



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, NOVEMBER 10, 2016, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

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

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Executive Assistant to the City Manager; L. Taylor – Senior Planner; H. Follis – Customer Service Advisor; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

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

Carried Unanimously

READING OF MINUTES

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that the following minutes be adopted:

1. Minutes from the meeting held June 23, 2016
2. Minutes from the meeting held July 14, 2016
3. Minutes from the meeting held October 13, 2016

Carried Unanimously

POETRY READING

Poet Laureate, Yvonne Blomer, read a quote from Don Cher, an American Poet and read a poem titled, "I confess we ate chocolate".

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

Motion:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Councillor John Rogers of View Royal be permitted to address Council for ten (10) minutes.

Carried Unanimously

1. **Councillor John Rogers, View Royal: Support for the Victoria Waterways Loop**
Outlined why Council should endorse this regional amenity, provide wayfinding signs for the sites within the City, provide brochures to residents, re-design public docks to be kayak-friendly, include the loop on City park/trail maps, and include the City's park plan for future access locations.

Council discussed the following:
 - *Where possible safe crossings could be identified.*
2. **Ted Smith: Safe Inhalation Room**
Outlined why Council should allow inhalation rooms to be opened, for profit.
3. **Julia Veintrop: Onsite Consumption of Cannabis**
Outlined why Council should continue the dialogue on allowing onsite consumption of cannabis, eliminate related bylaw fines, and create related new processes.

4. **Meribeth Burton: Cook and Oliphant**

Outlined why Council should accept the rezoning application for 1041 Oliphant Avenue and 212-220 Cook Street.

PROCLAMATIONS

Motion:

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

1. "UNiTE to End Violence Against Women Day" – November 25, 2016

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

Councillor Thornton-Joe withdrew from the meeting at 7:04 p.m. due to a potential conflict of interest as a relative lives near the subject property.

1. **Rezoning Application No. 00517 for 115 Moss Street**

1. **Public Hearing**

Rezoning Application No. 00517

To rezone the land known as 115 Moss Street from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit a three lot subdivision, retain the existing dwelling unit and construct two new small lot houses.

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

Legal description: Lot 11, Block A, Fairfield Farm Estate, Victoria City, Plan 340

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

2. **Development Permit Application No. 000441**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 115 Moss Street, in Development Permit Area 15A: Intensive Residential – Small Lot, for the purposes of approving the exterior design and finishes for the new small lot houses as well as landscaping and associated variances with respect to lot width, setbacks and parking.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*, R1-S2 Zone and Schedule C – Off-street Parking:

- Part 1.23.3: reduce the lot width of Lot A and C from 10m to 9.89m;
- Part 1.23.8(c): reduce the side yard (north) setback of Lot B from 2.40m to 1.56m to allow for a habitable room with a window;
- Part 1.23.8(c): reduce the side yard (south) setback of Lot B from 2.40m to 1.56m to allow for a habitable room with a window;
- Schedule "C" Section 3 – permit one parking space to be located in the front yard of Lot B;

Leanne Taylor (Senior Planner): Provided information regarding the application, which is to subdivide two existing lots into three new small lots and to construct two new small lot houses.

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

Rob Mickelberry (Applicant): Provided information regarding his application, and that they are keeping the existing property, and then creating two new small lot houses, which are in-scale with neighbouring homes.

Council discussed the following:

- *How the existing house will be restored.*

Karl Rebner (Moss Street): Expressed concerns regarding the proposal as they would not provide affordable housing, that two houses with garden suites would be preferable, that there is a lack of conservation of trees, and lack of visual cohesiveness.

Angus Taylor (Moss Street): Expressed concerns regarding the proposal as two houses would be preferable, and as there is a lack of neighbourhood support.

Steven Shank (Dallas Road): Expressed support for the proposal as modernization of the neighbourhood would be positive.

Joanne Rebner (Moss Street): Expressed concerns regarding the proposal as two houses would be preferable as it creates sustainable housing and would create affordable housing with the possibility of secondary suites or garden suites.

Allie Ross (Moss Street): Expressed concerns regarding the proposal as two houses would be preferable with the possibilities of secondary or garden suites in order to create affordable housing and rental opportunities.

Eleanor Gjelsten (Moss Street): Expressed concerns regarding the proposal as two houses would be a better aesthetic for the neighbourhood.

Shelley Saldat (Faithful Street): Expressed concerns regarding the proposal as two houses would be preferable on this lot due to parking concerns.

Randy Dunbar (Moss Street): Expressed concerns regarding the proposal as two houses would be preferable on this lot.

Mike Hirsch (Moss Street): Expressed support for the proposal as the new developments would be a nice aesthetic.

Lois Fearon (Moss Street): Expressed support for the proposal as it would create densification in the neighbourhood and the developer has created other projects that add to the neighbourhood.

Robert Fearon (Moss Street): Expressed support for the proposal as creating houses with smaller yards would be beneficial for “empty nesters”.

Mary Dalsin (Bushby Street): Expressed support for the proposal, as she lives in a house built by the developer and having small lot houses are good.

Marc Stoiber (Irving Road): Provided information on the integrity of the developer.

Katherine Koshman (Zebra Designs): Provided information regarding the application and provided clarification on why the variances are being requested.

Eric Clay (Government Street): Expressed concerns regarding the proposal as it would change the feel of the Fairfield neighbourhood.

Council discussed the following:

- *The retention of the existing house.*
- *Clarification on what the developer would be able to build by solely requesting a building permit.*

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

3. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1075) No. 16-077*

Council discussed the following:

- *That a precedent is not being set due to the individuality of the current house's frontage.*
- *That the two-house option would not guarantee secondary or garden suites, and therefore affordable housing.*

Councillor Loveday withdrew from the meeting at 8:09 p.m. and returned at 8:10 p.m.

- *That the development proposal allows for more densification in the neighbourhood.*
- *The lack of neighbourhood support.*
- *That the current proposal allows Council to have control over the style of houses to fit the form and character of the neighbourhood.*
- *The need for affordable housing in the City, and that Council does not have control over the affordability of this proposal.*
- *Concerns regarding the renovations of the existing house.*
- *That it is environmentally better to retain the existing home.*
- *Concerns regarding the removal of trees.*

Defeated

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

Councillor Thornton-Joe returned to the meeting at 8:35 p.m.

Council recessed from 8:35 p.m. to 8:40 p.m.

REQUESTS TO ADDRESS COUNCIL

Motion:

It was moved by Mayor Helps, seconded by Councillor Coleman, that John Tylee be added to the Request to Address Council section of the meeting.

Carried Unanimously

Motion:

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

Carried Unanimously

Councillor Isitt returned to the meeting at 8:42 p.m.

Councillor Loveday returned to the meeting at 8:43 p.m.

1. **Jacinthe Tremblay: Rezoning Application for 1041 Oliphant & 212-220 Cook Street**
Outlined why Council should reject the rezoning application for 1041 Oliphant Avenue and 212-220 Cook Street, which include concerns regarding the height and integration of the building.
2. **Mary Legun: Rezoning Application for 1041 Oliphant & 212-220 Cook**
Outlined why Council should reject the rezoning application for 1041 Oliphant Avenue and 212-220 Cook Street, which include concerns regarding the height and integration of the building.
3. **John Tylee: Cook & Oliphant**
Outlined why Council should reject the rezoning application for 1041 Oliphant Avenue and 212-220 Cook Street due to the lack of community support for this application and requested that consultant's full reports are included in the information provided.

UNFINISHED BUSINESS

1. **Letter from the Ministry of Families, Children, and Social Development**
Council received a letter dated October 11, 2016, acknowledging receipt of the City's letter regarding a request for funding for the Regional Housing First Program.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the correspondence dated October 11, 2016, from the Ministry of Families, Children, and Social Development be received for information.

Carried Unanimously

2. **Letter from the Minister of Forests, Lands, and Natural Resource Operations**
Council received a letter dated October 26, 2016, in response to the City's letter regarding concerns on the future of Emily Carr House.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the correspondence dated October 26, 2016, from the Minister of Forests, Lands, and Natural Resource Operations be received for information.

Carried Unanimously

REPORTS OF COMMITTEES

1. **Committee of the Whole – November 3, 2016**
 1. **Proposed Amendment to Cannabis-Related Business Regulation Bylaw to Enable Third-party ATMs**

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council give three readings to the proposed Cannabis-Related Business Regulation Bylaw, Amendment Bylaw No. 1 (16-078).

Carried Unanimously

2. **Protect Children from Pornography Exposure – Motion M47**

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas:

Whereas the last major study on sexually explicit material, completed in 1985 by the Special Committee on Pornography and Prostitution (the Fraser Committee), was completed before the invention of World Wide Web;

And Whereas the majority of sexually explicit material features violence toward, and the domination, degradation and humiliation of women and girls;

And Whereas the effects of the accessibility of violent and degrading sexually explicit material is a matter of public health;

And Whereas a child's exposure to violent sexually explicit material is a form of child abuse;

And Whereas Article 17 of the UN Convention on the Rights of the Child, requires Canada to develop the means to protect children from forms of media that are 'injurious to his or her wellbeing...';

Therefore, Council ask that the Mayor write to the House of Commons asking them to adopt Motion M-47;

And that the motion be sent to other municipalities in the Region for their information and support.

Carried Unanimously

3. Street Vendor Bylaw Amendment

Motion:

It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council direct staff to report back at the next Quarterly Update on the implications of amending the Street Vendors Bylaw to accommodate downtown merchants to sell wares directly in front of their stores.

Carried Unanimously

4. Council Discussion – The Centennial Square Fountain

Motion:

It was moved by Councillor Isitt, seconded by Councillor Lucas, that the Committee refer the item to staff to report back in the context of other pending action items relating to Centennial Square, including:

- a) permanent washroom facilities;
- b) children's play feature / work of art;
- c) consideration of naming as Lekwungen Square.

Council discussed the following:

- *That chiselling off the stucco on the fountain is not possible.*

Amendment:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Council direct staff to report back with a draft workplan for Centennial Square.

Council discussed the following:

- *That making Centennial Square friendly for the public is supportable.*
- *That a creative process could be included in determining the future of the square.*
- *That the focus should be on a permanent washroom facility.*

On the amendment:
Carried Unanimously

Main motion as amended:

1. That the Committee refer the item to staff to report back in the context of other pending action items relating to Centennial Square, including:
 - a) permanent washroom facilities;
 - b) children's play feature / work of art;
 - c) consideration of naming as Lekwungen Square.
2. That Council direct staff to report back with a draft workplan for Centennial Square.

On the main motion as amended:
Carried

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

5. Application for a Permanent Change of Hours of Sale for a Liquor Licence (305494), New Asian Village, 1245 Wharf Street - Downtown

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, 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 noise and community impacts, does support the application of New Asian Village, located at 1245 Wharf Street to amend its existing food primary licence hours of 11:30 am - 12:00 am (Monday - Sunday) to 11:30 am -12:00 am (Sunday - Thursday) and 11:30 am – 1:00 am (Fridays and Saturdays).

Providing the following comments on the prescribed considerations:

- a) Council has considered the request and believes that the proposal to change the hours of operation will have an overall positive benefit and that negative impacts will be negligible.
- b) The views of residents were solicited via mailout to neighbouring property owners and occupants within 50 metres of the licensed location, and a notice posted at the property. The City received three letters of support for the application, one of which was from the Downtown Victoria Residents Association (DVRA). Two letters were submitted declaring opposition to the application.

Carried Unanimously

6. Request to Waive Portion of Clean-hands Policy: Rezoning Application No. 00508 for 121 Menzies – James Bay

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council waive the following two portions of the Clean-hands Policy for Planning Approvals for the building located at 121 Menzies Street (Rezoning Applications No. 00508):

- a) The requirement for the covenant to state that the illegal occupancy is vacated.
- b) The requirement for the covenant to have priority agreement.

Carried Unanimously

7. 2017 Committee and Council Meeting Schedule

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Young, that Council approve the 2017 Committee of the Whole and Council meeting schedule and make available to the public as required under the section 127 of the *Community Charter*.

Carried Unanimously

8. ConnectVictoria App

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council receive this report for information.

Carried Unanimously

9. Establishment of a Regional Transportation Service

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that the City of Victoria support the establishment of a regional transportation service through the Capital Regional District subject to development of a service establishment bylaw that is satisfactory to the City of Victoria.

Carried Unanimously

10. Cannabis Regulation Exemption Policy

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the City of Victoria's Cannabis - related Business Regulation Bylaw be amended to provide an exemption from section 6(c) for existing non-profit cannabis operations that were established prior to 2009 and that have continuously operated since 2009, while remaining subject to all other clauses of the regulations.

Council discussed the following:

- *The intention of this bylaw amendment.*

Amendment:

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

That the City of Victoria's Cannabis - related Business Regulation Bylaw be amended to provide an exemption from section 6(c) for existing non-profit ~~cannabis operations that were established prior to 2009 and that have continuously operated since 2009, while remaining subject to all other clauses of the regulations~~ operations that have no commercial purpose.

Council discussed the following:

- Whether narrowing staff's direction would be beneficial.
- That staff will work towards creating an amendment that creates the closest fit to the motion's intention.

On the amendment:
Defeated

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

On the motion:
Carried

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

2. Committee of the Whole – November 10, 2016

1. Parcel Tax Review Panel - Cyril Close Local Service Area

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Cyril Close Local Services Area Parcel Tax Roll be authenticated.

Carried Unanimously

2. Core Area Wastewater Treatment Project Board Update

Motion:

It was moved by Councillor Isitt, seconded by Councillor Lucas, that Council receive the report for information and direct staff to work with the CRD and report back to Council on:

- a. Public amenities including washrooms facilities and improved greenspace and pathway connections on the area covered by the License of Occupation for the CRD Pump Station at Clover Point;
- b. The proposed alignment, conceptual design, costs, and anticipated timeline for a multi-use trail along the Dallas Road forcemain from Memorial Crescent to Ogden Point; and
- c. Engage the Fairfield and James Bay residents and the Fairfield-Gonzales Community Association and James Bay Neighbourhood Association, as well as the Active Transportation Advisory Committee on the alignment and design of the trail.

Carried Unanimously

3. Rezoning Application No. 00473 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road (Undeveloped Lands at Dockside Green) - Victoria West

Motion:

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

1. That Council give first and second reading and direct staff to set the public hearing for attached Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road, subject to:
 - a. the provision of a satisfactory Phasing Plan, identifying which public amenities, on-site services, off-site services, vehicular driveways and access points would be provided with each phase of development all to the satisfaction of the Director of Sustainable Planning and Community Development;
 - c. a copy of the new Dockside Green Master Development Agreement executed by the applicant to the satisfaction of Director of Sustainable Planning and Community Development;
 - d. a legal agreement, in a form satisfactory to the City Solicitor, executed by the applicant that requires Dockside Green Ltd. to be responsible for all site remediation and completion and fulfilment of all conditions outlined in the Certificates of Compliance issued by the Ministry of Environment.
2. That Council require the following prior to the adoption of Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road:
 - a. the new Dockside Green Master Development Agreement being registered on title of the lands to the satisfaction of Director of Sustainable Planning and Community Development;

- b. a legal agreement, in a form satisfactory to the City Solicitor, being registered on title of the lands that requires Dockside Green Ltd. to be responsible for all site remediation and completion and fulfilment of all conditions outlined in the Certificates of Compliance issued by the Ministry of Environment.
- 3. That concurrent with first and second reading for Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 that Council give the necessary readings to Land Use Procedures Bylaw Amendment Bylaw No. 16-087 and that Council consider enacting the Land Use Procedures Bylaw Amendment Bylaw No. 16-087 if Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 are approved.
- 4. Direct staff to discuss the potential for improvements along Harbour Road using the funds earmarked for the Galloping Goose Trail improvements.

Carried

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

Motion:

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

- 1. That Council give first and second reading and direct staff to set the public hearing for attached Official Community Plan Amendment Bylaw No. 16-085 and Zoning Regulation Bylaw Amendment Bylaw No. 16-086 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road, subject to:
 - b. receipt of accurate, updated plans that ensure consistency between the proposed Zoning Regulation Bylaw, Master Development Agreement and design guidelines to the satisfaction of Director of Sustainable Planning and Community Development and direct staff to develop policies specific to articulating building heights along Tyee Road.

Carried

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

Councillor Lucas withdrew from the meeting at 9:36 p.m. due to a potential pecuniary conflict of interest, as she is the general manager of the Hotel Rialto.

Motion:

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

- 5. That staff bring forward that the bylaws to reflect a revised definition of transient accommodation to prevent short term vacation rentals.

Carried Unanimously

Councillor Lucas returned to the meeting at 9:39 p.m.

4. Rezoning Application No. 00489 for 2035 Stanley Avenue (Fernwood)

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00489 for 2035 Stanley Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.

Carried

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

5. Development Permit with Variances Application No. 00489 for 2035 Stanley Avenue

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, 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. 00489, if it is approved, consider the following motion:

1. "That Council authorize the issuance of Development Permit Application No. 00489 for 2035 Stanley Avenue in accordance with:

Existing Duplex (Proposed Lot 1)

- a. Part 2.1.4 (a): Increase the height from 7.6m to 7.7m;
- b. Part 2.1.4 (a): Increase the number of storeys from 1.5 with a basement to 2 with a basement;
- c. Part 2.1.5 (a): Reduce the front setback from 7.5m to 6.64m;
- d. Part 2.1.5 (a): Increase the maximum projection for bay windows into the front setback from 0.6m to 1.65m;
- e. Part 2.1.5 (a): Increase the maximum projection for steps into the front setback from 3.5m to 4.5m;
- f. Part 2.1.5 (b): Reduce the rear setback from 10.7m to 1.5m;
- g. Part 2.1.5 (c): Reduce the side setback (south) from 1.52m to 0.30m;
- h. Part 2.1.5 (c): Reduce the side setback (north) from 3m to 1.53m;
- i. Part 2.1.5 (d): Reduce the combined side yard setback from 4.5m to 3m;
- j. Schedule "C" (4): Reduce the number of parking stalls from 2 to 1.

New Small Lot House (Proposed Lot 2)

- a. Part 1.23 (8)(a): Reduce the front setback from 6m to 3.72m;
- b. Part 1.23 (8)(b): Reduce the rear setback from 6m to 3.98m (to steps) and 5.08 (to building);
- c. Part 1.23 (8)(c): Reduce the side setback (east) from 2.4m to 1.5m;
- d. Schedule "C" (4): Permit parking in the front yard.

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

Carried Unanimously

6. Development Variance Permit No. 00180 for 1707 Haultain Street - North Jubilee

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, 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. 00180 for 1707 Haultain Street in accordance with:

1. Plans date stamped October 7, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements and previously approved variances, except for the following additional variance:
 - i. reduce the front yard setback from 5.0m to 4.68m;
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

7. Update on Rezoning Application No. 00472 and Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212 - 220 Cook Street – Fairfield

Motion:

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

Rezoning Application No. 000472 (updated to reflect revised legal agreements):

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00472 for 1041 Oliphant Avenue and 212-220 Cook Street, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that staff set a Public Hearing date be set once the following conditions are met:

1. Design revisions to orient the ground floor exterior door towards Oliphant Avenue and to expand the metal siding above the commercial unit to the satisfaction of staff.
2. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
 - a. Housing Agreement to secure the following:
 - i. rental of nine units for a minimum of 20 years at a rental rate of at least 10% below market rate, if not more;
 - ii. rental of eight units for a minimum of 10 years at market rental rate; and
 - iii. that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;
 - c. Section 219 Covenant for the paving/widening of the rear lane, to the satisfaction of City staff.

Development Permit Application No. 000402 (updated to reflect revised plans):

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. 00472, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped October 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - a. Schedule C, 16.A. 12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure at the property line.
5. The Development Permit lapsing two years from the date of this resolution.
6. That Council direct staff to engage the applicant on the provision of on-street cycling amenities within the roadway on the Cook Street frontage and report back to Council at Second Reading of the bylaw.

Council discussed the following:

- *Whether the application has made the changes that were requested during a previous meeting.*
- *That receiving feedback through a Public Hearing would be beneficial.*

Carried

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

8. Proposed Amendments to the Heritage Property Protection Bylaw No. 95-62 and the Land Use Procedures Bylaw No. 16-028

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council enact the attached proposed amendments to Heritage Property Protection Bylaw No. 95-62 and Land Use Procedures Bylaw No. 16-028 in order to clarify the regulatory framework applied to Heritage Registered and Designated properties and to Heritage Conservation Areas, to:

- i. address discrepancies between the 2016 Land Use Procedures Bylaw and the 1995 Heritage Property Protection Bylaw
- ii. align regulations with longstanding processing practices
- iii. continue to ensure that applications to demolish Heritage Registered and Designated buildings or any buildings within Heritage Conservation Areas are withheld until all necessary approvals are in place.

Carried Unanimously

9. Community and Seniors Centres Annual Report for 2015

Motion:

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council receive this report on the operation of the community and seniors centres for information and that Council direct staff to provide an annual report on City facilities that are operated by non-profit organizations, and include financial inputs.

Amendment:

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

That Council receive this report on the operation of the community and seniors centres for information and that Council direct staff to provide an annual report on City facilities that are operated by non-profit organizations, and **include including** financial inputs **and public usage data**.

On the amendment:
Carried

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

Mayor Helps suggested the motion be separated as follows:

Main motion:

That Council receive this report on the operation of the community and seniors centres for information.

Carried Unanimously

Main motion as amended:

That Council direct staff to provide an annual report on City facilities that are operated by non-profit organizations, and including financial input and public usage data.

On the main motion as amended:
Carried Unanimously

10. Motion to Support for the Victoria Waterways Loop

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that:

1. Council endorses the idea of the Victoria Waterways Loop;
2. That staff be directed to report back at the December 1st Quarterly Update on the implications of adding to the strategic plan working with partners to identify potential upgrades in the City of Victoria to help complete the City of Victoria portion of the route;
3. Council commits to creating signage for the City of Victoria portion of Victoria Waterways Loop in 2017;
4. Refers to the 2018 budget process the potential infrastructure upgrades and additional signage as part of the 2018.
5. Council requests that the Mayor send a letter outlining the City of Victoria's support for the Victoria Waterways Loop to the CRD board and the CRD Parks Committee.

Carried Unanimously

11. Victoria Community Association Network (VCAN) 2017 Funding

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to include an expenditure of \$1,200 in the 2017 Financial Plan out of the previous year's surplus to cover expenses for meetings of the Victoria Community Association Network (VCAN), consisting of 6 meetings convened annually between representatives from neighbourhood associations.

Carried Unanimously

BYLAWS

1. FIRST READING

Motion:

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

1. *Waterworks Bylaw, Amendment Bylaw (No. 11) No. 16-079*
2. *Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 4) No. 16-080*
3. *Solid Waste Bylaw, Amendment Bylaw (No. 5) No. 16-088*

Carried Unanimously

2. SECOND READING

Motion:

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

1. *Waterworks Bylaw, Amendment Bylaw (No. 11) No. 16-079*
2. *Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 4) No. 16-080*
3. *Solid Waste Bylaw, Amendment Bylaw (No. 5) No. 16-088*

Carried Unanimously

3. THIRD READING

Motion:

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

1. *Waterworks Bylaw, Amendment Bylaw (No. 11) No. 16-079*
2. *Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 4) No. 16-080*
3. *Solid Waste Bylaw, Amendment Bylaw (No. 5) No. 16-088*

Carried Unanimously

3. **ADOPTION**

Motion:

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

1. *Housing Agreement (1016 Southgate Street) Bylaw No. 16-081*

Carried Unanimously

CORRESPONDENCE

1. **Letter from the President of Union of BC Municipalities (UBCM)**

Council received a letter dated October 12, 2016, expressing appreciation for the participation that was received from the City during the 2016 UBCM Convention.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the correspondence dated October 12, 2016 from the President of Union of BC Municipalities be received for information.

Carried Unanimously

2. **Letter from the Green Communities Committee**

A letter dated September 21, 2016 congratulating the City on successfully achieving its goal of corporate carbon neutrality for the 2015 reporting year.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the correspondence dated September 21, 2016 from the Green Communities Committee be received for information.

Carried Unanimously

3. **Letter from the Minister of Children and Family Development**

A letter dated November 2, 2016 regarding raising awareness about adoption and finding loving homes for British Columbia's waiting children and youth.

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated November 2, 2016 from the Minister of Children and Family Development 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: 9:54 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR