



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, SEPTEMBER 7, 2017, AT 6:30 P.M.**

**PLACE OF MEETING:** Council Chambers, City Hall

**PRESENT:** Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young.

**STAFF PRESENT:** J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; B. Eisenhauer – Head of Engagement; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; J. Handy – Senior Planner; P. Martin - Council Secretary.

### **APPROVAL OF AGENDA**

The City Clerk outlined amendments to the agenda.

**Motion:**

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

**Amendment:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the agenda be amended by adding Theodore Hawryluk and Shane Escher to the first Request to Address Council section of the meeting.

**On the amendment:**  
**Carried Unanimously**

**Amendment:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the agenda be amended by adding Callum McNeil, Alanah Meneil, and Susan Abells to the second Request to Address Council section of the meeting.

**On the amendment:**  
**Carried Unanimously**

**On the main motion as amended:**  
**Carried Unanimously**

### **READING OF MINUTES**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following minutes be adopted:

1. Minutes from the evening meeting held July 27, 2017
2. Minutes from the daytime meeting held August 10, 2017

**Carried Unanimously**

### **REQUESTS TO ADDRESS COUNCIL**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following speakers be permitted to address Council.

**Carried Unanimously**

1. **Diana Butler: Need for Additional Shelter Space Downtown**  
Outlined why Council should provide space for more overnight shelters in the downtown and urge the Provincial Government to provide funding to support these spaces.
2. **Stephen Cheung: Section 34 of the BC Property Law Act**  
Outlined why Council should write a letter to the Provincial Government to ask for an amendment of Section 34 of the BC Property Law Act by replacing “dwelling house” with “dwelling house or building” so that City bylaws can be properly enforced.
3. **Chrÿs Tei: City of Victoria – Trans Inclusion Policy**  
Outlined for Council why the Trans Inclusion Policy initiative is important for creating a healthy community.

4. **Alistar Emerson: Shadow Mountain Rezoning**  
Outlined why Council should permit the rezoning application for Shadow Mountain to go forward to Public Hearing.
5. **Shane Escher: 608 Johnson/1601 Douglas**  
Outlined why Council should permit the rezoning applications for 608 Johnson Street and 1601 Douglas Street to go forward to Public Hearings.

### **PROCLAMATIONS**

**Motion:**

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

1. "Prostate Cancer Awareness Month" – September 2017

**Carried Unanimously**

*Councillor Loveday withdrew from the meeting at 6:54 p.m. and returned at 6:55 p.m.*

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Loveday that the following Proclamation be endorsed:

1. "KidSport Week" – September 9-16, 2017

**Carried Unanimously**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following Proclamation be endorsed:

1. "International Day of Peace" – September 21, 2017

**Carried Unanimously**

*Councillor Isitt withdrew from the meeting at 6:56 p.m. and returned at 6:57 p.m.*

### **PUBLIC AND STATUTORY HEARINGS**

1. **Development Variance Permit Application No. 000190 for 1358 and 1360 Thurlow Road**

1. **Opportunity for Public Comment**

**Development Variance Permit Application No. 000190**

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1358 & 1360 Thurlow Road for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: front and side yard setbacks, lot width, and front lot line definition for the subdivision of the lot and construction of two new single family dwelling units.

Legal description of the land: Lot 1, Fairfield Farm Estate, Victoria, VIS1471

*Jim Handy (Senior Planner): Advised that the application is to demolish the existing duplex, subdivide the lot, and construct a new single family dwelling on each lot.*

*Mayor Helps opened the public hearing at 6:57 p.m.*

Brad Schaeffer (Applicant): Provided information regarding the application, advising that due to the size of the lots, two new single family dwellings seemed appropriate for the neighbourhood.

*Mayor Helps closed the public hearing at 7:01 p.m.*

2. **Development Variance Permit Approval**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

1. Plans date stamped June 22, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

**Proposed Lot A**

- a. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- b. reduce the front setback from 7.50m to 3.05m
- c. reduce the side yard setback from 1.97m to 1.50m.

Proposed Lot B

- a. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- b. reduce the minimum lot width from 15.00m to 13.70m
- c. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.

3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**2. Rezoning Application No. 00554 and Development Permit Application No. 00491 for 345 Quebec Street**

**1. Public Hearing**

**Rezoning Application No. 00554**

To rezone the land known as 345 Quebec Street from the T-1 Zone, Limited Transient Accommodation District, to the R3-Q Zone, Quebec Street Multiple Dwelling District, to permit a residential use in the existing building.

New Zone: R3-Q Zone, Quebec Street Multiple Dwelling District

Legal description: LOT A OF LOTS 926-930, 945 & 954, VICTORIA, PLAN 24914

Existing Zone: T-1 Zone, Limited Transient Accommodation District

**2. Development Permit Application No. 00491**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 345 Quebec Street, in Development Permit Area 16 for the purposes of approving the exterior design and finishes for the residential building as well as landscaping.

Jim Handy (Senior Planner): *Advised that the application is to permit the conversion of an existing hotel to 219 residential units.*

*Mayor Helps opened the public hearing at 7:03 p.m.*

Doug Vincent (Applicant): Provided information regarding the application which would create 219 market rental housing. Suite entrances to the building will be included to create a more welcoming feel in the neighbourhood. Also noted were the upgrades and renovations that would occur to modernize the building.

*Council discussed the following:*

- *Whether the sign on the building would remain lighted.*
- *Whether the building would allow for renters to have cats and dogs.*

Michael Davies (Cook Street): Expressed concerns relating to whether the application will provide affordable rental housing and due to the loss of employment, hotel accommodation, and convention centre space.

Victoria Adams (Dallas Road): Expressed concerns on whether the application will provide affordable rental housing.

Kim Burt (Kingston Street): Expressed concerns relating to the application due to parking issues in the neighbourhood and noted that the provision of electric bikes would potentially alleviate this issue.

Miranda Worthy (Niagara Street): Expressed concerns relating to the application as the current gym and pool are open to the public.

*Council discussed the following:*

- *That the gym and pool would only be available to the residents.*
- *That the bylaws prohibit transient accommodation.*
- *That there is not a plan for specific units to be made available at below market rent.*

*Mayor Helps closed the public hearing at 7:29 p.m.*

**3. Bylaw Approval**

**Motion:**

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

*1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1113) No. 17-085*

Council discussed the following:

- That 219 rental units in the City is a positive addition.
- The ecological benefit of repurposing an existing building.

**Carried Unanimously**

*Adoption of Zoning Regulation Bylaw, Amendment Bylaw (No. 1113) No. 17-085 and Housing Agreement (345 Quebec Street) Bylaw (2017) No. 17-089 is pending registration of the Section 219 Covenant.*

**3. Rezoning Application No. 00520 and Development Permit with Variances Application No. 000475 for 3031 Jackson Street**

**1. Public Hearing**

**Rezoning Application No. 00520**

To rezone the land known as 3031 Jackson Street from the R1-B Zone, Single Family Dwelling District, to the R-J Zone, Low Density Attached Dwelling District, to permit construction of ten townhouses.

New Zone: R-J Zone, Low Density Attached Dwelling District

Legal description: Lot 3, Section 4, Victoria District, Plan 6385

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

Jim Handy (Senior Planner): *Advised that the application is to construct 10 attached dwelling (townhouse) units.*

*Mayor Helps opened the public hearing at 7:38 p.m.*

Rodney McNeil (Architect): Provided information regarding the application, which proposes the creation of 10 townhouse units which will help to create more affordable home ownership and densification in the neighbourhood.

Ariel Pagnotta (Jackson Street): Expressed concerns relating to the application due to increased traffic in the neighbourhood.

June Randall (Jackson Street): Expressed concerns relating to the application due to increased traffic in the neighbourhood.

Damian Graham (Jackson Street): Expressed concerns relating to the application as it is too dense for this neighbourhood and a lack of parking.

Jan Bailey (Jackson Street): Expressed concerns relating to the application due to a potential lack of privacy.

Alison Bottomley (Jackson Street): Expressed concerns relating to the application due to a lack of parking and the increased density.

Christian Prohom (Summit Avenue): Expressed concerns relating to the application due to a potential lack of privacy to the Wilderness Park Co-op.

Al Legalat (Jackson Street): Expressed concerns relating to the application due to increased traffic in the neighbourhood and lack of parking.

Council discussed the following:

- Whether having the street designated as residential-only parking would alleviate parking concerns.
- What would happen to the protected Gary Oak trees on the site.

*Councillor Loveday withdrew from the meeting at 8:08 p.m. and returned at 8:09 p.m.*

- Concerns relating to how the trees would be replaced and by what variety of tree.

*Councillor Isitt withdrew from the meeting at 8:11 p.m. and returned at 8:13 p.m.*

- Concerns relating to the densification of the neighbourhood.

*Mayor Helps closed the public hearing at 8:18 p.m.*

**2. Bylaw Approval**

**Motion:**

It was moved by Councillor Young, seconded by Mayor Helps, that the following bylaw **be given third reading:**

*1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1111) No. 17-082*

*Council discussed the following:*

- Concerns relating to what is a reasonable type of development on this site.
- Concerns relating to the lack of neighbourhood support.
- That the shape of the site creates a difficulty for redevelopment.
- That there is a lack of housing affordability in this application.
- The value of the current Gary Oak trees, which are endangered.
- The number of townhouse units or single family dwelling units that would be appropriate on this lot.

**Defeated**

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

*Council recessed at 8:52 p.m. and reconvened at 8:57 p.m.*

**4. Rezoning Application No. 00572 for 853 Cormorant Street**

**1. Public Hearing**  
**Rezoning Application No. 00572**

To rezone the land known as 853 Cormorant Street from the CA-3 Zone, Central Area General Commercial District, to the CA-81 Zone, Central Area Commercial (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: CA-81 Zone, Central Area Commercial (Cannabis) District

Legal description: Lot 26, Suburban Lot 5, Victoria City

Existing Zone: CA-3 Zone, Central Area General Commercial District

Jim Handy (Senior Planner): Advised that the application is to rezone the property to allow for the retail sale of cannabis.

*Mayor Helps opened the public hearing at 8:58 p.m.*

Shadrick Cain (Applicant): Provided information regarding the application for a business, which has been in place for 18 years.

Katherine Woodcock (Quadra Street): Expressed concerns relating to the proximity to other cannabis retail stores.

Deborah Divac (Resident): Expressed support for the application in relation to her position on the board of the Vancouver Island Compassion Society and the health benefits of medicinal cannabis.

Denver Allen (Brokerage Court): Expressed support for the application in relation to his position on the board of the Vancouver Island Compassion Society.

Jenny Farkas (President of the North Park Neighbourhood Association): Advised that no issues were raised during the community association meeting about this specific storefront.

Will Stuart (Resident): Expressed support for the application in relation to the affordable medicinal cannabis that is provided by the non-profit organization.

*Mayor Helps closed the public hearing at 9:15 p.m.*

**2. Bylaw Approval**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Loveday, that the following bylaw **be given third reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069*

*Council discussed the following:*

- That this is a longstanding business in this location.

**Carried**

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

### 3. **Bylaw Approval**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following bylaw **be adopted**:  
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1106) No. 17-069*

**Carried**

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

### **REQUESTS TO ADDRESS COUNCIL**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following speakers be permitted to address Council.

**Carried Unanimously**

*Councillor Isitt withdrew from the meeting at 9:26 p.m. and returned at 9:27 p.m.*

1. **Callum McNeil: What I Have Learned Working at 608 Johnson and 1601 Douglas**  
Outlined why Council should permit the rezoning applications for 608 Johnson Street and 1601 Douglas Street to go forward to Public Hearings.
2. **Alanah Meneil: Social Impact of Business**  
Outlined why Council should permit the rezoning applications for 608 Johnson Street and 1601 Douglas Street to go forward to Public Hearings.
3. **Susan Abells: Downtown Shelter Space**  
Outlined why Council should provide space for more overnight shelters in the downtown and urge the Provincial Government to provide funding to support these spaces especially with colder weather coming during winter.

### **UNFINISHED BUSINESS**

1. **Letter from the Corporation of the District of Central Saanich**  
*Council received a letter of response dated July 7, 2017 advising that Councillors Paltiel and Holman have been appointed to represent Central Saanich Council at meetings regarding alignment of ownership funding of the Royal Theatre and the MacPherson Playhouse.*

It was moved by Councillor Alto, seconded by Councillor Madoff, that the letter dated July 7, 2017 from the Corporation of the District of Central Saanich be received for information.

**Carried Unanimously**

2. **Rise and Report from Closed Meeting for Information**  
There are no Rise & Reports for this meeting.

### **REPORTS OF COMMITTEES**

1. **Committee of the Whole – September 7, 2017**

1. **Bylaw Officers**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council approve the appointment of Shane MacDonald as a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061).

**Carried Unanimously**

2. **2017 Second Quarter Report**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council receive the Victoria Police Quarterly report for information.

That Council receive the 2017 Second Quarter report for information.

That Council direct staff to proceed with Google Translate Training for the front line service delivery positions identified in Appendix A of the report dated August 16, 2017, with subsequent “lunch and learn” opportunities. Utilize re-purposed equipment as required, deployed on a shared basis wherever possible. Schedule training sessions to minimize impact to service delivery and additional staffing costs.

**Carried Unanimously**

**3. Rezoning Application No. 00574 for 543 Herald Street (Downtown)**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Rezoning Application No. 00574 for the property located at 543 Herald Street.

**Carried**

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

**4. Rezoning Application No. 00581 for 2018-2030 Douglas Street and 649 Pembroke Street (Rock Bay)**

**Motion:**

It was moved by Councillor Loveday, seconded by Mayor Helps, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00581 for 2018-2030 Douglas Street & 649 Pembroke Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Carried**

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

**5. Rezoning Application No. 00570 for 2650-2654 Quadra Street (Hillside/Quadra)**

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Lucas, that Council decline Rezoning Application No. 00570 for the property located at 2650-2654 Quadra Street and refer the property to Bylaw Services to bring into compliance any unlawful construction and unlawful occupancy.

**Motion to postpone:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that consideration of this motion be postponed until the November 2, 2017 Committee of the Whole meeting.

**Carried**

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

**6. Rezoning Application No. 00590 for 608 Johnson Street (Downtown)**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Rezoning Application No. 00590 for the property located at 608 Johnson Street.

**Carried**

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

*Councillor Lucas withdrew from the meeting at 9:43 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel that is within close proximity.*

**7. Temporary Use Permit No. 00004 for 1601 Douglas Street (Downtown)**

**Motion:**

It was moved by Councillor Young, that Council decline Temporary Use Permit Application No. 00004 for the property located at 1601 Douglas Street.

**Defeated due to no seconder**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Loveday, 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 a Temporary Use Permit Application for 1601 Douglas Street in accordance with:

1. Plans date stamped January 17, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing two years from the date of this resolution."

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe  
**Opposed:** Councillor Young

*Councillor Lucas returned to the meeting at 9:48 p.m.*

**8. Demolition of Heritage Registered Property Located at 1525 Shasta Place**

**Motion:**

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

1. approve a 60-day temporary protection order for the property at 1525 Shasta Place, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property and to negotiate possible resolutions with the property owner to protect the heritage registered property
2. direct staff to report back in 30 days with a progress report.

**Carried**

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

**9. Transgender, Gender Non-Binary, and Two-Spirit Equity and Inclusion Policy**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Alto:

BE IT RESOLVED THAT Council approves the following policy statement: "The City of Victoria is committed to making civic facilities, operations and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions, and their communities In the City of Victoria, this may include but is not limited to:

- a) Signage and Literature
- b) Public Spaces (including washrooms and change-rooms)
- c) Human Resource Training and Staff Policies
- d) Programming (including "all-bodies" programming)
- e) Collaborative Public and Community Partnerships
- f) Forms and records and instruments of data collection and management."

That Council direct staff to report back as part of the next quarterly update and in the context of the next strategic plan on the following motion:

BE IT FURTHER RESOLVED THAT Council direct staff to report back with a plan to: Identify and change policies needed to make civic facilities, operations, and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions engage Transgender, Gender Non-Binary and Two-Spirit communities as such identification and changes are undertaken.

**Carried Unanimously**

**BYLAWS**

**1. Bylaw for 848 and 852-856 Yates Street and 845 and 849 Johnson Street**

**Motion:**

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

- a. *Housing Agreement (848 Yates) Bylaw (2017) No. 17-091*

**Carried Unanimously**

*Councillor Lucas withdrew from the meeting at 9:55 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel that is within the same block.*



## 2. Bylaws for 1402-1406 Douglas Street

### Motion:

It was moved by Councillor Alto, seconded by Mayor Helps, that the following bylaw **be given first and second reading:**

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070*

Carried

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe  
**Opposed:** Councillor Young

### Motion:

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

- b. *Heritage Designation (1402-1406 Douglas Street) Bylaw No. 17-078*

Carried Unanimously

*Councillor Lucas returned to the meeting at 9:56 p.m.*

*Mayor Helps withdrew from the meeting at 9:57 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.*

*Councillor Alto assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 9:57 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

*Councillor Madoff withdrew from the meeting at 9:57 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

## 3. Bylaw for Short-Term Rentals

### Motion:

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1112) No. 17-084*

*Council discussed the following:*

- *The importance of having short-term rentals regulated.*
- *Concerns relating to having a blanket prohibition.*

Carried

**For:** Councillors Coleman, Isitt, Loveday, and Thornton-Joe  
**Opposed:** Councillors Alto and Young

*Mayor Helps returned to the meeting at 10:07 p.m. and assumed the Chair.*

*Councillor Lucas returned to the meeting at 10:07 p.m.*

*Councillor Madoff returned to the meeting at 10:07 p.m.*

## QUESTION PERIOD

*A question period was held.*

## ADJOURNMENT

### Motion:

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Council meeting adjourn.  
Time: 10:12 p.m.

Carried Unanimously

CERTIFIED CORRECT:

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CITY CLERK

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MAYOR