



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, DECEMBER 10, 2015, AT 7 P.M.

<u>PLACE OF MEETING:</u>	Council Chambers, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young
<u>ABSENT FOR A PORTION OF THE MEETING:</u>	Councillor Thornton-Joe
<u>ABSENT:</u>	Councillor Isitt
<u>STAFF PRESENT:</u>	J. Johnson - City Manager; P. Bruce - Fire Chief; K. Hamilton – Director of Citizen Engagement and Strategic Planning; J. Jenkyns - Deputy City Manager; T. Soulliere - Director of Parks, Recreation and Facilities; S. Thompson - Director of Finance; J. Tinney - Director, Sustainable Planning and Community Development; C. Coates - City Clerk; C. Mycroft - Executive Assistant to the City Manager; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; L. Baryluk – Senior Planner; B. Sikstrom – Senior Planner; C. Havelka - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

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

Amendment:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Ruth Annis be added to Request to Address Council.

On the Amendment:
Carried Unanimously

On the Main Motion as Amended:
Carried Unanimously

POETRY READING

Poet Laureate, Yvonne Blomer read a poem titled “Winter’s Warm Solstice”.

Councillor Thornton-Joe joined the meeting at 7:06 p.m.

Youth Poet Laureate, Zoe Duhaime read a poem titled “Auld Lang Syne”

MINUTES

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Regular Council meeting minutes of November 26, 2015, be approved.

The City Clerk advised that corrections to the minutes are required on page 15 regarding the *Victoria Housing Reserve Fund Application for 4351 West Saanich Road*, and page 17 regarding *Victoria Housing Reserve Fund Application for 120 Gorge Road East*, to correct the wording from *consider* the grant, to *approve* the grant.

Councillor Thornton-Joe advised that a correction is required on page 9, to correct the spelling of the guest who was permitted to speak: Mr. Crewson.

Amendment:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the minutes be corrected as noted above.

On the Amendment:
Carried Unanimously

On the Main Motion as Amended:
Carried Unanimously

PROCLAMATIONS

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following Proclamations be endorsed:

1. "National Homeless Persons' Memorial Day" – December 21, 2015
2. "National Day of Remembrance and Action on Violence Against Women" – December 6, 2015
3. "Dry January Month January 2016" – January 2016

Carried Unanimously

COMBINED DEVELOPMENT APPLICATIONS

1. 1745 Rockland Avenue

1. Public Hearing

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1053) – 15-082

To rezone the land known as 1745 Rockland Avenue from the R1-A Zone, Rockland Single Family Dwelling District, and R1-B Zone, Single Family Dwelling District, to the R1-A-18 Zone, Rockland Ashton District, to permit four new single family dwellings in behind the existing Heritage Designated house, which is to remain a single family dwelling.

2. Development Permit Application

The Council of the City of Victoria will also consider issuing a Development Permit for the land known as 1745 Rockland Avenue, the rear portion of which is proposed to be subdivided and included in Development Permit Area 15B, Intensive Residential Panhandle Lot, for the purposes of approving the subdivision and the exterior design, finishes and landscaping of four new single family dwellings.

Brian Sikstrom (Senior Planner): The proposal is to rezone the property at 1745 Rockland Avenue, which has been revised from two previous proposals, to allow four new strata, single-family dwellings. Information about the site plan, design, the heritage designated house, and the panhandle lot, were also provided.

Mayor Helps opened the public hearing at 7:17 p.m.

Mr. Peter Hardcastle (Architect): Outlined the history of the property at 1745 Rockland Avenue and how the proposal has evolved. Information was provided about the siting of the houses, the design of the project, and its location.

Mike Burns (Lyman Duff Lane): Spoke against the proposal, due to the number of dwellings and the amount of density being proposed, as well as the panhandle lot exemption that would be permitted.

Jay Danson (Rockland Avenue): Spoke in support of the application as it proposes a good solution for a difficult site.

Susan Wynne-Hughes (Richmond Road): Spoke against the proposal due to its impact on adjacent neighbours, the proposed density, height of the buildings, the impact on green space and parking.

Sarah Priddy (Green Oaks Terrace): Spoke against the development due to the impact it will have on the privacy and financial viability of adjacent properties, the density and height requested, and the site-specific zoning being requested.

Daryl Brown (Green Oaks Terrace): Spoke against the proposal, noting that the existing neighbour plans and planning regulations should be complied with to protect the neighbourhood.

Dave McWalter (Lyman Duff Lane): Spoke against the development due to the proposed height and density, the relaxation of the requirements for panhandle lots and the unrealistic financial objectives of the developer.

Grant Perkins (Lyman Duff Lane): Spoke against the development.

Vince Bennett (Lyman Duff Lane): Spoke against the development due to the amount of density proposed, the site-specific zoning requested, the impact on green space, and future development in the area.

Emma McWalter (Lyman Duff Lane): Expressed concerns about the development and the impact on adjacent properties and that it may set a precedence regarding future development.

Janice Drent (Rockland Avenue): Spoke against the development as it is too large and it will have an impact on green space.

Jennifer Bennett (Lyman Duff Lane): Spoke against the development due to the site-specific zoning being proposed, the exemption to a panhandle lot that would be permitted and the impact on green space.

Robert Churchill (Richmond Avenue): Spoke in opposition of the application, echoing his neighbours and noted the proposed road that will create issues with pedestrians.

B. Pridy (Green Oaks Terrace): Spoke against the proposal for the reasons described in their letter to Council.

Kent Green (Clare Street): Spoke against the proposal due the intensity that would happen on the driveway with the four proposed houses, and the traffic impact on these houses.

Janet Simpson (Rockland Neighbour Community Association): Spoke on behalf of the community association in opposition to the proposal, due to the exemption to panhandle lot requirements, the proposed height, site coverage, and the community plans that are not adhered to.

Ross Crockford (Richmond Road): Spoke in opposition to the proposal, due to its density, the impact on privacy, the site-specific zone being requested, as well as the blasting that will occur.

Earl Large (Rockland Avenue): Spoke in support of the application, noting the need for a site-specific zone, the need for infill to address the lack of land to develop and the desirability to live in the neighbourhood.

Conrad Nyren (Applicant): Spoke on behalf of people unable to attend: Art Celuszak, Green Oaks Terrace; Doug Kolot and Jennifer Kolot, Green Oak Terrace, Russ Lazarak and Hilary Gruce, Green Oaks Terrace.

Roger Tinney (Planning Consultant for the Project): Spoke in support of the proposal and advised on what can be built under the zoning, with details regarding the panhandle lot, and the heritage designated house.

Bob June (Mana Road): Spoke in opposition of the proposal due to the number of buildings proposed for the lot, the impact on the green space, and the need for more sensitive infill.

Councillor Coleman asked about the blasting that might happen.

Conrad Nyren (Applicant): Advised that they don't anticipate a lot of blasting, but it would be controlled and fill will be removed.

Councillor Coleman asked about other development options as suggested by some petitioners and what height would be permitted.

Brian Sikstrom (Senior Planner): *There is at least two options; one is to develop the property under the current zoning as panhandle lot, or there could be a cluster housing approach, low density houses potentially five could occur without rezoning. 2.5 storeys is the entitlement.*

Mayor Helps closed the public hearing at 8:28 p.m.

2. Bylaw Approval

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1053)

Councillor Madoff spoke against the proposal:

- *The complicated approach siting the buildings on the panhandle lot and concerns about the severing of properties.*
- *Noting a site specific zone is supportable if it is an improvement to what could be development and it meets the goals of the local area plan.*
- *Noting the development around this site and the need for a contextual fit with the neighbourhood.*
- *The importance of green space and this proposal leaves little.*
- *Concerns regarding the proposed density, noting that three dwellings would fit well on this site and would benefit the community and would respond to neighbourhood concerns.*

Councillor Thornton-Joe spoke against the proposal:

- *The amount of density is a concern and it doesn't fit with the neighbourhood.*
- *The complexity of the proposal and the concerns expressed during the public hearing.*
- *Concerns about the amount of houses proposed for the property and responding to the established tree canopy.*

Mayor Helps spoke against the proposal:

- *The importance of utilizing the land for its best use; balancing present and future needs.*
- *Noting that three homes could fit in this space.*
- *Noting the concerns expressed through correspondence and the public hearing.*

Councillor Loveday against the proposal:

- *Concerns that too much is being proposed to fit onto the land.*
- *Infill needed but more sensitive infill for this site.*
- *There is significant opposition in the affected neighbours and the community association.*

Councillor Young spoke against the proposal:

- *Noting the neighbours support the development of this property but with a reasonable proposal.*
- *The need for a development that is suitable for the neighbourhood and fits with other dwellings;*
- *A decision will have to be made about this property in the near future.*

Councillor Lucas spoke against the proposal:

- *The need to look at what's important for the neighbourhood and listening to the immediate neighbours who expressed concerns about this proposal.*

Councillor Coleman spoke in favour of the proposal:

- *The design of the buildings is supportable; the next iteration may not be as supportable.*
- *Noting that buildings with more than one storey attract families.*
- *This proposal is supportable as it may be better than other options presented.*

Councillor Alto spoke in favour of the proposal:

- *Looking at what can be built on this site and this response is favourable.*
- *This is a comparatively balanced offering, noting the next proposal may not be as favourable a design.*
- *Infill is needed that is done well.*

Defeated

For: Councillors Alto and Coleman

Against: Mayor Helps, Councillors Loveday, Lucas, Madoff, Thornton-Joe and Young

Council recessed from 8:54 p.m. to 8:59 p.m.

COMBINED DEVELOPMENT APPLICATIONS

2. 1040 Moss Street

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1056) 15-086

The purpose of this bylaw is to rezone the land known as 1040 Moss Street from the PB Zone, Public Buildings District, to the AGGV Zone, Art Gallery of Greater Victoria District, to allow a cultural facility, commercial exhibits, artists studios, public building, and to allow retail sales and restaurant in association with the cultural facility, with regulations specific to the property.

2. Application to Discharge a Land Use Contract as it Applies to Property known as 1040 Moss Street – Land Use Contract Discharge (1040 Moss Street) Bylaw – No. 15-092

The purpose of this Bylaw is to discharge the land use contract as it applies to the land known as 1040 Moss Street. The land use regulations contained within the land use contract will be superseded by the land use regulations enacted by Zoning Regulation Bylaw, Amendment Bylaw (No.1056) – No. 15-086.

3. Development Permit Application No. 000446

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1040 Moss Street.

Lucina Baryluk (Senior Planner): This is an application to rezone the property located at 1040 Moss Street to allow an expansion of an art gallery. The extension of uses were described and the matter under consideration is a draft bylaw is to allow this expansion. An existing land use contract must be discharged should the rezoning bylaw be approved. A concurrent development permit with no variances also requires approval.

Mayor Helps opened the public hearing at 9:01p.m.

John Gauld (Project Manager, Art Gallery of Greater Victoria (AGGV): Advised of the speakers who will outline the details of the project.

Ruth Wittenberg (President of Art Gallery Board), Outlined the history of the AGGV mansion, the art collection, how the AGGV contributes to the community, and also the aging infrastructure needs renewal.

Jon Tupper (CEO) Spoke about the museum providing access to the City's past, and how the art collection facilitates that. The storage is reaching capacity and more exhibition space is critical for operations.

Oliver Lang (Architect): Outlined the principles for the design and site plan for the art gallery that will expand on the exhibition space and will house the art collection. The proposed landscaping was outlined as well as the proposed Garry Oak meadow.

Councillor Young asked about the additional space proposed.

Oliver Lang: Currently the exhibition space is 9,900 net square feet. It will go up 13,000 square feet.

Lydia Kasianchuk (St. Charles): Spoke in support of the proposal and outlined her support and experience with the AGGV, the past and the current project to expand and display the largest collection of public art in B.C.

Tim Fields (Pentrelew) Spoke in opposition to the proposal, due to impacts on parking and traffic, concerns that the design doesn't fit in the neighbourhood, and the noise from events at the art gallery.

Joan Boye (James Bay Resident, Emily Carr Art Tours): Spoke in support of the proposal to expand the art gallery, noting her involvement in the arts community and how this proposal forms part of a cultural circuit.

Pieta van Dyke (Toronto Street): Spoke in support of the contemporary design that supports the heritage component of the art gallery through contrast, and fits into the neighbourhood.

Carole Sabiston (Rockland Avenue): Spoke in support of the expansion of the AGGV and described her involvement with the AGGV and previous site proposals. It is a vital core of Victoria and the proposal is well thought out.

John Hughes (Executive Director of Craigdarroch Castle): Spoke in support for the proposal and its importance in the community. A revitalized art gallery will make it easier to promote the Craigdarroch Castle and the AGGV.

Jacinthe French Grenier (Pentrelew Place): Spoke in opposition to the application due to the loss of privacy and views on adjacent properties, the impact on traffic and parking, as well as concerns regarding blasting.

Robert Coulter (Dallas Road): Spoke in support of the proposal due to the culture importance of the AGGV and the need for an improved facility to house the art collection.

Don Cale (Pentrelew Place): Spoke against the proposal due to the density, concerns about transportation and that the project doesn't fit into the residential community when it should be downtown.

Dave Clark (Moss Street): Spoke in support of the proposal noting the importance of art in the community, and that this will make the building a landmark.

Cam Lidder (Wilspencer Place): Spoke in opposition to the proposal and expressed concerns about the consultation process, the lack of information provided, and expressed concerns about the proposed height and glass design of the building.

Donna Jones (Ross Street): Spoke in support of the proposal and described past opportunities to expand the art gallery and the proposal to renew the facility at its current site.

Bob June (Mana Road, Chair of Rockland Neighbourhood Land Use Committee): Noted the community association's concerns about this application as it pertains to noise, which could be addressed through a covenant. Parking is also a concern but it is a positive attribute to the community and is supportable, if some of the issues are addressed.

Dave Bowers (Resident): Spoke about the parking issues in Victoria and expressed concerns about the design, noting that is beyond what is permitted.

Richard Bremer (Catherine Street): Spoke in opposition to the application, and expressed concerns about the design and location of the proposed expansion, advising that more public consultation is needed to provide more clarity.

Councillor Madoff asked about the adequacy of the community consultation process noting that the applicant had three open houses.

Lucina Baryluk: Advised that the minimum requirements have been met and the open houses were additional to the required processes.

Councillor Madoff noted that new drawings were shown.

Oliver Lang: The massing shown is the same but they have illustrated a few different aspects of materiality.

Mayor Helps asked if there were noise mitigation plans as requested by the Chair of the CALUC.

Oliver Lang: Advised that they will work with consultants on this and use state of the art equipment to operate quietly events in the building.

Councillor Alto withdrew from the meeting at 10:23 p.m.

Mayor Helps closed the public hearing at 10:25 p.m.

3. **Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1056) 15-086
Land Use Contract Discharge (1040 Moss Street) Bylaw 15-092*

Councillor Madoff spoke in support of the application:

- *The practicality of building on and enhancing the existing facility.*

Councillor Alto returned to the meeting at 10:27 p.m.

- *Preserving the heritage aspects of the building and the response to create contrast in design.*
- *The use of the existing footprint an approach that doesn't diminish the facility.*
- *Some concerns regarding traffic and parking but there are limited evening events.*
- *The commitment of the AGGV to work with other cultural facilities to have less of an impact on the neighbourhood.*
- *The care and attention taken on how the space will be used.*

Councillor Young spoke against the application:

- *Concerns regarding the requested rezoning amendments and how the facility will fit into the neighbourhood and impact adjacent neighbours.*
- *The increased activity that will impact the neighbourhood.*
- *The physical appearance of the proposal that is not in keeping with the neighbourhood.*

Councillor Loveday spoke in support of the application:

- *The design is appealing and the space will help fill gaps for the art gallery.*
- *There are some impacts on neighbours but the requirements for public engagement have been met.*

Councillor Coleman spoke in support of the application:

- *Moving the AGGV downtown may not have been an improvement.*
- *The design works well and supports land use planning.*
- *Parking may be an issue but a management plan will help.*

Councillor Thornton-Joe spoke in support of the application:

- *Parking can be an issue but the AGGV can look at strategies to mitigate it.*
- *The design works well and the CALUC supports it.*

Carried

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

4. **Bylaw Approval:**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaws **be adopted:**

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1056) 15-086
Land Use Contract Discharge (1040 Moss Street) Bylaw 15-092*

Carried

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

5. **Development Permit Application Approval**

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

That Council authorize the issuance of Development Permit Application No. 000446 for 1040 Moss Street, in accordance with:

1. Revised drawings date stamped November 6, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be substantially in accordance with the plans identified above as to the satisfaction of staff.
4. The phasing of the development to the satisfaction of City Staff.
5. The Development Permit lapsing three years from the date of this resolution.

6. **Carried**

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

Council recessed from 10:54 p.m. to 10:59 p.m.

Motion to Extend Past 11 p.m.

It was moved by Mayor Helps, seconded by Councillor Coleman, to extend the Council meeting to 1:00 a.m. **Carried Unanimously**

DEVELOPMENT VARIANCE PERMIT APPLICATION

1. 740 Hillside Avenue

1. Hearing - Development Variance Permit Application No. 00157

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 740 Hillside Avenue for the purpose of permitting a medical office occupancy and varying the following requirement of the Zoning Regulation Bylaw namely:

- Reducing the parking requirement for 980m² of medical offices from 1 stall per 37.5m² to 1 stall per 68m².

Lucina Baryluk: (Senior Planner): This is a development permit application for the property at 740 Hillside Avenue to reduce the parking requirements for a medical office.

Mayor Helps opened the public hearing at 11:00 p.m.

Kevin Klippenstein (Architect): This application is for a small parking variance, due to the medical/dentist office not being a typical practice as there are no regular walk-ins and it is more like an office in terms of occupant load.

Mayor Helps closed the public hearing at 11:02 p.m.

2. Development Variance Permit Approval:

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, That Council authorize the issuance of Development Variance Permit Application No. 00157 for 740 Hillside Avenue, in accordance with:

1. Plans date stamped September 4, 2015.
2. Development meeting all Zoning Regulation bylaw requirements, except for the following variances:
 - a. Schedule C, Section 16.C 5 – reduce parking requirement for 980m² of medical offices from 1 stall per 37.5m² to 1 stall per 68m².
3. The Development Variance Permit lapsing two years from the date of this resolution.

Carried Unanimously

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

1. 2560 Quadra Street

1. Hearing - Development Permit with Variances Application No. 000382

The City of Victoria will be considering the issuance of a Development Permit with Variances for the land known as 2560 Quadra Street. The intent of this application is to permit the construction of a four-storey building with 15 residential units and ground floor commercial.

Lucina Baryluk: (Senior Planner): This is a development permit application with variances to allow construction of four storey residential building with ground storey commercial. Also described were the four variances that are being requested.

Mayor Helps opened the public hearing at 11:04 p.m.

Sophie Denux (Property Owner): Outlined their involvement with rental apartment buildings and this project provided the opportunity to add value to the community.

Eric Barker (Architect): Provided a presentation on the location of the project in the Quadra Village and outlined the materials, design, elevation, the type of units and landscaping that are proposed for the four storey building,

Riven Moss (Greater Victoria Housing Society): Advised that they operate next door and are fully in support of this project as it will be an asset to the neighbourhood. They have a building elsewhere in town with no parking and it works well.

Dave Bowers (Resident): Spoke against the proposal and expressed concerns about the parking impacts that it will have on the neighbourhood.

Mayor Helps closed the public hearing at 11:18 p.m.

2. Development Permit with Variances Approval:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council authorize the issuance of Development Permit Application with Variances No. 000382 for 2560 Quadra Street, in accordance with:

1. Plans date stamped November 6, 2015

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Schedule C, total number of parking stalls reduced from 21 to 9 stalls and the commercial parking stalls reduced from 1 to nil;
 - ii. Setback from Quadra Street reduced from 6.0m to 3.2m for the third floor (C1-QV Zone, Section 4.52);
 - iii. Setback from the south side yard reduced from 3.55m to nil (C1-QV Zone, Section 4.52).
3. That the Council authorize City of Victoria 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 City staff.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

TEMPORARY USE PERMIT APPLICATION

2. 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue

1. Hearing – Temporary Use Permit Application

The Council of the City of Victoria will consider issuing a Temporary Use Permit for the land known as 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue for the purposes of approving the storage of new vehicles on a vacant site comprised of four lots for a period of two years.

The Temporary Use Permit will vary the following requirement of the Zoning Regulation Bylaw:

- Permit gravel instead of asphalt, concrete or permeable surfaces.

Lucina Baryluk (Senior Planner): This application is for a temporary use permit to store new vehicles on a lot. It requires approval as there is a variance to allow gravel paving instead of asphalt. The delivery of vehicles must follow Motor Vehicle Act and City Bylaw requirements.

Mayor Helps opened the public hearing at 11:20 p.m.

Mayor Helps closed the public hearing at 11:21 p.m.

2. Temporary Use Permit Application Approval:

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

That Council authorize the issuance of Temporary Use Permit Application No. 00481 for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue.

1. Plans date stamped August 21, 2015 with revisions to the landscape screening to the satisfaction of staff.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - a. Schedule C, Section 7.2 (d) - permit gravel instead of asphalt, concrete or permeable surface.
3. Delivery of vehicles to and from the site meeting Motor Vehicle Act Regulations and City bylaw requirements.
4. The Temporary Use Permit lapsing two years from the date of this resolution.

Carried Unanimously

ROAD CLOSURE HEARING

1. Portion of Clawthorpe Avenue

1. Hearing – Road Closure (Unconstructed Portion of Clawthorpe Avenue) Bylaw 15-085

The City of Victoria proposes to adopt a bylaw to remove the dedication as highway of the portion of Clawthorpe Avenue.

Chris Coates (City Clerk): The purpose of this bylaw is to close to traffic a portion of Clawthorpe Avenue and create title to it.

Mayor Helps opened the public hearing at 11:21 p.m.

Mayor Helps closed the public hearing at 11:22 p.m.

2. Bylaw Approval

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

Road Closure (Unconstructed Portion of Clawthorpe Avenue) Bylaw No. 15-085

Carried Unanimously

LIQUOR LICENCE HEARING

1. Liquor Primary Licence Application for Yuk Yuk Victoria (Licenced to Laugh Productions Inc.) 665 Douglas Street

Chris Coates (City Clerk): Outlined the process for this hearing, noting the applicant's intention to further restrict the liquor licensing hours for stand-up comedy entertainment. The City doesn't approve the application but makes comments to the Liquor Control and Licensing Branch. Staff will report back at the January 14, 2016 Council meeting.

1. Hearing – Yuk Yuk's Victoria – 665 Douglas Road

To establish a new Liquor Primary Licence at 665 Douglas Street.

- The proposed licensed person capacity (occupant load), which includes staff and patrons, is 211 persons.
- The requested hours are: 0900h (9:00am) - 2400h (12:00am), Sunday to Thursday and 0900h (9:00am) - 0100h (1:00am), Friday and Saturday.
- Yuk Yuk's Comedy Club provides entertainment in the form of 90 minute stand-up comedy shows.
- The applicant has indicated their willingness to have Terms and Conditions placed on the licence stating that the Liquor Licence, if approved, cannot be transferred to another party without City of Victoria and Liquor Control & Licencing Branch approval, and that the use of the licence is for a comedy club and any change in use would require City of Victoria approval.

Mayor Helps opened the public hearing at 11:24 p.m.

Bert Hick (Applicant): Advised that they have submitted a revised proposal to City staff as a result of meeting with the Community Association:

- Use of the liquor licence will be restricted to that of a comedy club venue (this Term and Condition is consistent with the Offer to Lease with Concert Properties for the space as the use is for a comedy club concept);
- The licence cannot be transferred to another party without City of Victoria's approval (this will ensure that the licence does not get transferred to someone who may operate the licence contrary to that of a Comedy Club);
- The hours of licensing are being amended to the following:
 - 12:00 noon – 10:30 pm Sunday to Saturday (the reason for the Noon hour and afternoon licensing is that the Licensee may want to offer, as was suggested last night at the James Bay Neighbourhood Association meeting, a matinee comedy performance as well as possible corporate events).
- For the Sunday night to Thursday night shows the performance will start at 7:00 pm and end at 8:30 pm; The Friday and Saturday shows will commence at 6:30 pm (rather than the previous 7:00 pm) and will run until 8:00pm. The second show will commence at 8:30 pm and will finish at 10:00 pm.
- The Licensee will construct a canopy over the front entrance in conjunction with the Landlord (Concert Properties) and will construct a decorative art separation (divider) by way of wrought iron or other structure between the entrance of Yuk Yuk's and the entrance to the "Q" building. This will be done in consultation with the Landlord to ensure it is attractive. This will ensure that patrons do not meander over to the "Q" Apartment side of the divider;
- Yuk Yuk's will hire a door person/greeter who will be outside the establishment at the front door prior to, and during, comedy performances to ensure patrons disperse quietly, patrons to Yuk Yuk's stay on their side of the above mentioned divider and to maintain a clean safe area for the benefit of all concerned;
- The Licensee will purchase a small shuttle van or bus (similar to those used by Helijet or Harbour Air) to transport groups or individuals from the venue to the downtown core or from the downtown core to Yuk Yuk's to reduce traffic and parking.
- As a result of discussions with Robbins Parking, the Licensee will provide customers with parking discounts at Robbins controlled parking lots at the Convention Centre and other locations in the Inner Harbour area to encourage patrons to use these parking lots. They will be required to provide proof of parking and will be provided with a discount at Yuk Yuk's.

The Licensee continues to agree that they will comply with the City of Victoria Noise Bylaw and the requirements of the Good Neighbour Agreement. The above proposed Terms and Conditions can be added to the liquor licence and the Good Neighbour Agreement similar to the way restrictions were placed on the Helijet Liquor Primary Licence.

Mr. Hick provided a presentation that outlined the requirement for a liquor primary licence and the consultation the applicant has done. He advised that 2,000 notifications were sent out from the City for this hearing.

Dave Wilcox (Applicant): Provided the reasoning behind the proposal for this business opportunity and why this location was selected for Yuk Yuks. He also noted the success of Yuk Yuks of integrating positively with communities.

Councillor Thornton-Joe asked about the food that will be served and hours of operation New Year's Eve.

Burt Hick: It will be a lighter menu that may change with events, and they may apply for a special licence on New Year's Eve.

Councillor Thornton-Joe noted that there may be smoking or noise issues when people leave the club.

Burt Hick: The greeter will make sure people don't congregate and there is the smoking bylaw.

Councillor Thornton-Joe noted that the location is across from a senior's home and Thunderbird Park, and people may be congregating there.

Burt Hick: The greeter can also deal with this and it shouldn't be an issue.

Derwin Ropey-Thomas (Douglas Street): Spoke against the proposal expressing concerns about loss and lack of parking, the impact on the context of the neighbourhood, and it's not an amenity to the community.

Natasha Clark (Douglas Street): Spoke against the proposal that doesn't fit the neighbourhood, and expressed concerns about noise and smokers that would impact adjacent residents.

Norma Hill (Douglas Street): Spoke against the proposal as there are residents surrounding the location and this type of business doesn't fit in. Noise is a concern as is parking.

Sandra Baldwin spoke for Dana Batho (Q Apartment): Ms. Batho is unable to attend the meeting. She is a disabled veteran who relocated to Victoria for the quietness, and she is concerned about the potential for noise and increased traffic.

Sandra Baldwin (Q Apartment): Expressed concerns about the potential for noise from the patrons and the additional traffic would also impact residents.

Bruce Gillespie (Academy Close): Member of Tourism Victoria and the Chamber of Commerce, who expressed concerns that this is the wrong place for a Yuk Yuks as it is a residential building.

Carol Steer (Douglas Street): Read a letter from her neighbour, Dr. Joan Mitchell of Douglas Street who is against the proposal due to noise and parking impacts in this residential area and sleep will be disrupted.

Marg Gardiner (President of James Bay Neighbourhood Association): Expressed concerns regarding the proposal and noted their presentation was made before the applicant submitted revised terms and considerations. A presentation outlined noise, parking and traffic issues.

Doug Steinberg (Douglas Street): Spoke in opposition of the application and noted that Yuk Yuks are not normally in residential neighbourhoods, and that is why they haven't had noise issues. Parking will be an issue, as will noise, and sleep will be affected.

Cynthia Raitt (Douglas Street): Spoke against the application as it doesn't fit into a residential neighbourhood and there has been confusion on what is being requested.

Michael Baldwin (Q Apartment): Spoke in opposition of the application and expressed concerns regarding the potential for noise, and that it doesn't fit in a residential area. Concerns were expressed regarding the proposed parking lot and traffic concerns were also noted.

Dallas Scott (Douglas Street): Spoke against the proposal as this is a residential neighbourhood and noise, parking and traffic are concerns.

Mayor Helps closed the public hearing at 12:26 a.m.

Chris Coates (City Clerk): Advised that staff will report back at the January 14, 2016 Council meeting.

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. **Amanda Evans, Volunteer Engagement in Victoria's Parks**
Provided information on the Victoria Green Team, a charity group that inspires stewardship of nature. They would like to build a relationship with Victoria and help the City with environmental stewardship.
2. **Lorne Daniel, Report on Cook Street, Re-Make Pop-Up Project**
Provided an overview on the project *Cook Street Re-Make* and provided recommendations on this collaborative project.
3. **J.C. Scott, Beacon Hill Park, Checkers Pavilion, Repatriating a Lekwungen Sacred Site**
Read a letter about the historical impact of imperialism on the First Nations people and spoke in support of restoring Beacon Hill to a First Nation site with a longhouse.

4. **Tristan Ray-Wilks, Plastic Pollution**

Expressed concerns regarding the plastic pollution found in the ocean and the environmental impact associated with the use of single plastic materials.

Councillor Loveday withdrew from the meeting at 12:48 p.m. and returned at 12:50 p.m.

5. **Captain Mouck, Illuminate the Way IEIU Campaign, Municipal Movement, Section 1, Phase 1**

The Chair ruled that this is a commercial presentation and invited Captain Mouck to attend the Mayor's open door.

6. **Kristina Leach, Return to the Esquimalt and Songhees People a portion of their Traditional Territories**

Spoke in support of the motion to return Beacon Hill land to the Esquimalt and Songhees People and noted a petition had been signed in support of the motion.

7. **Derek Sanderson, Longhouse – Beacon Hill**

Spoke on behalf of Chief Sam and Chief Thomas and expressed thanks for the positive steps that are taking to heal past actions, including building a longhouse at Beacon Hill.

Mr. Sanderson spoke as Chair of Lekwungen Cultural Development advising that Beacon Hill is a community for all people and outlined how they plan on using solar power so this is will be a green initiative.

Motion to Extend Past 1:00 a.m.

It was moved by Mayor Helps, seconded by Councillor Coleman, to extend the Council meeting to 1:30 a.m. **Carried Unanimously**

8. **Susan Abells, Support for Repatriating a Lekwungen Sacred Site**

Spoke in support of the repatriation of the sacred site on Beacon Hill and outlined how matters could be addressed to move the project forward.

Councillor Thornton-Joe withdrew from the meeting at 1:00 a.m. due to a pecuniary conflict of interest with the following item as her spouse works for BC Transit.

9. **Ruth Annis, Downtown Bus Terminal Proposal, 700 Block Douglas Street**

Spoke as the Chair of Humboldt Valley Committee, and expressed concerns about the bus terminal proposal, and provided an alternative motion for Council to consider.

Councillor Thornton-Joe returned to the meeting at 1:05 a.m.

UNFINISHED BUSINESS

1. **Correspondence for Information**

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council receive the Correspondence for information.

Carried Unanimously

2. **Truth and Reconciliation Commission's Calls to Action**

Council received a report dated December 4, 2015 that presented Council with research findings on how to move forward on the actions recommended by the Truth and Reconciliation Commission's (TRC's) Calls to Action that are within the City of Victoria's jurisdiction to act upon.

Councillor Alto noted a minor amendment to the motion.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct staff to create a Terms of Reference for committee/working group that will take forward the TRC's Calls to Action that are within the City's jurisdiction to act, with membership including representatives from a variety of groups in Victoria, including the Songhees and Esquimalt Nations.

Carried Unanimously

Councillor Lucas excused herself from the meeting at 1:08 a.m. due to a pecuniary conflict of interest as she runs a retail store that supplies plastic bags to its clients.

3. **Preliminary Resource Assessment – Analysis of a Proposed Ban of Single Use Plastic Bags**

Council received a report dated December 8, 2015 that providing a preliminary resource assessment and some initial commentary pertaining to an analysis of the proposal to ban single-use plastic bags in the City.

Motion:

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

1. Receive and consider this report and its resource estimates for staff to complete a comprehensive analysis in support of the proposed ban on single use plastic bags, and direct staff as to the required analysis, actions and associated timelines pertaining to the proposed bylaw to ban single-use plastic bags; and
2. Consider directing Staff to prioritise their resources towards the completion of an ongoing, technical review (by 14 April 2016) of solid waste management to recommend how to best mitigate the impacts of the city's multiple waste streams, which include single-use plastics.

Councillor Young asked if the motion is regarding plastic bags or solid waste management.

Fraser Work (Director of Engineering & Public Works): The issue is related to solid waste management and the completion of a review of solid waste is a priority before focusing on a ban.

Mayor Helps advised that Council could provide further direction in response to the report received in April.

Carried Unanimously

Councillor Lucas returned to the meeting at 1:12 a.m.

REPORTS OF THE COMMITTEES

1. Special Governance and Priorities Committee – November 20, 2015

1. Budget Presentations – Engineering and Public Works

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council direct staff to accelerate the crosswalk project at Douglas and Michigan in 2016.

Carried Unanimously

2. Budget Presentations – Corporate

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council direct staff to look into the budget implications of increasing the festival investment grants based on past oversubscription.

Carried

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

2. Governance and Priorities Committee – December 3, 2015

1. Downtown Victoria Business

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council receive the report for information.

Carried Unanimously

2. Council Appointments

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council postpone consideration of the appointments.

Carried Unanimously

Councillor Thornton-Joe withdrew from the meeting at 1:13 a.m. due to a pecuniary conflict of interest with the following item as her spouse works for BC Transit.

3. Downtown Bus Terminal Proposal – 700 Block Douglas Street

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

1. Request BC Transit and the commercial bus operators consult with stakeholders and citizens, including adjacent property owners and businesses, to solicit feedback on the details of the proposal,
2. Direct staff to work with BC Transit to identify necessary on-street improvements prior to April 30, 2016,
3. Direct staff to negotiate a lease with the commercial bus operators for curb space on the 700 block of Douglas Street, consistent with the 2011 Guiding Principles for the Use of Public Space.

That Council direct staff to engage the property owner where current the current bus station is located and report back on options for a permanent stations as part of redevelopment.

That Council postpone consideration of the following point:

1. Endorse the BC Transit proposal to create a bus terminal/transportation precinct on the east side of the 700 block Douglas Street.

Councillor Loveday said that alternate locations should be looked for but this is supportable in the interim.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 1:14 a.m.

4. Skateboarding Regulations – Additional Information

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

1. Proceed with proposed amendments to the *Streets and Traffic Bylaw*, *Ticket Bylaw*, and *Parks Regulation Bylaw* that would permit the use of skateboards, roller skates, in-line skates, and non-

motorized scooters on all City streets, and require skateboarders and users of other similar modes of transportation to follow the same rules of the road as cyclists, and include a requirement for lighting at night, and eliminate associated impound provisions, effective February 1, 2016.

2. Proceed with a communications strategy to increase public understanding on how skateboarders can integrate in City streets.
3. Report back in June 2016 with any observations/considerations related to skateboarding safety in the City.

Carried Unanimously

5. Victoria West Park Improvements

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council endorse the Park Improvement for Victoria West Park including the priority improvements of the skate park, playground and off-leash dog area.

Carried Unanimously

6. Development Cost Charges Review

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council endorse the proposed approach for the review of development cost charges as outlined in this report.

Carried Unanimously

7. Service Policy Review

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council approve the Service Review Policy as outlined in Appendix A of this report.

Carried Unanimously

8. Proposed Participatory Budgeting and “My Great Neighbourhood Fund”

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council direct staff to:

1. Prepare for a participatory budgeting process to commence upon approval of the 2016 Financial Plan.
2. Develop a policy for a "My Great Neighbourhood Fund" and application guidelines for introduction upon approval of the 2016 Financial Plan.

Carried Unanimously

9. Proposed Public Use of City Hall and Guidelines

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

- a. Approve the proposed Public Use of City Hall Policy and Guidelines.
- b. Direct staff to pilot usage of City Hall for events and report back in six months.

Carried Unanimously

10. Liquor Licence Application – Royal Canadian Legion Public Service Branch 127, 514 Government Street (James Bay Neighbourhood)

It was moved by Councillor Coleman, seconded by Councillor Young, that Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for the Royal Canadian Legion Public Service Branch 127, located at 514 Government Street, and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, approves:

1. The scheduling of a Liquor Licence Hearing (suggested date: Thursday January 28) before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.
3. That the application be sent to the Neighbourhood Association Land Use Committee for comment.

That Council approve the following motion:

Until the City's Liquor Licensing Policy is brought forward for Council's review, all Liquor License Applications that come before Council, be forwarded to the Neighbourhood Land Use Committee for comment.

Carried Unanimously

11. Potential Amendment to the 2015 - 2018 Strategic Priorities: Motion - Asbestos Control

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

1. Review existing policy, legislate and current procedures related to worker protections from asbestos exposure.
2. Report on any anticipated benefits and drawbacks associated with improved compliance with WorkSafeBC and OHS Regulation related to asbestos exposure in Q1 of 2016.

Carried

<u>For:</u>	Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff and Thornton-Joe
<u>Against:</u>	Councillor Young

12. Resource Implications of Pedicabs Motions

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council receive the report for information and direct staff to incorporate the proposed review into the 2016 operational plan with recommendations coming to Council for review in April 2016.

Carried Unanimously

13. Heron Cove and Raymur Point Bridge Widths

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council direct staff to proceed with detailed design and costing for a 5.0 metre wide multi-use bridge at Heron Cove and Raymur Point.

Carried Unanimously

14. Motion – McPherson Theatre

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council direct staff to enter into discussions with the Capital Regional District, the Royal McPherson Theatre Society, the District of Saanich and the District of Oak Bay, and report back to Council with a strategy for increasing membership in the Capital Regional District McPherson Theatre Service, in order to place the funding of the McPherson Theatre on a more equitable long-term financial footing.

That Council table the following motion until the end of February 2016:

That Council approve the following motion:

1. That City staff be asked to advise Council on steps that would be required to resume City management of the McPherson Playhouse.
2. That the Mayor write to the Councils of Saanich and Oak Bay indicating that we are concerned about the costs for the McPherson borne by Victoria taxpayers, and that if the situation cannot be addressed we will have to consider reassuming control of the Playhouse.
3. That staff be asked to develop terms of reference for an examination of the operations of the McPherson, including:
 - a. why is usage not higher?
 - b. why are users developing alternative facilities? (these questions need to be asked of current users and of nonusers who are potential users or actual past users)
 - c. if costs are indeed an issue, what factors are driving costs?
 - d. are there shortcomings in the facility?
 - e. how does the McPherson compare with other facilities both in terms of efficiency of operation and in terms of ability to attract private donations and government grants?
 - f. is usage is likely to continue to decline and operating losses to rise?

Carried Unanimously

15. Motion – McKenzie Interchange

It was moved by Councillor Young, seconded by Councillor Loveday, that Council approve the following motion:

That the Mayor write to the appropriate Provincial and Federal government ministers expressing Victoria Council's concerns that the proposed designs for the McKenzie interchange do not provide sufficiently for future rapid bus or light rail transit or for bicycle connectivity.

Carried Unanimously

16. Motion – Repatriating a Lekwungen Sacred Site

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council approve the following motion:

RESOLVED that the City of Victoria return to the Esquimalt and Songhees People a portion of their traditional territories, that being the area on which the 'Checkers Pavilion' now rests, for their use as a site to build a traditional Long House, to be used for First Nations cultural and educational activities, in perpetuity,

FURTHER RESOLVED that City staff be directed to work with the Songhees and Esquimalt People to (1) complete the raising of a First Nations Long House on this site before the end of 2017, to complement the celebration of Canada's 150th anniversary; (2) collaborate with the Esquimalt and Songhees people in applying for federal and provincial government funding support; and (3) provide advice and expertise to the project,

FURTHER RESOLVED that City deconstruct the existing Checkers Pavilion and prepare the site as necessary for Long House construction,

FURTHER RESOLVED that Council direct staff to expend the balance of funds remaining in the 2015 Strategic Priorities Fund (up to \$32,000) to deconstruct the existing Checkers Pavilion (estimated cost: approximately \$15,000) and pay for such other related costs as necessary to expedite the start of this initiative.

Councillor Thornton-Joe noted that she has corresponded with Dr. Nancy Turner who provided advice about native flora at this site.

Carried Unanimously

17. Update to Facility Conditions Assessment

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

Carried Unanimously

18. Public Engagement for Johnson Street Bridge Public Realm Areas

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

Carried Unanimously

REPORTS OF THE COMMITTEE

3. Planning and Land Use Committee – November 26, 2015

1. Rezoning Application No. 00492 for 2972 Doncaster Drive

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00492 for 2972 Doncaster Drive, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried Unanimously

2. Development Permit with Variances Application No. 00492 for 2972 Doncaster Drive

It was moved by Councillor Coleman, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00492, if it is approved, Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00492 for 2972 Doncaster Drive, in accordance with:

1. Plans date stamped November 10, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

Existing House (Proposed Lot A)

- i. Part 1.23 (8)(a): Reduce the front yard setback of the main structure from 6m to 5.54m.
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the main structure from 6m to 1.63m.
- iii. Part 1.23 (9): Permit accessory buildings to be located in the side yard.
- iv. Part 1.23 (3)(a): Reduce the front yard setback of the accessory building from 18m to 14.72m.
- v. Schedule “C” (3): Permit parking to be located between the building and the front lot line.

New House (Proposed Lot B)

- vi. Part 1.23 (8)(a): Reduce the front yard setback of the main structure from 6m to 4.5m.
- vii. Part 1.23 (13)(a): Reduce the front yard setback of the accessory building from 18m to 14.72m.
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

3. Development Permit with Variances Application No. 000447 for 941-943 Fort Street

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

“That Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street, in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 6.55 1.(2): Allowing office use to locate within 6m of the building street frontage.
 - b. Schedule C Section 16.C.5: Reduction of one parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

4. Development Permit Application No. 000439 for 1101 Fort Street

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council approve the following motion:

“That Council authorize the issuance of Development Permit Application No. 000439 for 1101 Fort Street in accordance with:

1. Plans date stamped November 4, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. That Council authorize City of Victoria 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 City staff.
4. Registration of the following:
 - a. Statutory Rights-of-Ways for the bus shelter on Fort Street and sidewalk on Meares Street to the satisfaction of City staff.
 - b. Section 219 Covenant for the public realm improvements associated with the landscape planters and pavers along Cook Street and Meares Street to the satisfaction of City staff.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
6. The Development Permit lapsing two years from the date of this resolution.”

Carried

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

5. **Development Permit with Variances Application No. 000440 for 1 Cooperage Place and 2 Paul Kane Place**

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council refer the application back to staff to have the applicant to provide more detailed information with respect to:

1. The proposed Hydro substation.
2. Accommodating the paddling channel width with and without the accommodation of the City.
3. Specifics of items previously requested by staff.
4. With a request that the applicant provide detailed information on the following:
 - a. The siting and appearance of the hydro substation and any proposed screening.
 - b. The design, colour and finish of the proposed new harbour wall, railings and any associated landscaping.
5. Unobstructed access to parking stalls.

Carried Unanimously

6. **Development Variance Permit Application No. 00164 for 2540 Quadra Street**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council waive the Clean Hands Policy for Planning Approvals for 2540 Quadra Street to allow the two illegal suite to remain occupied while the Development Variance Permit No. 00164 is under consideration. Prior to the setting of the date of the meeting of Council to consider this application, the applicant be required to file a covenant on the title specifying that all illegal construction will be removed if the application is refused and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00164 for 2540 Quadra Street, in accordance with:

1. Plans date stamped October 28, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the required number of parking stalls reduced from 29 vehicle parking stalls to 17 stalls (Schedule C).
3. A six space bike rack be provided at the front entrance to the building.
4. Two vehicle parking stalls to be allocated for visitor parking.
5. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

7. **Development Variance Permit Application No. 00163 for 1066 and 1070 Finlayson Street**

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

“That Council authorize the issuance of Development Variance Permit Application NO. 00163 for 1066 and 1070 Finlayson Street, in accordance with:

1. Plans date stamped October 26, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - Reduce the rear yard setback of 1070 Finlayson Street from 8.98m to 4.67m.
3. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

8. **Heritage Alteration Permit Application No. 00209 for 737 Fort Street (British American Trust Company Building)**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council approve the following motion:

“That Council authorize the issuance of Heritage Alteration Permit (HAP) Application No. 00209 for the property at 737 Fort Street, in accordance with:

1. Plans date stamped October 20, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. That Council authorize City of Victoria staff to execute an Encroachment Agreement in a form satisfactory to City staff.
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.”

Carried Unanimously

9. **Heritage Designation Application No. 000154 for 727 Yates Street**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council approve the following motion:

“That Council consider the designation of the property located at 727 Yates Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.”

Carried Unanimously

10. **Official Community Plan Annual Review**

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council receive the Official Community Plan Annual Review 2015 for information and direct staff to communicate the findings and highlights from the Annual Review to the public.

Carried Unanimously

MOTIONS

1. **To Set Public Hearings for the Council Meeting of Thursday, January 14, 2016 for:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, JANUARY 14, 2016, at 7 p.m.:**

1. Rezoning Application No. 00468, Heritage Alteration Permit Application No. 00195 and Development Permit Application for 1070 Joan Crescent
2. Rezoning Application No. 00495 and Development Permit with Variances No. 00495 for 863 and 865 Villance Street
3. Development Permit with Variances Application No. 000447 for 941 – 943 Fort Street
4. Zoning Regulation Bylaw, Amendment Bylaw (No. 1055)

Carried Unanimously

BYLAWS

1. FIRST READING

1. Update on Rezoning Application No. 00468, Heritage Alteration Permit No.00195 and Development Permit No. 000448 for 1070 Joan Crescent - Bylaw ready to proceed to Public Hearing

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council receive this report for information and that the Rezoning Application and Heritage Alteration Permit Application for the property located at 1070 Joan Crescent proceed to a Public Hearing. For procedural correctness, staff have determined that a Development Permit is also required for this proposal, therefore, the Council Resolution of May 28, 2015, for Rezoning Application No. 00468 should be amended to include the following:

Following consideration of the Zoning Regulation Bylaw Amendment pertaining to Rezoning Application No. 00468 for 1070 Joan Crescent, if approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit No. 000448 for 1070 Joan Crescent, in accordance with:

1. Revised drawings date stamped May 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above as amended to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.

That Council authorize the issuance of the Heritage Alteration Permit (HAP) Application No. 00195 for 1070 Joan Crescent, in accordance with:

1. Revised drawings date stamped May 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Community Planning Division."

Carried Unanimously

FIRST READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1057) – 15-090

To rezone the land known as 1070 Joan Crescent from the R1-A Zone, to the CCVC Zone.

Carried Unanimously

2. Zoning Amendment Bylaw No. 1058 (863 and 865 Villance Street)

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council consider first and second readings of Bylaw No. 1058.

Carried Unanimously

FIRST READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1058) – 15-094

To rezone the land known as 863 and 865 Villance Street from the R1-B Zone, to the R-2 Zone.

Carried Unanimously

3. Zoning Amendment Bylaw No. 1055 (R1-A Zone, Rockland Single Family Dwelling Bylaw Housekeeping Amendment)

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council consider first and second readings of Bylaw No. 1055.

Carried Unanimously

FIRST READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1055) – 15-084

To amend the Zoning Regulation Bylaw to better define regulations related to the site area.

Carried Unanimously

4. Housing Agreement Amendment (1035 Oliphant Avenue) Bylaw

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council consider first, second and third readings of Bylaw No. 15-095.

Carried Unanimously

FIRST READING

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

Housing Agreement Amendment (1035 Oliphant Avenue) Bylaw - 15-095

An amendment to an agreement for rental housing for the lands known as 1035 Oliphant Avenue

Carried Unanimously

2. SECOND READING

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1057) – 15-090
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1058) – 15-094
3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1055) – 15-084
4. Housing Agreement Amendment (1035 Oliphant Avenue) Bylaw - 15-095

Carried Unanimously

3. THIRD READING

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

1. Housing Agreement Amendment (1035 Oliphant Avenue) Bylaw - 15-095

Carried Unanimously

4. ADOPTION

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following bylaws **be adopted:**

1. Waterworks Bylaw, Amendment Bylaw (no. 10) – 15-087
2. Solid Waste Bylaw, Amendment Bylaw (No. 4) – 15-088
3. Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 2) – 15-089
4. Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 3) – 15-093

Carried Unanimously

QUESTION PERIOD

A question period was held

NEW BUSINESS

1. Appointment of Auditor

Council received a report dated December 2, 2015 that advised the five-year audit contract expired after the completion of the 2014 financial statement audit earlier this year and information was provided on the RFP process that resulted in the successful bidder for the City being BDO Canada LLP.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council appoint BDO Canada LLP as the City's auditor for the financial reporting years 2015 – 2019.

Carried Unanimously

CLOSED MEETING at 11:50 p.m.

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw; namely:

Section 12(3)(a) *Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another person appointed by the City.*

Section 12(3)(e) *The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.*

Section 12(3)(i) *The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

Section 12(3)(m) *A matter that, under another enactment, is such that the public may be excluded from the meeting.*

Section 12(4)(b) *The consideration of information received and held in confidence relating to negotiations between the City and a Provincial government or the Federal government or both, or between a Provincial government or the Federal government or both and a third party.*

Carried Unanimously

ADJOURNMENT

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

Time: 1:30 a.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA