



## MINUTES - VICTORIA CITY COUNCIL

March 28, 2019, 6:30 P.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 Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
- STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhower - Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, P. Martin - Council Secretary, M. Betanzo - Senior Planner

### A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

**Moved By** Councillor Potts

**Seconded By** Councillor Alto

That the agenda be approved as amended.

**CARRIED UNANIMOUSLY**

### B. POETRY READING

The City's Poet Laureate, John Barton, read a poem titled "Dallas Road Variation".

### C. READING OF MINUTES

**Moved By** Councillor Isitt

**Seconded By** Councillor Dubow

That the following minutes be adopted:

1. Minutes from the evening meeting held February 28, 2019
2. Minutes from the evening meeting held March 14, 2019

**CARRIED UNANIMOUSLY**

### D. REQUESTS TO ADDRESS COUNCIL

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That the following speakers be permitted to address Council.

**CARRIED UNANIMOUSLY**

**D.1 Paula Greene: Presenting the Work of the Men's Trauma Centre**

Outlined for Council the work of the Men's Trauma Centre and the issues facing men who are survivors of abuse and sexual assault.

**D.5 Emma-Jane Burian, Melody Cheng, and Stephanie Chen: Cultural Day Proposal**

Outlined why Council should allow the City of Victoria's Youth Council to use City Hall for a Cultural Day event.

**D.6 Adam Cooper: Interim Inclusive Housing and Density Bonus Policy**

Outlined why Council should consider a cash in lieu options for the interim Inclusive Housing and Density Bonus Policy, and have staff consult financial institutions about funding projects with inclusionary units.

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That the agenda be amended to allow the two speakers from section G to speak at this time.

**CARRIED UNANIMOUSLY**

**G.1 Paul Finch: Permitting and Zoning for Affordable Housing**

Outlined why Council should exercise its full zoning and permitting powers to ensure the value of up-zoning is properly captured for the public's benefit for affordable housing.

**G.2 Suzanne Nievaart: Affordable Housing**

Outlined why Council should adopt a bylaw to protect tenants facing "renovictions", and adopt a new definition of affordability.

**E. PROCLAMATIONS**

**E.1 "Sikh Heritage Day" - April 14, 2019**

**Moved By** Councillor Isitt

**Seconded By** Councillor Collins

That the following proclamation be endorsed:

1. "Sikh Heritage Day" - April 14, 2019

**CARRIED UNANIMOUSLY**

**E.2 "Global Meetings Industry Day" - April 4, 2019**

**Moved By** Councillor Isitt

**Seconded By** Councillor Dubow

That the following proclamation be endorsed:

1. "Global Meetings Industry Day" - April 4, 2019

**CARRIED UNANIMOUSLY**

**F. PUBLIC AND STATUTORY HEARINGS**

**F.1 1417 May Street: Rezoning Application No. 00556 and Development Permit with Variances Application No. 00028**

Zoning Regulation Bylaw, Amendment Bylaw (No.1139) No. 18-013:

To rezone the land known as 1417 May Street from the R1-B Zone, Single Family Dwelling District, to the R-86 Zone, Ground-Oriented Dwelling May Street District, to permit a multi-unit residential building with four ground-oriented units.

Development Permit Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1417 May Street, in Development Permit Area 16: General Form and Character for the purposes of approving the exterior design, finishes and landscaping for the multi-unit residential building.

**F.1.a Public Hearing & Consideration of Approval**

Miko Betanzo (Senior Planner): *Advised that the application is to rezone the property to allow for a two-storey, multiple dwelling unit building.*

*Mayor Helps opened the public hearing at 7:05 p.m.*

Claudia Smarts and Peter Johannknecht (Applicant and Architect): Provided information regarding the application.

Ric Houle (Pandora Avenue): Expressed concerns with the style of the proposed building.

Andrew Chapman (Denman Street): Expressed support for the application as it will be a good fit for the neighbourhood, as well as the proposed landscaping.

Heidi Grantner (Douglas Street): Expressed support for the application, as it is a passive built house which fits the City's climate target of creating low-carbon buildings.

Alison (Rebecca Street): Expressed support for the application, as it is a passive built house that will allow for gentle density.

*Mayor Helps closed the public hearing at 7:31 p.m.*

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1139) No. 18-013

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Collins

That Council authorize the issuance of Development Permit with Variances Application No. 00556 for 1417 May Street, in accordance with:

1. Plans date stamped September 10, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the minimum vehicle parking requirement from six stalls to four stalls.
3. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

*Consideration of adoption of the Zoning Regulation Bylaw and Housing Agreement Bylaw will occur at the next Council meeting.*

*Council recessed from 8:08 p.m. until 8:12 p.m.*

**F.2     931 Redfern Street: Development Permit with Variances Application No. 00082 and Development Variance Permit Application No. 00218**

Development Permit with Variances Application No. 00082:

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 931 Redfern Street, in Development Permit Area 15B: Intensive Residential – Panhandle Lot, to allow the subdivision of an R1-G Zone lot into two separate lots and to retain and alter the existing single-family dwelling with a secondary suite on the new panhandle lot.

Development Variance Permit Application No. 00218:

The City of Victoria will also be considering the issuance of a Development Variance Permit for the land known as 931 Redfern Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely to reduce the minimum front, rear, south side and combined side yards setbacks and to increase the maximum eave projections into setbacks for the construction of a single-family dwelling with a secondary suite.

**F.2.a   Opportunity for Public Comment & Consideration of Approval:**

Miko Betanzo (Senior Planner): *Advised that the application is to construct a single-detached dwelling with a secondary suite.*

*Mayor Helps opened the opportunity for public comment at 7:39 p.m.*

Bob Croft (Applicant): Provided information regarding the application.

*There were no persons present to speak to the proposed application.*

*Mayor Helps closed the opportunity for public comment at 7:42 p.m.*

**Moved By** Councillor Alto

**Seconded By** Councillor Dubow

That Council authorize the issuance of Development Permit with Variances Application No. 00082 for 931 Redfern Street for the subdivision of the property to create a panhandle lot and renovate the existing house in accordance with:

1. Plans date stamped December 18, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the maximum building height from 5.0m and 1 storey to 6.4m and 2 storeys
  - ii. reduce the minimum front setback from 7.5m to 0.0
  - iii. reduce the minimum non-habitable south side building setback from 4.0m to 2.05m and the habitable south side building setback from 7.5m to 3.08m
  - iv. reduce the minimum habitable north side building setback from 7.5m to 4.24m
  - v. increase the maximum eave projections into setbacks from 0.75m to 1.0m.
3. The Development Permit with Variances lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Dubow

That Council authorize the issuance of Development Variance Permit Application No. 00218 for 931 Redfern Street in accordance with:

1. Plans date stamped December 18, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the minimum front setback from 7.5m to 3.23m
  - ii. reduce the minimum rear setback from 9.1m to 3.64m
  - iii. reduce the minimum south side setback from 2.6m to 1.93m
  - iv. reduce the combined side yards setback from 5.4m to 4.53m
  - v. increase the maximum eave projections into setbacks from 0.75m to 1.1m.
3. The Development Variance Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

### **F.3 Old Town Design Guidelines: Proposed Amendments to the Official Community Plan**

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 28) No. 10-019:  
To amend Development Permit Area 1(HC): Core Historic with an updated reference to the Old Town Design Guidelines - New Buildings and Additions to Existing Buildings (2019); to remove reference to the Chinatown Guidelines for Buildings, Canopies, Landscaping, Colours & Signs (1983); and to amend Development Permit Area 9(HC): Inner Harbour with an updated reference to the Old Town Design Guidelines - New Buildings and Additions to Existing Buildings (2019).

### **F.3.a Public Hearing & Consideration of Approval**

Robert Batallas (Senior Planner): *Advised that the proposed amendments to the Official Community Plan are to substitute the Design Guidelines: Old Town, Victoria, BC - New Buildings and Additions to Non-Heritage Buildings (2006) with the new Old Town Design Guidelines - New Buildings and Additions to Existing Buildings (2019) and to delete reference to the Chinatown Guidelines for Buildings, Canopies, Landscaping, Colours, and Signs (1983).*

*Mayor Helps opened the public hearing at 7:45 p.m.*

Ric Houle (Pandora Avenue): Expressed support for the bylaw amendments.

*Mayor Helps closed the public hearing at 7:46 p.m.*

**Moved By** Mayor Helps  
**Seconded By** Councillor Thornton-Joe

That the following bylaw **be given third reading:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 28) No. 19-019

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Collins

That the following bylaw **be adopted:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 28) No. 19-019

**CARRIED UNANIMOUSLY**

### **F.4 Residential Rental Tenure: Proposed Bylaw Amendments**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1183) No. 19-029:

To amend the Zoning Regulation Bylaw as follows:

- in Schedule A, by adding a new definition immediately after the definition of "Residential Floor Area", as follows:

“Residential Rental Tenure” means occupancy of a dwelling unit under a rental agreement that is subject to the *Residential Tenancy Act*,

- by adding a new section 45 as follows:

“45. Notwithstanding any other provision of this Bylaw, dwelling units located on lots listed in Schedule “N” may only be occupied pursuant to residential rental tenure.”,

- by adding a new Schedule “N” attached to this bylaw as Schedule “A”,

Zoning Bylaw 2018, Amendment Bylaw (No. 3) No. 19-029:

To amend Zoning Bylaw 2018 by adding a new definition to Part 2.1 Administrative Definitions as follows:

“Residential Rental Tenure” means occupancy of a dwelling unit under a rental agreement that is subject to the *Residential Tenancy Act*.”.

#### **F.4.a Public Hearing & Consideration of Approval**

Robert Batallas (Senior Planner): *Advised that the proposed amendments to the Zoning Regulation Bylaw and the Zoning Bylaw 2018 are in order to introduce provisions necessary to implement residential rental tenure regulations.*

*Mayor Helps opened the public hearing at 7:48 p.m.*

*There were no persons present to speak to the proposed bylaw.*

*Mayor Helps closed the public hearing at 7:49 p.m.*

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

That the following bylaw **be given third reading:**

1. Residential Rental Tenure Bylaw, Amendment Bylaw (No. 1183) and Amendment Bylaw (No. 3) No. 19-029

*Council discussed the following:*

- *The need to encourage rental housing during the City's housing crisis.*
- *That all forms of housing are needed in the City.*
- *That this will be a tool Council can use when considering future applications.*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Councillor Collins be allowed to speak a second time.

**CARRIED UNANIMOUSLY**

- *That financing questions will be considered by staff.*

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

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

That the following bylaw **be adopted**:

1. Residential Rental Tenure Bylaw, Amendment Bylaw (No. 1183) and Amendment Bylaw (No. 3) No. 19-029

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

## **I. REPORTS OF COMMITTEES**

### **I.1 Committee of the Whole**

#### **I.1.a Report from the March 21, 2019 COTW Meeting**

##### **I.1.a.a Emergency Operations Centre Training Grant**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Loveday

That Council support by way of resolution Esquimalt's grant application for \$50,000 for the Community Emergency Preparedness Fund-Emergency Operations Centre and Training Stream. The grant will be used for joint training with the City of Victoria and the Township of Esquimalt. The Township of Esquimalt will provide overall grant management for the project, and the Esquimalt Mayor and Corporate Officer are authorized to execute any agreements related to a successful grant application. The City of Victoria Emergency Program Coordinator will work directly with Esquimalt on the project.

**CARRIED UNANIMOUSLY**

##### **I.1.a.b ADP Landscape Architect Report**

**Moved By** Councillor Alto  
**Seconded By** Councillor Dubow



That Council appoint two Registered Landscape Architects to ADP, resulting in a temporary increase in the number of panel members appointed to the ADP.

**CARRIED UNANIMOUSLY**

**I.1.a.c**

**Call for Appropriate Levels of Funding for Legal Aid**

**Moved By** Councillor Collins

**Seconded By** Councillor Dubow

WHEREAS legal aid is an essential service which provides the marginalized, vulnerable and poor with access to justice;

WHEREAS legal aid has been chronically underfunded for over 25 years making it very difficult for the marginalized, vulnerable and poor to get legal assistance from a lawyer;

WHEREAS many studies and reports, including those commissioned by Government, have noted the serious consequences for society by the continued chronic underfunding of legal aid;

WHEREAS the Association of Legal Aid Lawyers have been attempting to negotiate appropriate levels of funding for legal aid;

AND WHEREAS the over 590 members of the Association of Legal Aid Lawyers voted overwhelmingly to withdraw services on April 1, 2019, to protest the intolerable levels of funding;

**THEREFORE BE IT RESOLVED**

1. THAT the City of Victoria recognizes that legal aid is an essential public service that provides legal representation to the most vulnerable, marginalized and impoverished members of our city and that the chronic underfunding of legal aid has led to a serious inequality in the delivery of legal services in our communities and
2. THAT the City of Victoria encourages the Province of British Columbia to resolve this matter with the Association of Legal Aid Lawyers.

**CARRIED UNANIMOUSLY**

**I.1.a.d**

**Conference Attendance Request for Councillor Alto:  
High Ground Governance Forum**

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

That Council approve the attendance and associated costs for Councillor Alto to attend the High Ground Governance Forum March 29-30, 2019. The costs are as follows:

Registration (Presenter Rate)	\$195
Additional Session	\$10
Accommodation	\$149.64
*Transportation (Mileage)	\$220.98
*Transportation (Ferry)	\$91.90

Total Requested: \$665.52

\*NB. Transportation costs includes passage for two councillors.

**CARRIED UNANIMOUSLY**

I.1.a.e

**Conference Attendance Request Councillor Dubow:  
Association of Vancouver Island Municipalities  
Conference**

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

That Council authorize the attendance and associated costs for Councillor Sharmarke Dubow to attend the AVICC Conference to be held in Powell River, April 12-14, 2018.

**CARRIED UNANIMOUSLY**

I.1.a.f

**Conference Attendance Requests for Councillor  
Loveday: Association of Vancouver Island  
Municipalities Conference**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Council authorize the attendance and associated costs for Councillor Loveday to attend the Association of Vancouver Island and Coastal Communities annual meeting at Powell River, BC, from April 12-14, 2019, with estimated costs as follows:

Registration:	\$315
Transportation:	\$250
Accommodation:	\$250
Incidentals:	\$100

Estimated total costs: \$915

**CARRIED UNANIMOUSLY**

**I.1.a.g Conference Attendance Request for Councillor Loveday: Federation of Canadian Municipalities Annual Conference**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Council authorize the attendance and associated costs for Councillor Loveday to attend the Federation of Canadian Municipalities annual convention in Quebec City, QC, with estimated costs as follows:

Registration:	\$1000
Transportation:	\$800
Accommodation:	\$1145
Incidentals:	\$200

Estimated total costs: \$3145

**CARRIED UNANIMOUSLY**

**I.1.a.h Conference Attendance Request for Councillor Loveday: High Ground Governance Forum**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Council authorize the attendance and associated costs for Councillor Loveday to attend the High Ground Governance Forum at Harrison Hot Springs, BC, from March 29-30, 2019, with estimated costs as follows:

Registration:	\$450
Transportation:	\$250
Accommodation:	\$300
Incidentals:	\$100

Estimated total costs: \$1100

**CARRIED UNANIMOUSLY**

**I.1.a.i 2019 Victoria Police Budget - Motion to Refer to April 4, 2019 COTW**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That consideration of the following motion be referred to the April 4, 2019 Committee of the Whole Meeting:

That Council requests that VicPD examine the following measures, as part of 2020 budget process, in order to fund the Employer Health Tax and the decision of the Director of Police Services to mandate the hiring of 6 new officers:

1. Consolidation of exempt management positions.
2. Discussions with City of Victoria and Township of Esquimalt staff to identify potential efficiencies and cost savings to VicPD through the potential transfer of delivery of some functions from VicPD civilian employees to direct City of Victoria delivery of services, with cost recovery from the Township of Esquimalt.

FOR (5): Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

**CARRIED (5 to 4)**

**I.1.a.j**

#### **2018 General Local Election - Lessons Learned**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That Council direct staff to:

1. Arrange for two voting machines at each voting location for the 2022 election.
2. Secure additional voting locations in the City for general voting day 2022.

**CARRIED UNANIMOUSLY**

**I.1.a.k**

#### **Improving Public Safety and Efficiency through a Regional Police Department**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That Council endorse the following resolution and forward a copy to the provincial Minister of Public Safety and Solicitor General, to Members of the Legislative Assembly representing residents of the Township of Esquimalt and City of Victoria, to the Victoria and Esquimalt Police Board, and to the Mayor and Council of the Township of Esquimalt, requesting favourable consideration:

Resolution: Increasing Public Safety and Efficiency through a Regional Police Department

WHEREAS the costs of providing policing services in the metropolitan area of Greater Victoria is disproportionately borne by rate payers in the Township of Esquimalt and City of Victoria;

AND WHEREAS social problems in all municipalities and electoral areas result in increasing demands for policing services in the core area of the region, suggesting that these costs should be distributed equitably;

AND WHEREAS consolidation of command and coordination of resourcing and equipment will produce fiscal and operational efficiencies, with corresponding benefits to public safety;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia establish a Regional Police Department for the Capital Region, governed by a reconstituted Police Board, with funding allocated according to established funding formula among CRD member local governments.

**CARRIED UNANIMOUSLY**

**I.1.b Report from the March 28, 2019 COTW Meeting**

*Councillor Collins withdrew from the meeting at 8:17 p.m. due to a pecuniary conflict of interest with the following item, as she lives in close proximity.*

**I.1.b.a 430 Parry Street - Update Report No.2 for Rezoning Application No. 00641 and Development Permit with Variances Application No. 000528 (James Bay)**

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

That Council approve the following motion:

1. To rescind the second reading of Bylaw No. 19-006; amend bylaw 19-006 to delete the text "allocating an additional \$20,000 to the housing reserve fund" from Section 3.124.2.a; and give second reading to the bylaw as amended.

**CARRIED UNANIMOUSLY**

*Councillor Collins returned to the meeting at 8:18 p.m.*

**I.1.b.b Micro Grants Application**

**Moved By** Councillor Dubow  
**Seconded By** Councillor Loveday

That Council approve the eligible Micro Grant applications outlined in Appendix A.

**CARRIED UNANIMOUSLY**

**I.1.b.c**

**919 and 923 Caledonia - Rezoning Application No. 00622, Development Permit with Variance Application No. 000521 and Heritage Designation Application No. 000182 (North Park)**

**Moved By** Councillor Young  
**Seconded By** Councillor Loveday

Rezoning Application No. 00622

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00622 for 919 and 923 Caledonia Avenue, 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. Prepare and execute a housing agreement to ensure that all dwelling units remain rental in perpetuity.
2. Prepare and execute a legal agreement to secure a 2.40m Statutory Right of Way on Caledonia Avenue.

Development Permit with Variance Application No. 000521

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. 00622, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000521 for 919 and 923 Caledonia Avenue in accordance with:

1. Plans date stamped March 5, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the required number of residential parking spaces from 12 to 11.
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000182

That Council approve the designation of the property located at 919 Caledonia Avenue, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage

Designation Bylaw be considered by Council and a Public Hearing date be set.

**CARRIED UNANIMOUSLY**

*Councillor Alto withdrew from the meeting at 8:18 p.m. due to a non-pecuniary conflict of interest with the following item.*

**I.1.b.d      210 Gorge Road East - Rezoning Application No. 00620 and Development Permit with Variances Application No. 00076 (Burnside)**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Collins

Rezoning Application No. 00620

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, 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 to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 4.91m on Gorge Road East
  - b. Housing Agreement to ensure that all residential dwelling units would remain as rental and affordable in perpetuity.

Development Permit with Variances Application No. 00076

Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, 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. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped March 11, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the required number of visitor parking spaces from 7 to 4
  - ii. reduce the required number of commercial parking spaces from 1 to 0

- iii. reduce the surface parking space setback from a street boundary from 7.50m to 2.68m
  - iv. locate a gazebo in the front yard
  - v. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.
3. The Development Permit lapsing two years from the date of this resolution."

FOR (7): Mayor Helps, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe  
 OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

*Councillor Alto returned to the meeting at 8:19 p.m.*

**I.1.b.e**

**1888 Gonzales Avenue - Development Permit Application No. 000533 (Gonzales)**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

1. That, subject to item 2 below, Council authorize the issuance of Development Permit Application No. 000533 for 1888 Gonzales Avenue, in accordance with the following terms:
  - a. Plans date stamped February 20, 2019.
  - b. Development meeting all *Zoning Regulation Bylaw*
  - c. The Development Permit lapsing two years from the date of this resolution.
2. That no development permit be issued until and unless the following agreements, in the form satisfactory to the City Solicitor, are registered against the title of the properties at 1888 Gonzales Avenue:
  - a. An easement to provide access to proposed Lot 1 and Lot 3 through proposed Lot 2 on the terms acceptable to the Director of Engineering and Public Works and a covenant preventing discharge of this easement without the City's consent; and
  - b. A restrictive covenant, on the terms acceptable to the Director of Parks, Recreation and Facilities, to establish a 3.0 metre wide no build area adjacent to Pemberton Park.

**CARRIED UNANIMOUSLY**

**I.1.b.f**

**832 Fort Street - Application for a Change to Hours and Occupant Load Increase for Refuge Tap Room's Liquor Primary License**



**Moved By** Councillor Collins  
**Seconded By** Councillor Loveday

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Refuge Tap Room located at 832 Fort Street having hours of operation from 11:00 am to 12:00 am Sunday through Thursday and 11:00 am to 1:00 am Friday and Saturday with outdoor patio areas having hours not later than 10:00 pm on any day, and an occupant load of 66 persons.

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community near the establishment was considered in relation to the request and assumptions are the noise impacts would be proportional in comparison to existing licence capacity and associated noise levels in the vicinity. The applicants original request to have closing hours common to both inside seating and outdoor patio seating has been adjusted following review and community input and the applicant supports closing their outdoor patio area by 10pm daily to minimize potential impacts on the adjacent residents. Hours requested for the interior space are similar to others in the area, and restricted outdoor hours support expectations that approval is less likely to result in a trend of significant negative impacts to neighbours and the community.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
3. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received ten letters in response to the request that included two in support of the application and eight opposed. One letter of opposition included 52 signatures from other tenants in the authors' building agreeing with the opposition stated.
4. Council recommends the license endorsements be approved.

**CARRIED UNANIMOUSLY**

**I.1.b.g**

**506 Herald Street - Application for a Lounge  
Endorsement to a Manufacturer's License (brewing)  
for Herald Street Brew Works**

**Moved By** Councillor Collins

**Seconded By** Councillor Potts

That Council direct staff to provide the following response to the Liquor Licensing Agency:

Council, after conducting a review with respect to noise and community impacts, does support the application of Herald Street Brew Works, located at 506 Herald Street, to have a lounge endorsement added to their manufacturing license, having hours of operation from 9:00 am to 1:00 am daily, and an occupant load of 178 persons.

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and assumptions are the noise impacts would be proportional to existing licence capacity in the vicinity. The applicant and operator does not expect the establishment will have negative impacts on neighbours due to the operational concept and a commitment to minimize impacts through monitoring of, and communication to guests. The requested hours of operation and occupant load are not expected to result in disproportionately high negative impacts to the community.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long term viability of the establishment. The business model is seen to align well with recent changes made to zoning bylaws which encourage this type of development. The establishment contributes to the richness, and diversity of offerings in the area.
3. The views of residents were solicited via a mail out which included 284 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received nine letters in response to the request, eight expressing opposition to the application and one expressing support. The eight expressing concern or opposition included one letter from the Downtown Residents Association (DRA).
4. Council recommends the license endorsements be approved.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Thornton-Joe

That the hours of operation be amended to read 9 a.m to 12 a.m. Sunday to Thursday and 9 a.m. to 1 a.m. Friday and Saturday.

*Council discussed the following:*

- *That this amendment allows for a compromise between the applicant and the neighbourhood.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That Councillor Thornton-Joe be allowed to speak a second time.

**CARRIED UNANIMOUSLY**

*Council discussed the following:*

- *The hours of the nearby Canoe Club.*

FOR (8): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Collins

**CARRIED (8 to 1)**

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Thornton-Joe

That the occupant load be amended to read 150 persons.

*Council discussed the following:*

- *Whether the amendment will allow for a balance with the neighbourhood.*
- *That by changing the occupant load, Council is tinkering with their business model, and a balance has already been found with the change to hours of operation.*

FOR (3): Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

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

**DEFEATED (3 to 6)**

**Main motion as amended:**

That Council direct staff to provide the following response to the Liquor Licensing Agency:

Council, after conducting a review with respect to noise and community impacts, does support the application of Herald Street Brew Works, located at 506 Herald Street, to have a lounge endorsement added to their manufacturing license, having hours of operation from 9:00 am to 12:00 am Sunday to Thursday and 9:00 am to 1:00 am on Fridays and Saturdays, and an occupant load of 178 persons.

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and assumptions are the noise impacts would be proportional to existing licence capacity in the vicinity. The applicant and operator does not expect the establishment will have negative impacts on neighbours due to the operational concept and a commitment to minimize impacts through monitoring of, and communication to guests. The requested hours of operation and occupant load are not expected to result in disproportionately high negative impacts to the community.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long term viability of the establishment. The business model is seen to align well with recent changes made to zoning bylaws which encourage this type of development. The establishment contributes to the richness, and diversity of offerings in the area.
3. The views of residents were solicited via a mail out which included 284 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received nine letters in response to the request, eight expressing opposition to the application and one expressing support. The eight expressing concern or opposition included one letter from the Downtown Residents Association (DRA).
4. Council recommends the license endorsements be approved.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**Motion Arising:**

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

That Council communicate to the owners of the establishment that they take into consideration the neighbourhood as they plan for their live music events on an occasional basis.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Loveday

**CARRIED (8 to 1)**

**I.1.b.h**

**Downtown Victoria Business Association - Business Improvement Area Renewal Request**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Loveday

That Council direct staff to:

1. Proceed on the Council Initiative basis, with the Alternate Approval Process for the Business Improvement Area.
2. Report back with results of the counter petition process, and if assent is achieved present the BIA Bylaw for introductory readings.

**CARRIED UNANIMOUSLY**

**I.1.b.i**

**Enhancing Parkland and Community Services at 950 Kings Road**

**Moved By** Councillor Isitt

**Seconded By** Councillor Dubow

That Council:

1. Places itself on record favouring the retention of parkland and community services at 950 Kings Road, to provide a neighbourhood amenity and community amenity in an area that is seeing substantial current and future densification.
2. Places itself on record favouring the rapid creation of new nonmarket housing options on the Provincial government-owned parcel at 2505 Blanshard Street (Evergreen Terrace), subject to the following conditions:
  - a. Early, meaningful and ongoing engagement with existing residents of Evergreen Terrace and with

- the Downtown Blanshard Advisory Committee on the types of housing that is desired and the phasing of redevelopment.
- b. No net loss of family townhouse units and apartment units at rent levels equivalent to existing rent levels, with a right of first refusal for existing residents to occupy newly created units at equivalent rent levels.
  - c. High quality design.
3. Directs staff to engage the Downtown Blanshard Advisory Committee and the Capital Regional District / Capital Regional Hospital District and report back to Council on a priority basis with options for creating City parkland and community services at 950 Kings Road.
  4. Requests that the Mayor write, on behalf of Council, to the Provincial Rental Housing Management Corporation (BC Housing), requesting a meeting between BC Housing, City Council and City Staff at the earliest opportunity to identify options for expediting the creation of new nonmarket housing options at 2505 Blanshard Street (Evergreen Terrace), subject to the conditions noted above.

*Councillor Young requested that the motions be considered separately.*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Council:

1. Places itself on record favouring the retention of parkland and community services at 950 Kings Road, to provide a neighbourhood amenity and community amenity in an area that is seeing substantial current and future densification.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

2. Places itself on record favouring the rapid creation of new nonmarket housing options on the Provincial government-owned parcel at 2505 Blanshard Street (Evergreen Terrace), subject to the following conditions:
  - a. Early, meaningful and ongoing engagement with existing residents of Evergreen Terrace and with the Downtown Blanshard Advisory Committee on the types of housing that is desired and the phasing of redevelopment.

- b. No net loss of family townhouse units and apartment units at rent levels equivalent to existing rent levels, with a right of first refusal for existing residents to occupy newly created units at equivalent rent levels.
- c. High quality design.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe  
 OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

- 3. Directs staff to engage the Downtown Blanshard Advisory Committee and the Capital Regional District / Capital Regional Hospital District and report back to Council on a priority basis with options for creating City parkland and community services at 950 Kings Road.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

- 4. Requests that the Mayor write, on behalf of Council, to the Provincial Rental Housing Management Corporation (BC Housing), requesting a meeting between BC Housing, City Council and City Staff at the earliest opportunity to identify options for expediting the creation of new nonmarket housing options at 2505 Blanshard Street (Evergreen Terrace), subject to the conditions noted above.

**CARRIED UNANIMOUSLY**

I.1.b.j

**Advocacy for Provincial Climate Leadership**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Dubow

That Council endorses the following resolution and directs staff to forward electronic copies to Members of the Legislative Assembly of British Columbia on Friday, March 29, 2019:

Resolution: Advocacy for Provincial Climate Leadership

WHEREAS the Intergovernmental Panel on Climate

Change has warned that humanity has eleven years to take action to limit global warming to 1.5 degrees Celsius in order to avoid the worst impacts of climate change;

AND WHEREAS local governments in British Columbia including the City of Richmond, City of Vancouver, City of Victoria, Town of View Royal and Capital Regional District have declared a climate emergency and committed to achieving carbon neutrality by 2030;

AND WHEREAS reducing the consumption of fossil fuels is central to limiting emissions of climate-changing greenhouse gases;

THEREFORE BE IT RESOLVED THAT that the City of Victoria urges Members of the Legislative Assembly of British Columbia to:

1. Declare a Provincial Climate Emergency;
2. Embrace provincial taxation and natural resource policies that reduce climate changing greenhouse gas emissions; and
3. Consider voting against the *Income Tax Amendment Act, 2019* and proposed tax subsidies to fossil-fuel corporations, focusing instead on economic incentives to expand renewable and low-carbon sources of employment, revenues and economic development.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**I.2 Citizens' Assembly Council Committee**

**I.2.a Report from the March 27, 2019 Committee Meeting**

**I.2.a.a**

**Draft Terms of Reference**

**Moved By** Councillor Young  
**Seconded By** Councillor Isitt

That Council receive the Draft Terms of Reference for the Citizens' Assembly for information, and it be placed on the agenda for the April 4, 2019 Committee of the Whole Meeting for consideration.

**CARRIED UNANIMOUSLY**



**K. BYLAWS**

**K.1 Bylaw for Mobile Bicycle Vending**

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

That the following bylaw **be given first, second, and third readings:**  
1. Mobile Bicycle Vending Miscellaneous Amendments Bylaw No. 19-040.

**CARRIED UNANIMOUSLY**

**K.2 Bylaw for Parks Furnishing Program**

**Moved By** Councillor Collins  
**Seconded By** Councillor Loveday

*Councillor Isitt withdrew from the meeting at 9:12 pm.*

That the following bylaw **be given first, second, and third readings:**  
1. Recreation Fees Bylaw, Amendment Bylaw (No. 10) No. 19-036

**CARRIED UNANIMOUSLY**

**K.3 Bylaw for Rezoning Application for 1150 McClure Street**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Young

That the following bylaw **be given first and second readings:**  
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1176) No. 19-041

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Potts  
**Seconded By** Councillor Thornton-Joe

That the following bylaw **be given first, second, and third readings:**  
1. Housing Agreement (1150 McClure Street) Bylaw 2019 No. 19-035

**CARRIED UNANIMOUSLY**

**K.4 Bylaw for Rezoning Application for 1491 Edgeware Road and 2750 Gosworth Road**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That the following bylaw **be given first and second readings**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1185) No. 19-038

**CARRIED UNANIMOUSLY**

*Councillor Collins withdrew from the meeting at 9:14 p.m. due to a pecuniary conflict of interest with the following item, as she lives in close proximity.*

**K.5 Bylaw for Rezoning Application for 430 Parry Street**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That Council rescind second reading of the following bylaw:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1174) No. 19-006

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That Council amend the following bylaw, by deleting the text "allocating an additional \$20,000 to the housing reserve fund" from Section 3.124.2.a:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1174) No. 19-006

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the following bylaw **be given second reading**, as amended:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1174) No. 19-006

**CARRIED UNANIMOUSLY**

*Councillor Collins returned to the meeting at 9:16 p.m.*

**L. CORRESPONDENCE**

**L.1 Letter from Stephanie Cadieux, MLA and Michelle Stilwell, MLA**

**Moved By** Councillor Loveday

**Seconded By** Councillor Collins

That the correspondence dated February 26, 2019 from Stephanie Cadieux, MLA and Michelle Stilwell, MLA be received for information.

**CARRIED UNANIMOUSLY**

**N. QUESTION PERIOD**

A question period was held.

O. **ADJOURNMENT**

**Moved By** Councillor Collins

**Seconded By** Councillor Dubow

That the Council meeting adjourn.

TIME: 9:22 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR