

**MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, MAY 4, 2017, 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, Isitt, Lucas, Madoff, Thornton-Joe, and Young

Absent: Councillor Loveday

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; A. Meyer – Assistant Director of Development Services; J. Potter – Manager of Engagement; C. Mycroft – Manager of Executive Operations; M. Angrove – Planner; A. Johnston – Planner; A. M. Ferguson – Recording Secretary

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Agenda of the May 4, 2017, Committee of the Whole meeting be approved.

Amendment: It was moved by Councillor Alto, seconded by Councillor Isitt, that the Agenda of the May 4, 2017, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item No. 1 - Minutes from the Meeting held April 20, 2017

Item No. 6 - Heritage Alteration Permit with Variance Application No. 00003 for 623 Avalon Road (James Bay)

Item No. 7 - Proclamation: Intergeneration Day Canada

Item No. 9 - Capital Regional District Traffic Safety Commission Establishment Amendment Bylaw

Item No. 10 - Protecting Dallas Road Bluffs

**On the amendment:
CARRIED UNANIMOUSLY 17/COTW**

Main motion as amended:

That the amended Agenda of the May 4, 2017, Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item No. 1 - Minutes from the Meeting held April 20, 2017

Item No. 6 - Heritage Alteration Permit with Variance Application No. 00003 for 623 Avalon Road (James Bay)

Item No. 7 - Proclamation: Intergeneration Day Canada

Item No. 9 - Capital Regional District Traffic Safety Commission Establishment Amendment Bylaw

Item No. 10 - Protecting Dallas Road Bluffs

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

3. CONSENT AGENDA

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

3.1 Minutes from the Meeting held April 20, 2017

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that the minutes from the Meeting held April 20, 2017, be adopted.

CARRIED UNANIMOUSLY 17/COTW

3.2 Heritage Alteration Permit with Variance Application No. 00003 for 623 Avalon Road (James Bay)

Committee received a report dated April 24, 2017, from the Director of Sustainable Planning and Community Development regarding an application that was approved by Council on April 28, 2016, but due to a technical error requires a larger variance than what was originally granted.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, 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 Heritage Alteration Permit with Variance Application No. 00003 for 623 Avalon Road, in accordance with:

1. Plans, date stamped March 20, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Part 2.1.5 (a) -Reduction of the minimum required front yard setback from 7.50m to 4.35m.

3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY 17/COTW

3.3 Proclamation: Intergeneration Day Canada

Committee received a report dated April 25, 2017, from the City Clerk providing information regarding a proclamation for Intergeneration Day Canada on June 1, 2017.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that the Intergenerational Day Canada, June 1, 2017 Proclamation be forwarded to the May 11, 2017 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 17/COTW

3.4 Capital Regional District Traffic Safety Commission Establishment Amendment Bylaw

Committee received a report dated April 26, 2017, from the City Clerk regarding a CRD Bylaw relating to a scholarship fund to be named after Constable Sarah Beckett to raise awareness of traffic safety issues and the community service provided by police.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council consent to the Adoption of the CRD Bylaw No. 4166, Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 4, 2017.

CARRIED UNANIMOUSLY 17/COTW

3.5 Protection of Dallas Road Bluffs During Wastewater Construction

Committee received a Council member motion dated May 2, 2017, from Mayor Helps and Councillor Lucas providing recommendations regarding the protection of the Dallas Road bluffs during construction of the wastewater treatment site.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto:

1. That Victoria Council request that the Project Board put in place risk mitigation measures to protect the Dallas Road Bluffs during construction including but not limited to:
 - a.) Assembling an interdisciplinary team to study and address the protection of the bluffs.
 - b.) As part of the detailed design of the conveyancing, include a plan for the preservation of the bluffs.
2. That Victoria City Council request the Project Board to report out to the public at one of their regular community meetings, to the JBNA and to Victoria City Council on the measures outlined in #1.

CARRIED UNANIMOUSLY 17/COTW

Councillor Isitt withdrew from the meeting at 9:02 a.m.

Councillor Lucas excused herself from the meeting at 9:02 a.m. due to a pecuniary conflict of interest as she manages a hotel within a couple of blocks from the subject site being considered in the next item.

4. LAND USE MATTERS

4.1 Rezoning Application No. 00559 for 1402 Douglas Street (Downtown)

Committee received a report dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Committee discussed:

- The owner's commitment to designating the building as a heritage site.

Councillor Isitt returned to the meeting at 9:03 a.m.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00559 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set concurrent with the Heritage Designation Application for this property.

CARRIED 17/COTW

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

Councillor Lucas returned to the meeting at 9:04 a.m.

4.2 Rezoning Application No. 00572 for 853 Cormorant Street (North Park)

Committee received a report dated April 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00572 for 853 Cormorant Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED 17/COTW

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

4.3 **Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475 for 3031 Jackson Street (Hillside/Quadra)**

Committee received reports dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the construction of ten, two-storey townhouses.

Committee discussed:

- Concerns about the proposed tree loss to accommodate the proposal.
- The current proposal vs. what could be developed within the allowable zoning and policies.

Motion:

It was moved by Mayor Helps, seconded by Councillor Lucas:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

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. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

1. Plans date stamped February 3, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce site width from 75.00m to 53.17m
 - ii. reduce front setback from 7.50m to 7.00m
 - iii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - iv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - v. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the proposals lack of alignment with the development permit area guidelines for enhancing the neighbourhood's character.
- The concerns raised by neighbours and the proposals alignment with various policies and plans.
- Issues of the rear yard setbacks and proximity to neighbouring boundaries.

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

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, **subject to staff working with the applicant to increase the rear yard setbacks**, 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. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

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. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

1. Plans date stamped February 3, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - vi. reduce site width from 75.00m to 53.17m
 - vii. reduce front setback from 7.50m to 7.00m
 - viii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - ix. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - x. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Various concerns with the current proposal and opportunities to enhance the proposal's suitability for the neighbourhood and applicable site guidelines.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No.00520 for 3031 Jackson Street & Development Permit with Variances Application No. 000475

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00520 for 3031 Jackson Street, subject to staff working with the applicant to increase the rear yard setbacks, 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. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation, and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.

Development Permit with Variances Application No. 000475 for 3031 Jackson Street

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. 00520, if it is approved, consider the following motion:

"That Council authorize the issuance of development Permit Application No. 000475 for 3031 Jackson Street, in accordance with:

1. Plans date stamped February 3, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - xi. reduce site width from 75.00m to 53.17m
 - xii. reduce front setback from 7.50m to 7.00m
 - xiii. reduce the rear setback from 7.50m to 4.50m (to unit 10)
 - xiv. reduce the side setback (north) from 7.50m to 2.44m (to Unit 5) and to 3.00m (to Units 6 and 7) and to 7.19m (to Unit 6)
 - xv. reduce building separation space from 7.5m to 5.76m between Unit 2 and Unit 4
3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
4. The Development Permit lapsing two years from the date of this resolution."

On the main motion as amended:
CARRIED 17/COTW

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

Councillor Young excused himself from the meeting at 9:48 a.m. due to a pecuniary conflict of interest as he lives near the subject site being considered in the next item.

4.4 Application for a Liquor Primary - Structural Change (137823), The Beagle Pub, 301 Cook Street (Fairfield)

Committee received a report dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application for a structural change to add an outdoor patio area.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, 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 for a Structural Change to the existing Liquor Primary License for The Beagle Pub, located at 301 Cook Street having existing hours of operation of 11:00 am - 11:00 pm (Sunday - Thursday) and 11:00 am - 12:00 am (Friday & Saturday) Providing the following comments on the prescribed considerations:
 - a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the structural change and is not expected be an issue. The Beagle Pub currently has an outdoor patio fronting Oxford Street that operates, generating no known issues thus giving reason to expect the same from the new patio and the additional seating on the existing patio.
 - b. If the application is approved, the impact on the community is expected to be positive economically and functionally, adding vibrancy and activity to the street frontage.
 - c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received five letters in support of the application and eight letters opposed to the application.
 - d. Council recommends the issuance of the license and expects it will contribute to increasing the economic viability of the business and will have a net benefit to the local community.

Committee discussed:

- The applicant's consideration of the public space and ensuring the public right of way is not impeded.
- Increased vibrancy and animation of the corner.

CARRIED UNANIMOUSLY 17/COTW

Councillor Young returned to the meeting at 9:59 a.m.

Mayor Helps suggested that the next item be referred to the next Committee of the Whole Meeting as Councillor Loveday was hoping to be in attendance for consideration.

Motion to refer:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the letter dated April 5, 2017, from the Founder of the Creating Homefulness Society be referred to the May 11, 2017 Committee of the Whole Meeting.

CARRIED UNANIMOUSLY 17/COTW

5. ADJOURNMENT

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Committee of the Whole meeting of May 4, 2017, be adjourned at 10:00 a.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR