (Senior Planner): *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.

Architect and Li Sharp (Applicant): 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.

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

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

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

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

Dustin Miller (View Street): 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.

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

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

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

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

Teresa Cornish (Forbes Street): 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.

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

Dennis Carson (Bay Street): 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.

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

Josh Good (Perry Street): 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 Rise and Report: Decision on Business Licence Appeal Hearing for 1412 Douglas Street

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 as "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 cannabis-related 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 cannabis-related 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. 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

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.

1. 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 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

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

I.1.a.i

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

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 shared-use 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
2. 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.

Development Permit with Variance Application No. 00028:

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. BYLAWS

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. CORRESPONDENCE

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. QUESTION PERIOD

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