



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, JANUARY 29, 2015, AT 7 P.M.

<u>PLACE OF MEETING:</u>	Council Chambers, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young
<u>ABSENT:</u>	Councillor Alto
<u>STAFF PRESENT:</u>	J. Johnson, City Manager; L. Baryluk, Senior Process Planner; J. Hawkins, Council Secretary; J. Jenkyns, General Manager, Victoria Conference Centre; D. Kalynchuk, Director of Engineering and Public Works; Julie McDougall, Acting Director, Parks and Recreation; A. Meyer, Assistant Director, Development Services; C. Royle, Deputy Fire Chief; S. Thompson, Director of Finance; R. Woodland, Corporate Administrator

APPROVAL OF AGENDA

The Corporate Administrator outlined changes to the agenda.

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

PROCLAMATIONS

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following Proclamations be endorsed:

1. "Heart Month February 2015"
2. "International Development Week" – February 1 – 7, 2015
3. "Health, Wellness & Sustainability Festival Day" – February 7, 2015
4. "Darwin Day" – February 12, 2015

Carried Unanimously

REZONING APPLICATIONS

1. Rezoning Application No. 00428 for property known as 2680 Blanshard Street

1. Public Hearing - Zoning Regulation Bylaw, Amendment Bylaw (No. 998)

To rezone the land known as 2680 Blanshard Street from the C1-N Zone, Neighbourhood Shopping District, to the C1-HGV Zone, Humber Green Village District, to allow a Liquor Retail Store as an additional permitted use within Blanshard Square, and to limit the size of the proposed Liquor Retail Store to 1282 m², and create further regulations applicable to the Liquor Retail Store.

New Zone:	C1-HGV Zone, Humber Green Village District
Legal Description:	Lot A, Section 4, Victoria District, Plan 44898
Existing Zone:	C1-N Zone, Neighbourhood Shopping District

Councillor Lucas withdrew from Council Chambers at 7:03 p.m. due to an indirect pecuniary conflict of interest as she oversees and manages all liquor retail operations in the Hotel Rialto.

Mayor Helps opened the public hearing at 7:04 p.m.

Lucina Baryluk (Senior Process Planner): This proposal is to allow an additional use of a liquor retail store within Blanshard Square and to allow the existing store to relocate to another building on the property and establish a total maximum floor area for the liquor retail store with further limitations on the maximum size of the floor area used for product display and customer service within the store. The proposed zone, cited as the Humber Green Village, uses this Neighbourhood Shopping District as the base zoning, and includes the additional use of liquor retail store defined as follows in the *Zoning Regulation Bylaw*. A liquor retail store means an establishment that engages in the retail sale of wine, beer or any other liquor, as defined in the Liquor Control and Licensing Act for the consumption elsewhere than in that establishment.

In addition to allowing the new use of a liquor retail store, a maximum size of the liquor retail store has been set at 1,282 square meters total floor area, and not more than 70% of the total floor area may be used for product display and customer service.

The matter subject to discussion is the suitability and appropriateness of the proposed permitted use of a liquor retail store and the regulations specific to the liquor retail store within the commercial complex commonly referred to as Blanshard Square

There is also a concurrent Development Permit where the form and character of the proposed façade changes and signage can be reviewed for compliance with the Development Permit Area 5, Large Urban Village – Humber Green Village – where the Design Guidelines for Buildings, Signs and Awnings apply.

Councillor Isitt asked what the proper considerations would be for Council and if the operator was one of those considerations.

Lucina Baryluk: The relevant considerations are the suitability and appropriateness of the proposed permitted use of a liquor retail store and the regulations that have been created in terms of maximum size as would be appropriate in the Blanshard Square. Only the use, not the operator of the site can be considered.

Nicholas Denux (Representing Sofi Investments): Provided background on the Company, which owns the shopping complex.

Blair Chisholm (Brook Pooni): Provided a PowerPoint presentation regarding the proposal for rezoning the property located at 2680 Blanshard Street to allow a liquor retail store as a permitted use and to accommodate the relocation of the existing liquor retail store within Blanshard Square.

Nicholas Denux: Presented a landscape plan for the property.

Councillor Thornton-Joe asked what the current retail size is.

Real Estate Agent: 5,500 square feet out of a total 7,200 square feet.

Councillor Thornton-Joe asked if the landscaping is guaranteed?

Lucina Baryluk: This is late information and it can be controlled through the Development Permit with an amendment from Council referring to the landscape plan provided tonight.

Councillor Isitt asked what assurance there is to ensure adequate parking?

Blaire Chisholm: Jordans' had equivalent retail space and she suspects the parking bylaw is regulated to retail use and would be appropriate. There are 144 parking spaces and 30% are full at any one time during the day. She expects use will increase, but does not expect an issue with parking.

Lucina Baryluk: The property meets the Zoning Regulation Bylaw Schedule C for retail parking. The applicant did provide a traffic study that also found the parking appropriate.

Councillor Isitt said this is a substantial increase and asked how staff can recommend that this move forward based on the City's existing policy.

Lucina Baryluk: This area is recognized as a commercial centre in the OCP, but is neutral on what types of retail use. This application is seen as appropriate for this location.

Councillor Isitt asked about the impacts on the neighbourhood from the current establishment?

Robert Woodland (Corporate Administrator): He has no information at hand.

Blair Chisholm: The amount of social disorder is negligible.

Councillor Isitt expressed concern about an increase in disorderly people with a larger building.

Teresa (Store Manager): They have a strong social responsibility and police are quick to arrive if called. Staff are trained to keep the public safe. There is an incident inside the store once a month and once every three months outside the store. They plan to change the culture and the new store will give them the opportunity to be more vigilant with more security and cameras.

Councillor Loveday asked if there are similar policies in neighbouring municipalities like Saanich?

Alison Meyer (Assistant Director, Sustainable Planning and Community Development): She does not know if other municipalities have similar policies. This policy is a guideline and each application is weighed on their own merits. The current store is already above 200 square metres.

Micki Jackson, Gorge Road East (Burnside Gorge Community Association): There are concerns about noise, loitering, littering and the equity of dealing with provincial liquor stores and private liquor stores. There was support at the community meeting, but it was not overwhelmingly

positive. There was a request if the traffic study could be shared with the community association. She encouraged Council to include the landscaping commitments in the Development Permit.

Jordan Fox (Empire Street): He cycles past the area and finds the current access annoying as a cyclist. If the store is moved then the traffic will be moved off the street and it will be friendlier to cyclists. With respect to the cost benefit, there could be a Dollar Store and there is a lot more wage power going with a liquor store.

Stefan (Begbie Street): As a cyclist, he agrees with the statement about the traffic. This is a good plan, a good location, and a larger store will have a larger variety.

Lloyd Johnson: This is an easy decision, larger store, safer to park in front of the building, more space to park and safer with more people coming and going.

Brian Henry (Spring Road, Saanich): He owns and operates Ocean River Sports. Victoria is not a big box city and he is passionate about local shopping and businesses succeeding. There is something wrong with this proposal as there are different rules for independent stores compared with public stores. The proposal looks good and makes sense, but there are five independent stores within a short distance.

Bruce Carter (Chamber of Commerce): From a practical perspective it makes sense to relocate within the mall they are already in and moving it should not be a big deal. The challenge is the zoning bylaw, which says the store should be 200 square metres and they already have 600 square metres and the relocation would give them 1,200 square metres, and it is up to the proponent to decide how the space will be used. He does not think the community is looking for a liquor store that size. A new store with 785 square metres just went into Hillside; what is limit for a liquor store? The framework is inadequate and the bylaw needs to be revisited.

Councillor Thornton-Joe asked who monitors how much space is used for retail?

Lucina Baryluk: It is a complaint driven system and if they exceed the 70% then they will have to come back to Council.

Deane Strongitharm (Courtenay Street) Presented a PowerPoint addressing the inconsistency of how the City policy is applied to private and public liquor stores. He expressed concern about the impacts to Ross Lane and the senior's residential building.

A resident: He strongly supports the relocation as the current parking is cramped and he usually parks in front of proposed location anyway. He finds the store has a good stock and he thinks the staff are doing a good job in small store. A larger store will offer a better selection.

Paul Hadfield: He has operated Spinnakers Brew Pub and liquor store in Vic West and one in James Bay Square. Why so many people care about this application is that the policy is not being applied equitably in relation to small business people in Victoria. The question is natural justice and the different rules for different owners of stores.

Elena (Cyril Cane Road): She works a block away from the store and it is very difficult to get in and out of and there is not much parking. She supports the proposal as the current location needs upgrades and she would like options of where to shop and more selection. It is up to her to make that decision.

Stephen Harris (BC Private Liquor Stores Association): There needs to be some equity set and all operators/owners have the same opportunity as each other. There are significant changes in the BC liquor retail policy coming forward and Council deserves the opportunity to have a brief on the possible impact of new rules on municipalities and their zoning. He does not expect more range of products will be available. He requests Council to reject this proposal and take the time and be fully briefed on the new provincial liquor policy.

Roy (Gorge Road East, Owner of shopvictoria.ca): His business' sole purpose is to support locally owned businesses to encourage consumers to get out of the big box stores. Expressed concern about the government stores competing with the locally owned businesses. While the move and more parking spaces make sense, the size of the store does not.

Scot LeBlanc (Lives in Saanich, works in Victoria): He supports the proposal. He has two children in university. Who would he want them to work for a private or public liquor store? The public one as there are higher wages and better working conditions. The benefits of the public system affect the community as a whole.

Shane Devereaux (Asquith Street and owner of Habit Coffee): We need to make sure there is a level playing field. If there is a policy then Council should stick to it and not make exceptions.

Evan McCaskill (Regional Manager, Liquor Distribution Branch): This is about a land use issue. We have heard overwhelming support for moving as it is safer for the public and provides better access. They are expanding the number of cycling spaces and inside the building there will be two cycling closets for staff. 30% of the space is the regional manager's office which is currently

on Government Street and a training facility for staff. BCLDB stores are part of your community and the staff live in the community. They are looking for larger square footage and will provide an expanded selection and safer access for all customers.

Rob: He has worked in area for 10 years. Looking at this from a land use perspective the building would not be easy to divide for several uses as there is only one loading zone. Security is one of the biggest issues. The most likely alternative use would be a Dollar Store. For cycling access please have a dedicated cycling lane on Blanshard and get rid of the median.

Chuck Friend (Mixed Food Mart): This is the government asking the government to change the rules to allow government to make money at the expense of small business owners. When he signed his lease it was because he relied on the traffic from the liquor store as they sell mixes, Lotto and tobacco. The lease said that they could not sell anything that other in the mall were selling. The liquor store now sells lottery, which he was told they would not be permitted to do. His business, which was just making it, is now just not making it. When customers leave the new location, they will not see his store, so he will no longer exist. There is too much discrimination in this application.

Jill Doucett (Oscar Street, Owner of Synergy Enterprises): She has learned about the new liquor policies and what the impacts would be. Small business has not been considered nor the implications the new policies will have. This is about fairness and allowing the government to go beyond the bylaws when private companies have complied. Quadra Village has potential and it has started to revitalize the area. She wants Victoria to be a better place to do business. Send a positive message to local business by declining this application.

Ryan Taylor (Graham Street, Owner of Café Fantastico): His biggest issue is the zoning bylaw being applied inequitably. Why were the rules put in place in the first place? To say the 200 square metre regulation is irrelevant and to go to 1,200 metres or larger is fine is an extreme variation. Office, training and storage space are great and necessary but changes to the bylaw should be reflect those things and not include them in the retail floor space, but they need to be applied to all stores. Accessibility has been mentioned, the liquor board argues that they need to be bigger to be accessible, does that mean private stores are not allowed to be accessible? What does Victoria want?

Wayne (Douglas Street, Works for Liquor Control Board): He was involved in community affairs and in his rereading this policy, as he was involved in the early development of the policy. It was not intended to apply to government liquor stores. The reference that Planning has made to it, should probably not been made as it does not apply. The policy was only meant to apply to the private stores, due to the number of applications that came forward and the fears neighbourhood had about stores popping up on every corner. There was a store downtown and Blanshard has served a number of roles, not just a neighbourhood, but a bigger customer base. The policy needs to be revisited

James Cullagh (Vancouver Street): He thinks this is good use for this space and an investment in the area and opens up the smaller space for another business. The applicant has done a good job of speaking with the community and explaining their proposal. He encouraged Council to support as it is a good use of space and addition to the community.

Randy Wilson (Woodlawn Crescent and Co-Owner of Liquor Plus Store): In business you rely on the rule of law. Ignoring the rule of law because of one group goes against the core of doing business. The applicant needs to renovate to make it bigger and more accessible, but they are already three times the size allowable. Parking for a furniture store and a liquor store are very different. This location is on the drive to work side, so the traffic pattern won't change. Liquor stores are convenience stores; people know what they are going to buy before they come into the store. The average visit to a liquor store is two minutes and 20 seconds. He would ask Council not to approve this application. Send the message that you don't differentiate. He was not aware that the policy was never intended for government liquor stores.

Floyd Becker (Owner of Liquor Express) He has two stores and he would have built larger stores, but he was not permitted to build over 200 square metres. Make it a level playing field for all.

Keith Barbon (Burnside Road, Owner of KUB Developments): Provided a PowerPoint presentation addressing the City's liquor policy recommending that a store not be larger than 200 square metres. The original application was for 765 square metres, but it has increased to 897 square metres of retail, which is a 122 square metre increase. This policy has been applied inequitably. The justification for the request for the increase is for the recent trends in government liquor stores; this is confusing as the current space is very close to the new liquor store that has just gone into Hillside Mall. The previous nine private applicants had to meet the OCP criteria, but this applicant does not seem to have to meet this criteria. This is an inequitable process and it cannot continue.

John Reese (Vice President, Truffles Group) He supports small business and the fair and equitable application of policy in regard to this application. We believe in competition, but it must be fair and healthy, which means policy needs to be applied consistently and equitably. Approving this application will artificially shape and dictate the marketplace and provide undue

advantage. He requests Council to reject this proposal and apply the policy fairly and equitably to all players.

Don Calvelly (Founder of Truffles and Cascadia Liquor Store): He would like to see fairness and equity and a level playing field. He had to adhere to the City's policy of 200 square metres. He also had to agree to special operating covenants to be registered on title. All private operators have been held to the policy and had additional restrictions placed on their property. This application is one city block from their store in Quadra Village. Why is one site suitable to apply the restrictions while the other one is not? This application is 6.5 times above the policy and has no special restrictions or covenants. He requests Council to treat all parties equally otherwise it is discriminating between owners and landlords. The new BC government policies are coming forward in the next eight weeks and there are many significant changes coming forward and the staff report about them is not yet available. He requests Council to turn this application down.

Danielle Kubalik (Silk Road, Government Street): She is troubled by how the rules are being applied differently that result in unfair competition. Applying the rules differently is a form of discrimination. She is concerned this could result in a little more employment at the LDB but a negative impact on all the other businesses. She urged Council to think about equity and fairness and a level playing field.

David Adams (Fort Street): He was involved in some of the rezoning applications made in respect to the policy under discussion tonight and the requirement of additional covenants for private liquor stores. He does not see a level playing field and now he hears the suggestion that the policy is not a hard and fast policy, but a guideline. This is also the first time that he has heard that the policy was only intended for private liquor stores. The staff report says that the operator is not a consideration when considering a rezoning for a liquor store, so that is against the suggestion that the policy was only the private sector. If you ignore the policy for BC liquor stores it creates a situation which is unfair for the private operator and it also does not serve the public well. He requested that Council table this matter until Council can consider their policy in light of the new government regulations coming forward.

Councillor Isitt asked what the definition of a Licensee Retail Store is? What about the review of the policy?

Alison Meyer: The policy was written some years ago and that was the name. It is applied equally to all liquor store applications regardless of the owner. This policy has been referred to Council's Strategic Planning workshop to determine if Council would like further work done. A minimum would be some minor changes that staff would recommend.

Councillor Young asked what options are available to Council in respect to tabling this application pending receipt of the staff report.

Robert Woodland: If Council requires additional information in respect to the policy, Council could close the hearing and request a report from staff on that policy in order to inform their decision making. The caution would be that Council would not be able to receive any new information from the applicant or the public.

Councillor Young requested further information on what Council could consider with respect to the staff report.

Robert Woodland: Council would have the discretion in terms of what Council wished to do in terms of the policy separate from its consideration of the current application.

Councillor Madoff asked if Council could consider the changes to the provincial policy?

Robert Woodland: There is a long list of recommendations that the province is studying towards implementation. Some items are certain and some are not. Staff have prepared a report that provides an overview of the changes. The report mainly deals with liquor primary and food primary businesses, but it does touch on liquor sales in grocery stores.

Mayor Helps asked when Council will receive this report.

Robert Woodland: He hopes either the February 12th or 26th Governance and Priorities Committee meeting.

Mayor Helps closed the public hearing at 9:02 p.m.

2. Consideration of Third Reading

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following bylaw **be given third reading**:
Zoning Regulation Bylaw, Amendment Bylaw (No. 998)

Councillor Isitt said that a lot of comments he has heard are not germane to the issue at hand. He believes that the application is an acceptable form of land use and there are no comments from nearby residents. He sees the improvements to the site and the public realm; however the

landscape plan needs to be incorporated in the Development Permit. There may be inequities in the liquor retail market, but they are not properly addressed in this rezoning process. He does not see any negative consequences of this land use.

Councillor Loveday said there were a number of speakers who spoke against the City's policy, but not the size of the store. This hearing is about land use and the size and appropriateness of this store in this location. The speakers are correct that the policy does need to be reviewed. This location is a major transportation route and he does not see any negative consequences.

Councillor Thornton-Joe said Council must consider land use and if the application is suitable in this location and if the size is supportable and the owner cannot be considered. She considers the amenities that are around the proposed liquor store such as a grocery store. This liquor store came in many years before the policy was created. Her concern is do we put in the large store and hope the population will increase, or wait for the population increase and then put in the store. This is relocation and she feels the location is most appropriate for visibility. However, what she has to decide is if she is willing to relocate and increase the size of the store, and she cannot support the proposed size.

Councillor Madoff said that the Hillside Mall store has complimentary services. But when she looks at this proposal she does not see that. This is just a destination to carry out one type of purchase. This is not the way she would like to see a business integrated with other uses. She cannot think of another time where we create two classes of applicants and with the provincial review and our own review we will not be in this position again as it is not fair.

Councillor Young said that it seems strange to debate the move of a retail store within a mall. We have a policy and staff have diligently applied the policy. He feels the policy should have been reviewed more urgently as we have to change the rules. Changes are also coming forward from the province on how liquor can be sold. He does not feel there is a reason not to approve this application as this is a decision to be made by the retailer and the mall owner. Council should have the debate if they should maintain this policy and if Council decides to maintain the policy that would be the only reason not to approve this application. It is not a desirable policy and whatever policy is developed it should be applied equally and we should not discriminate.

Councillor Coleman said that this is a difficult decision. His understanding was the policy did apply generally and liquor stores in their current site were grandfathered. We need to have a policy discussion. The policy was made when the government was getting out of the liquor business, so Council put in rules stating their size. For this application most speakers said this was a good location, but the issue is size. A shift within the mall makes sense, but to almost double the size is too big. He would like to postpone the decision and have a discussion of policy.

Mayor Helps said that Council had flagged this policy for review with the strategic plan. She agrees with Councillor's Thornton-Joe and Madoff that the application looked good. But what resonated with her is the reference to big box neighbourhood. She cannot vote in favour of this tonight, but would be interested in having the policy discussion. The policy is not pertinent to this application per say, but it has been raised many times. She is happy to receive more information from staff. What is risky is that the public hearing is closed, but the decision has not yet been made, so Council cannot receive any further information from the applicant or the public.

Motion to Postpone

It was moved by Councillor Young, seconded by Councillor Coleman, that Council postpone consideration of Zoning Regulation Bylaw, Amendment Bylaw (No. 998), pending Council review of the City's Liquor Licensee Retail Store Policy and the proposed changes to the provincial liquor licensing regulations. Carried

For:

Mayor Helps, Councillors Coleman, Isitt, Loveday and Young

Against:

Councillors Madoff and Thornton-Joe

Councillor Isitt asked what the process will be.

Robert Woodland: The strategic plan discussion is taking place next week, but he is not certain how broad the discussion with respect to the policy would be. Council will also receive a staff report, in the month of February, regarding the changes in the provincial liquor licensing and the impact on City regulations. He would expect the application would then come back before Council in March.

Mayor Helps requested that the policy review be coupled with the liquor retail regulations from the province.

Jason Johnson (City Manager): Staff will take everything under advisement as it is quite complicated. A date or timeline would be tough, it would be best to put a report together with the steps and then come forward with a date.

Council recessed at 9:39 p.m. and reconvened at 9:45 p.m.

Councillor Lucas returned to the meeting at 9:45 p.m.

2. Rezoning Application No. 00404 for property known as 2636, 2638 and 2642 Shelbourne Street

1. Public Hearing - Zoning Regulation Bylaw, Amendment Bylaw (No. 1010)

To rezone the land known as 2636, 2638 and 2642 Shelbourne Street from the R1-B Zone, Single Family Dwelling District, to the RT Zone, Traditional Residential Attached Dwelling District, to allow single family dwelling, duplexes, semi-attached dwellings and attached dwellings to permit the development of a 12-unit townhouse development.

New Zone: RT Zone, Traditional Residential Attached Dwelling District
Legal Description: Lots 7, 8 and 9, Block 5, Section 8A, Victoria District, Plan 881A
Existing Zone: R1-B Zone, Single Family Dwelling District

2. Development Permit Application No. 000323

The Council of the City of Victoria will also consider issuing a development permit for the land known as 2636, 2638 and 2642 Shelbourne Street, in Development Permit Area 7A, Corridors, for the purposes of approving the form and character of the multi-family development, along with relaxing certain provision of the Zoning Regulation Bylaw with respect to the distance of the building from the lot boundaries (lot lines) and distance between buildings, to reduce the parking requirement by three stalls and to increase the maximum allowable building height.

Mayor Helps opened the public hearing at 9:46 p.m.

Lucina Baryluk (Senior Process Planner): This is application is to rezone three properties located on the west side of Shelbourne Street to permit the construction of a 12 unit townhouse development. The proposal is for two buildings each with two units and two buildings each with four units. The matters subject to discussion are the zoning standards contained within the new zone, such as use, density, height and siting.

There is also a concurrent Development Permit with variances where the form and character of the proposed building can be reviewed for compliance with the guidelines in Development Permit Area 7A, Corridors.

This project has a number of areas where this zone standard has not been achieved. As such, the variances requested are:

- Increase in building height;
- Reduced rear yard setback;
- Reduced both side yard setbacks;
- Reduced separation space between buildings;
- The total number of parking stall reduced from 18 to 15 stalls.

The parking variance accounts for the fact that an easement has been granted to the property to the north, which may eventually eliminate one parking stall.

Sam Ganong (Abstract Developments): Provided a PowerPoint presentation regarding the proposal to rezone the properties at 2636, 2638 and 2642 Shelbourne Street to permit the construction of a 12-unit townhouse development.

Julie Lammorse (Landscape Architect): Continued the presentation addressing the landscape plan for the proposal.

Sam Ganong: Continued the presentation addressing the elevation and design of the proposed townhouses.

Jack Loughheed (Myrtle Avenue): Chaired the Oaklands Land Use Committee. He commended the developer on his engagement with the community prior to the land use meeting. One of the concerns was parking and the applicant provided details how it would be addressed so there would be no impact on Shelbourne.

Sherry Robbins (Shelbourne): Traffic was discussed with Scott Street residents who would be minimally impacted. The entire project will extend the length of their property and expects the shadowing will affect their flower business. She expressed concerns that they may have to change their lifestyle.

Councillor Young asked if the easement was negotiated.

Sherry Robbins: No, the developer phoned and told them that this easement was being put in should they wish to develop their property.

Councillor Madoff asked if she was familiar with this proposal and the variances requested.

Sherry Robbins: The letter says they are asking for variances and she assumed it was part of their design and thought there was no choice.

Councillor Isitt asked when she first heard of the project.

Sherry Robbins: She has spoken with the developer, but she had not realized the proposal had the variances incorporated into the design.

Lucina Baryluk: This proposal was compared against the standard zone of a four meter setback and the proposal has always been at a 2.5 metre variance from the standard zone.

Councillor Isitt said that no decisions had been made; Council will make the decision tonight

Sherry Robbins: The proposal is too close to their property.

Councillor Thornton-Joe asked for clarification between feet and metres.

Lucina Baryluk: The 2.5 metre setback is equivalent to 8 feet 2 inches.

Robert Randall (Jamaica in Saanich): He knows the Robbins family and this orphaned property. The variance being requested will bring the proposal quite close to the property line and there will be a visual impact as the third story is quite significant. He is concerned somewhat but applauds the densification.

Councillor Thornton-Joe asked about the decision to split the property to allow sunlight.

Sam Ganong: When they acquired the property they began conversations with the owners of 2646 Shelbourne to acquire the property but they were not interested. In the design they have taken into consideration there was a family business run from the rear yard, so they decided to separate the two lots to allow sunlight to their property. He had not heard of any other concerns about shading and setbacks.

Councillor Madoff asked if a shadow study had been completed?

Sam Ganong: They had a third party contractor do shadow analysis, which helped form their decision on siting and separation of the two blocks as other neighbours had expressed concerns.

Councillor Madoff noted that the shadow study was not part of their package.

Sam Ganong: He could have provided it, but they were working individually with neighbours.

Councillor Isitt asked what the purpose of the site plan for the orphaned property?

Sam Ganong: They were trying to show what could be seen there, using the zoning and OCP and how a development would line up with this proposal with respect to window placement.

Councillor Isitt asked if conceptually this property is viable for further redevelopment?

Alison Meyer (Assistant Director, Sustainable Planning and Community Development): It could be and the SRW would allow additional site development on the site if future owner decided to redevelop.

Mayor Helps closed the public hearing at 10:24 p.m.

3. Consideration of Third Reading

It was moved by Councillor Coleman seconded by Councillor Loveday, that the following bylaw **be given third reading:**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1010)

Councillor Isitt said this application seemed easy to support until the last two speakers. Perhaps if the height was dropped to two storeys then the residents to the north would be supportive. He sees this as appropriate density and land assembly, but he is concerned about the use of the orphaned lot.

Councillor Young said he finds this a troubling application. He is not concerned about the development potential of the orphaned lot as it is likely that there will be redevelopment all along Shelbourne Street so development to the north is likely. He is concerned about what the resident to the north would expect to appear on the lot. The easement through the property is a valuable concession and a reduction of visitor spaces impacts on the proposal. He is most concerned about the variance and the impact on the neighbour to north as well as number of storeys.

Councillor Madoff said that she expected the application to be straightforward as the proposal has a great deal of merit. However, there is a piece of information missing, which is the shadow study and that would help her understand the impact of the proposal on the property to the north. Perhaps Council could postpone making a design pending receipt of the shadow study.

Mayor Helps asked if a shadow study would be considered new information if it is received after the public hearing has been closed.

Robert Woodland (Corporate Administrator): Yes it would be, so the public would have to be provided with it as well.

Mayor Helps said that she is troubled by the concerns of the neighbours to the north, however, she is going to take a leap of faith and will support the proposal.

Councillor Thornton-Joe agreed that this looked to be an easy decision, but she is concerned about the orphaned lot and the impact of this proposal. She does appreciate that the applicant made an effort to accommodate all neighbours. She is concerned about the impact of the variances next to a single family home.

Councillor Loveday said that this development is tasteful and he would like to see it along Shelbourne. The parking variance is supportable, but the comments from the neighbour to the north are troubling.

Councillor Coleman said that this is the right type of application on the Shelburne Street corridor. If we take the height down, then there will be an impact of the type of housing provided. He feels that he can support the proposal.

Councillor Lucas said that the applicant has worked hard to engage and respect the neighbourhood and compromised with the plan. It is difficult when one neighbour is affected, but the immediate neighbours to this development are not here tonight so she assumes they are supportive of it.

Councillor Madoff said that she is concerned that Council's decision could tell residents that they don't belong anymore. The impact will be to the neighbour to the north and it is not just on their quality of life but the viability of their business. She thinks the appropriate motion is to postpone the application subject to receipt of the shadow study.

Robert Woodland: That specific information has an impact on the neighbour's property, so they should have an opportunity to review and comment on it. Postponing will not allow the public to comment which is problematic, he would suggest adjourning the hearing and opening it up at a later date with the additional information.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Council adjourn the public hearing pending receipt of the shadow study and reopen it at the first available opportunity.

Councillor Isitt asked if a fresh notification would be required.

Robert Woodland: If Council adjourns the hearing to a specific date additional notice is not required; however, it may be advisable to do so.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that Council adjourn the public hearing **to the February 12, 2015 Council meeting** pending receipt of the shadow study ~~and reopen it at the first available opportunity.~~ Carried Unanimously

Alison Meyer: Advised Council to avoid setting a date as staff will have to work with the applicant to ensure the studies are done with the new plans.

Motion to Rescind:

It was moved by Councillor Young, seconded by Councillor Madoff, that Council rescind the amendment. Carried Unanimously

Alison Meyer: Advised Council that the applicant said he can have the information ready for the February 26, 2015 Council meeting.

Jason Johnson (City Manager): Advised that the City is required to give notice to the public.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that Council adjourn the public hearing **to the February 26, 2015 Council meeting** pending receipt of the shadow study ~~and reopen it at the first available opportunity.~~ Carried Unanimously

Councillor Isitt said having complete information is valuable.

Councillor Coleman said that fairness is one of the principles and we have to be fair to all participants so he is supportive.

Mayor Helps said that she does not support the motion to adjourn. If a shadow study was required then they would have asked for it.

For:

Councillors Coleman, Isitt, Loveday,

Against:

Mayor Helps and Councillor Lucas

3. Rezoning Application No. 00405 for property known as 2921, 2923 and 2937 Shelbourne Street

1. Public Hearing - Zoning Regulation Bylaw, Amendment Bylaw (No. 1020)

To rezone the lands known as 2921, 2923 and 2927 Shelbourne Street from the R1-B Zone, Single Family Dwelling District, to the RK-6 Zone, Shelbourne Townhouse District, to permit redevelopment of the property for an eight unit townhouse development.

New Zone: RK-6 Zone, Shelbourne Townhouse District

Legal Descriptions: Amended Lot 10 (DD180376I) Block 8, Section 8A, Victoria District, Plan 959 and Amended Lot 12, (DD180375I) Block 8, Section 8A, Victoria District, Plan 959

Existing Zone: R1-B Zone, Single Family Dwelling District

2. Development Permit with Variances

The Council of the City of Victoria will also consider issuance of a Development Permit for the lands known as 2921, 2923 and 2927 Shelbourne Street. The lands are subject to the objectives and guidelines for Development Permit Area 7A, Corridors, set out in the City's Official Community Plan.

The Development Permit will also vary certain requirements of the Zoning Regulation Bylaw, RK-6 Zone, Shelbourne Townhouse District, namely:

- increasing the number of permitted storeys from 2 ½ to 3 storeys, and increasing the allowance for the third storey floor area from 60% of the second storey to 100% of the second storey
- increasing the height of the most southerly building from 8.5 m maximum to 8.8 m maximum
- reducing the required distance between buildings within the property
- reducing the required minimum setback distance from the buildings to the side property boundaries (lot lines)

Mayor Helps opened the public hearing at 10:50 p.m.

Lucina Baryluk (Senior Process Planner): This is a rezoning application to rezone two properties located on the east side of Shelbourne Street to allow an 8 unit townhouse development. The proposal is for three buildings, the two buildings facing Shelbourne will each have two units and the building at the rear of the property will have 4 units. The relevant considerations are the zoning standards such as use, density, siting and parking. There are two existing homes on the property which will be removed.

There is also a concurrent Development Permit with variances where the form and character of the proposed building can be reviewed for compliance with Development Permit Area 7A, Corridors.

The variances requested for this application are:

- Reduction in the number of storeys;
- Reduction in the side yard setbacks from the north and south property lines for the two buildings closest to Shelbourne;
- Reduction in the separation space between the two buildings closest to Shelbourne;
- Reduction in height for one building due to a grade change;
- Reduction in the third floor area to 100% of the second storey.

The proposal and variances have remained essentially the same since this project was first presented to the North Jubilee Neighbourhood Association. The street elevation has received minor refinements since the initial review by Neighbourhood Association.

Motion to Extend the Meeting:

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, to extend the Council meeting past 11 p.m. Carried Unanimously

Chris Travis (Bowker Park Estates): Presented PowerPoint information to Council on their proposal to rezone the three properties located at 2921, 2923, and 2927 Shelbourne Street to construction an eight-unit townhouse development.

James Burrows of Burrows Holdings Project Manager: Continued the PowerPoint presentation of the proposal covering landscaping and exterior finishes.

Councillor Young asked about the neighbour to the north and if he had been advised of the alterations to the design.

Chris Travis: He took the new revisions to the neighbour. As well the neighbour had spoken with the Planner about the colour changes and that the deck had been moved to face Shelbourne.

Douglas Nip (Shelbourne): He is not against building, but he would have preferred a two storey building. He also hopes the 25 foot distance between the properties will be maintained.

Roxana Palacios (Shelbourne): Expressed concerns about traffic noise, parking and a loss of green space. Asked if there will be sewer upgrades and environmental considerations as the property is across from Bowker Creek? She did not feel the project meets the expectations of neighbourhood. The proposal does not affect her property, but feels the project is large in scale to the surrounding houses around. She prefers the two storeys as presented in May.

Councillor Thornton-Joe asked for clarification on the side setbacks and the zone standard.

Lucina Baryluk: As the living room is facing the property line there is a higher standard that must be met which is 7.5 metre setback, otherwise it is 4.95 metre setback.

Mark Lau (Shelbourne): Existing bylaws are set for a reason. He does not want to live next to a large structure this close to his home. If these variances are approved, how much will the next one ask for?

Councillor Isitt asked about the project changing in height from two storeys to 2½ storeys

James Burrows: They are the same plans as presented to the community association. There was a change to the façade facing Shelbourne and reduced roof line to reduce the height of the building. They brought the footprint of the building in on all sides, so the height increased.

Sebastian (2930 Foul Bay Road 2939 Shelbourne): Attended the community meeting and these plans are different to what was presented at the meeting. Signs on the property were not very visible for the neighbours to view.

Councillor Thornton-Joe asked about the mitigation being provided on the side yards?

James Burrows: a four metre setback is permitted if the window is not a living room, so design has the living rooms facing Shelbourne and not the side yards. The buildings would be too close together, so they are asking for a variance on the side yard.

Councillor Young asked for an explanation of a habitable room in relation to setbacks.

Lucina Baryluk: It is anticipated that the living room will be occupied most of the time, those windows are moved as far from the property line as possible.

Chris Travis: The footprint of the design has not changed since the community meeting; only the decks and making the living room face Shelbourne.

Mayor Helps closed the public hearing at 11:27 p.m.

3. Consideration of Third Reading

It was moved by Councillor Coleman, seconded by Councillor Young, that the following bylaw **be given third reading:**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1020)

Councillor Coleman said he understands the struggle to understand building plans. Moving the decks to the front satisfies him. Council wants density on Shelbourne and this fits

Councillor Isitt said that the light corridors are bigger and the backyard setback is bigger so there is less of an impact of shading on the property to north. The OCP calls for densification along here and the townhouse is replacing a single family dwelling. The impacts on the neighbours have been reduced due to the design so he finds this supportable.

Councillor Young said that he finds this supportable. He is relying on the comparables in how this proposal relates to the RK-6 zone. It is higher than the current house, but it can be expected there will be higher densities as the neighbouring lots are redeveloped.

Carried Unanimously

4. Consideration of Adoption

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the following bylaw **be adopted:**
Zoning Regulation Bylaw, Amendment Bylaw (No. 1020)

Carried Unanimously

5. Consideration to Authorize Development Permit with Variances

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council consider authorizing the issuance of the concurrent Development Permit Application in accordance with:

- a. Revised plans showing refinements to the Shelbourne Street elevation;
- b. Development meeting all Zoning Regulation Bylaw requirements of the RK-6 Zone Shelbourne Townhouse District, except for:
 - i. Section 2.60.3 - Number of storeys relaxed from 2.5 maximum to 3,

- ii. Section 2.3.14(c) - Side yard setback relaxed from 7.5 m for living rooms (Building A - north) to 4.59 m and (Building B - south) to 4.59 m,
- iii. Section 2.3.17 - Separation space between Building A and Building B relaxed from 8.0 m to 7.8 m,
- iv. Section 2.3.18(1) - Height for Building B relaxed from 8.5 m to 8.8 m to upper ceiling,
- v. Section 2.3.19 - Third storey floor area relaxed from 60% of other floors to 100% (full third floor level) for Buildings A, B and C;
- c. Final plans to the satisfaction of the Director of Sustainable Planning and Community Development. Carried Unanimously

DEVELOPMENT PERMIT APPLICATION WITH VARIANCES

1. Development Permit Application No. 000333 for property known as 2005 Cook Street

1. Hearing – Development Permit with Variances Application No. 000333

The City of Victoria will be considering the issuance of a Development Permit with Variances for the land known as 2005 Cook Street, in Development Permit Area No. 16, for the purpose of varying certain requirements of the Zoning Regulation Bylaw, namely:

- Schedule C, Section 7.2(b) - decrease the distance of an off-street parking space from the street boundary from 1.0m to 0.55m.
- Schedule C - Section 16.C.4 & 5 - decrease the number of off-street parking spaces from 4 (3 Retail, 1 Office) to 3
- Schedule C - Section 17(2) - decrease the number of Class 1 bicycle spaces (rack) from 3 to 2

The land is subject to the objectives and guidelines for Development Permit Area 16 (General Form and Character) set out in the City's Official Community Plan Bylaw.

Legal Description of the Land: Parcel A (DD 144704I) of Lots 1 and 2, Block 4, Section 3, Victoria District, Plan 62

Mayor Helps opened the public hearing at 11:34 p.m.

Lucina Baryluk (Senior Process Planner) The proposal is to demolish the southern portion of the existing building, currently used as a workshop and construct a two storey addition that will be used for sales on the main floor and an office and meeting room on the second storey. Previous approvals for this proposal were granted by the Board of Variance in June 2014 to allow the addition to a non-conforming use and to reduce the setback requirements from all lot lines for the addition.

There are three variances requested:

- 1. To reduce the number of required off street parking stalls from four to three;
- 2. To reduce the landscape strip adjacent to one parking stall on Pembroke Street frontage, and;
- 3. To reduce the Class 1 bike parking from three bikes to two bikes. .

The matters under consideration are the form and character of the addition and its compliance with the Development Permit area guidelines and the supportability of the variance requests.

Councillor Thornton-Joe withdrew from Council Chambers at 11:35 p.m.

William Peereboom (Victoria Design Group): Presented a PowerPoint to Council regarding the Development Permit with Variances at 2005 Cook Street to permit construction of a two-storey addition to an existing legally non-conforming commercial building.

Councillor Thornton-Joe returned to the meeting at 11:37 p.m.

Mayor Helps closed the public hearing at 11:38 p.m.

2. Consideration to Authorize Development Permit with Variances No. 000333

It was moved by Councillor Isitt, seconded by Councillor Lucas, that Council authorize the issuance of the Development Permit with Variances No. 000333, in accordance with:

- a. Plans date stamped July 31, 2014.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following:
 - i. Schedule C, Section 7.2(b) – decrease the distance of an off-street parking space from the street boundary from 1.0m to 0.55m,
 - ii. Schedule C – Section 16.C.4 & 5 – decrease the number of off-street parking spaces from 4 (3 Retail, 1 Office) to 3,
 - iii. Schedule C – Section 17(2) – decrease the number of Class 1 bicycle spaces (rack) from 3 to 2.
- c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development. Carried Unanimously

Council recessed at 11:39 p.m. and reconvened at 11:43 p.m.

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. **Robert Shirkey Executive Director, Our Horizon, re: Climate Change Warning Labels on Gas Pump Nozzles**
Presented a PowerPoint requesting Council to implement their initiative of putting warning labels on gas pumps as a condition of municipal licensing of gas stations.
2. **Nathan Grills, UVic Greens, re: Warning Labels on Gas Pumps**
Requested Council to pass a bylaw requiring gas pumps to have warning labels about the impacts of fossil fuel use.
3. **John Vickers, re: Cruise Ship Buses on Government Street**
Requested Council to make Government Street a pedestrian mall on weekends in July and August, and to move the cruise ship bus stops off Government Street.
4. **Michael Heppell, Afghanistan Memorial Committee, re: Approval of Application**
Requested Council to approve the proposal to erect an Afghanistan Memorial in Pioneer Square.
5. **Mat Hoss, UVic Greens, re: Climate Change Warning Labels on Gas Pumps**
Requested Council to require climate change warning labels on gas pumps in Victoria in support of the Blue Dot resolution Council passed in 2014.

UNFINISHED BUSINESS

1. **Development Permit with Variance Application No. 000349 for 840 Fort Street**
Council received a report dated January 22, 2015 from the Sustainable Planning and Community Development Department providing Council with an update on conditions.

Motion:

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

1. Consider giving 1st, 2nd and 3rd reading to Housing Agreement (840 Fort Street) Bylaw (2015).
2. That after giving notice and allowing an opportunity for public comment, Council consider the following motion:
"That Council authorize Development Permit with Variances Application No.000349 for 840 Fort Street in accordance with:
 - a. Plans date stamped January 1, 2015
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 6.55.1(k) - Variance to permit residential use on the first floor;
 - ii. Section 6.55.2(1) - Building access from street frontage increased from 25% to 55%;
 - iii. Section 6.55.2(2) - Building frontage reduced from 75% to 45%;
 - iv. Section 6.77.2 - Rear yard setback reduced from 2.5m for building below 7.0m in height to 0.0m and reduced from 7.2m for buildings above 7.0m in height to 0.00 m.
 - c. Final plans to be in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development."
3. Following consideration of Development Permit with Variances Application No. 000349, if approved, that Council consider adoption of Housing Agreement (840 Fort Street) Bylaw (2015).

Councillor Isitt asked if this is the building that is using light tubes, as he did not feel it was ready for public hearing.

Alison Meyer (Assistant Director, Sustainable Planning and Community Development): Confirmed that it was the application with light tubes. The report is in advance of the public hearing and is advising of the completion of the Housing Agreement and review by the Advisory Design Panel.

Councillor Madoff said that she has spoken with the proponent for the project and they will be bringing changes forward as they will not be using the light tubes.

Alison Meyer: The light tubes have been removed and more light is being brought into the area through changes to the design.

Motion:

It was moved by Councillor Isitt, that Council postpone consideration of Development Permit with Variance Application No. 000349 for 840 Fort Street to the next Council meeting.

Motion failed due to no seconder

Councillor Isitt asked why this report was a late item and not contained in the first printing of the agenda.

Alison Meyer: Staff received the information and wanted to provide it to Council for their information on the next possible agenda.

Carried

For: *Mayor Helps, Councillors Coleman, Loveday, Lucas, Madoff, Thornton-Joe and Young*

Against: *Councillor Isitt*

REPORTS OF THE COMMITTEES

1. Governance and Priorities Committee – January 22, 2015

1. Downtown Victoria Business Association 2015 Budget

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council approve the Downtown Victoria Business Association's 2015 Budget as presented in the correspondence dated November 7, 2014. Carried Unanimously

2. Johnson Street Bridge Replacement Project Quarterly Update

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff on a priority basis to prepare a report bringing forward options for Council's consideration to increase the project contingency, and/or to reduce costs. Carried Unanimously

3. Alignment of Upcoming Strategic Planning and Financial Planning Processes

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to report back with a draft strategic plan timed with first reading of the draft Financial Plan. Carried Unanimously

4. Market Sounding for Fire Department Headquarters: Fire Station #1

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to report back to Council at conclusion of the market sounding process. Carried Unanimously

5. Crystal Pool and Fitness Centre Capital Investment Update

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council:

1. Consider the immediate priority items identified in the report dated January 9, 2015 as part of the proposed 2015 financial plan, and;
2. Consider future investment options into Crystal Pool and Fitness Centre upon completion of a city-wide facilities assessment, and develop a public engagement project plan concurrent with the City-wide facilities assessment and deploy that plan upon completion of the facilities assessment.

Carried Unanimously

6. Point Ellice Bridge – Rehabilitation/Repairs Assessment and Update Cost Estimates

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to include maintenance repairs to the Point Ellice Bridge, as identified in the Report on Point Ellice Bridge Maintenance and Enhancement Proposals, dated December 1, 2014, as a project for Council consideration in the Financial Plan for 2017. Carried Unanimously

7. Canada – British Columbia New Building Canada Fund – Small Communities Fund

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council:

1. Instruct staff to submit a grant application for the Point Ellice Bridge Rehabilitation/Painting project for the Canada – British Columbia New Building Canada Fund – Small Communities Funding infrastructure grant program's first intake.
2. Authorize the Mayor and Corporate Administrator to execute any agreement related to a successful grant application.

Carried Unanimously

8. Facilities Assessment

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council authorize the expenditure of up to \$300,000 for a facilities assessment, in advance of the adoption of the 2015 Five Year Financial Plan Bylaw and direct staff to proceed with this plan on a priority basis.

Carried Unanimously

9. Potential Review of City's Financial Sustainability Policy

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council:

1. Direct staff to initiate a review of the Financial Sustainability Policy.
2. Direct staff to review the sub-policy areas that are identified in the report dated January 9, 2015, and specifically sub-policy # 5.1 from page 3 of Appendix A.
3. Direct staff to report back to Council outlining the proposed resource requirements and timeline for the review.

Carried Unanimously

10. Proposed Timeline for Presentations of the Draft 2015 Financial Plan

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council approve the proposed timeline for the draft 2015 Financial Plan presentations, with the exception of Wednesday, February 18, 2015. Carried Unanimously

11. Reserve Fund Policy Review Update

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to report back in March 2015. Carried Unanimously

12. Stormwater Utility Rebate Program

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council adopt the proposed Rainwater Management Rebate Program as outlined in the report dated January 7, 2015, for the period of April 2015 to December 15, 2017, and direct staff to report back to Council after the pilot project is complete. Carried Unanimously

13. Motorized Parking Stand Allocations under the Vehicles for Hire Bylaw

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to bring forward amendments to the Vehicles for Hire Bylaw that would extend the motorized sightseeing vehicle parking stand allocations to April 1, 2016, for any current stand users who express interest in a one-year extension. Carried Unanimously

14. Best Practices regarding New Community Mailboxes

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

THEREFORE BE IT RESOLVED THAT Council ask City Staff to seek out and provide to Council information on best practices in implementing, managing, and minimizing costs and the placement of units arising from the new community mailbox system in other municipalities;

BE IT ALSO RESOLVED THAT Council ask City Staff to provide advice on methods to minimize start-up and continuing costs to the City of Victoria in relation to the urban community mailbox mail delivery system. Carried Unanimously

15. Revenue and Tax Policy Review

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

1. Direct staff to maintain the current shares of distribution of property taxes among property classes.
2. Direct staff to bring forward a monitoring report on benchmarks identified in the report dated January 9, 2015, on an annual basis prior to the adoption of the annual property tax rate bylaw, and;
3. That the existing Policy 2.1 remain the same:
Policy 2.1-Tax rates for the light and major industrial tax classes will be equal to the business tax rate to support the City's desire to retain industrial businesses.

Councillor Young said that he was pleased to see the Mayor's comments on how property taxes affect businesses in the downtown. He does not support maintaining the policy of reducing the business tax ratio, but he is, instead prepared to support a motion that returns the City to a situation that existed years ago. Council must establish a principle that looks forward and he feels this policy is a retrograde step.

Mayor Helps thanked Councillor Young for the history of tax rates and said she will not support this motion as the City needs consistency.

Councillor Isitt said that he feels it reasonable to give residential a reduction as homeowners do not have as much financial means as businesses.

Carried

For:

***Councillors Isitt, Loveday, Lucas,
Madoff and Thornton-Joe***

Against:

Mayor Helps, Councillors Coleman and Young

14. Proposed Afghanistan Memorial

It was moved by Councillor Coleman, seconded by Mayor Helps, that Council accept the offer of a donated Afghanistan Memorial for installation within Pioneer Square as proposed, subject to the Heritage Alteration Permit process.

Councillor Loveday said that he is supportive of recognizing Canadian veterans but he does have concerns about the wording on the monument.

Councillor Isitt asked staff about the Heritage Alteration Permit process.

Andrea Hudson (Assistant Director, Sustainable Planning and Community Development): The plans associated with the application will be reviewed by staff and forwarded to the next Heritage Advisory Panel meeting where placement of the monument would be considered and a report would then be brought forward to a Planning and Land Use Committee meeting for Council's consideration.

Councillor Isitt asked when the concerns of the Old Cemetery Society would be addressed. He said the Canadian veterans should be recognized and remembered, but expressed concern over the inscription on the monument.

Councillor Madoff advised that the Old Cemetery Society has requested a meeting with staff that she and Councillor Coleman will be attending. She asked how the information from the meeting would be included into the Heritage Advisory Panel (HAP) meeting and the subsequent staff report.

Andrea Hudson: All letters that are received will be forwarded to Council for their consideration.

Councillor Madoff said the Society's comments may be helpful to the HAP in their deliberations.

Mayor Helps requested that the meeting with the Society take place first and any comments from that meeting be forwarded to the HAP meeting.

Councillor Coleman said that he believes that the Committee is open to a change in the wording, but he is not sure about a change in the location as this was chosen from a variety of locations provided by staff.

Carried Unanimously

2. Planning and Land Use Committee – January 29, 2015

1. Rezoning Application No. 00425 for 836-838 Broughton Street

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe,

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment to the RMD-1 Zone (Residential Mixed Use Broughton Street District) to correct minor administrative drafting errors.
2. That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and
3. That Council waive the requirement for a Public Hearing.

Carried Unanimously

2. Burnside-Gorge / Douglas Area Plan Project Charter

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe,

1. That Council amend the Project Charter (Terms of Reference for the Burnside-Gorge/Douglas Area Plan Engagement Advisory Group) by increasing the size of the Engagement Advisory Group from nine members to eleven members, and that two of those positions be First Nations representatives.
2. Committee forward this report as amended to the January 29th, 2015, Council meeting for Council's consideration and approval, and that Council instruct staff to proceed with the *Burnside-Gorge/Douglas Local Area Plan* outlined in the Project Charter as amended.
3. Council direct staff to commence the recruitment process for the Engagement Advisory Group and report back in-camera to the March 12, 2015, Governance and Priorities Committee meeting for Council's consideration.

Carried Unanimously

3. Official Community Plan Amendment (OCP) and Rezoning Application No. 00453 for 1521-1531 Elford Street

It was moved by Councillor Thornton-Joe, seconded by Councillor Young,

1. That Council direct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00453 for 1521-1531 Elford Street, subject to:
 - a. Referral to the Advisory Design Panel directing their attention to the transition of the adjacent house and park to the overall street appearance.
 - b. Completion of a Third-Party Land Lift Analysis to be conducted by a consultant, agreed to by the City and paid for by the applicant, to establish the value of any increase in density that exceeds the floor space ratio of 1:1 for that portion of the development located on the property at 1531 Elford Street, with a contribution of 75% of the value to the Parks and Greenways Acquisition Reserve Fund, secured to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development.
 - c. Registration of the following:
 - i. Housing Agreement ensuring that future strata bylaws cannot prohibit strata owners from renting residential strata units, to the satisfaction of the City Solicitor and Assistant Director, Sustainable Planning and Community Development,
 - ii. Section 219 Covenant to secure six new Garry Oak trees in Stadacona Park to the satisfaction of the City Solicitor and Director of Parks, Recreation and Culture,
 - iii. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of the City Solicitor and Director of Engineering and Public Works,
 - iv. Statutory Right-of-Way of 2.4 m along Pandora Avenue to the satisfaction of the City Solicitor and Director of Engineering and Public Works.
2. That Council direct staff to prepare the necessary *Official Community Plan* Amendment Bylaw and that concurrent with the Rezoning Application advance to a Public Hearing:
 - a. 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 200m of the subject properties; 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.

- b. 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.
 - c. 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 amendments.
 - d. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - e. 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.
 - f. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - g. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
3. Following consideration of the Official Community Plan Amendment Bylaw and Rezoning Application No. 00453, that Council approve a Development Permit for 1521-1531 Elford Street, in accordance with:
- a. Plans for Rezoning Application No. 00453 and Development Permit Application No. 000374, stamped July 30, 2014.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements;
 - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development;
 - d. Council approval of any necessary encroachment agreements to the satisfaction of the City Solicitor, Director of Engineering and Public Works and the Director of Parks, Recreation and Culture, prior to the issuance of a Building Permit

Councillor Madoff said that she does not support this application moving forward to public hearing, but she does support this expanded notification and consultation.

Carried

For:

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

Against:

Councillor Isitt

Councillor Young withdrew from Council Chambers at 12:35 a.m. due to a non-pecuniary conflict of interest in the following item as a member of his family owns a property within the notification area used for an amendment to the Official Community Plan.

4. Rezoning Application No. 00457 and concurrent Official Community Plan Application (OCP) for 521-557 Superior Street and 524-584 Michigan Street

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

- 1. That Council consider giving first reading to the Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11).
- 2. That Council consider Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11) in conjunction with the *City of Victoria 2014 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.
 - a. 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 immediately adjacent to the subject properties and determine that the appropriate consultation measures would include mailed notice of the proposed OCP Amendment to the affected persons and 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.
 - b. 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.
 - c. That Council 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.
 - d. That Council consider giving second reading to the Official Community Plan.
 - e. That Council consider referring the Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 11) for consideration at a Public Hearing.
 - f. That Council consider giving first and second reading to the *Zoning Regulation Bylaw, Amendment Bylaw* (No.1026).

- g. That Council consider referring *Zoning Regulation Bylaw, Amendment Bylaw* (No. 1026) for consideration at a Public Hearing. Carried Unanimously

Councillor Young returned to the meeting at 12:36 a.m.

MOTIONS

1. Notice of Public Hearings for the Council Meeting of Thursday, February 12, 2015

It was moved by Councillor Isitt, seconded by Councillor Coleman, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, FEBRUARY 12, 2015, at 7:00 p.m.:**

1. Rezoning Application No. 00427 for property known as 1515 Douglas Street and 750 Pandora Avenue
2. Rezoning Application No. 00432 for property known as 2340 Richmond Avenue
3. Development Variance Permit Application No. 00144 for property known as 605-607 Marifield Avenue
4. Development Variance Permit Application No. 00143 for property known as 1637 Hollywood Crescent
5. Transfer of a Liquor Primary Licence for Infiniti Nightclub, 27 – 560 Johnson Street

Carried Unanimously

BYLAWS

1. FIRST READING

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

Housing Agreement (840 Fort Street) Bylaw

The purpose of this bylaw is to authorize an agreement for rental housing for the lands known as 840 Fort Street

Zoning Regulation Bylaw, Amendment Bylaw (No. 1029)

The purpose of this bylaw is to amend the Zoning Regulation Bylaw to permit the projection of balconies into the front, rear and east side yard setbacks for 836-838 Broughton Street and to clarify the wording related to amenity contributions

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 13)

The purpose of this bylaw is to amend the Vehicles for Hire Bylaw to extend the allocations of motorized parking stands by one year

Councillor Isitt asked why we are renewing the stands for one year, was there not enough time for the providers to green their fleet?

Robert Woodland (Corporate Administrator): The previous three year time period approved by Council was not an incentive to the providers to invest in alternative vehicles and fuels. This extra year will allow staff time to examine what is needed to provide sufficient incentives for greener vehicles and fuels.

Councillor Isitt asked what the timeline is for the staff report.

Rob Woodland: The report is scheduled to come before Council in the fall allowing for four-to-five months for proponents to respond.

Councillor Isitt asked what events the stands are unavailable for.

Robert Woodland: Canada Day and the Symphony Splash are two examples.

Carried

For:

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

Against:

Councillor Isitt

2. SECOND READING

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

Housing Agreement (840 Fort Street) Bylaw

Zoning Regulation Bylaw, Amendment Bylaw (No. 1029)

Carried Unanimously

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 13)

Carried

For:

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

Against:

Councillor Isitt

3. THIRD READING

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaw **be given third reading:**
Housing Agreement (840 Fort Street) Bylaw Carried Unanimously

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**
Vehicles for Hire Bylaw, Amendment Bylaw (No. 13) Carried

For: **Mayor Helps, Councillors Coleman, Loveday,
Lucas, Madoff, Thornton-Joe and Young**

Against: **Councillor Isitt**

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to report no later than September 30, 2015 about encouraging more fuel efficient vehicles on parking stands on City streets.

Councillor Young asked about the process.

Robert Woodland: The requirement for fuel efficient vehicles is not contained within the bylaw, but the Request for Proposal process for licence stands will encourage innovation to meet the City's environmental objectives.

Carried Unanimously

4. ADOPTION

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the following bylaws **be adopted:**
Temporary Borrowing Bylaw, 2015

The purpose of this bylaw is to provide for the borrowing of money that may be necessary to meet the current lawful expenditures of the City

Newspaper-Hawker Miscellaneous Amendments Bylaw

The purpose of this bylaw is to update the provisions of the Business Licence Bylaw, Street Vendors Bylaw and Ticket Bylaw relating to newspaper hawkers Carried Unanimously

QUESTION PERIOD

A question period was held.

CLOSED MEETING

It was moved by Councillor Loveday, 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 Section 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 and/or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.*

Section 12(3)(l) *discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 of the Community Charter.* Carried Unanimously

RISE AND REPORT

1. Closed Governance and Priorities Committee Report – January 26, 2015

1. Strategic Planning

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council:

1. Adopt the strategic planning process outlined in the motion dated January 26, 2015; and

2. Rise and report on the motion. Carried Unanimously

ADJOURNMENT

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the Council meeting adjourn.

Time: 12:51 a.m.

Carried Unanimously

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA