



## MINUTES - COMMITTEE OF THE WHOLE

December 6, 2018, 9:00 A.M.

**COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE**

**Located on the traditional territory of the Esquimalt and Songhees People**

**PRESENT:** Mayor Helps in the Chair, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Dubow, Councillor Potts, Councillor Collins

**ABSENT FOR A PORTION OF THE MEETING:** Councillor Alto

**ABSENT:** Councillor Young

**STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, D. Manak – Chief Constable, P. Bruce - Fire Chief, S. Thompson - Director of Finance, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, B. Dellebuur, Assistant Director of Transportation, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor, M. Sandhu - Manager, Interdisciplinary Projects,

### **A. APPROVAL OF AGENDA**

**Moved By** Councillor Collins

**Seconded By** Councillor Loveday

That the agenda be approved.

**Moved By** Councillor Loveday

**Seconded By** Councillor Isitt

#### **Amendment:**

That the motion be amended to include the following items on the consent agenda:

**C. 1 - Minutes from the meeting held July 26, 2018**

**C. 2 - Minutes from the meeting held September 20, 2018**

**C. 3 - Minutes from the meeting held October 4, 2018**

**I. 2 - Increasing Provincial Funds for Mental Health and Addiction Services**

**I. 4 - Creating a City-Wide Child Care Action Plan**

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

**CARRIED UNANIMOUSLY**

**B. CONSENT AGENDA**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That the following items be approved without further debate:

**CARRIED UNANIMOUSLY**

**B.1 Minutes from the meeting held July 26, 2018**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That the minutes from the meeting held July 26, 2018, be adopted.

**CARRIED UNANIMOUSLY**

**B.2 Minutes from the meeting held September 20, 2018**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That the minutes from the meeting held September 20, 2018, be adopted.

**CARRIED UNANIMOUSLY**

**B.3 Minutes from the meeting held October 4, 2018**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That the minutes from the meeting held October 4, 2018, be adopted.

**CARRIED UNANIMOUSLY**

**B.4 Increasing Provincial Funds for Mental Health and Addiction Services**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

(a) That the Mayor, on behalf of the City of Victoria, write to the BC Minister of Health, the BC Minister of Addictions and Mental Health, and the BC Minister of Finance asking that their ministries immediately increase funds for mental health and addiction services throughout the province, and further direct BC Health Authorities to use such additional resources specifically in the provision of additional and enhanced government and non-profit services and programs dealing with addictions and mental health.

(b) That the Mayor's letter be copied to the Township of Esquimalt, with a request that the Township's Mayor write a similar letter to the same Ministers with the same request.

(c) That the Mayor's letter be copied to the Mayors of all the municipalities in the Capital Region, and the BC Premier, for their information.

**CARRIED UNANIMOUSLY**

**I.4 Creating a City-Wide Child Care Action Plan**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

Council commits to the development and implementation of a City-Wide Child Care Action Plan to increase access to childcare for families in neighbourhoods across the City.

Council direct staff to apply for the Community Child Care Planning Program funding as a first step towards building a City-Wide childcare Action Plan.

**CARRIED UNANIMOUSLY**

**D. Presentation**

**D.1 Third Quarter 2018 Operational Plan Progress Report**

The Chief Constable provided Committee with a presentation regarding the Victoria Police Department's third quarter update.

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Loveday

That Council receive the Victoria Police Third Quarter Report for information.

*Committee discussed:*

- *The role of police in mental health and addictions services and funding.*
- *Affects on response times without adequate resources.*

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

The City Manager and Manager of Corporate Initiatives provided Committee with an overview of the third quarter update.

*Committee discussed:*

- *Traffic studies and traffic calming projects.*

That Council direct staff to report back in the first quarter with options for traffic calming for Hillside-Quadra, Oaklands, North Park, and Fernwood.

**CARRIED UNANIMOUSLY**

*Committee discussed:*

- *Waste reduction strategies.*
- *Parking in the downtown including availability and retention of parking.*
- *Timelines associated with the bicycle network project.*
- *Neighborhood planning and consultation.*

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

That Council receive the Quarter three report for information.

**CARRIED UNANIMOUSLY**

*Committee recessed at 10:17 a.m. and returned at 10:24 a.m.*

**F. LAND USE MATTERS**

**F.1 Update on OCP Amendment Application, Rezoning Application No. 00558 and Development Permit with Variances Application No. 000496 for 1303 Fairfield Road (Fairfield)**

*Councillor Alto joined the meeting at 10:24 a.m.*

Committee received a report dated November 23, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an update on an application to increase the density and allow for the construction of a four-storey, mixed-use building consisting of commercial and church sanctuary uses on the ground-floor with rental residential units above.

*Committee discussed:*

- *Design considerations including cladding, colour choices, and appearance from the street.*
- *Neighbourhood concerns relating to traffic safety and parking.*
- *Consideration of affordability of the units.*
- *The conclusion of the land lift analysis.*

*Councillor Thornton-Joe left the meeting at 11:37 am.*

**Moved By** Councillor Collins  
**Seconded By** Councillor Dubow

*Councillor Thornton-Joe withdrew from the meeting at 11:00 a.m.*

**OCP Amendment and Rezoning Application No. 00558**

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act*, and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00558 for 1303 Fairfield Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Revision and execution of the following legal documents:
  - a. Housing Agreement to ensure the residential units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages, to the satisfaction of the Director of Engineering and Public Works
  - c. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road, to the satisfaction of the Director of Engineering and Public Works
  - d. Section 219 Covenant to secure commitment to Step 3 of the BC Energy Step Code, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That Council, having provided the opportunity for consultation, pursuant to Section 475(1) of the *Local Government Act*, with persons; organizations; and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties; and that such persons, organizations and authorities have been notified of the proposed OCP Amendment through mailed notice 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, and having been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the provincial and federal governments and their agencies, due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan, pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those plans to be consistent with the proposed Official Community Plan Amendment Bylaw.

6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

**Development Permit with Variances Application No. 000496**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00558, if it is approved, consider the following updated motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00496 for 1303 Fairfield Road, in accordance with:

1. Plans date stamped July 20, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the height from 12.00m to 15.04m
  - ii. reduce the front setback (Moss Street) from 6.00m to 0.00m
  - iii. reduce the rear setback from 7.80m to 3.67m
  - iv. reduce the south side setback from 3.90m to 3.23m (to the building) and 0.00m (to the pergola)
  - v. reduce the flanking street setback (Fairfield Road) from 2.40m to 1.02m
  - vi. reduce the vehicle parking requirement from 44 stalls to 16 stalls.
3. The Development Permit lapsing two years from the date of this resolution."

*Committee discussed:*

- *Community benefits and the various amenities.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

**Amendment:**

That the motion be amended to include the following:

That Council direct staff to work with the applicant to address the following issues:

- affordability of units
- front yard setback

*Committee discussed:*

- *The need for affordable rental housing in the City.*

FOR (2): Councillor Isitt, and Councillor Loveday

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, and Councillor Collins

**DEFEATED (2 to 5)**

*Committee discussed:*

- *Design refinements and a desire for more support from the neighbourhood.*

**Main motion:**

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Dubow, Councillor Potts, and Councillor Collins

OPPOSED (1): Councillor Isitt

**CARRIED (6 to 1)**

**F.2 Rezoning Application No. 00634 & Development Permit Application No. 00527 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street (Fairfield)**

Committee received a report dated November 23, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an application to increase the density and construct a four-storey, mixed-use building with commercial uses and residential uses at an overall density of 2.19:1 FSR.

*Councillor Dubow withdrew from the meeting at 12:19 p.m.*

**Moved By** Councillor Alto  
**Seconded By** Mayor Helps

**Rezoning Application No. 00634**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street, that first and second

reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements:

a. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.

b. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.

c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.

d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:

rain gardens along Pendergast Street enhanced boulevard planting and low seating walls permeable and impermeable concrete sidewalk pavers.

e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year, to the satisfaction of the Director of Parks, Recreation and Facilities.

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

**Amendment:**

That the motion be amended to include the following:

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

**CARRIED UNANIMOUSLY**

**Moved By** Mayor Helps  
**Seconded By** Councillor Collins

**Amendment:**

That the motion be amended to include the following:

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

**CARRIED UNANIMOUSLY**

**Moved By** Mayor Helps  
**Seconded By** Councillor Isitt

**Amendment:**

That the motion be amended to include the following:

Direct staff to work with BC Housing and report back on BC Housing purchasing 10% of the units to be used for affordable rental in perpetuity.

*Committee discussed:*

- *Consideration of reducing the on-site parking to achieve affordable housing.*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Collins

**Amendment to the amendment:**

That the amendment be amended as follows:

**Direct staff to work with BC Housing and/or the applicant to secure and report back on BC Housing purchasing 10-20% of the units to be used for as affordable rental housing in perpetuity.**

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Alto

**Amendment to the amendment:**



That the amendment be amended as follows:

That Council direct staff to work with BC Housing and/or the applicant to secure 10-20% of the strata units affordable rental housing in perpetuity.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Collins

**Seconded By** Councillor Loveday

**Amendment to the amendment:**

That the amendment be amended to include the following:

ensure the tenants who are being displaced have first right of refusal

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Collins

**Amendment to the amendment:**

That the amendment be amended to include the following:

provided they meet the income eligibility requirements for the affordable units

FOR (4): Mayor Helps, Councillor Isitt, Councillor Dubow, and Councillor Collins

OPPOSED (3): Councillor Alto, Councillor Loveday, and Councillor Potts

**CARRIED (4 to 3)**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

**Amendment to the amendment:**

That the amendment be amended as follows:

Remove the word "income"

**CARRIED UNANIMOUSLY**

**On the amendment:**

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Collins

**Amendment:**

That the motion be amended to include the following:

Refer back to staff and applicant to consider revising the application to create rental housing, including non market rental housing rather than strata housing, as a condition of the rezoning

FOR (3): Councillor Isitt, Councillor Potts, and Councillor Collins

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Loveday, and Councillor Dubow

**DEFEATED (3 to 4)**

**Main motion as amended:**

**Rezoning Application No. 00634**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street, and that staff report back to Committee of the Whole once the following conditions are met:

1. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
  - b. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
    - i. raingardens along Pendergast Street
    - ii. enhanced boulevard planting and low seating walls
    - iii. permeable and impermeable concrete sidewalk pavers.
  - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year, to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development.

**Development Permit Application No. 00527**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00634, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped November 23, 2018, with refinement to artwork panels, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. The Development Permit lapsing two years from the date of this resolution."

Direct staff to work with BC Housing and/or the applicant to secure 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Dubow, Councillor Potts, and Councillor Collins

OPPOSED (1): Councillor Isitt

**CARRIED (6 to 1)**

**F.3 Development Permit with Variances Application No. 00094 for 1137 Dominion Road (Victoria West)**

Committee received a report dated November 22, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an application to construct a new small lot house after the existing house was demolished without approvals in place.

*Committee discussed:*

- *Concerns about the demolition of existing housing stock.*

*Councillor Collins withdrew from the meeting at 1:12 p.m.*

**Moved By** Councillor Alto  
**Seconded By** Mayor Helps

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00094 for 1137 Dominion Road, in accordance with:

1. Plans date stamped October 10, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the front yard setback from 6.0m to 0.90m;
  - ii. reduce the flanking street side yard setback from 2.4m to 0.42m.
3. Landscape plan revisions to move the trees along the eastern property line further west to eliminate conflict between the root zone and the existing retaining wall.
4. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Dubow, and Councillor Potts

**CARRIED (6 to 0)**

*Councillor Collins returned to the meeting at 1:20 p.m.*

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That the following items be deferred to the December 13, 2018, Committee of the Whole Meeting:

G.1 - 2018 My Great Neighbourhood-Fall Intake

I. 1 - Letter from Shell Canada Limited

I. 3 - Requirement for Accessible Parking

I. 5 - Leadership for Climate Action

I. 6 - 2019-2022 Strategic Plan - Working Draft

**CARRIED UNANIMOUSLY**

**J. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the Committee of the Whole Meeting be adjourned at 1:21 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR