

**MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, FEBRUARY 1, 2018, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps (Chair), Councillors Alto, Coleman, Lucas, Madoff, Thornton-Joe, and Young

Absent: Councillor Loveday

Absent for a portion of the meeting: Councillor Isitt

Staff Present: J. Jenkyns – Acting City Manager; C. Coates – City Clerk; C. Havelka – Deputy 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; B. Eisenhauer – Head of Engagement; T. Zworski – City Solicitor; M. Angrove – Planner, Development Services; A. Hudson – Assistant Director, Development Services; R. Batallas – Senior Planner, Community Planning; C. Mycroft – Manager of Executive Operations; A. K. Ferguson – Recording Secretary

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the February 1, 2018, Committee of the Whole meeting be approved.

Councillor Isitt joined the meeting at 9:01 am

Amendment: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Agenda of the February 1, 2018, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item No. 1 - Minutes from the Meeting held January 18, 2018

Item No. 4 - Development Variance Permit Application No. 00201 for 821-827 Broughton Street (Fairfield Gonzales)

Item No. 8 - Authorization for Application to the 2018/2019 Bike BC Program

Item No. 9 - Proclamation “Rare Disease Day” February 28, 2018

On the amendment:
CARRIED UNANIMOUSLY 18/COTW

Main motion as amended:

That the Agenda of the February 1, 2018 Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item No. 1 - Minutes from the Meeting held January 18, 2018

Item No. 4 - Development Variance Permit Application No. 00201 for 821-827 Broughton Street (Fairfield Gonzales)

Item No. 8 - Authorization for Application to the 2018/2019 Bike BC Program

Item No. 9 - Proclamation "Rare Disease Day" February 28, 2018

On the main motion as amended:
CARRIED UNANIMOUSLY 18/COTW

3. CONSENT AGENDA

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following items be approved without further debate:

3.1 Minutes from the meeting held January 18, 2018

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Minutes of the meeting held January 18, 2018 be adopted.

CARRIED UNANIMOUSLY 18/COTW

3.2 Development Variance Permit Application No. 00201 for 821-827 Broughton Street (Fairfield Gonzales)

Committee received a report dated January 18, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for a proposed Development Variance Permit to allow for a reduction in parking stalls; from three to one.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
"That Council authorize the issuance of Development Variance Permit Application No. 00201 for 821-827 Broughton Street, in accordance with:
1. Plans date stamped December 20, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:

- i. reduce the off-street parking requirement from an additional three stalls to nil for the change of use from general office to medical office.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 18/COTW

3.3 Authorization for Application to the 2018/2019 Bike BC Program

Committee received a report dated January 22, 2018, from the Director of Engineering and Public Works regarding recommendations to authorize staff to prepare and submit a grant application to the Province of British Columbia under the Bike BC funding program.

- Motion:** It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council authorize:
1. The Director of Engineering and Public Works to submit a grant application to the Province of British Columbia under the 2018/2019 Bike BC Program for the Wharf Street protected bike lane project.
 2. The Mayor and the City Clerk to execute a grant agreement under the Bike BC funding program, if successful.

CARRIED UNANIMOUSLY 18/COTW

3.4 Proclamation "Rare Disease Day" February 28, 2018

Committee received a report dated January 19, 2018, from the City Clerk regarding recommendations for the Rare Disease Day Proclamation.

- Motion:** It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Rare Disease Day Proclamation be forwarded to the February 8, 2018 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 18/COTW

4. LAND USE MATTERS

4.1 Rezoning Application No. 00557 for 2616-2626 Douglas Street (Burnside Gorge)

Committee received a report dated January 4, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for the proposal to rezone the property located at 2616-2626 Douglas Street from the current zone to a site specific zone in order to allow for the retail sale of cannabis.

- Motion:** It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, which Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

Committee discussed:

- The applicant being considered under the policy that existed at the time of their application.

CARRIED 18/COTW

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

4.2 Temporary Use Permit Application No. 00005 for 2610 Rock Bay Avenue (Burnside Gorge)

Committee received a report dated January 18, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for the application of a Temporary Use Permit with Variance the property located at 2610 Rock Bay Avenue from the current zone to a site specific zone in order to allow for the retail sale of cannabis for up to three years.

Motion: It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit with Variance Application No. 00005 for the property located at 2610 Rock Bay Avenue.

DEFEATED 18/COTW

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

Motion: It was moved by Mayor Helps, seconded by Councillor Madoff, that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Development Permit lapsing three years from the date of this resolution."

Amendment: It was moved by Mayor Helps, seconded by Councillor Madoff, that the motion be amended as follows:
that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Development Permit lapsing ~~three~~ **two** years from the date of this resolution."

On the amendment:
CARRIED 18/COTW

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

Amendment: It was moved by Mayor Helps, seconded by Councillor Madoff, that the motion be amended as follows:
that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Development Permit lapsing two years from the date of this resolution."
4. **That the Temporary Use Permit be subject to the applicant agreeing to post publically that this is a Temporary Use Permit to lapse on a date to be determined at public hearing, to the satisfaction of Director of Planning.**

On the amendment:
CARRIED 18/COTW

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

Amendment: It was moved by Mayor Helps, seconded by Councillor Madoff, that the motion be amended as follows:
that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Development Permit lapsing two years from the date of this resolution."
4. **That the Temporary Use Permit be subject to the applicant agreeing to post publically that this is a Temporary Use Permit to lapse **two years from the date of the** on a date to be determined at public hearing, to the satisfaction of Director of Planning.**

On the amendment:
CARRIED 18/COTW

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

On the main motion as amended:

That Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017

2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Development Permit lapsing two years from the date of this resolution."
4. That the Temporary Use Permit be subject to the applicant agreeing to post publically that this is a Temporary Use Permit to lapse two years from the date of the public hearing, to the satisfaction of Director of Planning.

On the main motion as amended:

CARRIED 18/COTW

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

4.3 Tax Incentive Permit Application No. 00028 for 727-729 Johnson Street (Downtown)

Committee received a report dated January 19, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for the application for a 10 year tax exemption under the City's Tax Incentive Program to assist with the rehabilitation of the heritage building located at 727-729 Johnson Street.

Motion: It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 727-729 Johnson Street for 10 years, pursuant to Section 392 of the Local Government Act, subject to the building receiving Heritage Designation, with the following conditions:

1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

Committee discussed:

- Ability to bring heritage value back into an altered property with proper improvements.

CARRIED UNANIMOUSLY 18/COTW

5. STAFF REPORTS

5.1 Revised Zoning Bylaw 2017

Committee received a report dated January 19, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for proposed amendments to Zoning Bylaw 2017 and that the Zoning Bylaw be reconsidered for second reading prior to public hearing.

Committee discussed:

- How minimum unit sizes factor into the Zoning Bylaw.

Motion: It was moved by Mayor Helps seconded by Councillor Lucas, that Council:

1. Rescind second reading of Zoning Bylaw 2017;
2. Direct staff to amend Zoning Bylaw 2017 as follows:
 - (a) In Section 1.1 of Part 1 (Administration), by:
 - (i) deleting subsection 17. in its entirety and replacing it with the following:

“17. The figure indicated in a column of section 3, Part 4 of this bylaw adjacent to the heading “**Height-Maximum**” is the maximum **Height** of any **Building** that may be constructed or erected in the relevant Height Area of the relevant zone shown on Schedule A to Part 6, for the Central Business District-2 Zone, or in the relevant zone, for all other zones.”,
 - (ii) deleting subsection 23. in its entirety and replacing it with the following:

“23. In this section,
“**Permit**” means a development permit, heritage alteration permit, development variance permit or temporary use permit

23.1 If a Permit has been issued for a development prior to the date of adoption of this bylaw and a subsequent complete application for a Permit is received for the same development, then provided that the subsequent application:

 - a. is for a Permit that has been delegated to the Director pursuant to the Land Use Procedures Bylaw, 2016,
 - b. is received within twenty-four (24) months of the date of adoption of this bylaw, and
 - c. is only for exterior changes or landscaping changes to the development,

the subsequent application shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

23.2 If a Permit has been issued for a development prior to the date of adoption of this bylaw and a subsequent complete application for a building permit is received for the same development within twenty-four (24) months of the date of adoption of this bylaw, then if:

 - a. all alterations or differences in the development from the approved Permit were approved by subsequent Permit in accordance with section 23.1, or
 - b. there are no alterations or differences in the development from the approved Permit,

the building permit shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

23.3 If a bylaw to amend the Zoning Regulation Bylaw No. 80-159 has been adopted for a property prior to the date of adoption of this bylaw, and a subsequent complete application for a building permit or business licence is received for the same property within twenty-four (24) months of the date of adoption of this bylaw, then the building permit or business licence shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

- 23.4 If prior to the date of adoption of this bylaw, Council has moved a Permit application forward to a future Council meeting for an opportunity for public comment, then Council's motion is deemed to be amended to reflect the requirements of this bylaw and the Director is authorized to bring forward to Council at the opportunity for public comment a report accordingly, provided that:
- a. the opportunity for public comment takes place within twenty-four (24) months of the date of adoption of this bylaw,
 - b. there are no alterations or differences in the development from that considered at Council, with the exception of an increase in the number of vehicle or bicycle parking spaces being provided on the lot, and
 - c. the intent of the Council motion is unchanged.”;
- (b) In Section 1 of Part 2.1 (Administrative Definitions), by adding the following new definition after the definition for “Bicycle Parking, Short-Term”:
“Bonus Density of Development means the **Density of Development** that applies in accordance with section 482 of the Local Government Act if applicable conditions entitling an owner to a higher density are satisfied”;
- (c) In Section 1 of Part 2.2 (Use Definitions), by deleting the definition for **“Brew Pub, Distillery and Winery”** and replacing it with the following:
“Brew Pub (beer, spirits, wine) means facilities used for the consumption of beer, spirits, wine or other alcoholic beverages which are produced and manufactured on the premises, and which may be provided in combination with **Food and Beverage Service** or **Retail Trade**.”;
- (d) In Part 4.1 (Central Business District-1 Zone), Part 4.2 (Central Business District-2 Zone), and Part 4.4 (Old Town District-1 Zone) by:
- (i) deleting **“Brew Pub, Distillery and Winery”** as a permitted use in section 1.c and replacing it with **“Brew Pub (beer, spirits, wine)”**,
 - (ii) deleting subsection 1.1.c. and replacing it with the following:
 - “c. i. The production and manufacturing area for a **Brew Pub (beer, spirits, wine)** must not be located above the **First Storey** and is not permitted within 6m of the wall of any **Building** that abuts a **Street** or pedestrian walkway, except where the **Brew Pub (beer, spirits, wine)** is provided in conjunction with **Retail Trade** or **Food and Beverage Service**.
 - ii. Not more than 35% of the **First Storey Floor Area** of a **Brew Pub (beer, spirits, wine)** may be used for the production and manufacturing of beer, spirits, wine or other alcoholic beverages.”;
- (e) In Part 4.1 (Central Business District-1 Zone) by:
- (i) deleting the row at subsection 3.a and replacing it with the following row:

a. Height – Maximum:	43.0m
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 - (ii) deleting the row at subsection 3.b,
 - (iii) renumbering the row at subsection 3.c as new subsection 3.b,
 - (iv) deleting subsection 4.b. ii. in its entirety and replacing it with the following:
 “ii. Exterior walls over 30.0m and up to 43.0m in **Height:** 6.0m”,
 - (v) deleting subsection 4.b. iii. in its entirety and renumbering the row at 4.b. iv. as new subsection 4.b. iii.”,
 - (vi) deleting the entire table in section 8. (Site Specific Regulations) and replacing it with the table contained in Attachment A of this report;

- (f) In Part 4.2 (Central Business District-2 Zone) by deleting the entire table in section 8. (Site Specific Regulations) and replacing it with the table contained in Attachment B of this report;
 - (g) In Part 4.3 (Mixed Use Residential District-1 Zone) by:
 - (i) inserting the following row as subsection 1.1.b. (Location and Siting of Uses):
 “b. A maximum 50% of the **Floor Area** may be used for non-**Residential** uses.”,
 - (ii) deleting subsection 2.b. in its entirety;
 - (h) In Part 4.4 (Old Town District-1 Zone) by deleting the entire table in subsection 8. (Site Specific Regulations) and replacing it with the table contained in Attachment C of this report; and
 - (i) In Part 6. (Schedules) by revising the title of Schedule A to read: “**Schedule A - CBD - 2 Zone Height Area Map**”.
3. Direct Staff to bring forward the revised Zoning Bylaw 2017 for Council’s consideration of second reading prior to a public hearing.

Committee discussed:

- Concerns with the number of issues still contained within the document.
- The potential height limits of buildings within the Old town.
- Concerns with the allowance of exterior hallways.
- Examples of a ‘destination zone’.

Motion to refer:

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

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.
2. That particular consideration be given to maintaining opportunities for public input and public oversight of development and land use changes particularly in old town.
3. And that staff move forward with developing language for inclusion in the Zoning Bylaw to ensure that the 32 square-metre minimum unit size for residential property applies to all new residential units in the Downtown.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Young, that the motion to refer be amended as follows:

1. That the matter be referred to staff, to consider and respond to the **parking requirements, the exterior egress issue, and the incompatible uses.** ~~issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.~~
2. That particular consideration be given to maintaining opportunities for public input and public oversight of development and land use changes particularly in old town.
3. And that staff move forward with developing language for inclusion in the Zoning Bylaw to ensure that the 32 square-metre minimum unit size for residential property applies to all new residential units in the Downtown.

On the amendment:
DEFEATED 18/COTW

For Mayor Helps, Councillor Lucas, and Young
Against: Councillor Alto, Coleman, Isitt, Madoff, and Thornton-Joe

Amendment:

It was moved by Mayor Helps, seconded by Councillor Isitt, that the Motion to refer be amended as follows:

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.
2. ~~That particular consideration be given to maintaining opportunities for public input and public oversight of development and land use changes particularly in old town.~~ **that staff consider amending the Land Use Procedure Bylaw to add transparency by providing notice of a Development Permit application to adjoining property owners (and CALUCs) at the beginning of the process.**
3. And that staff move forward with developing language for inclusion in the Zoning Bylaw to ensure that the 32 square-metre minimum unit size for residential property applies to all new residential units in the Downtown.

On the amendment:
CARRIED UNANIMOUSLY 18/COTW

Amendment:

It was moved by Mayor Helps, seconded by Councillor Young, that the Motion to refer be amended as follows:

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.
2. That staff consider amending the Land Use Procedure Bylaw to add transparency by providing notice of a Development Permit application to adjoining property owners (and CALUCs) at the beginning of the process.
3. ~~And that staff move forward with developing language for inclusion in the Zoning Bylaw to ensure that the 32 square-metre minimum unit size for residential property applies to all new residential units in the Downtown.~~

Councillor Isitt requested that the third bullet remain with some additional language.

Amendment to the amendment:

It was moved by Councillor Isitt, that the Motion to refer be further amended as follows:

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.

2. That staff consider amending the Land Use Procedure Bylaw to add transparency by providing notice of a Development Permit application to adjoining property owners (and CALUCs) at the beginning of the process.
3. And that staff move forward with developing language for inclusion in the Zoning Bylaw to ensure that the 32 square-metre minimum unit size for residential property applies to all new residential units in the Downtown **to be incorporated in to the zoning bylaw as soon as possible.**

On the amendment to the amendment:

Failed due to no seconder 18/COTW

On the amendment:

CARRIED 18/COTW

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

Motion to refer:

1. That the matter be referred to staff, to consider and respond to issues raised in correspondence from the Downtown Residents Association, including possible amendments to the draft Zoning Bylaw, and report back to Council.
2. That staff consider amending the Land Use Procedure Bylaw to add transparency by providing notice of a Development Permit application to adjoining property owners (and CALUCs) at the beginning of the process.

On the amended motion to refer:

CARRIED 18/COTW

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

Councillor Thornton-Joe withdrew from the meeting at 10:59 am

6. NEW BUSINESS

6.1 Proposed Amendment to FCM Motion re: Encouraging the Residential Use of Housing

Committee received a Council member motion dated January 26, 2018, from Mayor Helps regarding recommendations for the amendment of the FCM motion brought forward to the September 2017 UBCM convention.

Committee discussed:

- How the request for the amendment was received.

Councillor Thornton-Joe returned to the meeting at 11:01 am

Motion: It was moved by Mayor Helps, seconded by Councillor Coleman, that Council endorse the motion as presented in Appendix A and forward it to FCM for consideration at their March board meeting.

CARRIED UNANIMOUSLY 18/COTW

An additional motion was put forward by Councillor Madoff with respect to the Revised Zoning Bylaw 2017.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council request staff to examine and report back on notification opportunities for the public to address Council on applications such as Development Permits, Development Permits with Variances, and Development Variance Permits.

CARRIED UNANIMOUSLY 18/COTW

7. ADJOURNMENT

Motion: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Committee of the Whole meeting of February 1, 2018, be adjourned at 11:08am.

CARRIED UNANIMOUSLY 18/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR