



## MINUTES - COMMITTEE OF THE WHOLE

October 24, 2019, 9:00 A.M.

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

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

- PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, Councillor Young
- PRESENT VIA ELECTRONIC PARTICIPATION:** Councillor Loveday
- ON LEAVE:** Councillor Collins
- STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, L. Westinghouse – Manager of Accounting, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, A. Johnston - Planner, J. Karakas - Senior Urban Designer, M. Cittone - Senior Planner, P. Angelblazer - Committee Secretary
- GUESTS:** B. Cox – Partner, BDO Canada.

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

**Moved By** Councillor Dubow  
**Seconded By** Councillor Potts

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **C. READING OF MINUTES**

#### **C.1 Minutes from the meeting held October 10, 2019**

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

That the minutes from the meeting held October 10, 2019 be adopted.

**CARRIED UNANIMOUSLY**

**E. PRESENTATIONS**

**E.1 2019 External Audit Plan**

Council received a report dated October 10, 2019 from the Deputy City Manager, Chief Financial Officer, and the Manager of Accounting, providing Council with the audit plan from the City's external auditor (BDO Canada LLP) for the 2019 financial statement audit.

*Councillor Isitt entered the meeting at 9:09 a.m.*

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

That Council receive this report for information.

**CARRIED UNANIMOUSLY**

**F. LAND USE MATTERS**

**F.1 913-929 Burdett Avenue and 914-924 McClure Street - Update on Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 (Fairfield)**

Council received a report dated October 24, 2019 from the Acting Director of Sustainable Planning and Community Development providing Council with new information, analysis, and recommendations regarding a Rezoning Application and a Heritage Alteration Permit Application that would allow for the construction of a 106-unit senior's residence to the rear and side of a heritage-designated building while incorporating two existing heritage-designated houses into the project.

*Committee discussed:*

- *Proposed density*
- *Importance of heritage preservation and associated costs*
- *Assisted living aspect of the project*
- *Affordability of the project*

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

**Rezoning Application No. 00466**

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in

Rezoning Application No. 00466 for 913-929 Burdett Avenue and 914-924 McClure Street; and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council subject to the following conditions:

- a. Preparation of a Housing Agreement Bylaw for the following:
    - i. to secure 50% of the total units as market rental for a minimum of 20 years;
    - ii. to secure a minimum of 26 units be used as assisted living for a minimum of 20 years;
    - iii. to secure a minimum of five affordable rental units for a minimum of 20 years;
    - iv. to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units; and
    - v. to repeal the formerly adopted Housing Agreement from a past development proposal.
  - b. Preparation of a Section 219 Covenant to secure the sustainability features and construction achieving a minimum BUILT GREEN® Bronze Certification level.
2. That Council give authorization for the following, if the Housing Agreement and Rezoning Bylaws are adopted:
- a. Mayor and City Clerk to execute the documents required in order to discharge or terminate the following legal documents related to a past development proposal, which are not applicable to the current development proposal:
    - i. S.219 Covenant relating to the provision of full frontage works along the Burdett Avenue and McClure Street frontages;
    - ii. Statutory Right-of-Way for the provision of a 1.2m public walkway along the east of the property; and
    - iii. Heritage Revitalization Agreement dated February 14, 2008.
  - b. Introduction of a bylaw to repeal the February 14, 2008 Heritage Revitalization Agreement, as required.

**Heritage Alteration Permit No. 00214**

Following consideration of Rezoning Application No. 00466, staff recommend that Council consider this updated motion with respect to Heritage Alteration Permit with Variances No. 00214:

"That Council authorize the issuance of the Heritage Alteration Permit No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street in accordance with:

1. Plans date stamped October 7, 2019.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. increasing the building height from 16.5m to 20.55m;
  - b. reducing the front yard setback from 10.6m to 8.75m;
  - c. reducing the rear yard setback from 5.4m to 4.7m;
  - d. reducing the west yard setback from 3.6m to 3.2m for the principal building and from 3.6m to 3.05m for the Cartreff Residence; and
  - e. reducing the vehicle parking requirement from 59 stalls to 56 stalls.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. The Heritage Alteration Permit is subject to the conditions for Mount St. Angela (917-923 Burdett Avenue), the Cartreff Residence (913 Burdett Avenue), and the Temple Residence (924 McClure Street), detailed in Appendix A, Appendix B, and Appendix C attached to this report.
5. The Heritage Alteration Permit lapsing two years from the date of this resolution."

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Isitt

That Council request the applicant change the protection of rentals to 60 years instead of 20 years.

**CARRIED UNANIMOUSLY**

**On the motion as amended:**

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Dubow

**CARRIED (6 to 2)**

*Committee recessed at 10:26 a.m. and returned at 10:33 a.m.*

**F.2 844 Johnson Street - Development Permit with Variance Application No. 00056 (Harris-Green)**

Council received a report dated October 10, 2019 from the Acting Director of Sustainable Planning and Community Development providing Council with information, analysis, and recommendations for a Development Permit with

Variance Application which would permit an existing 2.40m fence located at the front. The report recommends the application be denied.

*Committee discussed:*

- *Management of the facility*
- *Environmental design aspects of the fencing*
- *Costs on BC Housing to replace fencing*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

That Council decline Development Permit with Variance Application No. 00056 for the property located at 844 Johnson Street.

**Motion to refer:**

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

That the item be referred to staff to engage the applicant on time limitations related to the fence and that staff report back to Council by November 14, including closed meeting advice if necessary

**CARRIED UNANIMOUSLY**

### **F.3 Local Area Planning - Next Phases**

Council received a report dated October 9, 2019 from the Acting Director of Sustainable Planning and Community Development presenting a proposed approach for the next phase of local area planning, as well as a terms of reference for administering grant funding to neighbourhood associations to support local area planning.

*Committee discussed:*

- *Merit of the local area planning process*
- *Neighbourhood engagement*
- *Representation of City demographics in the local area planning process.*
- *Proposed deployment of funds to neighbourhood associations*
- *Roll-out timelines*

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

That Council direct staff to:

1. Undertake local area planning with a focus on integrated planning for land use, transportation, urban design and public realm, and limiting the scope to

urban villages, town centres, frequent transit and mobility corridors in three phases as follows:

- a. Phase 1: Villages and corridors within Hillside-Quadra, North Park and Fernwood neighbourhoods
  - b. Phase 2: Villages and corridors within Rockland, Fernwood, North and South Jubilee neighbourhoods (in particular, the Fort Street Corridor and Oak Bay Avenue).
  - c. Phase 3: Town Centres, villages and corridors within Oaklands and James Bay neighbourhoods;
2. Initiate work with Neighbourhood Associations on community-led planning components to support local area planning in accordance with the Terms of Reference attached to this report;
  3. Reallocate previously approved funding for pre-work and community-led planning based on revised timing of neighbourhood plans, as follows:
    - a. \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, North Park, Fernwood, Rockland and North/South Jubilee;
    - b. \$20,000 each for Phase 3 neighbourhoods: Oaklands and James Bay;
  4. Use transportation planning funds previously allocated to local area planning, totalling \$180,000, for data collection, corridor planning or neighbourhood transportation management planning for the three phases.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

5. Complete an update of the Neighbourhood Plan for each of these neighbourhoods by the end of this phased approach.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Dubow

That the split of renters and owners on the working groups reflect the split of renters and owners in the most recent census profile of the neighbourhood.

**Amendment to the amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

That the working groups for all phases aim to represent the percentage of renters and owners in the City of Victoria according to the most recent census.

**CARRIED UNANIMOUSLY**

**On the amendment:**

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**Amendment:**

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

Staff bring the proposed composition of each working group to closed meetings for final approval.

**CARRIED UNANIMOUSLY**

**Amendment:**

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

3. Reallocate previously approved funding for pre-work and community-led planning based on revised timing of neighbourhood plans, as follows:
  - a. \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, North Park, Fernwood, Rockland, North/South Jubilee, **Fairfield/Gonzales**;

**Amendment to the amendment:**

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

- a. \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, North Park, Fernwood, Rockland, North/South Jubilee, **Fairfield/Gonzales**;

**CARRIED UNANIMOUSLY**

**On the amendment:**

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**On the motion as amended:**

That Council direct staff to:

1. Undertake local area planning with a focus on integrated planning for land use, transportation, urban design and public realm, and limiting the scope to urban villages, town centres, frequent transit and mobility corridors in three phases as follows:
  - Phase 1: Villages and corridors within Hillside-Quadra, North Park and Fernwood neighbourhoods
  - Phase 2: Villages and corridors within Rockland, Fernwood, North and South Jubilee neighbourhoods (in particular, the Fort Street Corridor and Oak Bay Avenue).
  - Phase 3: Town Centres, villages and corridors within Oaklands and James Bay neighbourhoods;
2. Initiate work with Neighbourhood Associations on community-led planning components to support local area planning in accordance with the Terms of Reference attached to this report;
3. Reallocate previously approved funding for pre-work and community-led planning based on revised timing of neighbourhood plans, as follows:
  - \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, North Park, Fernwood, Rockland, North/South Jubilee, Gonzales;
  - \$20,000 each for Phase 3 neighbourhoods: Oaklands and James Bay;
4. Use transportation planning funds previously allocated to local area planning, totalling \$180,000, for data collection, corridor planning or neighbourhood transportation management planning for the three phases.
5. Complete an update of the Neighbourhood Plan for each of these neighbourhoods by the end of this phased approach.

**Amendment to the Terms of Reference in Attachment A:**

That the working groups for all phases aim to represent the percentage of renters and owners in the City of Victoria according to the most recent census.

Staff bring the proposed composition of each working group to closed meetings for final approval by Council.

**CARRIED UNANIMOUSLY**

#### **F.4 Recommendation for Pineapple Express at 608 Esquimalt Road**

Council received a report dated October 10, 2019 from the City Clerk seeking a Council resolution in accordance with the Cannabis Control and Licensing Act regarding an application by Pineapple Express at 608 Esquimalt Road to obtain a provincial cannabis retail store license. The report recommends the application not be supported.

*Mayor Helps withdrew from the meeting at 12:06 a.m., after which Councillor Alto assumed the Chair in her absence.*

*Mayor Helps returned to the meeting at 12:07 and assumed the Chair.*

*Committee discussed:*

- *Compliance issues*
- *Review of factors relating to the application*
- *Planning considerations*
- *Closure of cannabis retailers*
- *Questions of fairness*

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council does not support the application of Pineapple Express at 608 Esquimalt Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB does not issue a license to Pineapple Express at 608 Esquimalt Road.
- b. Pineapple Express at 608 Esquimalt Road has not been compliant with the City of Victoria business licensing requirements regarding the following issues:
  - i. The applicant has not obtained required building permits.
  - ii. The business never obtained a municipal business license and continued to operate without until July 9,2019.
- c. City staff did not raise any concerns about this application in terms of community impacts.
- d. The views of residents were solicited through a mail-out to neighboring property owners and occupiers within 100 meters of this address and to the relevant neighborhood association.

The City sent 645 notices and received 94 letters in response. 51 letters were from residents or businesses within 100 metres of the property, while 12 were from other Victoria residents, 21 were from residents of

another municipality, and 10 did not specify an address. The City did not receive correspondence from the Vic West Community Association.

Of the 94 letters received, 63 support issuing a license and 29 oppose issuing a license. However, of the 51 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 22 support issuing a license, 27 oppose issuing a license, and 1 did not provide comments about a license.

Respondents raised concerns about increased traffic, insufficient parking resulting in use of residential parking, hours of operation, and proximity spaces used by children such as Vic West Elementary School, Vic West Park and Vic West Skate Park, and residential areas, and residential areas.

FOR (1): Councillor Thornton-Joe

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Dubow, and Councillor Young

**DEFEATED (1 to 7)**

**Moved By** Councillor Isitt

**Seconded By** Councillor Thornton-Joe

That the rules be suspended to permit the applicant to answer questions

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of Pineapple Express located at 608 Esquimalt Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to Pineapple Express located at 608 Esquimalt Road, subject to the condition that a license not be issued until after the applicant obtains a Development Permit for any proposed alterations to the building exterior that are required to operate the business, if required.
- b. Bylaw Services and Sustainable Planning and Community Development reviewed the applicant and did not raise any concerns in terms of impacts on the community. The Victoria Police Department did not provide any comments.
- c. The views of residents were solicited through a mail-out to neighboring property owners and occupiers within 100 meters of this address and to the relevant neighborhood association.

The City sent 645 notices and received 94 letters in response. 51 letters were from residents or businesses within 100 metres of the property, while 12 were from other Victoria residents, 21 were from residents of another municipality, and 10 did not specify an address. The City did not receive correspondence from the Vic West Community Association.

Of the 94 letters received, 63 support issuing a license and 29 oppose issuing a license. However, of the 51 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 22 support issuing a license, 27 oppose issuing a license, and 1 did not provide comments about a license.

Respondents raised concerns about increased traffic, insufficient parking for clients resulting in use of residential only parking, proximity spaces where there are children such as Vic West Elementary School, Vic West Park and skate park, and residential areas, and early hours of operation (e.g. 7:30 a.m.).

- d. A Development Permit may be required to ensure alterations to the building exterior do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

**Amendment:**

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

- e. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation following 10 months following legalization.

FOR (6): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

**CARRIED (6 to 2)**

**On the motion as amended:**

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of Pineapple Express located at 608 Esquimalt Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to Pineapple Express located at 608 Esquimalt Road, subject to the condition that a license not be issued until after the applicant obtains a Development

Permit for any proposed alterations to the building exterior that are required to operate the business, if required.

- b. Bylaw Services and Sustainable Planning and Community Development reviewed the applicant and did not raise any concerns in terms of impacts on the community. The Victoria Police Department did not provide any comments.
- c. The views of residents were solicited through a mail-out to neighboring property owners and occupiers within 100 meters of this address and to the relevant neighborhood association.

The City sent 645 notices and received 94 letters in response. 51 letters were from residents or businesses within 100 metres of the property, while 12 were from other Victoria residents, 21 were from residents of another municipality, and 10 did not specify an address. The City did not receive correspondence from the Vic West Community Association.

Of the 94 letters received, 63 support issuing a license and 29 oppose issuing a license. However, of the 51 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 22 support issuing a license, 27 oppose issuing a license, and 1 did not provide comments about a license.

Respondents raised concerns about increased traffic, insufficient parking for clients resulting in use of residential only parking, proximity spaces where there are children such as Vic West Elementary School, Vic West Park and skate park, and residential areas, and early hours of operation (e.g. 7:30 a.m.).

- d. A Development Permit may be required to ensure alterations to the building exterior do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
  - e. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation following 10 months following legalization.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

**CARRIED UNANIMOUSLY**

#### **F.5 Recommendation for High 5 Retail at 732 Tye Road**

Council received a report dated October 10, 2019 from the City Clerk seeking a Council resolution in accordance with the Cannabis Control and Licensing Act regarding an application by High 5 Retail at 732 Tye Road to obtain a provincial cannabis retail store license. The report recommends the application be supported.

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

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of High 5 Retail at 732 Tyee Road to receive a provincial cannabis retail store license with the following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to High 5 Retail at 732 Tyee Road, subject to the condition that this license not be issued until after the applicant obtains a Development Permit for any proposed alterations to the building exterior.
- b. City staff did not raise any concerns about this application in terms of community impacts.
- c. The views of residents were solicited through a mail-out to neighbouring property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 610 notices and received 15 letters in response. 12 letters were from respondents within 100 metres of the property, while 2 were from other Victoria residents, and 1 did not specify an address. The City did not receive correspondence from the Vic West Community Association.

Of the 15 letters received, 6 support issuing a license, 7 oppose issuing a license, and 2 do not provide a clear position on the application. However, of the 12 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 5 support issuing a license, and 6 oppose issuing a license.

Respondents raised concerns about insufficient parking resulting in use of limited street parking, hours of operation near a residential area, increased nuisances such as loitering, consumption, and waste in the area, proximity to a residential area, and increased traffic.

- d. A Development Permit is required to ensure alterations to the building exterior do not diminish the experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
  - e. The property currently permits cannabis retail use under a Temporary Use Permit that expires on October 12, 2020. The applicant must either obtain Council approval to renew the Temporary Use Permit or complete a successful rezoning process in order to operate a cannabis retail store at 732 Tyee Road after October 12, 2020. The City will notify the LCRB if cannabis retail use at 732 Tyee Road is approved or not.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

**CARRIED UNANIMOUSLY**

## **G. STAFF REPORTS**

### **G.1 Certification as a Living Wage Employer**

Council received a report dated October 10, 2019 from the Head of Human Resources which provides a Living Wage Policy for Council's consideration, as a step toward becoming a certified Living Wage Employer.

*Committee discussed:*

- *Example set by adopting a Living Wage*

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

That Council adopt the proposed Living Wage policy and direct staff to develop an implementation plan and apply for certification as a Living Wage Employer no later than January 31, 2020.

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

### **G.2 Commercial Loading Zone Permits**

Council received a report dated October 16, 2019 from the Deputy City Manager and Chief Financial Officer as well as the Director of Engineering and Public Works providing Council with recommendations on creating interim commercial loading zone permits due to the end of the UBCM-run Commercial Vehicle Licensing Program.

**Moved By** Councillor Young  
**Seconded By** Mayor Helps

That Council direct staff to bring forward amendments to the Streets and Traffic Bylaw to:

2. Authorize the use of loading zones and 20-minute meters when a valid City of Victoria commercial loading permit is displayed.
3. Establish an interim fee structure for City of Victoria commercial loading permits as follows:
  - a. Vehicles 6 metres or less in length - \$100 per year
  - b. Vehicles greater than 6 metres in length - \$300 per year

**CARRIED UNANIMOUSLY**

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

**Moved By** Councillor Dubow  
**Seconded By** Councillor Potts

That the Committee of the Whole Meeting be adjourned at 1:17 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

DRAFT