



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, SEPTEMBER 10, 2015, AT 7 P.M.**

<b><u>PLACE OF MEETING:</u></b>	Council Chambers, City Hall
<b><u>PRESENT:</u></b>	Mayor Helps in the Chair, Councillors Alto, Isitt, Loveday, Lucas, Madoff and Young
<b><u>ABSENT:</u></b>	Councillors Coleman and Thornton-Joe
<b><u>STAFF PRESENT:</u></b>	J. Jenkyns, Deputy City Manager; P. Bruce, Fire Chief; B. Dellebuur, Acting Assistant Director, Transportation and Parking Services; M. Harris, Citizen Engagement and Communications Advisor; J. Hawkins, Council Secretary; M. Miller, Senior Heritage Planner; C. Mycroft, Executive Assistant to the City Manager; B. Sikstrom, Senior Planner; T. Soulliere, Director, Parks and Recreation; S. Thompson, Director of Finance; J. Tinney, Director, Sustainable Planning and Community Development; C. Wain, Senior Planner-Urban Design; R. Woodland, Corporate Administrator

### **APPROVAL OF AGENDA**

The Corporate Administrator outlined changes to the agenda.

It was moved by Councillor Loveday, seconded by Councillor Lucas, that the agenda be approved as amended.  
**Carried Unanimously**

### **POETRY READING**

Youth Poet Laureate Zoe Duhaime sang a poem entitled: *A Sky Full of Moons*.

### **PRESENTATION**

Stephanie, Volunteer Leader of Victoria NatureKids: The Club is a nature discovery and environmental action club for children and their families. The mission is to encourage and assist young people to develop a love for nature and a feeling of respect and responsibility for the unique ecosystems, flora and fauna of BC. They presented Council with a banner entitled "A Healthy Environment is our Right".

### **MINUTES**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the Regular Council meeting minutes of August 27, 2015, be approved.  
**Carried Unanimously**

### **PROCLAMATIONS**

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

1. "Recovery Day" – September 13, 2015
2. "Victoria Labyrinth Friendship Day" – September 16, 2015
3. "International Day of Peace" – September 21, 2015
4. "MTO Disease Awareness Week" – September 20-26, 2015
5. "Canadian Cancer Society Cops for Cancer Tour de Rock Day" – October 2, 2015 **Carried Unanimously**

***Councillor Lucas withdrew from Council Chambers at 7:15 p.m. due to a direct pecuniary conflict of interest in the following matter as she oversees all liquor operations at the Hotel Rialto.***

### **COMBINED DEVELOPMENT APPLICATION**

#### **1. 816 Government Street and 811-813 Wharf Street**

##### **1. Public Hearing - Zoning Regulation Bylaw, Amendment Bylaw (No. 1044**

The purpose of this bylaw is to rezone the land known as 816 Government Street and 811-813 Wharf Street from the CA-3C Zone, Old Town District, to the CA-CH Zone, Central Area Customs House District, to permit increased density in exchange for heritage conservation measures, and to allow for an increase in the height of buildings in this zone. All the uses in the existing CA-3C, Old Town District will be permitted with the additional uses of brewery, distillery and liquor retail sales as an accessory use to a brewery or distillery.

**New Zone:** CA-CH Zone, Central Area Customs House District  
**Legal Description:** Lots 1-8, Block 71, Section 18, Victoria City, Plan 219  
**Existing Zone:** CA-3C Zone, Old Town District

**2. Public Hearing - Heritage Designation**

Under the provisions of the *Local Government Act*, the City of Victoria intends to designate the exterior of the building known as the Post Office and Customs House Extensions that is situated on the lands with civic address 816 Government Street and 811-813 Wharf Street as protected heritage property, under Heritage Designation (816 Government Street and 811-813 Wharf Street).

**3. Public Hearing - Heritage Revitalization Agreement**

The Council of the City of Victoria will consider Heritage Revitalization Agreement (816 Government Street and 811-813 Wharf Street) for the purpose of authorizing a Heritage Revitalization Agreement between the City and the owner of the lands with civic address 816 Government Street and 811-813 Wharf Street, for the rehabilitation of the building known as the Post Office and Customs House Extensions.

**4. Hearing - Heritage Alteration Permit**

The Council of the City of Victoria will be considering the issuance of a Heritage Alteration Permit with Variance for the land with civic address 816 Government Street and 811-813 Wharf Street in order to permit the rehabilitation of the building known as the Post Office and Customs House Extensions, to permit the redevelopment of the remainder of the lands with a new mixed use office, commercial and residential building and to vary the regulations under the CA-CH Zone, Central Area Customs House District of the Zoning Regulation Bylaw by increasing the maximum allowed height from 17.70m to 27.84m.

*Mayor Helps opened the public hearing at 7:15 p.m.*

Charlotte Wain (Senior Planner-Urban Design): This is a Rezoning Application, Heritage Alteration Permit with Variances Application and Heritage Designation Application for the former Customs House at Government and Wharf Streets. The proposal is to demolish the four-storey 1957 addition (which is not on the City's Register of Heritage Properties), alter the 1914 Heritage-Registered Customs House to allow for the construction of a multi-level underground parking structure; and adapt the 1914 Customs House for a mixed-use development that links into a new seven-storey building on the same footprint as the existing 1957 addition. Variances are required and are related to height only.

Council is to consider the additional uses and the increase in density as well as the proposed alterations to the Heritage building including landscaping, form and character and finishing of the proposed buildings and the consistency with the applicable standards and guidelines. Council is also to consider the appropriateness of the height variance as it relates to the relevant guidelines and the maximum limit proposed in the new zone.

Stan Sipos (Applicant): This is probably the most sensitive project he has undertaken. The Customs House addition was in disrepair and will be removed. There have been three designs over the last two years in response to stakeholders and the City planners, although it is difficult to please everybody. The new building proposal will provide 66,000 square feet of office space employing approximately 300 people and there will be retail and residential components in the old building.

Paul Merrick (Merrick Design): Provided a PowerPoint presentation highlighting the proposal. It is on the edge of Old Town with a height restriction of 15 metres, but the current buildings are already three metres over that and the Belmont building across the street is higher again.

***Councillor Isitt entered Council Chambers at 7:33 p.m.***

Paul Merrick: An important part of the proposal is making the grade level work. They will re-establish new floor levels in both the old and new sections to address the street at the same level. The streetscape proposal is to keep and restore or extend the Government Street paving and planting and the other street furniture and to add new plantings on Wharf Street. The street level will be livelier and the interior space will be more usable and animated. The upper storey uses are residential and Class A office and parking is below grade.

*Councillor Madoff asked about the lanterns and the top floor illumination.*

Paul Merrick: The addition to the heritage building is a classic pavilion and will be lit but not glaringly. The top of the new portion will depend upon on how the lights are managed. The old part is residential and the new is office so the lighting will be a function of the inhabitants.

Ken Johnson (President, Hallmark Society): Provided a PowerPoint Presentation showing the architectural changes to the Customs Building since it was built and providing information on why the Society feels the project should not be supported as it does not meet the density and height proposed in the *Zoning Regulation Bylaw, the Official Community Plan Bylaw, and the Old Town Guidelines*.

General Manager for Harbour Centre: Provided the following comments on the proposal:

- it does not have the “wow” factor architecturally;
- the proposal is too tall and the shadowing will impact their office space;
- the proposal will reduce their property value;
- allowing a distillery is wrong as there are already too many beer stores downtown;
- there is already too much vacant office space in the downtown;
- the commercial space should be a benefit to tourists and residents, and;
- a public art feature would be a benefit.

Rick (Pandora Avenue): He is opposed to a brewery and liquor distillation operation. We need a pre-colonized environment.

J C Scott (Fan Tan Alley): He is in favour of the project as there is no shoe box roof addition to the heritage building. We need to protect our actual architectural heritage buildings. He would encourage this project to have a patio, perhaps on the west facing area.

David Glowicki (Courtney Street): He owns property on Government Street. This Customs Building has become an empty lifeless building and it has affected neighbouring businesses. He supports the proposal as it can become the spark for revitalization of Government Street and the downtown core. The proposal, once built, will bring life and vibrancy to the area benefiting the whole downtown.

Gail Rainy (Resident of Fairfield): She is in support of this project as it is the gateway to downtown Victoria. The developer has experience with the historic nature of the building. With the new office component he has captured what you want to see in a new development while preserving the historical nature. It is exciting to see the mixed use planned.

Jim (Broughton Street): His condo faces 816 Government. He is not against redevelopment, but is concerned with the lighting on the top of the building. If it is on 24x7 it will provide light down into his condo. Redevelopment of this property is vital for the growth of the City.

Carl Robertson (Gordon Head): The proposal of mixed use is excellent as it is in one of the most desirable areas of the City. It will make it easier for younger professionals to live and walk around downtown, and it will also bring back the street face for locals and visitors to enjoy.

Dale Hughes (UVic Student): He supports the project as we need to increase the number of people living downtown and retail downtown, and this accomplishes both which rejuvenates the downtown core.

John Perry (Vista Heights): Government Street belongs to all of us, including tourists and we should be concerned with this development. The issue for him is if the height guidelines for downtown are being disregarded. There is nothing special in this development to overrule the guidelines. If the guidelines are disregarded, how can we expect future developers not to expect the same exemption?

Zack (James Bay and member of the UVic Development Club): He is impressed with the vision of bringing life to Old Town while maintaining the heritage building. He supports this project with the addition of the new office space, retail and possibly a brew pub. The view from the roof is one of the best.

Howard Pride: He is delighted to see this corner redeveloped, but is dismayed by the proposed height. This could be redeveloped to the same height as the rest of the development. He has no issue with the density and he likes the combination of commercial, residential and retail.

Tristan Trotter (Mason Street): Old Town is at the heart of Victoria and a core element of the OCP protects the Old Town heritage charm and pushes density to other areas of Victoria. The proposed height violates the objectives of the OCP and it is important to say no and wait for a better plan.

Jaclyn Casler: She has been provided with the following comments: There were a number of issues raised at the Heritage Advisory Panel, but not addressed. There was a recommendation that the sixth floor not be recessed, is that being considered? The balconies on the addition are an anomaly to other buildings on Government Street; can they be removed? Has a traffic study for the new proposal been conducted?

*Councillor Madoff asked how the lighting on the upper storeys will be addressed.*

Stan Sipos: There will be no lanterns on the outside on the top floor. The top floor of the old building is office so there will be no residential lights on. Their intent is to mitigate the light from the top so there will be as little light pollution as possible.

*Councillor Young asked what the exact height of the building is and could the balconies be described better.*

Stan Sipos: There will be no glass balconies; good quality materials will be used. Balconies are only on the office units, not the residential units.

Paul Merrick: The intent of the balconies is that they are delicate and there will be to a high level of detail. The height of the heritage building from the parapet is 18.1 metres and the proposed height of the new building is 27.9 metres, which does not include the parapets of the penthouses and elevator and stairs to the roof.

*Mayor Helps asked what the beacon of light was in the final picture; if the residential units are luxury condos or apartments, and further information on the brewery that is planned.*

Paul Merrick: The beacon of light is owned by the City of Victoria. The residential units will be rental apartments.

Stan Sipos: They have no specific tenant. During discussions the suggestion of a craft brew pub was suggested, so it was included within the zoning.

*Mayor Helps closed the public hearing at 8:24 p.m.*

**2. Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1044)*

*Heritage Designation (816 Government Street and 811-813 Wharf Street) Bylaw*

*Heritage Revitalization (816 Government Street and 811-813 Wharf Street) Bylaw*

*Councillor Madoff spoke in opposition noting that despite the thought and consideration to this application given by the developer the height is still too much for Old Town and there is no rationale for the increase height in. Heritage buildings should be showcased and not overshadowed by new development.*

*Councillor Young spoke in support noting that it is important to achieve heritage protection as well as seismic protection. A better development may come forward in the future, but he has to evaluate the cost of waiting for that proposal to come forward, which cannot be recovered.*

*Councillor Isitt spoke in opposition noting there are redeeming features of the proposal such as preserving the heritage building and the potential of animating Government Street, but they are not enough compared to the insufficient public support for the height being requested.*

*Mayor Helps spoke in support noting that she did not heard significant opposition to the proposal. There is also the overarching benefit to site, the surrounding area, the downtown and the City as a whole that this proposal will provide.*

*Councillor Alto spoke in support noting that what has been done to preserve heritage aspects of the older building is supportable and what it brings to the downtown and the vision it will create for someone entering the City through the harbour for the first time.*

*Councillor Loveday spoke in support noting that the proposal will be beneficial to the downtown and to Government Street. He supports the ground floor retail and having a brewery or something will animate Government Street and build a year-round economy to the area.*

Carried

For:

**Mayor Helps, Councillors Alto, Loveday and Young**

Against:

**Councillors Isitt and Madoff**

**3. Bylaw Approval:**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1044)*

*Heritage Designation (816 Government Street and 811-813 Wharf Street) Bylaw*

*Heritage Revitalization (816 Government Street and 811-813 Wharf Street) Bylaw*

*Housing Agreement (816 Government Street and 811-813 Wharf Street) Bylaw*

Carried

For:

**Mayor Helps, Councillors Alto, Loveday and Young**

Against:

**Councillors Isitt and Madoff**

**4. Heritage Alteration Permit Approval:**

It was moved by Councillor Young, seconded by Councillor Alto, that Council authorize the issuance of the Heritage Alteration Permit Application No. 00192 for 816 Government Street, in accordance with:

1. *Plans titled "Revised Drawings" and date stamped July 22, 2015.*

2. *Heritage Building Proposed Interventions date stamped April 7, 2015.*

3. *Heritage Revitalization Agreement Bylaw.*

4. *Development meeting all Zoning Regulation Bylaw requirements, except for a variance to the height permitted in the proposed new zone from 17.70m to 27.84m as recommended in Rezoning Application No. 461 for 816 Government Street and 811-813 Wharf Street.*
5. *Final plans to be generally in accordance with plans identified above as amended to the satisfaction of staff.*
6. *The Heritage Alteration Permit lapsing two years from the date of this resolution.* Carried

**For:** **Mayor Helps, Councillors Alto, Loveday and Young**

**Against:** **Councillors Isitt and Madoff**

**Councillor Lucas returned to the meeting at 8:54 p.m.**

**Council recessed at 8:54 p.m. and reconvened at 9:00 p.m.**

### **DEVELOPMENT PERMIT APPLICATIONS WITH VARIANCES**

#### **1. 2353 Douglas Street**

##### **1. Hearing - Development Permit with Variances**

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 2353 Douglas Street, in Development Permit Area 7A, Corridors, for purposes of reducing the width of required landscaped area from 0.60m to Nil for a trellis and climbing vines.

**Legal Description of the Land:** Parcel A (DD 242616-I) of Lots 1, 2 and 3, Block 1, Section 3, Victoria District Plan 779.

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

Brian Sikstrom (Senior Planner): This is an application to provide a trellis with climbing vines instead of a 0.6 metre landscape strip on the eastern property boundary. Council is to consider the consistency of the building design and landscaping with the Corridors Development Permit Area as well as the appropriateness of the variance regarding landscaping.

Alex Toporowski (Aquawash Equipment): A portion of Field Street was purchased from the City to help with traffic flow on the site. The property is triangular shaped and will be heavily landscaped and more pedestrian friendly. The variance is a small stretch on the east property line to plant a climbing vine and 1-1.5 m tall trellis. Their landscaping will be vertical instead of horizontal. The plan is to preserve the two existing trees.

*Mayor Helps closed the public hearing at 9:09 p.m.*

##### **2. Application Approval:**

It was moved by Councillor Alto, seconded by Councillor Loveday, *that Council authorize the issuance of Development Permit with Variances Application No. 000352 for 2353 Douglas Street, in accordance with:*

1. *Plans date stamped May 8, 2014, and June 4, 2014.*
2. *Development meeting all Zoning Regulation Bylaw requirements with the following variance:*
  - *Schedule "C", Section 7.2 (h) relaxation of the width of landscaped area requirement from 0.60m to Nil for a trellis and climbing vines.*
3. *Final plans to be generally 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.*

Carried Unanimously

#### **2. 759 Yates Street**

##### **1. Hearing - Development Permit with Variances**

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 759 Yates Street. The intent of this Application is to reduce the number of parking spaces required for the development.

##### **Legal Descriptions of the Land:**

Lot 105, Victoria City  
Lot 106, Victoria City  
Lot 12, Victoria City

*Mayor Helps opened the public hearing at 9:10 p.m.*

Charlotte Wain (Senior Planner-Urban Design): This is an application to allow the conversion of the existing building from a hotel to market rental accommodation and to reduce the parking requirements from 0.7 spaces per unit to zero. Council is to consider the supportability of a parking variance.

David Fullbrook (Ecovelopment Investment Services Inc.): Provided a PowerPoint presentation showing the history of the Dominion Hotel property, which is now the Dominion Rocket apartment building. The units are furnished and are between 200 square feet to 500 square feet. The rental price is \$690 to \$1500 per month, all inclusive. Their customers do not want cars, they want to live, work and play downtown. They are providing 72 Class 1 bicycle parking stalls inside the building and 24 Class 2 bicycle parking stalls outside on the public right-of-way. They have purchased thirty memberships in MODO and they will be free to their members and an exclusive parking space for a MODO car will be provided. They have a parking lot for the property, which is owned under a separate title, and in the future they would like to turn this area into the Dominion Commons, a type of urban market or parklet.

Sarah Webb (MODO 895 Fort Street): She supports this variance application. They have over 1,200 members in Greater Victoria and 28 vehicles. MODO car shares thrive in urban areas with mixed uses and low vehicle ownership.

Sterling Rice (769 Yates Street, FOO Restaurant): He supports the development. The Rocket is a great addition to the area and the proposal of a Dominion Commons is a good idea for residents to sit outside. This is a great idea for Victoria as we want healthy lifestyles and this is the way Victoria is moving.

Paul George (Resident Manager of Dominion Rocket): He is speaking on behalf of fellow tenants. This is a growing community with diverse residents. Having a location for residents to intermingle, make friends and to hang out would be a benefit to everyone involved.

Patrick Lynch (869 Yates, Street, Foo Restaurant): Their windows face the parking lot and it is a free public downtown parking lot which is not patrolled and is abused. There doesn't seem to be a need for a parking lot if the residents live and work downtown.

*Mayor Helps asked if the parklet is happening.*

David Fullbrook: That is another Development Permit application. The idea is to develop a street market or parklet to create and animate the streetscape.

*Mayor Helps closed the public hearing at 9:35 p.m.*

## **2. Application Approval**

It was moved by Councillor Loveday, seconded by Councillor Alto, *that Council authorize the issuance of Development Variance Permit Application No. 000385 for 759 Yates Street in accordance with:*

1. *Plans date stamped March 23, 2015.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - a. *Part 6.8, Section 6(ii): Reduce parking requirement from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);*
3. *Registration of a legal agreement on title securing 72 Class 1 bicycle parking spaces in the building to the satisfaction of staff.*

*Councillor Loveday spoke in support noting that when it came to Committee he did not understand the vision, but after a tour of the site it is clear what is being proposed. It aligns with the Affordable Housing Task Force recommendations and this is an old hotel with no parking so there is no way to add parking.*

*Councillor Isitt spoke in support noting that micro-housing can provide housing affordability but it can also stretch the limits of what a basic amenity is that a person is entitled to. He will monitor it and the quality of the units, but the potential benefits outweigh the downside.*

*Councillor Madoff spoke in support noting that she also did not understand the vision when it was presented to Committee, but after the tour her perception has changed. This is an opportunity to create an extraordinary sense of community. It will be successful if it is well managed.*

*Mayor Helps spoke in support noting that she did not know there was an orchard there, and will wait for the proposal for the parklet to come forward. The idea will benefit the residents and attract future tenants.*

*Councillor Isitt asked if the parking on Yates Street in front of the building is the most efficient; is there an opportunity for more parking on that block? He would support adding as much parking on the block as possible.*

Brad Dellebuur (Assistant Acting Director, Transportation and Parking Services): Angle parking would probably maximize the spaces in front of the building. The rest of the corridor west towards Douglas is where angle parking is not recommended.

Carried Unanimously

### 3. 80 Saghalie Road

#### 1. Hearing - Development Permit with Variances

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 80 Saghalie Road, in Development Permit Area 13: Core Songhees, for the purposes of permitting an existing office building and allowing the lands to be subdivided.

**Legal Description of the Land:** Lot 4, District Lot 119, Esquimalt District, Plan VIP74716

*Mayor Helps opened the public hearing at 9:43 p.m.*

Charlotte Wain (Senior Planner-Urban Design): This is an application to permit an existing office building. The applicant would like to retain the existing temporary office building on the subject parcel to support the build-out of the project, and therefore, the building would have to be regulated as a permanent building rather than a temporary building.

Jennifer Kaye (Bayview Properties): There has been some misunderstanding about this application. The application is to take the existing temporary trailers on site and making them permanent; there is no new construction or development. A PowerPoint presentation was provided showing the Bayview Property area and the site trailers. These trailers will be replaced with a permanent development in the future. The trailers are used as the presentation and information centres for each phase of the development.

Grant Kenny (Belton Avenue): He has followed the development and these trailers provide an excellent opportunity for the community to come and participate and understand what the future developments will be and it is important that they stay.

*Mayor Helps closed the public hearing at 9:53 p.m.*

#### 2. Application Approval

It was moved by Councillor Young, seconded by Councillor Loveday, *that Council authorize the issuance of Development Permit with Variances Application No. 000388 for 80 Saghalie Road in accordance with:*

1. *Plans date stamped March 13, 2015.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - a. *Part 10.42.27 - Increase the allowable maximum floor area for Commercial use from 190.00m<sup>2</sup> to 938.40m<sup>2</sup>;*
  - b. *Part 10.42.31 - Reduce the minimum required open site space from 50% to 45%;*
  - c. *Part 10.42.32 - Allow commercial uses on all floors rather than only the ground floor;*
  - d. *Part 10.42.34 (a) - Allow required parking to be located on-site rather than being enclosed;*
  - e. *Schedule C, Section C(5) - Reduce the required number of parking stalls from 14 to 8.*
3. *Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within 15 to 20 years to the satisfaction of staff.*
4. *Final plans in to be accordance with the plans identified above the satisfaction of the*  
Carried Unanimously

### 4. 755 Caledonia Avenue

#### 1. Hearing - Development Permit with Variances

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 755 Caledonia Avenue, in Development Permit Area 2 (Heritage Conservation), Core Business, for the purpose of increasing the permitted amount of residential use on the first storey

**Legal Description of the Land:** Lot 1 of Lots 712, 713, 714, 715, 716, 723, 724, 725, 726, 727, 728 and 729, Victoria City, Plan VIP83911 except that part in Plan VIP86828.

*Mayor Helps opened the public hearing at 9:54 p.m.*

Brian Sikstrom (Senior Planner): This is an application to permit the replacement of ground floor retail space with residential units. The matter for Council's consideration is the appropriateness of permitting additional ground floor residential uses rather than commercial uses in this location.

Justin Filuk (Townline): Provided a PowerPoint presentation showing the replacement of retail space with townhouse units at 755 Caledonia Avenue. A forecast and analysis of the retail space was conducted and they found they had some challenged retail space on the carriageway. They are looking at converting some of the retail space to townhouse units. There would be an additional four townhouse units on the outside and four interior studio units; this will increase the number of units from 170 to 178. The exterior changes will include patios in front of the

townhouse units with concrete planters and landscaping which would be raised two feet above the carriageway.

*Mayor Helps closed the public hearing at 9:59 p.m.*

**2. Application Approval:**

It was moved by Councillor Alto, seconded by Councillor Lucas, *that Council authorize the issuance of Development Permit Application No. 000425 for 755 Caledonia, in accordance with:*

1. *Plans date stamped May 7, 2015.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - a. *Section 6.8.1(e) Increase of up to 435m2 in permitted residential use on the first storey.*
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 Alto, seconded by Councillor Lucas, that the following speakers be permitted to address Council. Carried Unanimously

1. **Kelly Kurta, Greater Victoria Festival Society, re: October 25 Government Street Closure for Wicked Halloween!** Was not in attendance.

**UNFINISHED BUSINESS**

**1. Rezoning Application No. 00478 for 370 and 384 Harbour Road**

Council received a report dated August 27, 2105 from the Sustainable Planning and Community Development Department updating Council on the status of conditions set by Council for the application, and to recommend the application proceed to public hearing.

**Motion:**

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

*That Council receive this report for information and that this Application proceed to a Public Hearing in accordance with the motion below, which has been updated to remove pre-conditions that have been satisfied and gives direction to staff to release monies from the Dockside Affordable Housing Reserve:*

1. *That Council give first reading to the Official Community Plan Amendment Bylaw.*
2. *That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2015-2019 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.*
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 second reading to the Official Community Plan Amendment Bylaw.*
5. *That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.*
6. *That Council give first and second reading to the Zoning Regulation Bylaw Amendment.*
7. *That Council refer the Zoning Regulation Bylaw Amendment for consideration at a Public Hearing.*
8. *That Council give first, second and third reading to the Housing Agreement (370 and 384 Harbour Road) Bylaw.*
9. *Following consideration of Rezoning Application No. 00478, if approved, that Council consider adoption of Housing Agreement (370 and 384 Harbour Road) Bylaw).*
10. *Direct staff to issue payment from the Dockside Affordable Housing Reserve in the amount of \$239,614.17 as outlined in the amendment to the Master Development Agreement.*
11. *Direct staff to update the Reserve Fund Policy to eliminate the Dockside Affordable Housing Reserve once the payment of \$239,614.17 has been made.*

*Councillor Isitt said that he would oppose any build out of Dockside Green without affordable housing, which was agreed to when the City sold the property.*

Carried Unanimously

**2. Development Permit with Variances Application No. 00409 for 370 and 384 Harbour Road**

Council received a report dated August 27, 2015 from the Sustainable Planning and Community Development Department updating Council on the status of conditions set by Council for the application, and to recommend the application proceed to a hearing.



**Motion:**

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

*Receive this report for information and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, Council consider the following motion which has been updated to remove pre-conditions that have been satisfied:*

*"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 date stamped March 31, 2015.*
- 2. Development 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 a building 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."*

Carried Unanimously

**3. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16) - Subdivision Exemptions and Administrative Approvals**

Council received a report dated August 27, 2015 from the Sustainable Planning and Community Development Department updating Council on the status of conditions set by Council for the bylaw, and to recommend the application proceed to public hearing. The bylaw will exempt the subdivision of land in specific Development Permit and Heritage Conservation Areas from the requirement to obtain a Development Permit or Heritage Alteration Permit.

**Motion:**

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

- 1. Consider the summary of consultation included in this report and provide any direction to staff, as necessary.*
- 2. Give first reading to Bylaw No. 15-065, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16).*
- 3. Consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2015 Financial Plan, 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.*
- 4. Consider consultation under Section 879(2) 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 amendments.*
- 5. Give second reading to Bylaw No. 15-065, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 16).*
- 6. Refer Bylaw No. 15-065, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 16), for consideration at a Public Hearing.*

Carried Unanimously

**4. Rezoning Application No. 00388 and Development Permit Application No. 000298 for 1082 Richmond Avenue**

Council received a report dated August 27, 2015 from the Sustainable Planning and Community Development Department updating Council the status of conditions set by Council for the application, and to recommend that the bylaws be adopted and the Development Permit approved following the Public Hearing that was held on November 27, 2014.

**Bylaw Approval:**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1009)*

Carried

**For:**

**Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas and Young**

**Against:**

**Councillor Madoff**

**Bylaw – Rescind Third Reading:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council rescind third reading of *Housing Agreement (1082 Richmond Avenue) Bylaw*

Carried

**For:**

**Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas and Young**

**Against:**

**Councillor Madoff**

**Bylaw Amendment:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council *that Council amend Housing Agreement (1082 Richmond Avenue) Bylaw by replacing Schedule A with the revised Schedule A.*

Carried

**For:**

**Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas and Young**

**Against:**

**Councillor Madoff**

**Bylaw – Third Reading:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that *Housing Agreement (1082 Richmond Avenue) Bylaw be given third reading as amended.*

Carried

**For:**

**Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas and Young**

**Against:**

**Councillor Madoff**

**Development Permit Approval**

It was moved by Councillor Alto, seconded by Councillor Lucas, *that Council approve a Development Permit for 1082 Richmond Avenue, in accordance with:*

1. *Plans for Rezoning Application No. 00388 and Development Permit No. 000298, stamped September 19, 2014;*
2. *Development meeting all Zoning Regulation Bylaw requirements, and;*
3. *Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.*

Carried

**For:**

**Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas and Young**

**Against:**

**Councillor Madoff**

**REPORTS OF THE COMMITTEES**

**1. Governance and Priorities Committee – September 3, 2015**

**1. Request to Attend Conference**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the attendance and associated costs for Councillor Isitt and Councillor Loveday to attend the Union of British Columbia Municipalities Conference to be held in Vancouver September 21-25, 2015.

Carried Unanimously

**2. Pilot Boulevard Community Garden, Pandora Parkway (900 Block Pandora)**

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

1. Authorize the Mayor and Corporate Administrator to execute a new License of Occupation with the Lifecycles Project Society for a pilot boulevard community garden on Pandora Parkway (900 Block Pandora Avenue) for a period of one year, at an annual consideration of \$1.00, in a form satisfactory to staff and subject to the publication of the statutory notices required by the *Community Charter*, and
2. Direct staff to report back to Council within one year on the outcomes related to the pilot garden.

Carried Unanimously

**3. Relocation of the Neighbourhood Garden of All Sorts (formerly the Michigan Street Community Garden) to MacDonald Park**

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

1. Approve the proposal for a community garden at MacDonald Park, and
2. Authorize the Mayor and Corporate Administrator to execute a new License of Occupation with Lifecycles Project Society, for a community garden at MacDonald Park for a period of three years, at an annual consideration of \$1.00, in a form satisfactory to staff and subject to the publication of the statutory notices required by the *Community Charter*.

Carried Unanimously

**4. Lessons Learned from the 2014 Municipal Election and Proposed Improvements for 2018**

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

1. Receive the report for information.
2. Direct staff to:
  - a. Write to the Provincial government requesting that the *Local Government Act* be amended to increase the amount of time between the end of the nomination period and the start of the advance election dates, and prepare a Council Resolution to submit to AVICC recommending this action,
  - b. Bring forward amendments to the *Elections Procedures Bylaw* by December 31, 2015, and
  - c. Request Elections BC resume enumeration of provincial voters.

Carried Unanimously

5. **Socially Responsible Investments and Pension Funds**

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

1. Council direct staff to write the institutions where the city currently has short term investments to inquire about options for fossil fuel free investments that currently exist or may exist in the near future, and
2. Staff report back with the information received and what action they intend to take, or any recommendations that Council might take to amend its investment policy, based on this information.

Carried

**For:**

***Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas, and Madoff***

**Against:**

***Councillor Young***

6. **Intermunicipal Correspondence – City of Hamilton – Support in the Regulation of the City's Road Allowance**

1. It was moved by Councillor Isitt, seconded by Councillor Alto, that the City of Victoria contribute a one-time grant in aid of \$2,500.00 to the City of Hamilton to support that municipality's appeal of the jurisdiction's authority to reasonably regulate their road allowance.

Carried

**For:**

***Mayor Helps, Councillors Alto, Isitt,  
Loveday, Lucas, and Madoff***

**Against:**

***Councillor Young***

2. **Planning and Land Use Committee – September 10, 2015**

***Councillor Young withdrew from Council Chambers at 10:08 p.m. due to a non-pecuniary conflict of interest as his landlord owns a property that could be affected by the proposed seismic upgrading bylaw.***

1. **Mandatory Seismic Upgrading Bylaw**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council consider engaging with the Union of British Columbia Municipalities (UBCM) to advocate to the Provincial Government for the following:

1. Provincial policy changes that would support seismic upgrading of existing buildings within earthquake-prone regions.
2. Examination of policy tools to ensure regulations do not create an excessive financial disincentive for property-owners to upgrade heritage and unreinforced structures.
3. Report back on options for specific actions the City could take to encourage the seismic upgrading of buildings in the City.

Carried Unanimously

2. **Mandatory Seismic Upgrading Bylaw**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council refer the Mandatory Seismic Upgrading Bylaw report to the Heritage Advisory Panel for review and comment.

Carried Unanimously

3. **Mandatory Seismic Upgrading Bylaw**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council request that the Victoria Civic Heritage Trust make a presentation to Council regarding their current programs related to seismic upgrading.

Carried Unanimously

***Councillor Young returned to the meeting at 10:09 p.m.***

4. **Heritage Designation Application No. 000153 for 727-729 Johnson Street**

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council support Heritage Designation Application No. 000153 for the property located at 727-729 Johnson Street subject to the applicant undertaking the following steps:

1. Working with staff to develop a conservation plan that details the restoration/rehabilitation work to be carried out in accordance with the Standards and Guidelines, to the satisfaction of the Director, Sustainable Planning and Community Development.
2. Making/obtaining application for the appropriate permits to undertake the restoration/rehabilitation of the Johnson Street façade.
3. Undertaking the restoration/rehabilitation of the Johnson Street façade in accordance with the Standards and Guidelines, to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Revising Heritage Designation Application No. 00053 to reflect the restoration/rehabilitation work undertaken that would reinstate its architectural integrity for Council's consideration of the revised application for designation.

Carried Unanimously

5. **Delegated Authority and Exemptions for Development Permits**

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council refer the Delegated Authority and Exemptions for Development Permits report to the Heritage Advisory Panel, Advisory Design Panel, Community Association Land Use Committees (CALUCs), and the Urban

Development Institute, inviting comment on the report and recommendations by October 30th and that staff report back to Planning and Land Use Committee in November on input received and any proposed adjustments to the recommendations. Carried Unanimously

### MOTIONS

1. **To Set Public Hearings for the Council Meeting of Thursday, October 1, 2015 for:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, OCTOBER 1, 2015, at 7 p.m.:**

1. Official Community Plan Bylaw, Amendment Bylaw (No. 16) - Subdivision Exemptions and Administrative Approvals
2. Rezoning Application No. 00480 for 2280 Forbes Street
3. Rezoning Application No. 00478 for 370 and 384 Harbour Road
4. Development Variance Permit Application No. 00149 for 1362 Dallas Road
5. Development Variance Permit Application No. 00153 for 239 Menzies Street Carried Unanimously

### BYLAWS

1. **FIRST READING**

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

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16)

*The purpose of this bylaw is to exempt the subdivision of land in specific Development Permit and Heritage Conservation Areas from the requirement to obtain a Development Permit or Heritage Alteration Permit*

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

*The purpose of this bylaw is to allow changes to the existing siting requirements for 49 non-market residential rental units for the land known as 370 and 384 Harbour Road.*

Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)

*The purpose of this bylaw is to amend the regulations relating to attached dwellings in Development Area D and to provide a new definition for "Affordable Housing".*

Housing Agreement (370 and 384 Harbour Road) Bylaw

*The purpose of this bylaw is to authorize a Housing Agreement for 370 and 384 Harbour Road.*

Tax Exemption (Permissive) Bylaw, 2016 City Occupied Property

*The purpose of this bylaw is to provide a tax exemption for City occupied lands which qualify for a permissive exemption under Section 224 of the Community Charter.* Carried Unanimously

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

Tax Exemption (Permissive) Bylaw, 2016

*The purpose of this bylaw is to provide a tax exemption for lands or improvements which qualify for a permissive exemption under Section 224 of the Community Charter.*

*Councillor Young asked if the tax exemption for Burnside-Gorge Community Association with respect to Jutland Road, is offered to other organizations.*

Susanne Thompson (Director of Finance): The tax exemption is only provided to non-profit agencies. BC Assessment would not permit for-profit businesses to receive the exemption.

Carried Unanimously

2. **SECOND READING**

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

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 16)

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)

Housing Agreement (370 and 384 Harbour Road) Bylaw

Tax Exemption (Permissive) Bylaw, 2016

Tax Exemption (Permissive) Bylaw, 2016 City Occupied Property

Carried Unanimously

3. **THIRD READING**

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

Housing Agreement (370 and 384 Harbour Road) Bylaw

Tax Exemption (Permissive) Bylaw, 2016

Tax Exemption (Permissive) Bylaw, 2016 City Occupied Property

Carried Unanimously

### QUESTION PERIOD

*A question period was held.*

## **NEW BUSINESS**

### **1. 2016 Committee and Council Meeting Schedule**

Council received a report from the Corporate Administrator dated September 4, 2015 providing Council with a proposed 2016 Meeting Schedule for the Governance and Priorities Committee, the Planning and Land Use Committee and Victoria City Council.

#### **Motion:**

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

1. Approve the proposed 2016 Meeting Schedule for the Governance and Priorities Committee, the Planning and Land Use Committee and Victoria City Council; and
2. Direct City staff to make the approved 2016 Meeting Schedule available to the public in accordance with Section 127 of the *Community Charter*. Carried Unanimously

### **2. Referral from CRD Core Area Liquid Waste Management Committee – Issue 3 – Scope and Application of Role of Fairness & Transparency Advisor**

Council received a letter dated September 10, 2015 from the Capital Regional District advising that the Core Area Liquid Waste Management Committee (CALWMC) referred Issue 3 – Scope and Application of Role of Fairness & Transparency Advisor (FTA) to Core Area municipalities.

*Mayor Helps provided Council with background information on the referral. CRD Directors felt that the role of the FTA with respect to examining individual municipal processes should be referred to the seven Core Area municipalities for a response.*

#### **Motion:**

It was moved by Councillor Young, seconded by Councillor Lucas, that Council indicate that they are satisfied having the FTA role apply to City processes as well as CRD processes. Carried Unanimously

## **CLOSED MEETING**

It was moved by Councillor Lucas, seconded by Councillor Madoff, 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)(e)** - *The acquisition, disposition or expropriation of land and/or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.*

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

**Section 12(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

## **RISE AND REPORT**

### **1. Regular Closed Governance and Priorities Committee Report from the meeting of September 3, 2015**

#### **1. Employee Relations**

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

1. Adopt the City Manager Annual Evaluation Policy.
2. Rise and report on this matter on September 10, 2015. Carried Unanimously

## **ADJOURNMENT**

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

Time: 10:55 p.m.

Carried Unanimously

CERTIFIED CORRECT:

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CORPORATE ADMINISTRATOR

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MAYOR OF THE CITY OF VICTORIA