



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, NOVEMBER 12, 2015, AT 7:00 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>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; F. Work - Director, Engineering and Public Works; C. Coates - City Clerk; B. Dellebuur - Acting Assistant Director, Transportation and Parking Services; C. Mycroft - Executive Assistant to the City Manager; J. Handy – Senior Planner, Development Agreements; C. Havelka - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined changes to the agenda.

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

Carried Unanimously

POETRY READING

Zoe Duhaime, Youth Poet Laureate, read and sang a poem entitled “How a Tie a Bow Tie”.

MINUTES

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the Special Council meeting minutes of October 8, 2015, be approved.

Carried Unanimously

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Regular Council meeting minutes of October 29, 2015, be approved.

Carried Unanimously

PROCLAMATIONS

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

1. “Louis Riel Day” – November 16, 2015

Carried Unanimously

HEARING

1. Island Health Royal Jubilee Master Campus Plan

1. Island Health Royal Jubilee Master Campus Plan

Council is considering public input with respect to the approval of the future planning and development of the Royal Jubilee Hospital site.

Mayor Helps opened the public hearing at 7:08 p.m.

Jim Handy (Senior Planner, Development Agreements): With respect to the Royal Jubilee Master Campus Plan, under the terms of existing Master Development Agreement (MDA), Island Health has agreed that no further development will occur at the site, except for Patient Care Centre and associated facilities, until Victoria City Council has approved the Master Campus Plan. With Council’s approval of the Master Campus Plan, the document will be used as a policy tool, to guide a rezoning application that may be submitted for the site.

Jani Urquhart (Planning, Island Health): Provided a presentation that outlined the background and site context of the Royal Jubilee Hospital Master Campus Plan, the proposed development scenario, design guidelines, parking and transportation, and provided clarification on issues that were expressed as concerns in the community.

Councillor Madoff asked about the potential parkade at the Eric Martin Pavilion and if access is required on Trent Street and Lee Avenue?

Jani Urquhart: The idea would for there to be vehicle traffic on Trent Street and the exit on Lee Avenue.

Councillor Madoff asked how many parking spaces are proposed and what would be the height of that structure.

Jani Urquhart: They have proposed a design with 380 parking spaces but that number depends on what buildings will be on other parts of the site. The height would be four and a half storeys which is lower than Eric Martin.

Mark Crisp (Stantec Consulting): The parkade would be no higher than half the height of Eric Martin.

Councillor Young asked about the setback of the parkade and potential noise due to the open parkade.

Mark Crisp: Described the proposed landscape buffers and designs that would lessen the impact of the parkade. The parkade will also be acoustically modeled to mitigate noise.

Councillor Young asked about the intensification along the Fort Street corridor.

Mark Crisp: Described the frontage of the street and how the buildings are proposed to be situated, as well as the corner articulation which will help maintain a campus setting.

Jani Urquhart: Advised that the community association noted the importance of the green space at Fort and Richmond Streets. She noted they have no order in which the proposed buildings will be built and they will move forward when funding is available. A parkade would not be built right away.

Mayor Helps asked if the parkade would require a public hearing.

Jim Handy: These plans are establishing principles and identify the potential for a parkade. The location of the proposed parkade is a restrictive zone that would require a rezoning which would go through the CALUC process with a 100 meter mail out and a Public Hearing process that would also require a mail out and notice.

Anne Jeffrey (Trent Street): Spoke in opposition to the plan and expressed concerns regarding the parkade which will have an impact on their apartment building due to the noise and traffic it will generate.

Christine O'Leary (Trent Street): Spoke in opposition to the plan because it will impact their residential building.

Nancy McQuinn (Trent Street): Spoke in opposition to the plan noting that Trent Street accesses a school and the extra traffic will affect the children. The light and privacy of their residential building will also be impacted.

Mayor Helps asked how many residential units are in the building.

Nancy McQuinn: There are 18 residential units.

Chris Doyle (Dallas Road): Spoke in opposition to the plan and noted the history of the hospital and that changes are not needed.

Councillor Thornton-Joe asked if the current parking lot site could have a tall building and would that be permitted.

Jim Handy: A building would require a variance or a rezoning before anything could be done on that parcel as the current use is very limited.

Mayor Helps closed the public hearing at 8:02 p.m.

2. Motion

It was moved by Councillor Young, seconded by Councillor Coleman,

1. That Council approves Island Health's *Royal Jubilee Hospital Master Campus Plan* as the principle guiding document for the planning and development of the Royal Jubilee Hospital site; and
2. That Council direct staff to work with Island Health to investigate a process for allowing the City to review future development proposals against the Design Guidelines outlined in Master Plan and that this work take place concurrently with the submission of a Rezoning Application by Island Health for the Royal Jubilee Hospital site.

Councillor Young spoke in support of the plan:

- *Noting the difficulties enlisting the active participation of everyone in the community.*
- *The limitations on the parkade and the notification and development process that is required before any building is approved.*
- *Island Health has agreed to limits that a private developer may not have agreed to.*
- *The value in the hospital continuing to grow on this site in terms of jobs and services.*
- *Working with Island Health to ensure a potential facility will have minimum impacts on the neighbours.*

Councillor Madoff spoke in support of the plan:

- *Noting the length of time and challenges there can be with consultation.*
- *The proviso for there to be a campus master plan as a broad vision on how change may be delivered on this site over time.*
- *Each change will require a rezoning and tonight they are approving a concept.*
- *They may or may not need that much parking noting that currently there is no budget to build anything.*
- *This plan will provide a framework for future rezoning applications that identify specific proposals.*

Councillor Isitt asked about obligations that are required for a parkade proposal to move forward, and how would that look should a building with the density of Eric Martin be proposed.

Jim Handy: Island Health could submit one rezoning for the entire site, or a standalone parkade application but they don't anticipate that as a next stage as it is a requirement for additional space. For a rezoning, the community would have to be consulted before an application was submitted and then a Public Hearing would be held with a notice and 100 meter mail out.

Councillor Isitt spoke in support of the plan:

- *Noting the information that will be provided with future applications for this site.*
- *The value of locating health services in the community.*
- *The anticipation that Island Health will engage the community before asking approval to build on this site.*

Councillor Coleman spoke in support of the plan:

- *Noting the difficulty in ensuring all people are consulted and ensuring communication is improved.*
- *This is a stage in the process that will guide development for the long-term vision of the hospital.*
- *There will be a 20 year build-out if and when there is funding.*
- *This is an important facility for this site and the region.*

Carried Unanimously

Councillor Young withdrew from the meeting at 8:21 p.m. due to a pecuniary conflict of interest as his family owns property within the notification area for the property under consideration for the public hearing.

HERITAGE ALTERATION PERMIT APPLICATIONS

1. 222 Dallas Road

1. Hearing – Heritage Alteration with Variances Permit:

The City of Victoria will be considering the issuance of a Heritage Alteration Permit with variances for the land known as 222 Dallas Road and varying the Zoning Regulation Bylaw namely:

- Reducing the required minimum setback distance from the building to the front (Dallas Road) and side yard (Dock Street and interior side yards) setbacks
- Increasing the maximum building height from 7.6m to 9.9m and increasing the number of storeys from 2 to 2.5

Legal description of the land: Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941

Mayor Helps requested that both 222 Dallas Road and 226 Dallas Road be considered at the same time.

Mayor Helps opened the public hearing at 8:21 p.m.

Jim Handy (Senior Planner, Development Agreements): Provided information regarding the two Heritage Alteration Permits with Variances applications for 222 and 226 Dallas Road which are heritage registered houses presently located at 524 and 526 Michigan Street. The houses will be rehabilitated once relocated to this site and he described the variances being requested for this relocation.

Karen Jawl (Jawl Properties): Advised that Jawl Properties assumed the obligation to look for appropriate receiver sites for these houses, and she outlined information regarding the site that is proposed and the site footprint that requires a variance. A shadow study showed the impact of the current, allowable and proposed housing. She also provided information on why the existing house will not be moved but will be demolished and recycled.

Councillor Madoff asked if the houses could accommodate secondary suites.

Karen Jawl: Said the zone does permit a secondary suite, and one house will be on a crawl space, but the other will have a full height basement.

Councillor Madoff asked about access to the basement and potential parking pressures.

Jim Handy (Senior Planner): There is interior and exterior access to the basement and any increase in densification would require a rezoning.

Councillor Madoff asked of a Bed and Breakfast application would require consideration of parking.

Jim Handy: It would depend on the proposal but if a rezoning was required, staff would look at parking and there would be a public process.

Councillor Alto asked if a height variance would be required wherever the houses were relocated in James Bay.

Jim Handy: The R-2 zone is common in James Bay but he couldn't give a definitive answer.

Chris Doyle (Dallas Road): Spoke in opposition to the applications due to the proposed demolition of the existing house and putting two houses on these lots. He also expressed concerns regarding the impact on trees and potential parking issues.

Jim Handy: Provided information on the current houses which straddles two lots. The two lots are narrow so this triggers the variances.

Resident (Dallas Road) Spoke in support of the proposal and she asked about the setbacks from her fence and the reason for these setbacks.

Jim Handy: Provided information about the setbacks and building codes.

Christine Johnston (Dock Street): Expressed concerns about the view and parking, noting that this thoroughfare is well used.

Councillor Coleman asked about the variance to the fence line.

Jim Handy: Said that the present house to fence line is .9 meters.

Mayor Helps closed the public hearing at 8:53 p.m.

2. Application Approval:

It was moved by Councillor Madoff, seconded by Councillor Lucas, that Council authorize the issuance of Heritage Alteration Permit Application No. 00206 for 222 Dallas Road, subject to the completion of the following prior to the issuance of a Building Permit and in accordance with:

1. Revised plans date stamped August 18, 2015.
2. The provision of:
 - a. Plan, elevation and section details for the front porch;
 - b. A post-relocation condition assessment of the existing wood siding/shingles, woodwork, roof, exterior doors and windows;
 - c. Rehabilitation details confirming the scope of work arising from the condition of the historic fabric;
 - d. An exterior door and window rehabilitation schedule.
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 1.2.4.a - Height relaxed from 7.6m to 9.9m and number of storeys from 2 to 2.5;
 - b. Section 1.2.5.a - Front setback relaxed from 7.5m to 6.45m for main building, from 5.9m to 4.94m for porch, from 5.0m to 3.91m for stairs;
 - c. Section 1.2.5.c - Side yard setback (east) relaxed from 1.5m to 1.36m;
 - d. Section 1.2.5.d - Combined side yard setbacks relaxed from 4.5m to 2.68m; and
 - e. Section 1.2.5.e - Flanking street (Dock) setback relaxed from 3.5m to 1.32m.
4. The Heritage Alteration Permit lapsing two years from the date of this resolution.
5. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development."

Councillor Madoff spoke in support of the applications:

- *Noted the history, the vision and principles for Capital Park that started with the Victoria Accord.*
- *The persistence of the applicant to find receiver sites and adhere to the principles of the Accord.*
- *This neighbourhood has lost buildings to demolition so this protection is commendable.*
- *Efforts were made to reuse the existing house but it will be recycled.*

Carried Unanimously

2. 226 Dallas Road

1. Hearing – Heritage Alteration with Variances Permit:

The City of Victoria will be considering the issuance of a Heritage Alteration Permit with variances for the land known as 226 Dallas Road and varying the Zoning Regulation Bylaw namely:

- Reducing the required minimum setback distance from the building to the front (Dallas Road) and side yard (interior side yard) setbacks
- Increasing the maximum building height from 7.6m to 8.8m

Legal description of the land: Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941

2. **Application Approval:**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council authorize the issuance of Heritage Alteration Permit Application No. 00205 for 226 Dallas Road, subject to the completion of the following prior to the issuance of a Building Permit and in accordance with:

1. Revised plans date stamped August 18, 2015.
2. The provision of:
 - a. Plan, elevation and section details for the front porch;
 - b. A post-relocation condition assessment of the existing wood siding/shingles, woodwork, roof, exterior doors and windows;
 - c. Rehabilitation details confirming the scope of work arising from the condition of the historic fabric; and
 - d. An exterior door and window rehabilitation schedule.
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 1.2.4.a - Height relaxed from 7.6m to 8.8m;
 - b. Section 1.2.5.a - Front setback relaxed from 7.5m to 6.15m for main building, from 5.0m to 4.83m for stairs;
 - c. Section 1.2.5.c - Side yard setback (east) relaxed from 3.0m to 1.20m and side yard setback (west) relaxed from 1.5m to 1.04m; and
 - d. Section 1.2.5.d - Combined side yard setbacks relaxed from 4.5m to 2.24m.
4. The Heritage Alteration Permit lapsing two years from the date of this resolution.
5. Final plans to be generally in accordance with the plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development.”

Carried Unanimously

Councillor Young returned to the meeting at 8:57 p.m.

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

Carried Unanimously

1. **Sean Murray, Contract Administration for the Bridge**
Outlined concerns regarding the slowness and cost of the bridge project and proposed actions Council should take to represent the tax payer before more money goes to the contractor.
2. **Taylor Mason, Bylaw Amendment regarding Rickshaws**
Provided information about his rickshaw company and that he'd like rickshaws added to the Vehicle for Hire Bylaw the same way pedicabs were added.
3. **Ashley Mollison, Importance of Reviewing the Parks Regulation Bylaw**
Spoke in support of staff reviewing the Parks Regulation Bylaw and provided information regarding the plight of homeless people and that short term solutions are needed.

UNFINISHED BUSINESS

1. Council was provided with a list of Unfinished Business.

REPORTS OF THE COMMITTEES

1. **Governance and Priorities Committee – November 5, 2015**

1. **Balfour Avenue Playlot – New Lease**

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council authorizes the Mayor and Corporate Administrator to execute a lease with the United Church of Canada, in a form satisfactory to staff, for the children's playlot on Balfour Avenue commencing March 1, 2015 and ending February 28, 2018.

Carried Unanimously

2. **Third Quarter Report, July 1 – September 30, 2015**

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

Carried Unanimously

3. **VicPD Quarterly Report**

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

Carried Unanimously

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

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council refer the following items to staff to report back within no more than two Governance and Priorities Committee Meetings on the implications of adding this:

1. Requests that the Mayor write to the Prime Minister of Canada endorsing the establishment of National Registries of public buildings and public maritime vessels containing asbestos products and requesting a federal ban on the importation of asbestos and building products containing asbestos into Canada;
2. Requests that the Mayor write to the Premier of British Columbia, the Minister Responsible for Housing and the Minister of Advanced Education, (1) requesting cooperation with the Federal and Municipal governments in the establishment of National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos; (2) proposing more rigorous training in asbestos safety, mitigation and removal within the provincial trades training, apprenticeship and accreditation system; and (3) recommending improvements to the BC Building Code to increase protections for workers from the health and safety risks of asbestos.
3. Refers the following motion for consideration during the next quarterly Strategic Priorities review:

THAT Council direct staff to report on options for increasing protections for workers in the building trades through the prohibition of the use of asbestos and building products containing asbestos in construction activities authorized by building permit in the City of Victoria;

AND THAT this report include advice from the Fire Chief on the advisability of prohibiting the use of asbestos and building products containing asbestos in construction activities in the City of Victoria;

AND THAT this report include advice on the resource implications and advisability of including municipal buildings, facilities and maritime vessels in National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos.

Councillor Young said he doesn't object to requesting the federal and provincial to take a greater role in mitigation asbestos risk but he doesn't think it is practical for the City to do research in technical areas.

Council separated the motion.

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council refer the following items to staff to report back within no more than two Governance and Priorities Committee Meetings on the implications of adding this:

1. Requests that the Mayor write to the Prime Minister of Canada endorsing the establishment of National Registries of public buildings and public maritime vessels containing asbestos products and requesting a federal ban on the importation of asbestos and building products containing asbestos into Canada;
2. Requests that the Mayor write to the Premier of British Columbia, the Minister Responsible for Housing and the Minister of Advanced Education, (1) requesting cooperation with the Federal and Municipal governments in the establishment of National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos; (2) proposing more rigorous training in asbestos safety, mitigation and removal within the provincial trades training, apprenticeship and accreditation system; and (3) recommending improvements to the BC Building Code to increase protections for workers from the health and safety risks of asbestos.

Carried Unanimously

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council refer the following items to staff to report back within no more than two Governance and Priorities Committee Meetings on the implications of adding this:

Refers the following motion for consideration during the next quarterly Strategic Priorities review: THAT Council direct staff to report on options for increasing protections for workers in the building trades through the prohibition of the use of asbestos and building products containing asbestos in construction activities authorized by building permit in the City of Victoria;

AND THAT this report include advice from the Fire Chief on the advisability of prohibiting the use of asbestos and building products containing asbestos in construction activities in the City of Victoria;

AND THAT this report include advice on the resource implications and advisability of including municipal buildings, facilities and maritime vessels in National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos.

Mayor Helps clarified for staff that the process change wouldn't occur yet, but that staff bring an update on what it would take to get this work done.

Carried

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

5. **Motion – Increasing Opportunities for Pedicab Entrepreneurs in Victoria**

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

1. That staff be directed report back within 2 GPC meetings on the resource implications of bringing forward for Council consideration an amendment to the Vehicles for Hire Bylaw that would (a) increase the total number of pedicab licences from 28 to 35, and (b) introduce selection criteria to ensure that license-holders have sufficient experience and expertise to ensure a safe and reliable service, and (c) cap the number of licenses held by any one operator.
2. Once staff return to Council with draft bylaw amendments, that Council consider those amendments, and if approved, that Council
 - (a) Introduce and give second reading to the proposed amendments to the Vehicles for Hire Bylaw, and
 - (b) direct staff to mail a notice to all pedicab businesses in the city to advise of Council's intention to adopt this bylaw and the opportunity to make representation to Council via written (and/or oral) submissions prior to adoption of the bylaw.

Carried Unanimously

Mayor Helps noted that Councillor Lucas had stated a conflict with the next item which had been placed on the table.

Chris Coates (City Clerk): Advised it would be appropriate for Councillor Lucas to excuse herself at this time.

Councillor Lucas excused herself from the meeting at 9:13 p.m. due to a pecuniary conflict of interest as she runs a retail store that supplies plastic bags to its clients.

6. **Motion - Stewarding Water Systems Responsibly through Eliminating the Use of Single-Use Plastic Bags**

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

That Council refer the report to staff for staff to report back within two GPC meetings at the most on the implications of adding the proposed action to the strategic plan and operation plan as action items.

AND THAT Council consider directing staff to prepare a bylaw for First Reading upon receipt of the preliminary staff report on resource implications.

Councillor Isitt noted that Costa Rica is also moving forward with a ban on plastic bags.

Councillor Young noted that Rwanda declared a ban on plastic bags but public input should be considered before this moves forward, and he outlined various issues associated with a ban.

Councillor Thornton-Joe said more information is needed before implementation can occur.

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that the motion be amended:

That Council refer the report to staff for staff to report back within two GPC meetings at the most on the implications of adding the proposed action to the strategic plan and operation plan as action items.

AND THAT Council consider directing staff to prepare a bylaw for First Reading upon receipt of the preliminary staff report on resource implication, **consultation, education and phasing of implementation.**

On the amendment:
Carried Unanimously

Councillor Coleman spoke in support of the amendment as it is an exploration of a possible ban.

Mayor Helps spoke in support of this direction but noted other items might have to be removed from the strategic plan as different priorities emerge.

Councillor Loveday advised that there is a mobilized community willing to work collaboratively on this proposal.

Carried

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

Councillor Lucas returned to the meeting at 9:24 p.m.

7. **2015 Third Quarter Budget Status Report**

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

Carried Unanimously

8. **Regulations for Medical Marijuana-Related Business**

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

Carried Unanimously

9. Update on the Stormwater Utility Implementation & Proposed Bylaw Amendments for the Stormwater Utility & Rainwater Rewards Program

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

1. Direct staff to bring forward amendments to the *Sanitary Sewer and Stormwater Utilities Bylaw* to regulate all businesses who operate under Schedule 'E' in the Stormwater Codes of Practice pollution prevention program for protection of the environment.
2. Direct staff to bring forward an updated *Sanitary Sewer and Stormwater Utilities Bylaw* Stormwater Fee to charge "Low Density Residential" properties the 'Local' frontage rate for all frontage lengths, and an update to the Street/Sidewalk Cleaning Factor rate for 'Local' frontages.
3. Direct staff to bring forward an amendment to the *Sanitary Sewer and Stormwater Utilities Bylaw* Rainwater Management Credit Table for Multi-Family Residential, Civic Institutional and Commercial/Industrial properties to:
 - a. Treat roof impervious area and surface impervious area equally.
 - b. Lower minimum size of treated area to 10%, and adjust size increments to 5%.
4. Direct staff to investigate options to eliminate permit fees for projects completed under the Rainwater Rewards program.
5. Direct staff to bring forward minor housekeeping updates to the *Sanitary Sewer and Stormwater Utilities Bylaw* as outlined in this report.

Carried Unanimously

10. Parking Services Budget

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

1. Receive this report for information and consideration.
2. Direct staff to report back with an update in January, 2016.

Carried Unanimously

11. Aerial Apparatus Purchase

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council receive this report for information relating to the replacement of Victoria Fire Department Ladder 2, 1990 Emergency One 95' Aerial Platform.

Carried Unanimously

12. Motion – Regulating Cannabis in Victoria

It was moved by Councillor Alto, seconded by Councillor Isitt, that Victoria City Council write to the new Prime Minister asking for clarification on whether and when the new federal government intends to implement the legalization and regulation of cannabis in Canada, and proposing that the federal/provincial/territorial task force described in federal Liberal policy include a representative of the Federation of Canadian Municipalities, to reflect the concerns and interests of municipalities.

Carried Unanimously

13. Motion – Regulating Cannabis in Victoria

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council postpone consideration of the following proposed motion for two weeks:

Further, that Victoria City Council postpone consideration of any local regulatory regime until a response to that letter to the Prime Minister is received, or at February 19, 2016, whichever comes first.

Carried Unanimously

14. Motion – Consistency of Parks Regulation Bylaw and Canadian Charter of Rights and Freedoms

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to review City of Victoria Parks Regulation Bylaw 07-059 in light of the recent BC Supreme Court decision in Abbotsford (City) v. Shantz, 2015 BCSC 1909, and recommend any amendments deemed advisable to ensure the City bylaw is constitutional and does not unreasonably infringe on the rights of people who are homeless.

Councillor Young agreed with the objective, but not the solution, and outlined the current situation with people sleeping in parks. He provided information acquired from other municipalities regarding their parks bylaws. The resources needed for permanent solutions needs to come from senior levels of government, and he suggested this motion be defeated and that Council write to other municipalities requesting they change their bylaws to reflect the court decision.

Councillor Thornton-Joe provided comments from the Abbotsford decision where it was noted that sustained homeless camps are unsafe for the homeless, municipal staff and residents.

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council amend the motion:

That Council direct staff to review City of Victoria Parks Regulation Bylaw 07-059 in light of the recent BC Supreme Court decision in Abbotsford (City) v. Shantz, 2015 BCSC 1909, and recommend any amendments deemed advisable to ensure the City bylaw is constitutional and does not unreasonably infringe on the rights of people who are homeless **and other park users.**

Councillor Isitt spoke in opposition to the amendment as the lawsuit was specific to the rights of people

sheltering in parks.

Mayor Helps spoke in support of the amendment and noted other jurisdictions where parks are an important resource for families.

Councillor Alto said that this motion will help to figure out how to make park space usable by all and is a separate matter.

Councillor Loveday said the motion is specific to City bylaws unreasonably effecting the rights of homeless as found in the court decision.

Councillor Coleman said the amendment will help find the balance with other user groups.

On the amendment:

Carried

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

Councillor Loveday said a legal review of the City's bylaw makes sense and he would encourage neighbouring municipalities to review their bylaws.

Motion:

It was moved by Mayor Helps, seconded by Councillor Alto, that Council permit Councillor Thornton-Joe to speak a second time.

Carried Unanimously

Councillor Thornton-Joe spoke in support of the amendment as it is an issue that is not in isolation. She also responded to comments and in support of the work by Baptist Housing with regards to Central Care Home.

Councillor Isitt spoke in opposition to bylaw amendments restraining the rights of people seeking shelter. He also expressed an opposing view regarding the Central Care Home.

Main motion as amended:

Carried

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

Motion:

It was moved by Councillor Young, seconded by Councillor Coleman, that the Mayor, on behalf of Council, write to the Mayors of those CRD municipalities that continue to prohibit camping in parks by the homeless, requesting them to amend their bylaws to effect existing court decisions, and that a similar letter be written to the Chair of the CRD.

Amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps, that Council amend the motion:

That the Mayor, on behalf of Council, write to the Mayors of those CRD municipalities that continue to prohibit camping in parks by the homeless, requesting them to amend their bylaws to effect existing court decisions, and that a similar letter be written to the Chair of the CRD, **as an interim measure, prior to the provision of longer term housing with supports.**

On the amendment:

Carried Unanimously

Main motion as amended:

Carried Unanimously

3. Planning and Land Use Committee – November 12, 2015

Councillor Loveday withdrew from the meeting at 9:53 p.m.

Councillor Lucas returned to the meeting at 9:56 p.m.

1. R1-A Zone, Rockland Single Family Dwelling Bylaw Housekeeping Amendment

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment proposed to the R1-A Zone, Rockland Single Family Dwelling District, and that a Public Hearing date be set.

Carried Unanimously

2. Sidewalk Café Bylaw Progress Report

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

1. To bring forward an updated *Sidewalk Café Bylaw* (No. 02-75) based on the following approach:
 - a. That the type of sidewalk cafés distinguish between whether objects are fixed in place or not.
 - b. That fully enclosed sidewalk cafés are no longer permitted.

- c. That only fixtures that are easily removable are permitted.
 - d. That clearances from the curb be updated for safety and clarity.
 - e. That heater regulations be updated for safety and clarity.
 - f. That the fees be updated to simplify the process and for consistency with City policy.
 - g. That the adjacent parallel parking stall be an option for sidewalk café use in some circumstances.
 - h. That the Bylaw language be improved for clarity.
2. To prepare design guidelines to provide guidance for sidewalk café design and application review.
 3. To proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.
 4. To refer this item to the Accessibility Working Group for feedback.
 5. To incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.

Carried Unanimously

3. Heritage Application Permit No. 00208 for 700 Government Street

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council authorize the issuance of Heritage Alteration Permit No. 00208 for the property at 700 Government Street, in accordance with:

1. Plans date stamped September 17, 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 Director, Sustainable Planning and Community Development.

Carried Unanimously

4. Heritage Advisory Panel Referrals

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council approve the following referrals to the Heritage Advisory Panel for consideration, comments and / or recommendations on:

1. Possible further losses of the 1860's houses in Victoria.
2. The Heritage Significance of the 1889 Courthouse in Bastion Square.

Carried Unanimously

5. Development Permit Application No. 000430 for 1029 View Street

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 000430 for 1029 View Street in accordance with:

1. Plans dated September 18, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Provision of an arborist report to demonstrate the mitigation measures needed to reduce the impacts on the retained street trees along View Street or an alternate plan to replace the street trees to the satisfaction of City staff.
4. Provision of additional detail related to the functionality of the two-tier bicycle parking to the satisfaction of City staff.
5. 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. This is to accommodate shoring for construction of the underground parking structure at the property line.
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
7. The Development Permit lapsing two years from the date of this resolution."

Carried

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

Councillor Lucas excused herself from the meeting at 9:54 p.m. due to a potential pecuniary conflict as she oversees all operations of a liquor retail store located at the Hotel Rialto.

6. Liquor Licence Amendment - The Local Bar and Grill

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary Liquor licence of The Local Bar and Grill, Liquor Licence No. 302531, located at 1205 Wharf Street, supports:

1. The application of The Local Bar and Grill to amend its Food Primary Liquor Licence to add a Patron Participation Endorsement.
2. That Council provides the following comments on the prescribed considerations:
 - a. The location is in the historic commercial district which authorizes restaurants, hotels, retail stores, tourist services and associated uses. The Food Primary Liquor licensed business is compatible with the neighbouring land uses. The business is located within the Old Town District and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - b. This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licenced premises. The restaurant has had no complaints of noise or nuisance since April 2007. There is some concern that this change could increase the likelihood of the business being operated contrary to its primary purpose.
 - c. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the restaurant and a notice posted at the property. Three written responses were received by the City, two opposed and one in support of the application.

Councillor Thornton-Joe asked if this business changed to a liquor primary business, would it have to come back to Council.

Chris Coates (City Clerk): Yes, if food primary establishment requested a change in its primary function it would have to come back to Council.

Councillor Loveday returned to the meeting at 9:55 p.m.

Carried Unanimously

7. Liquor Licence Amendment - The Strathcona Hotel

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary Licence of the Strathcona Hotel, Liquor Licence No. 136243, located at 919 Douglas Street, supports:

- a. The application of the Strathcona Hotel to amend its Liquor Primary Licence to allow a change in operating hours to include 10:00 AM to 2:00 AM liquor service seven days per week.
- b. That Council provides the following comments on the prescribed considerations:
 - i. The location is within the Core Business Place designation in the in the Official Community Plan area which authorizes commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
 - ii. The Food Primary liquor licenced business is compatible with the neighbouring land uses. The business is located within the Central Business District and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - iii. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the Hotel and a notice posted at the property. Two written responses were received from residents opposed to the application.

Carried

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

Chris Coates (City Clerk): Advised that at the PLUC meeting he mentioned the change of hours being from 10:00 AM to 09:00 AM but the hours noted in the motion are correct.

8. The Strathcona Hotel

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council request that the applicant provide information on what practises are used to address neighbourhood concerns.

Carried Unanimously

Councillor Lucas returned to the meeting at 9:56 p.m.

MOTIONS

1. To Set Public Hearings for the Council Meeting of Thursday, November 26, 2015 for:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following Hearings be held in Council Chambers, City Hall, on **THURSDAY, NOVEMBER 26, 2015, at 7 p.m.:**

1. Rezoning Application No. 00482 for 2542 Fernwood Road
2. Rezoning Application No. 00484 for 1510 Clawthorpe Avenue
3. Development Variance Permit No. 00160 for 1581 Hillside Avenue
4. Development Permit with Variance No. 000437 for 755 Caledonia Avenue
5. Development Permit with Variance No. 000438 for 2918 Hipwood Lane

Carried Unanimously

BYLAWS

1. FIRST READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1052)

The purpose of this bylaw is to rezone the land known as 2542 Fernwood Road to change the Two Family Dwelling District to a Multiple Dwelling District

Zoning Regulation Bylaw, Amendment Bylaw (1054)

The purpose of this bylaw is to rezone the land known as 1510 Clawthorpe Avenue from Single Family Dwelling District to Single Family Dwelling District with Garden Suite

Carried Unanimously

2. SECOND READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1052)

Zoning Regulation Bylaw, Amendment Bylaw (No. 1054)

Carried Unanimously

QUESTION PERIOD

A question was posed regarding the washrooms in the Tourism Victoria building opening 24 hours a day.

NEW BUSINESS

1. Climate Leadership in Building Sector

Council received a motion dated November 10, 2015 from Councillor Isitt, Councillor Loveday and Mayor Helps proposing Council endorse a resolution supporting the B.C. government's commitment to implement a new Climate Plan.

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council approve the following motion: That the City of Victoria endorses the following resolution and the Energy Forum's Call for Action on Energy and Climate:

"We support the B.C. government's commitment to implement a new Climate Plan.

We expect the plan will include ambitious new actions that lead to:

- a strong economy with opportunities for all British Columbians;
- a province powered by ocean energy;
- a more equitable society;
- cleaner air and water supporting healthy communities and ecosystems;
- protection from a changing climate

We can't afford to delay. Now is the time to lead the transition to a clean energy economy.

In this transition, the built environment offers unique opportunities for carbon reductions and economic growth.

As energy and building professionals, trades and businesses, we provide world class products and services to meet customer needs, satisfy regulations and compete in the global marketplace. We are employers, taxpayers, community partners, and leaders in our field.

As local governments, we are committed to the sustainability of our communities. We engage our citizens and staff to reduce emissions, we foster local economic development, and we prepare for a changing climate.

Together, we are ready to transition to a resilient and efficient building sector. We call on the B.C. government to:

- Set a clear target for the end performance goal for new buildings — for example, for new buildings to be net-zero energy ready by 2030 — and work with stakeholders to develop, within six months of the release of the Plan, a roadmap clarifying the timeline and approach to meet this goal;
- Lead by example by requiring that all new planned public buildings meet this goal starting in 2016, and by setting up an aggressive renovation program for existing public buildings to reduce their carbon emissions by half in the next decade;
- Launch a multi-year incentive program to accelerate market transformation for high performance new construction and deep retrofits, prioritizing affordable housing and high visibility projects;
- Develop financing mechanisms to redistribute incremental costs, e.g. financing through property taxes or utility bills, or loans to strata;
- Ensure the construction and real estate industry, the government and the public have access to energy performance data to monitor progress and provide feedback on policies and behaviour;
- Support integrated land use and transportation planning to encourage location efficient development;
- Strengthen the price signal for efficiency and conservation through rates and carbon pricing;
- Support local governments and resource the Building Safety and Standards Branch to facilitate code changes, streamline approval of innovative solutions through variances or alternative solutions, decrease permitting times and increase code compliance.

By pursuing these opportunities, we can reduce our carbon footprint while saving money, creating local jobs, and opening export markets for B.C.-made components and designs. We can also ensure all British Columbians live and work in buildings that improve community health, happiness, and productivity."

Carried Unanimously

CLOSED MEETING

It was moved by Councillor Lucas, seconded by Councillor Coleman, 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 position appointed by the City.

Section 12(3)(c) - Labour relations or employee relations.

Section 12(3)(f) - Law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw.

Section 12(3)(g) - Litigation or potential litigation affecting the City.

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

Carried Unanimously

ADJOURNMENT

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

Time: 10:45 p.m.

Carried Unanimously

CERTIFIED CORRECT:

ACTING CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA