



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, SEPTEMBER 8, 2016, AT 6:30 P.M.

<u>PLACE OF MEETING:</u>	Council Chambers, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Alto, Isitt, Loveday, Lucas, and Young
<u>ABSENT:</u>	Councillor Coleman, Madoff, and Thornton-Joe
<u>STAFF PRESENT:</u>	J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; J. Potter – Manager of Citizen Engagement & Strategic Planning; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; C. Havelka – Deputy City Clerk; B. Green – Senior Planner; R. Bateman – Planner; V. Lavallee-Picard – Food Systems Coordinator; C. Mycroft – Executive Assistant to the City Manager; 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 Loveday, that the agenda be approved as amended.

Amendment:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following item be added under New Business.

1. Conference Attendance – Pro Walk / Pro Bike / Pro Place

On the amendment:
Carried Unanimously

Amendment:

It was moved by Mayor Helps, seconded by Councillor Loveday, that Lesley Valour be added to the Request to Address Council sections of the meeting.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

READING OF MINUTES

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the minutes of the special meetings held May 5, 2016 and June 23, 2016 be adopted.

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Anne Moon: Marijuana mall next door**
Outlined concerns regarding the marijuana mall that has been built in her neighbourhood and requested that applicable laws be enforced.

2. **Ted Woynillowicz: The Trans-Pacific Partnership (TPP) and why municipalities should oppose it**
 Outlined concerns regarding the Trans-Pacific Partnership (TPP) and requested that the City of Victoria pass a resolution requesting that the Federal Government not ratify the TPP agreement.
3. **John Vickers: Funding of free community festivals**
 Outlined reasons why funding for free community festivals is important for the continuity of the arts, and requested that the City consider the benefits of providing funding in the future.
4. **Norman Jay Seagrave: Spray paint art**
 Outlined a request that a permanent location be found for the creation of spray paint art.
5. **Ian Morris: Chalk Portrait of the Royals**
 Outlined a request to create a chalk portrait of the Royals with participation by youth in the City that could be viewed during their visit in person or via photograph.
6. **Lesley Valour: Proposed Amendments to 456 Chester Avenue**
 Outlined concerns regarding the Development Permit with Variances Application No. 00009 for 456 Chester Avenue, as the development will negatively impact her home.

PUBLIC AND STATUTORY HEARINGS

1. **Bylaws for Small Scale Commercial Urban Food Production**
 - a) **Public Hearing**
Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) No. 16-063
 The Council of the City of Victoria will consider adopting a Bylaw to amend the Official Community Plan to clarify that food production on private land is subservient to the density, built form, place character and land use objectives in the *Official Community Plan*.
 - b) **Zoning Regulation Bylaw, Amendment Bylaw (No. 1072) No. 16-064**
 The Council of the City of Victoria will consider adopting a Bylaw to amend the Zoning Regulation Bylaw by adding definitions for small scale commercial urban food production, foodstand and greenhouse, amending the definition for home occupation, amending Schedule D – Home Occupation, to remove urban agriculture as a home occupation, as well as amending the general regulations by adding a Schedule L – Small Scale Urban Food Production.
 - c) **Business Licence Bylaw, Amendment Bylaw (No. 31) No. 16-065**
 The Council of the City of Victoria will consider giving third reading to a Bylaw to amend the provisions of the Business Licence Bylaw to regulate and set fees for small-scale commercial urban food production.

B. Green (Senior Planner): Provided information regarding the proposed bylaw amendments, which are to better support small-scale commercial urban food production, as part of the “Growing in the City” project.

Council discussed the following:

- *The notification requirements for changes to the Official Community Plan.*

Mayor Helps opened the public hearing at 7:19 p.m.

(Resident): Advised that areas of gardening should be provided in the Downtown Area with supplies provided to create raised beds.

Tristan Trotter (Resident): Expressed concerns regarding food security in the future, as food production should be considered a priority over urban development.

Jesse Brown (Resident): Expressed concerns regarding the wording of the proposed amendment for the Official Community Plan Bylaw, as agriculture should not be considered as subservient to urban development.

Marita Prattle (Resident): Spoke on behalf of herself and LifeCycles Project Society, in support of the proposed bylaws, and expressed concerns regarding agriculture being subservient to urban development.

Jeanette Sheeny (Resident): Spoke in support of the “Growing in the City” initiative, and expressed concerns regarding agriculture being subservient to urban development.

Terri Checkelsky (Resident): Spoke in support of density and urban development, and expressed concerns regarding the use of animals to grow food as chicken coops can cause vermin issues in neighbourhoods.

Mark Dickerson (Resident): Expressed concerns regarding the proposed bylaw amendments' allowance of animal food regulations along with vegetable food growth, as animal rights and safeties are not protected. Also expressed were concerns regarding the proximity of animal enclosures to neighbours, as well as vermin issues.

Aaron Tottley (Resident): Advised that the Urban Food Table does not support agriculture being subservient to urban development.

Paddy Marcos (Resident): Advised of the work done to improve food security, and expressed concerns regarding agriculture being subservient to urban development.

(Resident): Spoke in support of the bylaw amendments and the "Growing in the City" initiative.

Margot Johnson (Resident): Spoke in support of urban food production, and expressed concerns regarding agriculture being subservient to urban development.

Charles Journ (Resident): Expressed concerns regarding agriculture being subservient to urban development.

Raine Hopwell (Resident): Expressed concerns regarding agriculture being subservient to urban development and urged Council when considering development in the downtown core to encouraged food security matters

Julia Ford (Resident): Spoke in support of the "Growing in the City" initiative, and expressed concerns regarding agriculture being subservient to urban development. Concerns regarding the notification process were voiced and possible future policies were suggested.

(Resident): Spoke in support of urban food production, which is important for the future of the City. Also expressed were concerns regarding agriculture being subservient to urban development.

(Resident): Expressed concerns regarding agriculture being subservient to urban development.

Stephanie Alberton: Expressed concerns regarding agriculture being subservient to urban development.

Mayor Helps closed the public hearing at 8:16 p.m.

d) **Bylaw Approval**

Motion:

It was moved by Mayor Helps, seconded by Councillor Isitt, that the following bylaw **be given third reading**, with the removal of section 2(a) in the bylaw:

1. *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) No. 16-063*

Council discussed the following:

- *That no part of the Official Community Plan should be subservient to any other part.*
- *That food growth and development need to continue to work together.*
- *The importance of food security and urban agriculture in the City.*
- *The possible future need for regulations regarding animal enclosures, as they relate to neighbouring homes.*

Carried Unanimously

e) **Bylaw Approval**

Motion:

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

1. *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) No. 16-063*

Carried Unanimously

f) **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1072) No. 16-064*

Carried Unanimously

g) **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1072) No. 16-064*

Carried Unanimously

h) **Bylaw Approval**

Motion:

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

1. *Business Licence Bylaw, Amendment Bylaw (No. 31) No. 16-065*

Carried Unanimously

i) **Bylaw Approval**

Motion:

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

1. *Pesticide Use Reduction Bylaw, Amendment Bylaw (No. 1) No. 16-066*

Carried Unanimously

j) **Bylaw Approval**

Motion:

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

1. *Sign Bylaw, 1992, Amendment Bylaw (No. 13) No. 16-067*

Carried Unanimously

k) **Bylaw Approval**

Motion:

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

1. *Streets and Traffic Bylaw, Amendment Bylaw (No. 6) No. 16-068*

Carried Unanimously

Council recessed from 8:42 p.m. until 8:49 p.m.

2. **Bylaws for Marijuana-Related Businesses**

a. **Hearing**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058

The Council of the City of Victoria will consider adopting a Bylaw to amend the Zoning Regulation Bylaw to define "storefront marijuana retailer" as a use and to restrict the location of this use. Storefront marijuana retailer would be prohibited in all zones except where expressly permitted under the Zoning Regulation Bylaw.

b. **Consultation Results – Marijuana-Related Business Regulation Bylaw**

A report recommending third reading of the proposed Marijuana-Related Business Regulation Bylaw with two changes regarding fees and a prohibition on consumption at all businesses in the City.

R. Bateman (Planner): Provided information regarding the series of bylaws that will bring into effect regulations for marijuana-related businesses.

Council discussed the following:

- *The next steps that will occur if the bylaws are adopted.*
- *The processes involved in an application for a marijuana-related business licence.*
- *The provisions made for businesses in place prior to July 28, 2016 and the regulations made after the adoption of the bylaws.*

Mayor Helps opened the public hearing at 8:57 p.m.

Kate Douglas (Resident): Advised that the proposed bylaws may need to be changed in the future once federal legalization occurs. Strongly suggested requesting a level of federal and provincial interim guidance in this matter.

(Resident): Expressed concerns regarding the sale of marijuana accessories outside of the sale of medical marijuana.

Ian Warren (Resident): Provided information on the importance of medical marijuana as it relates to cancer.

Robert Fellan (Resident): Expressed concerns relating to a neighbouring marijuana dispensary.

Tammy Lennox (Resident): Expressed concerns on the proximity of a marijuana dispensary and the marijuana mall to children and vulnerable adults.

Catherine Anderson (Resident): Spoke in support of the bylaw amendments as she would like to start a vapour lounge for seniors, middle aged citizens, and disabled users.

(Resident): Expressed concerns regarding the regulations of on-site consumption of marijuana, as the allowance of on-site consumption would solve concerns raised by citizens on the public use of marijuana.

Rene Gondou (Resident): Provided information on Marijuana for Medical Purposes Regulations (MMPR), which includes air quality, retail sales, advertising, hours of operation, and proximity to children and what items are still subject to federal law. Spoke in support of the City's work on creating regulations.

(Resident): Spoke in support of the City's work on creating regulations and expressed concerns regarding the prohibition of on-site consumption of marijuana.

Ashley Abraham (Resident): Expressed concerns regarding the prohibition of on-site consumption of marijuana.

Chris Libby (Resident): Spoke in support of the City's work on creating regulations and expressed concerns on the limited hours of marijuana dispensaries.

Mark Wallan & Mike Boyle (Resident): Discussed the allowance of mobile ATM services in marijuana-related businesses.

Peter McPherson (Resident): Spoke in support of the City's work on creating regulations and requested that this process be transitioned to Union of BC Municipalities (UBCM).

Jake (Resident): Expressed concerns regarding the regulation of having two staff members at all time.

(Resident): Spoke in support of the City's work on creating regulations and the importance of marijuana dispensaries. Also expressed were concerns on the limited hours of marijuana dispensaries.

Alex Broughton (Resident): Made a recommendation that the bylaw terminology be changed from marijuana to cannabis.

(Resident): Provided information on the history of cannabis in Victoria and its medical benefits as it relates to cancer.

Keith Campbell (Resident): Expressed concerns regarding marijuana dispensaries in town and the negative impacts they have had.

(Resident): Expressed concerns regarding the use of marijuana in Victoria.

(Resident): Spoke in favour of the use of marijuana.

Kelly Colter (Resident): Discussed possible future issues of cannabis cultivation and its environmental impacts.

(Resident): Spoke in favour of the use of marijuana and in support of the City's work on creating regulations.

Hope Liacky (Resident): Spoke in support of the City's work on creating regulations and expressed concerns regarding the prohibition of on-site consumption of marijuana.

(Resident): Spoke in support of the City's work on creating regulations and in favour of the use of marijuana.

(Resident): Spoke in regards to a software which creates business report regulations.

(Resident): Spoke in favour of the use of marijuana and acknowledged the concerns raised.

Council discussed the following:

- *The proposed regulations relating to on-site consumption of marijuana.*

Councillor Loveday withdrew from the meeting at 10:16 p.m. and returned at 10:17 p.m.

- *The effects the proposed bylaws will have on compassion clubs.*

Mayor Helps closed the public hearing at 10:22 p.m.

c. **Bylaw Approval**

Motion:

It was moved by Councillor Isitt, seconded by Mayor Helps, that the following bylaw **be given third reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058*

Motion to postpone:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that consideration of the motion be postponed.

On the motion to postpone:
Carried Unanimously

d. **Bylaw Approval**

Motion:

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

2. *Marijuana-Related Business Regulation Bylaw No. 16-061*

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the bylaw be amended as follows:

That Bylaw No. 16-061, Section 3 (page 648/934 of agenda, page 2 of the bylaw) be amended, replacing the word "marijuana" in the first line with the word "cannabis," and the words "Marihuana for Medical Purposes Regulations or the Marihuana Medical Access Regulations" with the words "Access to Cannabis for Medical Purposes Regulations," so that the new Section 3 reads:

"Application of the Bylaw

3. The provisions of this Bylaw do not apply to production and distribution of cannabis licensed by Health Canada under the Access to Cannabis for Medical Purposes Regulations of the Controlled Drugs and Substances Act (Canada)."

On the amendment:
Carried Unanimously

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the bylaw be amended as follows:

That all references to "marijuana" in Bylaws No. 16-058, No. 16-061, and No. 16-059 be replaced with the word "cannabis," including the title of the "Cannabis-Related Business Regulation Bylaw No. 16-061" and the definitions at Section 2 of Bylaw No. 16-061, which shall read as follows:

"Definitions

2. In this Bylaw:

"cannabis"

means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis;

"cannabis-related business"

means carrying on of activity where

- (a) the use of cannabis for medical or any other purposes is advocated or promoted;**
- (b) cannabis or paraphernalia used in the consumption of cannabis are sold or otherwise provided to persons for any purpose;**
- (c) cannabis is stored for a purpose of sale or distribution; or**
- (d) cannabis is consumed in any form;"**

On the amendment:
Carried Unanimously

Council discussed the following:

- That the bylaws are regulations for medical dispensaries.*
- Discussed how marijuana-related businesses where marijuana is not kept on premises would be clarified.*

Amendment:

It was moved by Mayor Helps, seconded by Councillor Loveday, that Council direct the Marijuana-Related Business Regulation Bylaw (No. 16-061) be amended as follows:

1. By striking out section 4(3) and replacing it with the following section 4(3)

“(3) The licence fee for purposes of subsection (2)(b) is:

(a) \$5,000 for a storefront marijuana retailer and a marijuana-related business where marijuana is kept on the premises, and

(b) \$500 for all other marijuana-related businesses where marijuana is not kept on the premises.”

On the amendment:
Carried

For: Councillors Alto, Loveday, Lucas, and Young

Opposed: Mayor Helps and Councillor Isitt

Amendment:

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council direct the Marijuana-Related Business Regulation Bylaw (No. 16-061) be amended as follows:

2. Section 10 – add after “invalidity” “Shall not affect the validity of the remainder of the bylaw”

On the amendment:
Carried Unanimously

Amendment:

It was moved by Mayor Helps, seconded by Councillor Young, that Council direct the Marijuana-Related Business Regulation Bylaw (No. 16-061) be amended as follows:

3. By adding the following new section after section 11:

“Consequential Amendment

12 That the Business Licence Bylaw (No. 89-071) be amended to prohibit marijuana consumption on site at any licenced business in the City by adding the following new section 35:

35 No consumption of marijuana, as defined in the Marijuana-Related Business Regulation Bylaw, shall be permitted at any business licensed under the Business Licence Bylaw.”

On the amendment:
Carried

For: Mayor Helps, Councillors Isitt, Loveday, Lucas, and Young

Opposed: Councillor Alto

Main motion as amended:

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

1. *Marijuana-Related Business Regulation Bylaw No. 16-061*

On the main motion as amended:
Carried Unanimously

Motion:

It was moved by Mayor Helps, seconded by Councillor Loveday, that consideration of third reading of the *Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058*, be lifted from the table.

On the motion:
Carried Unanimously

e. Bylaw Approval

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058*

Carried

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

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the Council meeting be extended.

Carried Unanimously

f. **Bylaw Approval**

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following bylaw **be adopted**:
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058*

Carried Unanimously

3. **Development Permit with Variances and Development Variances Permit Application No. 00004 for 1421 Fairfield Road**

a. **Hearing**

Development Permit with Variances Application No. 00004 for 1421 Fairfield Road

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1421 Fairfield Road, in Development Permit Area 15B Intensive – Panhandle Lot, for purposes of allowing two single-family dwellings on panhandle lots.

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

Proposed Lot D

- Schedule H (3)(a): Increase the height from 5.0m to 6.8m;
- Schedule H (3)(a): Increase the number of storeys from 1 to 2.

Proposed Lot E

- Schedule H (3)(a): Increase the height from 5.0m to 7.5m;
- Schedule H (3)(a): Increase the number of storeys from 1 to 2;
- Schedule H (5)(a): Increase the site coverage from 25% to 27.4%.

b. **Development Variance Permit Application No. 00004 for 1421 Fairfield Road**

The Council of the City of Victoria will consider issuing a Development Variance Permit for the land known as 1421 Fairfield Road for purposes of reducing the front and rear setbacks to allow a single-family dwelling.

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

Proposed Lot F

- Part 1.2.5 (a): Reduce the front setback from 7.5m to 6.25m;
- Part 1.2.5 (b): Reduce the rear setback from 7.5m to 3.5m.

R. Bateman (Planner): Provided information regarding the application, which is requesting to subdivide the existing lot and construct three single-family dwellings. The Development Permit with Variances is for two proposed Panhandle Lots and the Development Variance Permit is required for the third lot.

Mayor Helps opened the public hearing at 11:12 p.m.

Ryan Hoyt Designs (Applicant): Provided detailed information regarding the application.

Maria Abbott (Masters Road): Expressed concerns regarding the application's proposed variances for height and foot print, due to privacy concerns.

Gail Harris (Fairfield Road): Expressed concerns regarding the application's proposed variances as they will affect sunlight and heritage trees.

Dale Bate (Fairfield Road): Expressed concerns regarding the application due to the proposed variances, past history, and how it will effect traffic and neighbouring homes.

Ben How (Faircliff Lane): Expressed concerns regarding the application due the proposed variances, as it will negatively affect neighbouring homes and privacy.

Council discussed the following:

- l) *Whether the basement would be above or below ground.*
- m) *What could be built on the site if no variances were requested.*

Mayor Helps closed the public hearing at 11:48 p.m.

c. **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Young, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit with Variances Application No. 00004 for Fairfield Road, in accordance with:

1. Plans date stamped April 29, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot D

- i. Schedule H (3)(a): Increase the height from 5.0m to 6.8m;
- ii. Schedule FI (3)(a): Increase the number of storeys from 1 to 2.

Proposed Lot E

- i. Schedule FI (3)(a): Increase the height from 5.0m to 7.5m;
- ii. Schedule H (3)(a): Increase the number of storeys from 1 to 2;
- iii. Schedule FI (5)(a): Increase the site coverage from 25% to 27.4%.

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

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

Development Permit with Variances Approval

That Council authorize the issuance of Development Variance Permit Application No. 00004 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped April 29, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot F

- a. Part 1.2.5 (a): Reduce the front setback from 7.5m to 6.25m;
- b. Part 1.2.5 (b): Reduce the rear setback from 7.5m to 3.5m;

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

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

Council discussed the following:

- n) *Whether the massing of the house is reasonable in comparison to neighbouring homes.*
- o) *The amount of opposition from immediate neighbours.*

Defeated

For: Mayor Helps, Councillors Lucas and Young

Opposed: Councillors Alto, Isitt, and Loveday

PROCLAMATIONS

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

1. "KidSport Week" – September 10 – 17, 2016
2. "Peace One Day" – September 21, 2016
3. "Literacy Month" – September 2016

Carried Unanimously

UNFINISHED BUSINESS

1. **Rise and Report from Closed Meeting for Information**

A rise and report from the Special Closed Council meeting held July 28, 2016.

Land / Lease Extension for 1240 Yates Street

1. That Council authorizes the Provincial Rental Housing Corporation to remain in occupation of premises at 1240 Yates Street from October 1, 2016 on a month-to-month basis, pending community consultation on formally extending the lease until March 31, 2017.
2. That Council instructs staff to undertake the appropriate level of community consultation during September 2016.

2. Temporary Use Permit No. 0001 for 1400 Vancouver Street and 952 Johnson Street

Motion:

It was moved by Councillor Young, seconded by Councillor Lucas, that Council replace the previous motion from the Committee of the Whole meeting of August 18, 2016 with the following motion (removal of the variance):

That Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

Carried Unanimously

3. Letter from Daniel Boudria, Director of Parliamentary Affairs

Council received a letter dated August 5, 2016, from the Office of the Minister of Families, Children and Social Development, acknowledging receipt of the City's letter regarding a basic income guarantee for all Canadians.

Motion:

It was moved by Councillor Alto, seconded by Councillor Young, that the correspondence dated August 5, 2016, from the Office of the Minister of Families, Children and Social Development be received for information.

Carried Unanimously

REPORTS OF COMMITTEES

1. Committee of the Whole – September 8, 2016

1. Development Permit with Variances Application No. 00014 for 715 Princess Avenue

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, 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. 00014 for 715 Princess Avenue, in accordance with:

1. Plans date stamped July 25, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 7.2.9: remove loading space requirement from one space to nil.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. Development Permit with Variances Application No. 00015 for 202 Edward Street

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00015 for 202 Edward Street, in accordance with:

1. Plans date stamped August 10, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Existing Dwelling (Proposed Lot A)

- i. reduce the rear yard setback from 7.50m to 4.30m.

Small Lot House (Proposed Lot B)

- i. reduce the front yard setback from 6.00m to 5.76m;
- ii. reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;

- iii. reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace;
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3. Development Variance Permit Application No. 00175 for 56 Gorge Road East

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

- "That Council authorize the issuance of Development Variance Permit Application No. 00175 for 56 Gorge Road East, in accordance with:
1. Plans date stamped August 22, 2016
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added within 5 years of installing a secondary suite from 20m² to 206.64m²
 - ii. A 4.92m statutory right-of-way registered on title as per the plans date stamped August 22, 2016
 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

4. Update on the Douglas Street Pilot Project

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive this report for information.

Carried Unanimously

5. 2017-2019 Permissive Exemptions

Motion:

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

1. That Council:
 1. Direct staff to bring forward 2017-2019 permissive tax exemption bylaw for the properties including the following applications:
 - a) Renewal applications listed in Appendix A.1
2. That Council:
 1. Direct staff to bring forward 2017-2019 permissive tax exemption bylaw for the properties including the following applications:
 - b) Renewal applications listed in Appendix A.2
3. That Council:
 1. Direct staff to bring forward 2017-2019 permissive tax exemption bylaw for the properties including the following applications:
 - c) New Applications (Appendix B):
 - i. *John Howard Society, folio 10734011, 548 Cecilia Road*
 - ii. *Ross Bay Villa Society, folio 03260032, 1490 Fairfield Road*
4. That Council:
 1. Direct staff to bring forward 2017-2019 permissive tax exemption bylaw for the properties including the following applications:
 - d) City of Victoria – Proposed James Bay Library Branch – Capital Park
5. That Council approve the following motion:

That the broader discussion of permissive tax exemption policy be referred to the 2017 budget discussions.

Carried Unanimously

6. Banking Services Climate Action Prequestionnaire

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive this report for information.

Carried Unanimously

7. Support for a BC-Wide Youth Cycling Education Framework

Motion:

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

WHEREAS the transportation sector represents the largest part of British Columbia's total greenhouse gas emissions (GHG), with individuals generating over half of their own GHG emissions through transportation activities;

WHEREAS the City of Victoria has committed to a target of reducing GHG emissions by 80% by 2050;

WHEREAS studies have shown that the number of cyclists increases significantly when investments in cycling infrastructure are complemented by education; and awareness programming;

WHEREAS existing cycling education programs in British Columbia rely on local funding and are therefore unevenly available across the province, and do not have consistent, formally-instituted teaching standards or oversight;

AND WHEREAS emerging evidence suggests that consistent, comprehensive and effective cycling skills training for young people influences their future transportation decisions towards increased cycling;

THEREFORE BE IT RESOLVED THAT Council ask the Mayor to write to the Province of British Columbia requesting that they implement and fund a province-wide cycling education framework for children and youth as proposed by BC Bike Right Network.

Carried Unanimously

8. Development Permit with Variances Application No. 00009 for 456 Chester Avenue

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas, 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. 00009 for 456 Chester Avenue, in accordance with:

1. Plans date stamped June 30, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 2.3.8 - Reduce the minimum landscaped area from 45% to 33.20%;
 - ii. Part 2.3.19 - Increase the maximum third-storey floor area from 60% to 100%.
3. The Development Permit lapsing two years from the date of this resolution."

Council discussed the following:

- *That the development would have a significant impact on the neighbours.*
- *Whether the third storey height would greatly affect sunlight and privacy for neighbouring homes.*

Defeated

For: Councillors Alto, Loveday, and Lucas

Opposed: Mayor Helps, Councillors Isitt and Young

NOTICE OF MOTIONS

2. Local Government Consultation on Trans-Pacific Partnership

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council request that the Mayor, on behalf of Council, write to the Prime Minister of Canada, requesting that the Government of Canada undertake meaningful consultation with local government on the draft terms of the proposed Trans-Pacific Partnership, to ensure that local government autonomy is recognized and protected prior to any further steps being taken toward Canada becoming a signatory to this agreement.

Amendment:

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

That Council request that the Mayor, on behalf of Council, write to the Prime Minister of Canada, requesting that the Government of Canada undertake meaningful consultation with local government on the draft terms of the proposed Trans-Pacific Partnership, to ensure that local government autonomy is recognized **and considered and protected** prior to any further steps being taken toward Canada becoming a signatory to this agreement.

On the amendment:

Carried

For: Mayor Helps, Councillors Alto, Lucas, and Young

Opposed: Councillors Isitt and Loveday

Main motion as amended:

That Council request that the Mayor, on behalf of Council, write to the Prime Minister of Canada, requesting that the Government of Canada undertake meaningful consultation with local government on the draft terms of the proposed Trans-Pacific Partnership, to ensure that local government autonomy is recognized and considered prior to any further steps being taken toward Canada becoming a signatory to this agreement.

On the main motion as amended:
Carried Unanimously

BYLAWS

1. FIRST READING

Motion:

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

- a. *Heritage Designation (539-545 ½ Fisgard Street / 16-20 Fan Tan Alley) Bylaw No. 16-070*
- b. *Heritage Designation (564-572 Fisgard Street / 1706-1708 Government Street) Bylaw No. 16-071*

Carried Unanimously

2. SECOND READING

Motion:

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

- a. *Heritage Designation (539-545 ½ Fisgard Street / 16-20 Fan Tan Alley) Bylaw No. 16-070*
- b. *Heritage Designation (564-572 Fisgard Street / 1706-1708 Government Street) Bylaw No. 16-071*

Carried Unanimously

3. THIRD READING

Motion:

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

- a. *Land Use Procedures Bylaw, 2016, Amendment Bylaw (No. 1) No. 16-059*

Carried

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

3. Adoption

Motion:

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

- a. *Archives Use Bylaw No. 16-060*
- b. *Housing Agreement (1032 North Park Street) Bylaw No. 16-072*

Carried Unanimously

CORRESPONDENCE

1. Letter from Kim Walker, President of the Oaklands Community Association

Council received a letter dated July 29, 2016, from the Oaklands Community Association, regarding the City's structure and accountability for community engagement.

Motion:

It was moved by Mayor Helps, seconded by Councillor Alto, that the correspondence dated July 29, 2016 from the Oaklands Community Association be received for information.

Carried Unanimously

2. Letter from Megan Klich, Tobacco Lead and Jenny Byford, Advocacy Lead

Council received a letter dated August 12, 2016, from the Canadian Cancer Society, inviting the City to endorse the Society's recommendation that the BC government expand the scope of 'BC's Tobacco and Vapour Products Control Act' to prohibit use in outdoor public places province-wide.

Motion:

It was moved by Mayor Helps, seconded by Councillor Alto, that the correspondence dated August 12, 2016 from the Canadian Cancer Society be received for information.

Carried Unanimously

NEW BUSINESS

1. To Set Public Hearings for the Meeting of Thursday, September 22, 2016:

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, SEPTEMBER 22, 2016, at 6:30 p.m.:**

1. *Heritage Designation No. 000160 for 564-572 Fisgard Street and 1706-1708 Government Street*
2. *Heritage Designation No. 000159 for 539-545 1/2 Fisgard Street and 16-20 Fan Tan Alley*

Carried Unanimously

3. **Conference Attendance – Pro Walk / Pro Bike / Pro Place**

Motion:

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

BE IT RESOLVED THAT Council approve Councillor Loveday's request to attend the Pro Walk Pro Bike Pro Place conference and associated expenditures of up to \$550.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

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

Time: 12:08 a.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR