



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, OCTOBER 12, 2017, AT 6:30 P.M.**

<b><u>PLACE OF MEETING:</u></b>	Council Chambers, City Hall
<b><u>PRESENT:</u></b>	Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young
<b><u>ABSENT:</u></b>	Councillor Madoff
<b><u>STAFF PRESENT:</u></b>	J. Jenkyns - Acting City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski- City Solicitor; B. Eisenhaur - Head of Engagement; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; L. Taylor – Senior Planner; A. M. Ferguson - Recording Secretary

### **APPROVAL OF AGENDA**

The City Clerk outlined amendments to the agenda.

#### **Motion:**

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

**Carried Unanimously**

*Poetry Reading by Poet Laureate, Yvonne Blomber titled “Ode to Bicycles on Downtown Streets”.*

### **READING OF MINUTES**

#### **Motion:**

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

1. Minutes from the daytime meeting held September 7, 2017
2. Minutes from the daytime meeting held September 14, 2017

**Carried Unanimously**

*Councillor Loveday withdrew from the meeting at 6:38 p.m.*

### **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 Loveday returned to the meeting at 6:38 p.m.*

1. **Jordan Reichert: Ban the Retail Sale of Live Animals in Victoria**  
Outlined why Council should ban the retail sale and exhibition of live animals.

*Councillor Lucas withdrew from the meeting at 6:45 p.m. due to a pecuniary conflict of interest as the business she manages is in close proximity to the item being discussed.*

2. **Chris Zmude: How Cannabis and the City Destroy Small Businesses**  
Outlined why Council should review the allowance of cannabis dispensaries in the City and how they are ruining small businesses.

*Councillor Lucas returned at 6:49 p.m.*

*Mayor Helps withdrew from the meeting at 6:50 p.m. due to a non-pecuniary conflict of interest with the following two items, due to her relationship with an AirBnB operator.*

Councillor Coleman assumed the chair in her absence.

Councillor Lucas withdrew from the meeting at 6:50 p.m. due to a pecuniary conflict of interest with the next two items as she manages a hotel.

3. **Mary Davies: Short Term Rentals**

Outlined why Mayor Helps should not recuse herself from short-term rental discussions and requested that the motions be reversed and revisited. Further, concerns were expressed about a lack of consideration given to the views of the constituents in these decisions.

Mayor Helps and Councillor Lucas returned to the meeting at 7:02 p.m.

4. **Dave Davies: AirBnB**

Outlined why Council should revisit the short-term rental decisions.

5. **Anjali Appardurai: Climate Accountability Letter**

Outlined why Council should consider sending a letter to fossil fuel companies requesting they take responsibility for climate change.

## **PUBLIC AND STATUTORY HEARINGS**

1. **Temporary Use Permit Application No. 00563 for 732 Tyee Road**

1. **Opportunity for Public Comment**  
**Temporary Use Permit No. 00563**

The Council of the City of Victoria will consider issuing a Temporary Use Permit for the land known as 732 Tyee Road, for the purpose of allowing a storefront cannabis retailer.

Legal description of the land:

Lot 181, District Lot 119, Esquimalt District, Plan 13755

Leanne Taylor (Senior Planner): *Advised that the application is to authorize the issuance of a temporary use permit to allow for the retail sale of cannabis.*

Mayor Helps opened the public hearing at 7:06 p.m.

Rajiv Sadana (Applicant): Provided information regarding the application for a retail cannabis store.

Michael Pifer (Hillside Avenue): Expressed support for the application and appreciation for the applicants proactive installation of an air filtration system and their maintenance of the grounds.

Yaanick Giroux (Skinner Street): Expressed concerns regarding the smells permeating the building impacting his business.

Kerry Davis (Frayne Road): Inquired as to the process of a temporary use permit.

Veronica Maria Adams (Setchfield Avenue): Expressed support for the application and the location.

Council discussed the following:

- Addressing the issues of smells affecting the neighbouring business.
- The process for re-application once the temporary use permit expires.

Mayor Helps closed the public hearing at 7:22 p.m.

2. **Temporary Use Permit Approval**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution.

Council discussed the following:

- Concerns raised by residents of Vic West and the benefits of the business on the area.

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

**Carried**

2. **Rezoning, Development Permit, and Development Variance Permit Application No. 00564 for 2695 Capital Heights**

1. **Public Hearing**

**Rezoning Application No. 00564**

To rezone a portion of the land known as 2695 Capital Heights from the R-2 Zone, Two Family Dwelling District, to R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit a new small lot house.

New Zone: R1-S2 Zone, Restricted Small Lot (Two Storey) District

Legal description: Lot 12, Section 4, Victoria District, Plan 11117

Existing Zone: R-2 Zone, Two Family Dwelling District

2. **Development Variance Permit Application No. 00564**

The Council of the City of Victoria will also consider issuing a development variance permit for the land known as 2695 Capital Heights for the purposes of reducing the rear yard setback from 7.50m to 1.01m for the existing single family dwelling.

3. **Development Permit Application No. 00564**

The Council of the City of Victoria will also consider issuing a development variance permit for the land known as 2695 Capital Heights, in Development Permit Area 15A: Intensive Residential – Small Lot for the purposes of approving the exterior design and finishes for the small lot house as well as landscaping.

Leanne Taylor (Senior Planner): *Advised that the application is to rezone the property for a small lot house.*

*Mayor Helps opened the public hearing at 7:26 p.m.*

Cam Brown (Applicant): Provided information regarding the application to create a small lot house.

Robert Tornack (Mt. Stephen): Expressed support for the proposal and requested a moratorium on the installation of a sidewalk along Kings Road so the neighbours can propose a solution.

Pat Batrovic (Kings Road): Expressed concerns about the installation of a sidewalk along Kings Road and requested a moratorium.

Resident: Expressed concerns about the installation of a sidewalk along Kings Road.

Douglas Curran (Burdett): Expressed best practices for sidewalk installations in other countries.

Connie Mitchell (Mt. Stephen): Expressed concerns about the installation of a sidewalk along Kings Road and a desire to be given time for the neighbours to create another plan.

John O'Brien (Kings Road): Expressed concerns about the installation of a sidewalk along Kings Road.

Ms. J. Boucan (Capital Heights): Expressed concerns about the potential of a third unit being built.

*Council discussed the following:*

- *Process to override the subdivision bylaw and the potential to remove the requirement for a sidewalk.*
- *Management of rainwater on the street.*

Director of Sustainable Planning & Community Development: Outlined the process for Council to waive the requirement of the sidewalk with the proposal.

*Council discussed the following:*

- *Concerns about the fence and whether or not those concerns have been addressed.*

*Mayor Helps closed the public hearing at 8:01 p.m.*

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council postpone consideration of the following motions and refer the matter to staff to undertake discussions with the applicant regarding the potential for a variance to require a provision of sidewalks related to the proposed development:

1. That the following bylaw **be given third reading:**
  1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1116) No. 17-095*
2. That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
  - a) Plans date stamped June 9, 2017.

- b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear setback from 7.50m to 1.01m.
- c) The Development Permit lapsing two years from the date of this resolution.
- 3. That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
  - a) Plans date stamped June 9, 2017.
  - b) Development meeting all *Zoning Regulation Bylaw* requirements.
  - c) The Development Permit lapsing two years from the date of this resolution.

*Council discussed the following:*

- *Designing the roadway in a way to calm traffic and create a multi-modal space.*

*Councillor Loveday withdrew from the meeting at 8:13 p.m. and returned at 8:16 p.m.*

**Carried Unanimously**

*Council recessed at 8:19 a.m. and reconvened at 8:24 p.m.*

*Councillor Coleman withdrew from the meeting at 8:26 p.m. due to a pecuniary conflict of interest with the following item, as his wife works for the Anglican Synod of the Diocese of B.C.*

**3. Rezoning Application No. 00588, Development Variance Permit Application No. 00195, and Heritage Designation Application No. 000167 for 1002 Vancouver Street**

**1. Public Hearing  
Rezoning Application No. 00588**

The purpose of this Bylaw is to rezone the land known as 1002 Vancouver Street from the R-K Zone, Medium Density Attached Dwelling District, to the R-84 Zone, Mount Edwards Court Residential District, to permit 78 supportive housing units and 15 affordable rental housing units.

New Zone: R-84, Mount Edwards Court Residential District

Legal description: Lot 1, Victoria City, Plan 35568

Existing Zone: R-K Zone, Medium Density Attached Dwelling District

**2. Development Variance Permit Application No. 00195**

The Council of the City of Victoria will also consider issuing a development variance permit for the land known as 1002 Vancouver Street. The intent of this Application is to reduce the number of parking spaces required for the development.

The Development Variance Permit will vary the following requirements of the Zoning Regulation Bylaw Schedule "C" – Off-Street Parking:

- Reduce the required number of parking spaces from 21 to 12.

**3. Heritage Designation Application No. 000167**

Under the provisions of the *Local Government Act*, the City of Victoria intends to designate the exterior of the building located at 1002 Vancouver Street, legally described as Lot 1, Victoria City, Plan 35568, as protected heritage property, under Heritage Designation (1002 Vancouver Street) Bylaw No. 17-088.

Leanne Taylor (Senior Planner): *Advised that the application is to convert the existing building into a multiple dwelling consisting of approximately 78 supportive housing units and 15 affordable rental units.*

*Mayor Helps opened the public hearing at 8:27 p.m.*

Kathy Stinson (Cool Aid Society): Provided information regarding the application to create 78 supportive housing units and 15 affordable rental units.

Paul Christopher (Richardson Street): Expressed support for the application and appreciation for the maintenance and operation of the facility.

Stuart Hall (Christ Church Cathedral School): Expressed concerns about the density, lack of accountability in the housing agreement, and safety of the children at Christ Church Cathedral School with a nearby supportive housing facility.

Michael Geoghegan (Douglas Street): Expressed concerns about the proposal's proximity to a school.

Keyvan Shojania (Fort Street): Expressed concerns about the proposal's proximity to a school.

Stephen Hammond (Rockland Avenue): Expressed concerns about the management of supportive housing facilities.

Leigh Anderson (Vancouver Street): Expressed support for the application and the management of the facility.

Alison Acker (Toronto Street): Expressed support for the application and providing housing for people experiencing homelessness.

Sandi Love (Vancouver Street): Expressed concerns about the proposal's proximity to a school.

*Councillor Isitt withdrew from the meeting at 9:17 p.m. and returned at 9:19 p.m.*

Pirouz Khakzad (Knockan Close): Expressed concerns about the proposal's proximity to a school.

Bob Crane (McClure Street): Expressed support for the application and the location.

Samantha Stone (Island Road): Expressed concerns about the proposal's proximity to a school.

Heidi Birch (May Street): Expressed concerns about the viability of the school with a supportive housing facility nearby.

Cindy Delaney (Vancouver Street): Expressed concerns about the increased criminal activity in the area.

Warren Delany (Vancouver Street): Expressed concerns about the increased criminal activity in the area.

France Cormier (Collinson Street): Expressed concerns about the supportive housing facility and research showing the lack of positive results with the model.

Hannah Rabinovitch (Cook Street): Expressed support for the application and concerns about discriminating against vulnerable individuals.

Deborah Yaffe (Fairfield Road): Expressed support for the application and the location.

Lynn Martin (Southgate Street): Expressed support for the application and the location.

Talya Christbason (Bewdley Avenue): Expressed concerns about the proposal's proximity to a school and the safety of the students.

Drew Mildon (Vancouver Street): Expressed support for the application and the location.

*Councillor Loveday withdrew from the meeting at 9:51 p.m. and returned at 9:51 p.m.*

Tadd Trausch (Cornwall Street): Expressed concerns for the proposal due to the lack of needed supports and consideration of safety for the children.

Pamela Holmes (Lillian Road): Expressed concerns about the density and the proposals proximity to the school.

Emily-Rose Kilpatrick (Vancouver Street): Expressed support for the application and the type of housing this will create.

Trevor Morley (Niagara Street): Expressed concerns about the safety of the children at the nearby school.

James Morley (San Jose Avenue): Expressed concerns about the proposals proximity to the school and the safety of the children.

Emory Haines (Tolmie Avenue): Expressed concerns about the proposed location and management of the facility.

Stephanie Hardman (Cook Street): Expressed support for the application and the need for housing.

Shelley Campbell (Rupert Terrace): Expressed concerns about the proposals proximity to the school and the safety of the children.

Shannon Whissell (Tye Road): Expressed support for the application and creating housing.

Larry Ottaway (Meares Street): Expressed concerns about the proposal including the increased criminal activity and the potential parking issues.

Douglas Curran (Burdett Avenue): Expressed concerns about the management of the facility, the density, and location.

Peter Magnuson (Vancouver Street): Expressed support for the proposal with hopes that adequate supports will be provided to residents.

Rudi Wallace (Fairfield Road): Expressed support for the proposal and creating housing.

Jen Mathews (Fairfield Road): Expressed support for the proposal and creating housing.

*Councillor Loveday withdrew from the meeting at 10:32 p.m. and returned at 10:33 p.m.*

Bernice Kamano (North Park Street): Expressed support for the proposal and the need for housing.

*Councillor Isitt withdrew from the meeting at 10:37 p.m.*

Julia Grav (Sitkum Road): Expressed support for the proposal and housing vulnerable individuals.

*Councillor Isitt returned to the meeting at 10:38 p.m.*

Tobi Blue (Cadboro Bay): Expressed concerns about the proposals proximity to the school.

Blair Halter (Richardson Street): Expressed concerns about the proposals proximity to the school.

Deane Strongitharm (Courtney Street): Expressed support for the application based on the zoning and the design of the facility inline with the OCP

Greg Allison (Herald Street): Expressed support for the proposal and the need to create housing.

Chris Schmidt (Burdett Avenue): Expressed concerns about the proposal including parking, density, and location.

Malcolm Mcnaughton (BC Housing): Detailed the engagement BC Housing has had with the school such as offering assistance with building security measures and marketing.

*Council recessed at 10:55 p.m. and reconvened at 11:00 p.m.*

**Motion to extend meeting:**

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the meeting be extended until 1:00 a.m.

**Carried Unanimously**

*Council discussed the following:*

- *The current land use and density on the property vs. what is being proposed.*
- *The proposed operation and tenant selection for the facility.*
- *Landscaping and maintenance of the facility.*
- *The Residential Tenancy Act and the effects of the recent court ruling relating to guests.*
- *The support of various community partners.*

*Mayor Helps closed the public hearing at 11:18 p.m.*

**4. Bylaw Approval**

**Motion:**

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1114) No. 17-092*
2. *Heritage Designation (1002 Vancouver Street) Bylaw No. 17-088*

*Council discussed the following:*

- *Impacts to the neighbourhood and nearby school including examples of supportive housing facilities near schools.*
- *The proposed operating model of the facility and the lack of access to on-street parking.*
- *The need for housing in the City and creating solutions to solve homelessness.*
- *The consultation with the school and BC Housing to adjust the proposal to the current model.*

**Carried**

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

5. **Bylaw Approval**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Alto, that the following bylaws **be adopted**:

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1114) No. 17-092*
2. *Heritage Designation (1002 Vancouver Street) Bylaw No. 17-088*
3. *Housing Agreement (1002 Vancouver Street) Bylaw (2017) No. 17-093*

**Carried Unanimously**

6. **Development Variance Permit Approval**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council authorize the issuance of Development Variance Permit Application No. 00195 for 1002 Vancouver Street, in accordance with:

1. Plans date stamped May 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for a variance to reduce the required number of parking spaces from 21 to 12 for supportive and affordable rental housing.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried**

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

**UNFINISHED BUSINESS**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council receive the following letters for information:

1. **Letter from the City of Colwood**  
Council received a letter of response dated September 13, 2017 advising that Councillor Cynthia Day will participate in the McPherson Playhouse / Royal Theatre Working Group.
2. **Letter from the District of North Saanich**  
Council received a letter of response dated September 13, 2017 advising that Councillor Murray Weisenberger will participate in the McPherson Playhouse / Royal Theatre Working Group.
3. **Letter from the District of Metchosin**  
Council received a letter of response dated September 21, 2017 advising that they will not be participating in the McPherson Playhouse / Royal Theatre Working Group.
4. **Letter from the Deputy Solicitor General**  
Council received a letter of response dated September 21, 2017, advising of the work being conducted by the provincial government for planning the safe implementation of legalized cannabis.
5. **Letter from the Minister of Finance and Deputy Premier**  
Council received a letter of response dated September 25, 2017 advising that the BC Government is working on taking action to improve housing affordability for renters and buyers, including considering the City's request to extend tax authority for vacant and derelict residential buildings to local governments.
6. **Letter from the Minister of Municipal Affairs and Housing**  
Council received a letter of response dated September 25, 2017, advising that the new government is committed to amending the *Residential Tenancy Act* to provide stronger protections for renters.
7. **Letter from the Minister of Advanced Education, Skills and Training**  
Council received a letter of response dated September 25, 2017, giving thanks for the letter of congratulations on the appointment as Minister.

**Carried Unanimously**

1. **Rise and Reports from the June 8, 2017 Closed Meeting for Information**

a. **Land – 1295 Gladstone Avenue – Replacing the Pole**

1. That Council authorize the Mayor and City Clerk to execute a Statutory Right of Way with British Columbia Hydro and Power Authority and Telus Communications Inc. at 1295 Gladstone Avenue, in a form satisfactory to the City Clerk, subject to the publication of the statutory notices required by the Community Charter.

b. **Land – 1295 Gladstone Avenue – Relocating the Pole**

1. That Council authorize the Mayor and City Clerk to execute a Statutory Right of Way with British Columbia Hydro and Power Authority and Telus Communications Inc. at 1295 Gladstone Avenue, in a form satisfactory to the City Clerk, subject to the publication of the statutory notices required by the Community Charter.

## **REPORTS OF COMMITTEES**

### **1. Committee of the Whole – October 5, 2017**

#### **1. Heritage Designation Application No. 000168 for 1120 Faithful Street (Fairfield)**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council consider the following motion: "That Council approve the designation of the property located at 1120 Faithful Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and the first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

**Carried Unanimously**

#### **2. Noise Exposure Forecast for Port of Victoria Harbour Airport**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council request that the Mayor, on behalf of Council, write to the Executive Regional Director Issues and Program Management, Pacific Region, Transport Canada, requesting that Transport Canada provide the City of Victoria within 30 days with the current Noise Exposure Forecast (NEF).

**Carried Unanimously**

*Councillor Thornton-Joe withdrew from the meeting at 12:00 a.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.*

#### **3. Maintaining and Improving Inter-City Bus Service**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council adopt the following resolution and direct staff to forward copies to the BC Passenger Transportation Board, the BC Minister of Transportation, Members of the Legislative Assembly, and local governments in British Columbia, requesting favourable consideration:

**Resolution: Maintaining and Improving Inter-City Bus Service**

WHEREAS inter-city bus service provides a vital transportation link for many British Columbians, including people with low incomes, youth, senior citizens, people with disabilities and indigenous people;

AND WHEREAS there is a strong public interest in the maintenance and improvement of inter-city bus service, as reflected in public oversight provisions in the BC Passenger Transportation Act and Regulations;

THEREFORE BE IT RESOLVED THAT the City of Victoria calls on the BC Passenger Transportation Board to decline the application from Greyhound Canada to eliminate inter-city bus routes, including Victoria-Nanaimo, Victoria-Vancouver and the route along the "Highway of Tears";

AND BE IT FURTHER RESOLVED THAT the City of Victoria calls on the BC Passenger Transportation Board, the Government of British Columbia and BC Transit to explore the provision of inter-city bus service as a public transportation service, in order to ensure long-term viability, safety, affordability and connectivity between BC communities.

**Carried Unanimously**

*Councillor Thornton-Joe returned at 12:00 a.m.*

#### **4. 2017 External Audit Plan**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council receive this report for information.

**Carried Unanimously**

#### **5. Rezoning Application No. 00555 for 308 Menzies Street (James Bay)**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 000555 for 308 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Carried Unanimously**



**6. Development Permit with Variances Application No. 00026 for 308 Menzies Street (James Bay)**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Coleman, 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. 00555, if it is approved, consider the following motion:

"That Council authorizes the issuance of Development Permit Application No. 00026 for 308 Menzies Street, in accordance with:

1. Plans date stamped July 26, 2017 (as amended to address overhead canopy design to the satisfaction of the Director of Sustainable Planning and Community Design.)
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Schedule C, Section 16(c), reduce the required number of parking spaces from fifteen to eight;
  - ii. Zoning Bylaw No. 80-159, Part 4.1.6, reduce the required rear yard setback from six metres to 1.52 metres.
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

**7. Development Permit with Variances Application No. 00034 for 515 & 533 Chatham Street (Downtown)**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Coleman, that subject to receipt of revised plans from the applicant addressing technical inconsistencies as required to the satisfaction of the Director of Planning and Sustainability, 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 Permit with Variances Application No. 00034 for 515 and 533 Chatham Street in accordance with:

1. Plans date stamped September 21, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Part 6.7.1 (e) - Relaxation to allow residential use on the ground floor;
  - ii. Part 6.7.6 (1) - Increase the height from 15m to 19.52m;
  - iii. General Regulations Part 19 - Relaxation to allow more than one building on a lot.
3. Confirmation of cladding details and metal panel layout to the satisfaction of the Director of Planning and Sustainability.
4. Reconciliation of existing easements, as required to the satisfaction of the City Solicitor.
5. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
6. Council authorizing the street level projecting canopies over the City right-of-way on Chatham Street and Store Street provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
7. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
8. The Development Permit lapsing two years from the date of this resolution.
9. Direct staff to ask the applicant to enter into a housing agreement to prevent strata councils from prohibiting rentals.
10. Consideration for balconies or larger windows to improve liveability.
11. Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property.
12. Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property."

**Carried Unanimously**

**8. Rezoning Application No. 00591 for 1122 Collinson Street (Fairfield)**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Young, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00591 for 1122 Collinson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by council and a Public Hearing date be set subject to preparation and execution of a Housing Agreement Bylaw to secure the six dwelling units as rental housing for 5 years on the condition of heritage designation of the building to the satisfaction of the Director of Sustainable Planning and Community Development, and to direct staff to negotiate a tenant relocation plan for residents.

**Carried**

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

**9. Review of Off-Street Parking Regulations (Schedule C of Zoning Regulation Bylaw 80-159)**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Young, that Council direct staff to:

1. Undertake focused public consultation on the draft Off-Street Parking Regulations.
2. Report back to Council with the proposed Off-Street Parking Regulations that considers the public feedback received and a related Bylaw prior to advancing to a Public Hearing.
3. Prepare Design Guidelines related to charging and parking for Electric Vehicles, carry out the necessary stakeholder consultation to inform the guidelines and report back to Council prior to preparing the related Official Community Plan amendment.
4. Report back to Council with a scope of work, anticipated timelines and estimated costs associated with the preparation of Design Guidelines relating to Bicycle Parking.
5. Prepare amendments to the Land Use Procedures Bylaw to delegate Development Permit with Variance Applications for minor parking variances associated with small commercial operations, prepare Design Guidelines to inform the review of such variances, carry out the necessary engagement and report back to Council with an amending Bylaw prior to commencing work on an Official Community Plan amendment.
6. Send to the Neighbourhood Associations welcoming comments.
7. Send to the Accessibility Working Group and Disability Resources Centre.

**Carried Unanimously**

**10. Application for a Permanent Change to Hours of Service for a Liquor Primary License (043332), Inn on the Harbour, 427 Belleville Street**

**Motion:**

It was moved by Councillor Isitt, 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 of Inn on the Harbour, located at 427 Belleville Street to change opening hours from 11:00 a.m. to 9:00 a.m. daily and the closing hours from 1:30 a.m. to 1:00 a.m. Monday through Saturday and maintain the closing time of 12:00 a.m. on Sunday. 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 request is not expected to be a significant issue.
  - b. If the application is approved, the impact on the community is expected to be negligible.
  - c. The views of residents were solicited via a mailout to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received one letter opposed to the application.
  - d. Council recommends the issuance of the license.

**Carried Unanimously**

*Councillor Lucas withdrew from the meeting at 12:03 a.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of hotel where she oversees the liquor licences.*

**11. Liquor Licensing Bylaw and Policy Review**

**Motion:**

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

1. That Council approve the draft Liquor Licence Policy.
2. That Council direct staff to:
  - a. bring forward the Business Licence Bylaw to remove conditions to enter into a Good Neighbour Agreements and return to Council for first reading no later than November 3, 2017;
  - b. introduce a new education program for existing and new businesses to learn about City bylaws and policies that impact their operations through information dissemination during the business licence application/renewal process and have information readily available on the Victoria.ca website;
  - c. work with the Victoria Police Service and the Provincial Government to develop business-specific Good Neighbour Agreements for those establishments where on-going issues and concerns have been raised;
  - d. bring forward the Liquor Licencing Fee Bylaw for introductory readings on October 12, 2017; and
  - e. that the report be sent to the Late Night Task Force for comment.

**Carried Unanimously**

*Councillor Lucas returned to the meeting at 12:04 a.m.*

**12. Council Discussion on Location of 2018 Levee**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council hold the levee at City Hall and a free swim at Crystal Pool.

**Carried Unanimously**

2. **Committee of the Whole – October 12, 2017**

1. **Progress Report on 1525 Shasta Place 60-Day Temporary Protection Order (Rockland)**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council receive this report for information.

**Carried**

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

2. **Application for a New Liquor Primary Licence for The Drake, 517 Pandora Street (Downtown)**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of The Drake, located at 517 Pandora Street to obtain a new Liquor Primary License permitting service from 9:00 am until 12:00 am seven days a week for an occupant load not in excess of 178 persons.

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 and is expected to be consistent with existing operations based on an understanding that the total licensed capacity under the Food Primary Licence is 178 persons and the hours of operation are 11:30 am until 12:00 am seven days per week.
- b. If the application is approved, the impact on the community is expected to be negligible given the size and hours of the business.
- 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 four letters, all in support of the application.
- d. Council recommends the issuance of the license.

**Carried Unanimously**

3. **Emergency Container at 2906 Cook Street**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to add the property at 2906 Cook Street to the second round of Land Use Contract terminations, and initiate a rezoning to the R3-A1 Zone via a concurrent City initiated rezoning, to permit the installation of an emergency container on the property.

**Carried Unanimously**

4. **Temporary Use Permit Application No. 00003 for 3020 Douglas Street & 540 Burnside Road East**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council after giving notice and allowing an opportunity for a Public Hearing at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00003 for 3020 Douglas Street and 540 Burnside Road East, in accordance with:

1. Plans date stamped August 24, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Registration of a Section 219 Covenant on title to the satisfaction of staff to secure the following minimum criteria with respect to transitional housing on the subject property:
  - 24/7 staffing model and ancillary supports, including two trained resident support workers onsite at all times and one full-time supervisor during the week;
  - at least one staff member patrolling around the entire perimeter of the building to inspect the property daily and attend to the removal of any rubbish or debris or graffiti; and
  - residents provided with access to health care and counselling support services.
4. The applicant providing a landscape cost estimate for the entire cost of the onsite landscaping in accordance with the Landscape Plan prepared by LADR Landscape Architects dated August 17, 2017 and a landscape security deposit in the amount of 120% of the Landscape Cost Estimate is payable to the City prior to the issuance of any building permits.
5. The Temporary Use Permit lapsing three years from the date of this resolution.
6. That the applicant hold a Community Association Land Use Committee meeting before proceeding to Public Hearing.
7. Direct staff to work with the applicant to provide more appropriate bicycle parking for residents.
8. That staff will monitor all ingress and egress.
9. And will primarily house those already in supportive housing facilities, who have favourably responded to and are willing to accept the restrictions, policies, and procedures for the building.

That the City of Victoria request that BC Housing:

1. Convene a meeting with transitional and supportive housing operators to identify actions and resources necessary to mitigate neighbourhood impacts of transitional and supportive housing facilities in the City of Victoria; and

Provide Council with a summary report of actions arising from this meeting

**Carried**

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

**5. Zoning Bylaw, 2017 – Direction to Proceed to Public Hearing**

**Motion:**

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second readings prior to a Public Hearing.

**Carried Unanimously**

**6. Update: Artist in Residence Program**

**Motion:**

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

1. That Council approve the extension for one year of the Artist in Residence to December 31, 2018.
2. That Council direct staff to report back on the Indigenous Artist in Residence Program with recommendations on its future.

**Carried Unanimously**

**7. 2018 Council and Committee Meeting Calendar**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council approve the 2018 Committee of the Whole and Council meeting schedule as amended and make available to the public as required under the Section 127 of the Community Charter.

**Carried Unanimously**

**8. Holding Fossil Fuel Companies Responsible for Climate Change**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council request that the Mayor, on behalf of Council, send a Climate Accountability Letter to major fossil fuel companies.

That the Mayor formulate into a motion for COTW consideration and upon approval forward to AVICC and FCM for consideration at the UBCM Convention.

**Carried**

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

**BYLAWS**

**1. Bylaw for Parks Regulation Bylaw Amendments**

**Motion:**

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

- a. *Parks Regulation Bylaw, Amendment Bylaw (No. 8) No. 17-099*

**Carried**

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

**2. Bylaw for 2018-2019 Permissive Property Tax Exemption**

**Motion:**

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

- a. *Tax Exemption (Permissive) Bylaw, 2018-2019 No. 17-103*

**Carried**

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

3. **Bylaws for Update and Consolidation of Building and Plumbing Bylaws**

**Motion:**

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

- a. *Building and Plumbing Regulation Bylaw No. 17-113*

**Carried Unanimously**

**Motion:**

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

- b. *Miscellaneous Bylaw Consequential Amendments Bylaw No. 17-112*

**Carried Unanimously**

4. **Bylaw for Land Use Procedures Bylaw Amendments**

**Motion:**

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

- a. *Land Use Procedures Bylaw, Amendment Bylaw (No. 6) No. 17-107*

**Carried Unanimously**

5. **Bylaws for Heritage Designation Application, Tax Exemption Application, and the Associated Housing Agreement for 506 Fort Street**

**Motion:**

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

- a. *Tax Exemption (506 Fort Street) Bylaw No. 17-105*  
b. *Housing Agreement (506 Fort Street) Bylaw No. 17-104*

**Carried Unanimously**

**Motion:**

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

- c. *Heritage Designation (506 Fort Street) Bylaw No. 17-032*

**Carried Unanimously**

6. **Bylaw for Rezoning Application No. 00586 for 304 Cook Street**

**Motion:**

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1120) No. 17-102*

**Carried Unanimously**

7. **Bylaw for Rezoning Application No. 00571 for 2639-2641 Quadra Street**

**Motion:**

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

- b. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1109) No. 17-079*

**Carried**

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

8. **Bylaws for Rezoning Application No. 00554 and Permit Approval for Development Permit Application No. 00491 for 345 Quebec Street**

**Motion:**

It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the following bylaw **be adopted:**

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

**Carried Unanimously**

**Motion:**

It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the following bylaw **be adopted:**

- b. *Housing Agreement (345 Quebec Street) Bylaw (2017) No. 17-089*

**Carried Unanimously**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000491 for 345 Quebec Street in accordance with:

1. Plans dated June 5, 2017;
2. Development meeting all Zoning Regulation Bylaw requirements;
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**9. 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 Alto, that the following bylaw **be adopted:**

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

**Carried Unanimously**

**CORRESPONDENCE**

*Councillor Thornton-Joe withdrew from the meeting at 12:18 a.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.*

**1. Letter from the City of Langford**

Council received a letter dated September 9, 2017, requesting that the CRD establish an advisory committee to provide recommendations on priorities to the BC Transit and the Ministry of Transportation and Infrastructure.

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the correspondence dated September 9, 2017 from the City of Langford be received for information.

**Amendment:**

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

**That the following motion be referred to the October 26, 2017, Committee of the Whole Meeting along with the new business item regarding regional transit:**

That the correspondence dated September 9, 2017 from the City of Langford be received for information.

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

**Main motion:**

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

That the following motion be referred to the October 26, 2017, Committee of the Whole Meeting along with the new business item regarding regional transit:

That the correspondence dated September 9, 2017 from the City of Langford be received for information.

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

*Councillor Thornton-Joe returned to the meeting at 12:20 a.m.*

**2. Letter from the Parliamentary Secretary for Multiculturalism**

Council received a letter dated September 20, 2017, requesting that the City submit a written submission to provide input on the re-establishment of the B.C. Human Rights Commission to address inequality and discrimination.

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council request that Councillors Alto and Loveday draft a submission to the BC Human Rights Commission for Council's consideration at the November 9, 2017 meeting.

**Carried Unanimously**

Councillor Thornton-Joe withdrew from the meeting at 12:21 a.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.

**NEW BUSINESS**

1. **Council Member Motion: Regional Transit**  
A Council member motion from Mayor Helps regarding regional transportation issues.  
  
**Motion:**  
It was moved by Mayor Helps, seconded by Councillor Isitt, that the following motion be referred to the October 26, 2017 Committee of the Whole Meeting:  
That Council endorse the following motion and forward to the CRD Board through the CRD Transportation Committee:  
"That the Board direct CRD staff to create a transportation advisory group of the 13 mayors and the Director of the Juan de Fuca Electoral area for the purposes of establishing a common vision and transportation priorities for the region with a focus on a vision for transit and the necessary amendments to Provincial legislation to enable the 13 mayors and the Director of the Juan de Fuca Electoral area to sit as the Transit Commission."  
  
**Carried Unanimously**

**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: 12:22 p.m.  
  
**Carried Unanimously**

CERTIFIED CORRECT:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR