



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, OCTOBER 15, 2015, AT 7 P.M.

- PLACE OF MEETING:** Council Chambers, City Hall
- PRESENT:** Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt Loveday, Lucas, Madoff, Thornton-Joe and Young
- STAFF PRESENT:** J. Johnson, City Manager; P. Bruce, Fire Chief; J.Paul - Assistant Director of E Assistant Director, Transportation and Parking Services; H. Follis – Director of Citizen Engagement and Strategic Planning; C.. Havelka - Council Secretary; J. Jenkyns - Deputy City Manager; C. Mycroft - Executive Assistant to the City Manager; T. Soulliere - Director of Facilities, Parks and Recreation; S. Thompson - Director of Finance; J. Tinney - Director, Sustainable Planning and Community Development; M. Wilson, Senior Planner-Urban Design; J. Schmidt – Manager of Legislative Services.

APPROVAL OF THE AGENDA

The Manager of Legislative Services outlined changes to the agenda.

Action:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the agenda be approved.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Norm Shearing be added to Requests to Address Council.

On the amendment:

Carried Unanimously

On the main motion as amended:

Carried Unanimously

POETRY READING

The Poet Laureate read a poem entitled: *Red Dress*.

MINUTES

It was moved by Councillor Alto, seconded by Councillor Lucas, that the Regular Council meeting minutes of October 1, 2015, be approved.

Carried Unanimously

RISE AND REPORT

Mayor Helps advised that the rise and report item is a list of resolutions Council has made in its closed meeting that are now public, with the goal to increase the transparency of City business.

COMBINED DEVELOPMENT APPLICATION

1. **370 and 384 Harbour Road**

Council is considering an application to authorize a two affordable rental housing buildings with a total of 49 units.

1. **Public Hearing**

A. **Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17)**

The Official Community Plan Amendment Application proposes revisions to the Design Guidelines for the Dockside Area. The proposed amendments, which are in relation to a proposal to construct 49 non-market rental residential units at the property with civic address 370 and 384 Harbour Road would allow:

- residential use on the ground floor of a building
- the development of a building that will be used for residential purposes with no buffer from Harbour Road being provided by another building.

B. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)**

To amend the Zoning Regulation Bylaw for the CD-9 Zone, Dockside District, by:

- amending the definition of “affordable housing” to ensure that the parking calculations for affordable housing will apply to the proposed development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road; and
- moving the existing siting restrictions from the definition of “attached dwellings” and “multiple dwellings” in the regulations for Development Area D to a new stand-alone regulation for the siting of attached dwellings and multiple dwellings, so that Council may vary those siting regulations in relation to the development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road.

Existing Zone: CD-9 Zone, Dockside District

Legal description: Lot 1, District Lot, 119 Esquimalt District Plan, VIP84612
Lot 4, District Lot, 119 Esquimalt District Plan, VIP84612

C. Development Permit With Variances Application

The Council of the City of Victoria will also consider issuing a Development Permit with Variances for 49 non-market rental residential units at 370 and 384 Harbour Road, in Development Permit Area 13: Core Songhees for the purposes of approving the exterior design and finishes, as well as landscaping, and varying certain requirements of the *Zoning Regulation Bylaw*, namely:

- permit residential uses on the ground floor of a building
- permit residential units to face Harbour Road without a building buffer.

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

Mike Wilson (Senior Planner) Advised that this is an application for a combined rezoning and development permit application for 370 and 384 Harbour Road. Council is to consider the proposed rezoning bylaw amendments and variances for residential uses and to amend the Official Community Plan (OCP). A Housing Agreement bylaw is required to ensure all the non-market rental units in held in perpetuity and a final item for Council to consider is an amendment of the Master Development Agreement (MDA).

Norm Shearing, (President, Dockside Green): Provided a presentation that outlined the history of Dockside Green project, past projects on the site as well as the current proposal for affordable housing development.

Robert Brown (President of Catalyst): Continued with the presentation and outlined the design of the project which has responded to neighbourhood concerns and encourages alternative modes of transportation. He provided details on the proposed parking stalls and the landscaping, noise mitigation and parking strategy that has been undertaken. The Advisory Design Panel (ADP) has reviewed the project and they have responded to the ADP’s recommendations.

Dawn Stewardson (Tyee Road): Expressed concerns related to the concentration of the affordable units in one building as opposed to integrating them into several buildings. The location of the site, the industrial noise that will impact the residents as well as the proposal to change the restrictions on how the units will be sited on the property, are all concerns.

Chris Lawson (Tyee Road): Expressed concerns regarding the residential units facing noisy traffic and noted the accessibility issues for the units with entrances along the greenway. Also of concern is the lack of parking for businesses and residents.

John Stewardson (Tyee Road): Expressed concerns regarding the proposal for 49 units with only seven parking spots. Also of concern is the lack of park space for the children that will likely move into this development.

Val Hemminger (Selkirk Avenue): Spoke against the proposal as a business owner on Harbour Road, she is concerned on how the project has not progressed as expected and there are many concerns regarding the design of the units which are not supportable. Parking is also a concern.

Wendy Dun (Tyee Road): Expressed concerns that the original spirit of affordable housing for Dockside has been derailed and there are issues related to noise. There needs to be more diversity in the community and attention to the health of the community.

Nigel Deacon (Tyee Road): Expressed concerns regarding the lack of parking for moving vans and for commercial parking. There is also no handicap parking in the area.

Debbie Comcu (Walter Avenue): Expressed concerns about parking in the area as she is a business operator and there is no commercial parking for clients.

Jim Ross (Tyee Road): Expressed support for the development as he would welcome new neighbours for youth and kids, noting a playground is proposed for the Dockside project. His neighbours, Brian and Elizabeth Elliot are also in support of the project.

Willie Waddell (Tyee Road): Spoke in support of the proposal as affordable housing is needed and the location is fine for it.

Kim Fowler (Tyee Road): Spoke in support of affordable housing but there needs to be a parking review for the neighbourhood, noting the need for handicap parking and that Tyee Road is still used for commuter parking. Also noted were issues with private/public access to the walkway and issues related to the R4 building.

Tiffany Weatherill (Tyee Road): Spoke against the proposal and disagreed with the parking plan as the seven stalls are not enough for this area, and a parking review is needed. The density and access to the units are also concerns and the site proposed for this housing should be reviewed.

Tim Haskett (Tyee Road): Expressed concerns about the orientation of the residential units for the R4 building, which is proposing too much for this site. Access to the units through the greenways is also a concern, as is parking.

Councillor Loveday asked about handicap parking and parking for moving vans.

Robert Brown: Advised that a dedicated handicap stall is not in the proposal, but he advised where there are two handicap stalls in the area. He also outlined where moving vans could park if required.

Councillor Loveday asked about the parking restrictions on Harbour Road.

Jas Paul (Assistant Director of Engineering): He will report back on that this evening.

Councillor Thornton-Joe asked if the applicant will be working with Pacifica Housing to manage the operation of the units.

Robert Brown: Yes, they will be responsible for the tenants.

Councillor Thornton-Joe asked about the visitor parking and if it could be used for handicap parking.

Robert Brown: Said it could be used for handicap parking but it is not designated for that.

Councillor Thornton-Joe asked about traffic issues and if emergency vehicles can access all areas.

Mike Wilson (Senior Planner): Advised that staff reviewed the site plan to ensure commercial use for large trucks and access for fire or ambulance vehicles.

Councillor Young asked about parking during construction and what is available for commercial businesses.

Robert Brown: Advised that during construction, a vacant lot on Harbour Road will be allocated for construction parking and tenant parking. The café and bakery are taking over the vacant retail space which will add 22 stalls of commercial parking to the area.

Councillor Young asked when the kids play area will be built.

Norm Shearing: Provided information on the obligation to provide greenway and kids play area amenities and where it is proposed for the site.

Councillor Young asked about pedestrian access points which are proposed farther south along the site, which Mr. Brown outlined in the PowerPoint presentation.

Councillor Young asked about the noise abatement measures that are proposed to mitigate the noise impact on residents.

Robert Brown: Noted the acoustical report that measured noise at the site and the strategies to keep noise levels below the required level. Ventilation and noise mitigation through insulation is part of the strategy they are proposing.

Mayor Helps asked about the next phase of development regarding the playground and parking.

Norm Shearing: The greenway and playground will come after the next residential building has been built.

Mayor Helps asked for the rationale for building affordable housing at this part of the site.

Norm Shearing: This is an opportunity to complete the north portion of the site, which is also adjacent to services and they felt these are good sites for affordable housing.

Councillor Alto asked about the units with access through the greenway and how many are being built this way.

Robert Brown: Provided information on the plan for the R4 building and why they are accessed this way.

Councillor Loveday withdrew from the meeting at 8:27 p.m. and returned at 8:29 p.m.

Councillor Isitt asked about the transportation plan and why does staff think it's supportable.

Mike Wilson: Parking requirements related to affordable housing were established when the project was first approved in 2005 and this application meets those requirements.

Jas Paul: Advised that currently the parking on Harbour and Tyee Road is limited to two hours from 8:00 am to 6:00 pm Monday to Saturday.

Councillor Isitt ask how affordable housing is defined and if this proposal is consistent with the original definition, and does it meet the Master Development Agreement (MDA).

Mike Wilson: Read out how affordable housing is defined in the MDA and that this application generally meets the requirement.

Councillor Isitt asked if there might not be more parking desired for these units, which would add to parking pressures.

Mike Wilson: When a tenant is looking for a residence, they would know there is no parking and would have to make a lifestyle choice.

Councillor Isitt asked how the allocation of parking stalls will be communicated to tenants.

Robert Brown: They still have to work out that issue, but the intention is for the larger family units to have the parking stalls.

Councillor Loveday asked about the spectrum of units that fall into affordable housing.

Robert Brown: Provided details on the rent for the various sized units being proposed for the development.

Councillor Thornton-Joe asked about the criteria to decide how many units were one bedroom, two bedroom, etc.

Robert Brown: They came up with this mix of units after discussions with Pacifica Housing.

Mayor Helps closed the public hearing at 8:36 p.m.

2. Bylaw Approval

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

*Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17)
Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)*

Councillor Thornton-Joe spoke in support of the application and noted that the vision of Dockside Green may not have been achieved to the extent people had hoped for. They have discussed how the plan has to be achieved in sequence and she is happy that the affordable housing is now being achieved with a mix of unit sizes and rents being offered. Lack of parking for residents, handicap and commercial is a concern, though car share and other methods are being offered to address these issues. This proposal is achieving some of the goals Council is looking for and is supportable.

Councillor Young spoke in support of the application and noted the objectives that people wanted to achieve at this site, which he didn't favour, as it cost the City with the reduced sale price of the property. Affordable housing was one of the objectives and the siting of this units will be desirable to some people but there may be issues as it is located adjacent to industrial use properties. It is proposing density in a small area but this is likely better than the wide streets and large setback in the Songhees neighbourhood. There are parking issues and a review is needed to address them, but on balance the project should go ahead.

Councillor Loveday spoke in support of the application and noted that he walked through the site, which provided a perspective on how the proposal could be a good place to live. Some residents have expressed concerns about the direction in which the Dockside plan has gone; parking is a concern and a study to review parking in the neighbourhood is needed. A loss of privacy was a concern and the developer did address this. The affordable housing units are in a mixed income setting and this housing is targeting a big gap in the housing market and is supportable.

Mayor Helps spoke in support of the application and noted the intentions of the Dockside development and that some feel let down, but the proponent has partnered with a local housing provider and has proposed this development. She noted that she would support it if it was market housing and she described the housing targets of the Housing Affordability Task Force that this project will help to address. This will move forward the revitalization of Dockside Green and is supportable. A parking review would be helpful in identifying issues in the area.

Councillor Madoff spoke in support of the application and about the intentions of the original Dockside Green proposal and the importance of principle-based projects. If this proposal came as market housing it would be supportable. The rent range and the demographic of people is supportable and the issues of noise seem to have been addressed with the noise mitigation efforts. A review of the MDA will provide a better understanding of parking. The proposal is supportable as a commitment to Dockside Green plan.

Councillor Isitt spoke in support of the application noting the concerns expressed by neighbours regarding parking and issues related to the project. He noted that affordable housing was a component of the Dockside Green proposal and though these units may not address the housing affordability crisis, the MDA proposes units in this range, so he can support it. Also needed is the review to address parking issues in the Dockside Green area.

Councillor Lucas spoke in support of the application and noted the economic crisis that impacted this project, but it is moving forward with the commitment to provide affordable housing, which is important to the City. There are parking concerns and additional studies will be done on that and on balance this is a worthy project.

Councillor Alto spoke in support of the application noting that the proponent has addressed many of the significant issues of the project. The mixture of units being proposed is good, and though some are concerned regarding the vision of Dockside Green, this is a walkable, compact, diverse community and the vision should be pursued. Parking needs a larger analysis but on balance this is a project they should pursue.

Councillor Coleman spoke in support of the application, and noted the range of housing proposed and the discussion to find the right quintile of housing for this project. This is the type of housing mix they had hoped for many years ago and meets the commitment to affordable housing. The new type of construction means developments are less auto-centric but cars need to be accommodated and enforcement of parking, as well as how roads are designed, needs to be discussed. There are concerns and the sequential nature of the project means some amenities will come later but it is worth moving forward.

Carried Unanimously

3. Bylaw Approval

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

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17)

Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)

Housing Agreement (370 & 384 Harbour Road) Bylaw

Carried Unanimously

4. Development Permit Application Approval

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

1. Plans stamped March 31, 2015.
2. Development Permit meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. permit residential uses on the ground floor of a building;
 - b. permit residential units to face Harbour Road without building a buffer.
3. Final plans in accordance with the plans identified above to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.

Motion

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council direct staff to review parking regulations on Harbour Road and Tyee Road and implement changes as soon as practical to improve parking circulation and parking options in the area.

Jason Johnson (City Manager): Advised that this review can be done in the next three months.

Carried Unanimously

Council recessed at 9:21 a.m.

Council reconvened at 9:26 a.m.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

1. 361 and 363 Foul Bay Road

Council is considering an application for the construction of a two-car garage in the rear yard.

1. Hearing - Development Variance Permit Application No. 00152

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 361-363 Foul Bay Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely:

- an increase site coverage from 30% to 41.10%
- an increase in the rear yard site coverage from 25% to 25.30%
- a reduction in the flanking street setback (Quixote Lane) from 7.50m to 5.91m for the construction of a two-car garage in the rear yard.

Legal description of the land: Lot A, Section 68, Victoria District Plan VIP87527

Mayor Helps opened the public hearing at 9:26 p.m.

Mike Wilson (Senior Planner): Outlined the three variances requested for the development variance permit application for 361 and 363 Foul Bay Road and how these variances are appropriate.

Ron MacDonald (Skinner Street): Described the redevelopment he previously did on the property and the project to replace the two garages to build a double garage on the lot.

Mayor Helps closed the public hearing at 9:32 p.m.

2. Development Variance Permit Application Approval:

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

That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

1. *Plans date stamped June 3, 2015.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - a. *Section 1.6.6 a. – relaxation to increase site coverage from 30 percent to 41.10 percent.*
 - b. *Schedule F, Section 5.b, relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.*
 - c. *Schedule F, Section 4.c, relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.*
3. *The Development Permit lapsing two years from the date of this resolution.*

Carried Unanimously

DEVELOPMENT PERMIT WITH VARIANCES APPLICATIONS

1. 330 Irving Road

Council is considering an application to permit a single family detached house on a panhandle lot to the rear of the existing single family house.

1. Hearing - Development Permit with Variances No. 000419

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 330 Irving Road, in Development Permit Area 15B: Intensive Residential – Panhandle Lot, for purposes of permitting a single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling.

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

- south side yard setback reduced from 3.21m to 1.61m
- combined side yard setbacks reduced from 5.4m to 3.61m

Legal description of the land: Amended Lot 12 (DD 140890-I), Section 68, Victoria District, Plan 291-B

Mayor Helps opened the public hearing at 9:33 p.m.

Mike Wilson: Described the development permit with variances application for 330 Irving Road to construct a single family dwelling on a panhandle lot behind the existing house.

Lindsay Baker (Aspire Custom Designs): Advised that there were 15 letters of support from the adjoining neighbours. He described the setback relaxations being requested and how the new house will be situated on the lot. The structure conforms to bylaws and they ensured it fits well in the community.

Councillor Madoff noted the correspondence from John Myhill and asked about the greenery between the two properties.

Lindsay Baker: They have been in communications with the neighbours to find a plantation that is suitable for both parties. He spoke about the existing hedge and the retaining wall that is there.

Councillor Madoff asked if the applicant would consider a fence in the future at the applicant's cost.

Lindsay Baker: Said that a brick wall or a fence are options they can look at with the Myhills to ensure they have privacy.

Mayor Helps closed the public hearing at 9:37 p.m.

2. Application Approval:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No.000419 for 330 Irving Road, in accordance with:

1. Plans date stamped June 2, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.
 - b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

Carried Unanimously

1. Rita Runzer, re: Litter Clean up

Was not present.

2. Norm Shearing re: Dockside Green

Provided information about the complexity of the Dockside Green project and the public consultation that lasted many months and the CALUC letter that didn't reflect that consultation process. He also noted the changes in the LEEDS standard that brings rigour to the buildings in the project. He noted the sustainability amenities they are trying to deliver as described in the MDA and how that has proved to be unworkable, but they are working with staff and are moving forward with the project.

REPORTS OF THE COMMITTEES

1. Governance and Priorities Committee – October 8, 2015

1. Skateboarding Regulations:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Council refer the matter back to staff for further work with particular attention to the following:

1. Fines applying only to downtown.
2. Amount of fines when not in the downtown.
3. Requirement for lights and reflectors.
4. The age of skateboarders to whom the regulations would apply.

Carried Unanimously

2. Parking Dispute Adjudication:

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

1. Request that the Province of British Columbia amend the Bylaw Notice Enforcement Regulation (B.C. reg.175 (2004) to apply the *Local Government Bylaw Notice Enforcement Act* to the City of Victoria.
2. Direct staff to prepare a draft bylaw for parking dispute adjudication and report back on further details of parking dispute adjudication implementation.

Carried Unanimously

3. Bicycle Network & Priorities Corridors Project Update:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Council receive the Bicycle Network & Priorities Corridors Project Update report for information.

Carried Unanimously

4. Fire Services Mutual Aid Agreement Renewal:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Council direct staff to work collaboratively with the signatories to the 1980 Fire Mutual Aid Agreement to develop a Project Charter and Terms of Reference for the four communities and to develop a new core Fire Services Agreement between the District of Saanich, The Township of Esquimalt, The City of Victoria and the District of Oak Bay in order to continue to work collaboratively with all fire services to explore and develop projects and agreements that maintain cost control or improve service delivery.

Carried Unanimously

5. **Municipal Response to the Truth and Reconciliation Commission Calls to Action:**

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

BE IT RESOLVED THAT Council ask the City Manager to consider the 'calls to action' in the Truth and Reconciliation final report, and report back to Council, before December 17th, 2015, with recommendations on how to move forward on the actions recommended by the Truth and Reconciliation Commission that are within the City's jurisdiction to act.

Carried

For:

***Mayor Helps, Councillors Alto,
Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe***

Against:

Councillor Young

6. **Workplace Health and Safety through Asbestos Control:**

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

1. Request 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. Request that the Mayor write to the Premier of British Columbia, the Minister Responsible for Housing and the Minister of Advanced Education,
 - a. 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;
 - b. proposing more rigorous training in asbestos safety, mitigation and removal within the provincial trades training, apprenticeship and accreditation system; and
 - c. 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 the construction activities authorized by the 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 the National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos.

Carried

For:

***Mayor Helps, Councillors Alto, Coleman,
Loveday, Madoff and Thornton-Joe***

Against:

Councillor Young

2. **Planning and Land Use Committee – October 15, 2015**

1. **2015 Development Summit Action Plan and Final Report**

It was moved by Councillor Alto, seconded by Mayor Helps, that Council:

1. Approve the *2015 Development Summit Action Plan* outlined in the report dated September 25, 2015.
2. Direct staff to provide an update to Council on the status of the action items outlined in the Action Plan in February 2016 and as part of the ongoing Quarterly Updates.

Mayor Helps noted a suggestion made by the Real Estate Board whether it was possible to fast-track a development application if it fully met the OCP.

Jonathan Tinney (Director of Sustainable Planning & Community Development): Staff would have to review this, noting that an application is still subject to all the steps in the process, such as community consultation and Public Hearing, but staff will do what is required to move an application forward at a reasonable pace.

Carried Unanimously

2. **Rezoning Application No. 00488 for 59 Cook Street**

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary:

1. *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00488 for 59 Cook Street, that first and second reading

of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

2. *Heritage Designation Bylaw* that would designate the property as a Municipal Heritage Property, that first and second reading of the *Heritage Designation Bylaw* be considered by Council and a Public Hearing date be set.

3. Development Permit Application No. 00488 for 59 Cook Street

It was moved by Councillor Coleman, seconded by Councillor Alto, that after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00488 for 59 Cook Street, in accordance with:

1. Plans date stamped September 15, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

4. Development Variance Permit No. 00156 for 59 Cook Street

It was moved by Councillor Coleman, seconded by Councillor Alto, that after giving notice, allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00156 for 59 Cook Street, in accordance with:

1. Plans date stamped September 15, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances for the existing parcel remainder:
 - a. Part 1.2.5 (b): Reduce the rear yard setback from 7.55m to 4.6m;
 - b. Schedule "C" (9): Reduce the parking aisle width from 7m to 3.6m;
 - c. Schedule "G" (5)(a): Reduce the rear yard landscaping minimum from 33% to 24.5%;
 - d. Schedule "G" (5)(c): Reduce the rear lot line landscaping for unenclosed parking from 1.5m wide and 1.8m high to 0m for both.
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

5. Rezoning Application No. 00484 for 1510 Clawthorpe Avenue

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00484 for 1510 Clawthorpe Avenue, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

Carried Unanimously

6. Development Permit Application No. 00484 for 1510 Clawthorpe Avenue

It was moved by Councillor Coleman, seconded by Councillor Alto, that after the Public Hearing for Rezoning Application No. 00484, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00484 for 1510 Clawthorpe Avenue, in accordance with:

1. Plans date stamped September 8, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

7. Rezoning Application No. 00482 for 2542 Fernwood Road

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00482 for 2542 Fernwood Road, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

Carried Unanimously

8. Development Permit Application No. 000428 for 2542 Fernwood Road

It was moved by Councillor Coleman, seconded by Councillor Alto, that after the Public Hearing for Rezoning Application No. 00482, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000428 for 2542 Fernwood Road, in accordance with:

1. Plans date stamped October 1, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Plan revisions to remove the portion of the upper storey deck on the existing duplex overhanging the proposed garage and resubmit revised elevation drawings to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

9. **Rezoning Application No. 00473 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road (Undeveloped Lands at Dockside Green)**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act*, the necessary Zoning Regulation Bylaw Amendment, the necessary Land Use Procedures Bylaw Amendment and amendment to the Master Development Agreement that would authorize the proposed development outlined in Rezoning Application No. 00473 for the easterly 300 block of Tyee Road and the westerly 300 block of Harbour Road (Dockside Green), that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
3. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
8. That Council give first and second readings to the Land Use Procedures Bylaw Amendment.
9. That Council refer the Land Use Procedures Bylaw Amendment for consideration at a Public Hearing.
10. That the applicant provide the following information to support their proposed amendments to the Master Development Agreement (MDA):
 - a. LEED ND Platinum performance targets for each phase of development and a reporting out structure to ensure that performance targets are being met potentially including some form of guarantee. The reporting structure must establish key topics and indicators to be discussed and a set timeline for submitting these update reports to Council;
 - b. An alternative amenity to the Sustainability Centre that demonstrates similar environmental, community and educational value and that if the Developer is unable to find a satisfactory alternate solution, that the applicable cash-in-lieu payment be secured in order to provide other amenities that benefit the Dockside Lands and that are agreeable to Council and the Developer;
 - c. A satisfactory Phasing Plan, identifying which public amenities, on-site services, off-site services, vehicular driveways and access points would be provided with each phase of development;
 - d. A Subdivision Concept Plan, consistent with a Phasing Plan.
11. That Council direct staff to prepare an amended MDA detailing new requirements for:
 - a. The sale of individual development parcels;
 - b. New LEED ND requirements;
 - c. LEED NC 2009 Gold standards for new commercial buildings;
 - d. Delivering the remaining amenities in conjunction with development phases;
 - e. Providing a revised amenity package;
 - f. An amenity or contribution in lieu of the Sustainability Centre;
 - g. A process for receiving a monetary security to ensure the construction of the public amenities;
 - h. A Transportation Demand Management Strategy;
 - i. Site remediation;
 - j. Other amendments as deemed necessary by City staff.
12. That staff report back to Planning and Land Use Committee with a draft of the MDA amendments prior to a Public Hearing date being set.
13. That Council direct staff to review the proposed dedication of the amenity referred to as the "Mutt Strutt" in conjunction with the review of facilities located in Vic West Park and the potential resource impacts associated with the proposal and report back to Council with further information for consideration.
14. A Statutory Right-of-Way being registered on title, to the satisfaction of staff, to secure each of the following:
 - a. A bus bay on Esquimalt Road;
 - b. A bus bay on Tyee Road;

- c. Widening Esquimalt Road to improve westbound cycling safety.
- 15. Referral of the proposed revisions to the *Design Guidelines for the Dockside Area* to the Advisory Design Panel for a comprehensive review.
- 16. Referral of the proposed *Design Guidelines for Dockside Beta* to the Advisory Design Panel for a comprehensive review.
- 17. That Council authorize staff to proceed with a City-initiated Rezoning Application for all lands located within the CD-9 Zone, Dockside District, that are not subject to Rezoning Application No. 00473 and that the applicant (Dockside Green Ltd.) be responsible for undertaking the necessary consultation with the Community Association Land Use Committee (CALUC), and that staff explore whether an alternate approach allowing the two applications to proceed independently would be viable and if so, that staff be directed to proceed accordingly.

Councillor Young said that the delays have resulted in costs for the developer and the City, in terms of receiving amenities, and he expressed concerns about suggestions on how those amenities and costs could be addressed. Also of concern is the LEED standard for the buildings and how the new developments connect to existing infrastructure. Those costs need to be reported on.

Carried Unanimously

10. Development Permit with Variances Application No. 000386 for 353 Tyee Road

It was moved by Councillor Coleman, seconded by Councillor Alto, 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 with Variances Application No. 000386 for 353 Tyee Road, in accordance with:

- 1. Plans date stamped September 16, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.29(6)(a): reduce the setback from Tyee Road from 3m to 0.50m;
 - b. Part 1.29, 8.4(d): increase the allowable building frontage for office use facing Tyee Road from 50% to 100%.
- 3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within five years to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

11. Development Permit Application No. 000436 for 543, 545 and 549 Herald Street

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

"That Council authorize the issuance of Development Permit Application No. 000436 for 543, 545 and 549 Herald Street, in accordance with:

- 1. Plans date stamped September 23, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

12. Temporary Use Permit Application No. 00481 for 474 & 478 Burnside Road and 3111 & 3117 Delta Avenue

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

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

- 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

13. Heritage Alteration Permit Application No. 00207 for 138 Dallas Road

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

"That Council authorize the issuance of the Heritage Alteration Permit Application No. 00207 for 138 Dallas Road in accordance with:

- a. Revised Plans dated September 1, 2015.
- b. Development meeting all *Zoning Regulation Bylaw* requirements.
- c. The Heritage Alteration Permit lapsing two years from the date of this resolution.
- d. 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."

Carried

For:

***Mayor Helps, Councillors Alto,
Coleman, Isitt, Loveday, Lucas, Thornton-Joe and Young***

Against:

Councillor Madoff

14. Liquor Licence Report – Yuk Yuk’s Club – 665 Douglas Street

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for Yuk Yuk's Victoria, located at 665 Douglas 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 before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; with the notification to include the applicants' amendment to the requested hours of liquor licence.
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.

Councillor Thornton-Joe said the letter from the applicant outlined the terms the applicant is willing to consider as a part of their application and asked if this should be included in the motion.

Janice Schmidt (Manager of Legislative Services): Council could specify this as a part of the application to be considered at the Liquor Licence Hearing and make that a part of the information distributed to the public.

Amendment:

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

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for Yuk Yuk's Victoria, located at 665 Douglas 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 before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; with the notification to include the applicants' amendment to the requested hours of liquor service and other amendments, as outlined in their letter dated October 13, 2015:
 - **Change the closing hours to close at 12 midnight from Sunday to Thursday and 1AM on Friday and Saturday (previously the hours proposed were to 1AM seven days a week);**
 - **Completion of sound proofing to ensure no noise transfer;**
 - **Construction of a canopy at entrance – the landlord is willing to discuss the addition of a canopy/awning at the front entrance of the building to address potential noise issues relating to line-ups/crowds;**
 - **Approval by the City for a Terms and Conditions to be placed on the licence stating that the Liquor Licence, if approved, cannot be transferred to another party without City of Victoria and Liquor 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.**
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.

On the amendment:

Carried Unanimously

On the main motion as amended:

Carried Unanimously

15. Royal Jubilee Hospital Master Campus Plan

It was moved by Councillor Coleman, seconded by Councillor Alto, that after allowing an opportunity for public comment in an open Council meeting, with notice being posted on site, advertised in the newspaper, sent to all adjoining neighbours and sent to all of the partners in the Royal Jubilee Hospital Good Neighbour Agreement, that Council consider the following motion:

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.

Carried Unanimously

16. Royal Jubilee Hospital Master Campus Plan

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council refer any accessibility concerns regarding future development of the Royal Jubilee Campus to the Accessibility Working Group.

Carried Unanimously

MOTIONS

1. To Set Public Hearing for the Council Meeting of Thursday, October 29, 2015 for:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Public Hearing be held in Council Chambers, City Hall, on **THURSDAY, OCTOBER 29, 2015, at 7 p.m.:**

1. Sign Development Variance Permit Application No. 00154 for 1610 Hillside Avenue

Carried Unanimously

QUESTION PERIOD

A question period was held.

CLOSED MEETING

It was moved by Councillor Isitt, 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 position 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(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 Loveday, seconded by Councillor Isitt, that the Council meeting adjourn.

Time: 10:05 p.m.

Carried Unanimously

CERTIFIED CORRECT:

ACTING CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA