



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 25, 2017, AT 6:30 P.M.

<u>PLACE OF MEETING:</u>	Council Chambers, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young
<u>ABSENT:</u>	Councillor Isitt
<u>STAFF PRESENT:</u>	J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; C. Royle – Deputy Fire Chief; A. Hudson – Assistant Director of Community Planning; A. Meyer – Assistant Director of Development Services; J. Paul – Assistant Director of Engineering & Public Works; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; M. Harris – Strategic Planning and Communications Advisor; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the agenda be approved as amended.

Carried Unanimously

The Youth Poet Laureate, Maita Cienska performed a song she had written.

READING OF MINUTES

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the minutes from the evening meeting held May 11, 2017 be adopted:

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Diane McNally: June Orca Month in the City of Victoria**
Outlined why Council should proclaim June 2017 as “Orca Awareness Month”.
2. **Chris Grieve: Long Standing Issues with Derelict Property at 2018 Stanley Avenue**
Outlined concerns relating to the derelict property at 2018 Stanley Avenue.

PROCLAMATIONS

Motion:

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

1. “Victims and Survivors of Crime Week” – May 28 to June 3, 2017

Carried Unanimously

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following Proclamation be endorsed:

1. “ALS Awareness Month” – June 2017

Carried Unanimously

Motion:

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

1. "Orca Awareness Month" – June 2017

Carried Unanimously

Motion:

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

1. "Parachute's Safe Kids Week" – June 5 to 11, 2017

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following Proclamation be endorsed:

1. "Built Green Day" – June 7, 2017

Carried Unanimously

Motion:

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

1. "Access Awareness Day" – June 3, 2017

Carried Unanimously

Motion:

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

1. "Doug Hudlin Awareness Day" – June 11, 2017

Carried Unanimously

Motion:

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

1. "National Tourism Week" – May 28 to June 3, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Rezoning Application No. 00552 for 695 Alpha Street

1. Public Hearing

Rezoning Application No. 00552

To rezone the land known as 695 Alpha Street from the C-1 Zone, Limited Commercial District, to the C1-CC Zone, Limited Commercial (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: C1-CC, Limited Commercial (Cannabis) District

Legal description: Amended Lot 3 (DD 174908I), Block 2, Section 4, Victoria District, Plan 865

Existing Zone: C-1 Zone, Limited Commercial District

Alison Meyer (Assistant Director of Development Services): Advised that the application is to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 6:48 p.m.

Alex Robb (General Manager of Trees Dispensary): Provided information regarding the application, advising that their request to rezone is in line with the City's policy and supports the City's Official Community Plan.

Mayor Helps closed the public hearing at 6:55 p.m.

2. **Bylaw Approval**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that the following bylaw **be given third reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1089) No. 17-026*

Council discussed the following:

- *Concerns relating to potential future changes to cannabis regulations made by the Federal Government.*

Carried

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

3. **Bylaw Approval**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that the following bylaw **adopted:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1089) No. 17-026*

Carried

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

REPORTS OF COMMITTEES

1. **Committee of the Whole – May 18, 2017**

1. **Liquor Licence Application No.000227 for 820 Yates Street (Downtown)**

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Zambri's Merchant, located at 820 Yates Street to add an Entertainment Endorsement to their Food-Primary Liquor License.

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 and is not expected to be appreciatively different than that generated by the existing operations. It is understood that there is no change to the existing approved occupant load or hours of operation.
- b. If the application is approved, the impact on the community is expected to be positive, as the approval supports the long term viability of the business in the community. Approval is not expected to be disruptive to the community.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received 3 letters in support of the application.
- d. Council recommends the issuance of the license as the requested change benefitting the business is compatible with the neighbourhood.

Carried Unanimously

2. **Earth Charter**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council endorse the Earth Charter and Earth Charter Cities Manifesto and directs staff to communicate this endorsement to the Earth Charter International Secretariat.

Carried Unanimously

3. **Rezoning Application No. 00536 & Development Permit Application No. 000485 for 1745 Rockland Avenue (Rockland)**

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto:

Rezoning Application No. 00536 for 1745 Rockland Avenue

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00536 for 1745 Rockland Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit Application No. 000485 for 1745 Rockland Avenue

That Council consider the following motion after the Public Hearing for Rezoning Application No. 00536, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000485 for 1745 Rockland Avenue, in accordance with:

1. Plans date stamped March 24, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. Liquor Licence Application No.000224 for 832 Fort Street (Downtown)

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Terroir Tea Merchant, located at 832 Fort Street to obtain a new Liquor Primary License permitting service from 12:00 pm until 11:00 pm seven days a week for an occupant load not in excess of 24 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 and is not expected to be appreciatively different than that generated by the existing operations. It is understood that the total licensed capacity of 24 persons is distributed such that the outdoor space provides four licensed seats and the remaining 20 seats are within the building and the hours in which licenced service is permitted is 12:00 pm until 11:00 pm seven days a week.
- b) If the application is approved, the impact on the community is expected to be negligible given the size and hours of the business.
- c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application, one of which was from the Downtown Residents Association.
- d) Council recommends the issuance of the license as it is expected to increase the economic viability of the business.

Carried Unanimously

5. Development Summit 2017

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas:

1. That Council receive this Development Summit Action Plan status report for information.
2. That Council direct staff to:
 - a. Continue to implement the short-term and mid-term actions identified within the 2016 Development Summit Action Plan; and
 - b. Hold a development workshop in 2017 and a development summit in 2018.

Carried Unanimously

6. Land Use Procedures Bylaw Amendments - Temporary Use Permits, CALUC Review Implementation, Fee Updates and Housekeeping

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to implement the following changes:

1. Clarify terminology and application process for Temporary Use Permits.
2. Update Pre-Application Fees to fulfil Council's previous direction with regard to revisions to the Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications.
4. General update to fees related to processing development applications as described in Table 3 (Development Application Fee Update Comparison Table) of this report.
5. Undertake a number of housekeeping and process consistency amendments as described in this report.
6. Include a review of these fees as part of the annual review of the Development Cost Charges.
7. With respect to amendments to existing legal agreements as outlined in page 7 of the report, charge an additional \$500 fee + City's Legal Costs.

Carried Unanimously

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto:

3. Eliminate development application fees associated with affordable non-profit housing.

Carried

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

2. **Committee of the Whole – May 25, 2017**

1. **Gas Tax Strategic Priorities Fund Application Intake**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council:

1. Direct staff to submit the following applications under the Gas Tax Strategic Priorities Fund:
 - a. Two capital infrastructure applications in the following priority order:
 - i. Crystal Pool Replacement \$6 million
 - ii. Cycling Network Implementation \$6 million
 - b. One capacity building application for Asset Management Practices, Procedures, and Training Plan \$150,000
2. Authorize the Mayor and the City Clerk to execute any agreements related to a successful grant application.

Carried Unanimously

2. **Council Member Motion; B4Stage4 Declaration**

Motion:

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council endorse the Canadian Mental Health Association's B4Stage4 Declaration as attached to the May 19, 2017 Council Member Motion.

Carried Unanimously

3. **Tax Incentive Program Application No. 00027 for 506 Fort Street (Downtown)**

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 506 Fort Street for 4 years, pursuant to Section 392 of the *Local Government Act*, with the following conditions:

1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.
3. That Council reaffirm the City's Tax Incentive Program Policy (Program Conditions, 3.6) that states City Council approval of the tax exemption must occur prior to the commencement of any work on the proposed project.
4. That staff work with the applicant to achieve a voluntary agreement that the units remain rental in perpetuity.
5. That staff work with the applicant to achieve voluntary agreement that the units not be used for short-term vacation rentals.

Carried

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

Councillor Loveday withdrew from the meeting at 7:04 p.m.

4. **Update on Rezoning Application No. 00487 and Development Permit Application No. 000434 for 1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street**

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto:

Rezoning Application No. 00487

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00487 for 1144, 1148, 1152 and 1154 Johnson Street and 1406 Chambers Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.
2. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
 - a. Housing Agreement to secure the rental of 10 units in perpetuity and that future strata bylaws cannot prohibit from renting residential strata units
 - b. Statutory Right-of-Way of 2.45m on Johnson Street and 3.37m on Chambers Street for sidewalk realignment.
3. The applicant provide an amenity contribution in the amount of \$43,056.00 toward the Local Amenities Reserve Fund in accordance with the *City of Victoria Density Bonus Policy* and to the satisfaction of City Staff.
4. Following consideration of Rezoning Application No. 00487, if approved, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City staff.

Development Permit Application No. 000434

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. 00487, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000434 for 1144, 1148, 1152 and 1154 Johnson Street, and 1406 Chambers Street, in accordance with:

1. Plans date stamped March 24, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

Councillor Lucas withdrew from the meeting at 7:05 p.m. due to a potential pecuniary conflict of interest with the following item, as she works in the hotel and food service industry that holds liquor licences.

Councillor Loveday returned to the meeting at 7:05 p.m.

5. Liquor Policy Review

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct staff to amend the Liquor Licencing Policy and Fee Bylaw to incorporate the following direction:

1. Communicate to the Liquor Control and Licencing Branch (LCLB) that the City of Victoria will continue to receive all Liquor Licence applications, however, staff will, on Council's behalf, "opt out" of providing comments for the following types of applications:
 - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - c. An extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
 - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
2. Direct staff to update the Liquor Licencing Fee Bylaw and return to Council for first reading no later than July 30, 2017 to:
 - a. Introduce an Application Fee of \$200 for receiving the application types listed in 1 above that are referred to the City by LCLB.
 - b. Consolidate the current two step fee into one \$750 fee, which includes public notification costs, for application types requiring a Council resolution.
 - c. Remove the fee of \$25.00 for a staff assessment of a special occasion liquor licence as it is unnecessary due to current LCLB process.
 - d. Maintain the fee of \$40.00 for a staff assessment of licence applications for a temporary change to a liquor licenses' terms and conditions
3. Set the public notification radius to 100 metres and maintain the notification period of 30 days.
4. That staff report back on the implications and opportunities of creating Good Neighbour Agreements with all Food Primaries open after midnight, directly adjacent to residential properties.

Carried Unanimously

Councillor Lucas returned to the meeting at 7:06 p.m.

6. Municipal Finance Authority Survey Regarding Socially Responsible Investing

The Municipal Finance Authority of BC provided the City of Victoria with a survey to be submitted, regarding Socially Responsible Investing. Listed below are the four questions asked by the survey:

Question 1: Would your Municipality / Regional District be interested in investing in a socially responsible pooled investment fund if offered by the Municipal Authority of BC? (If "No" is selected, you may skip to Question 4.)

Question 2: Would your organization accept the following requirements of participation in a socially responsible (SRI) fund:

- a) ***Funds must remain on deposit for a minimum period of 3 years to allow the fund to defray costs and ensure viability.***
- b) ***Confirm your understanding that an SRI-type fund has reduced diversification and attracts higher fees relative to traditional pooled funds.***
- c) ***Confirm commitment, prior to investing, either through a council resolution or an investment policy, that specifically allows for investment in an SRI-type fund.***
- d) ***A representative from your organization must be willing to participate upon request in an "advisory group" to define the parameters of such fund.***

Question 3: What is the dollar amount your organization would be willing to invest in an SRI fund?

Question 4: Do you have any additional comments you would like to share with the MFA about Socially Responsible Investing?

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council:

1. Direct staff to answer yes to question 1,
2. Direct staff to answer yes to 'agree to all' for question 2, subject to clarification from MFA, more specifically what is meant by SRI,
3. Direct staff to determine and report back to Council on a proposed amount for question 3.
4. Question 4: send CRD recently adopted Socially Responsible Investment (SRI) clause to the MFA for information and consideration and thank the MFA for taking the steps for exploring Socially Responsible Investment options.

Carried

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

7. Council Member Motion: Dogs off Leash, Location Specific and Time-Limited Pilot Project

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that 1-6 be referred to staff to report back on the June 8, 2017 quarterly update on the implications of undertaking this work in 2017:

1. That Fisherman's Wharf Park allow dogs off leash from 6:30-8:30am as a one year pilot project.
2. That Gonzales Beach allow dogs on the beach from 6:30-8:30am during the summer months as a pilot project.
3. The feedback be gathered on both of these pilot projects through the regular channels that citizens communicate with council, specifically mayorandcouncil@victoria.ca.
4. That Council evaluate the Gonzales Beach pilot project in the fall of 2017 based on input received.
5. That Council evaluate the Fisherman's Wharf pilot project in the late spring of 2018 based on feedback received.
6. That dogs off leash be allowed in Spencer Park from 6:30-8:30am as a pilot project.

Carried Unanimously

BYLAWS

a. Bylaws for Victoria Housing Strategy Implementation – Minimum Unit Sizes

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first and second reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1101) No. 17-049*

Carried Unanimously

b. Bylaws for Rezoning Application No. 00516 for 1120, 1124, and 1128 Burdett Avenue

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following bylaw **be given first and second reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

Carried

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

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw **be given first, second, and third reading:**

2. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No.17-048*

Carried

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

c. **Bylaws for Rezoning Application No. 00542 for 141 Cambridge Street**

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1093) No. 17-031*

Carried Unanimously

d. **Zoning Regulation Bylaw, Clarifying Amendments: Secondary Suites, Duplexes, and Garden Suites**

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given first and second reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1102) No. 17-050*

Carried Unanimously

e. **Bylaws for Rezoning Application No. 00513 and Development Permit for 701 Belleville Street.**

Following the execution of the Statutory-Right-of-Way, final adoption of Bylaw No. 17-015 and Development Permit approval can occur.

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that the following bylaw **be adopted:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1095) No. 17-034*

Carried

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

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that the following bylaw **be adopted:**

2. *Housing Agreement (701 Belleville Street) Bylaw (2017) No. 17-035*

Carried

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

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000460 for 701 Belleville Street, subject to a Statutory Right-of-Way being registered on the title of the property to the satisfaction of the Director of Engineering and Public Works, in accordance with:

1. Plans date stamped March 24, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried

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

CORRESPONDENCE

1. **Letter from the Ministry of Education**

Council received a letter dated May 10, 2017, responding to the City's letter dated April 4, 2017 regarding funding for seismic mitigation at Victoria High School.

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated May 10, 2017 from the Ministry of Education be received for information.

Carried Unanimously

2. **Letter from the Capital Regional District**

Council received a letter dated April 20, 2017 providing a motion recommended by the Capital Regional District Board regarding community energy and emissions inventory, for the City's information.

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated April 20, 2017 from the Capital Regional District be received for information.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Council meeting adjourn.

Time: 7:15 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR