



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, JULY 27, 2017, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

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

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; J. O'Connor – Manager of Financial Planning; A. Hudson – Assistant Director of Sustainable Planning; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; M. Angrove –Planner; H. Follis – Customer Service Advisor; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that the agenda be approved as amended.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the agenda be amended so that the Rezoning Application No. 00526 for 950 Yates Street and Rezoning Application No. 00534 for 851 Johnson Street be combined into one Public Hearing for Council's consideration.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

Poet Laureate, Yvonne Blomer read a poem titled "Moose, Dempster Highway, Yukon".

READING OF MINUTES

Motion:

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

1. Minutes from the evening meeting held June 22, 2017
2. Minutes from the daytime meeting held July 6, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

Mayor Helps withdrew from the meeting at 6:38 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.

Councillor Thornton-Joe assumed the Chair in her absence.

Councillor Lucas withdrew from the meeting at 6:38 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 6:38 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

1. **Geraldine Glattstein: Homelessness, Air B&B, Demolition of Sound Structure**
Outlined why Council should work on solving homelessness through a comprehensive approach.

Mayor Helps returned to the meeting at 6:41 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 6:41 p.m.

Councillor Madoff returned to the meeting at 6:41 p.m.

2. Julia Veintrop: The Current State of Things

Outlined why Council should allow for onsite consumption of cannabis and edibles and consider a different approach to the 2016 and 2017 Business Licenses.

3. Kristy Kilpatrick: Urban Deer

Outlined why Council should consider working with the science-based Urban Wildlife Stewardship Society on a deer management initiative.

Councillor Coleman withdrew from the meeting at 6:53 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.

4. Christopher Schmidt: Fraudulent Consultation

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Isitt withdrew from the meeting at 6:55 p.m. and returned at 6:57 p.m.

5. Marjory Benson: Mt. Edwards Rezoning

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Coleman returned to the meeting at 7:03 p.m.

PROCLAMATIONS

Motion:

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

1. "World Hepatitis Day" – July 28, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Development Variance Permit Application No. 00189 for 735 Market Street

1. Hearing

Development Variance Permit Application No. 00189

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 735 Market Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: Relaxation of parking requirement from 4 spaces (1 space per 37.50m²) to 3 spaces (1 space per 60.85m²) for personal service use.

Legal description of the land: Lot 1, Section 4, Victoria City, Plan 3122

Michael Angrove (Planner): *Advised that the application is to vary the parking due to the proposed change of use on the first storey from office to personal services.*

Mayor Helps opened the public hearing at 7:05 p.m.

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

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 00189 for 735 Market Street, in accordance with:

1. Plans date stamped May 2, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, section 16.C.4 - Relaxation of parking requirement from four spaces (one space per 37.50m²) to three spaces (one space per 60.85m²) for personal service use.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

2. **Development Permit with Variances Application No. 00023 for 2770 Pleasant Street**

1. **Hearing**

Development Permit with Variances Application No. 00023

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 2770 Pleasant Street, in Development Permit Area 16, for purposes of installing a prefabricated office trailer and installing a weigh-scale.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*:

- reducing the required Class 1 bike parking from four to zero
- allowing the placement of the office structure across more than one lot

Legal description of the land:

Lots 3 and 4, Block B, Section 4, Victoria, Plan 16

Michael Angrove (Planner): *Advised that the application is to allow for an office trailer and truck scale.*

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

Mayor Helps closed the public hearing at 7:07 p.m.

2. **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with:

1. Plans date stamped June 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce Class 1 bicycle space requirement from four to zero;
 - b. relaxation to permit construction over the lot lines for the office trailer structure.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

3. **Rezoning Application No. 00563 and Development Permit Application No. 000485 for 1745 Rockland Avenue**

1. **Public Hearing**

Rezoning Application No. 00563

To rezone the land known as 1745 Rockland Avenue from the R1-A Zone, Rockland Single Family Dwelling District and the R1-B Zone, Single Family Dwelling District, to the R1-42 Zone, Richmond Panhandle District, to permit three single family dwellings on one panhandle lot.

New Zone: R1-42 Zone, Richmond Panhandle District

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

2. **Development Permit Application No. 000485**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1745 Rockland Avenue, in Development Permit Area 15B: Intensive Residential – Panhandle Lot for the purposes of approving the exterior design and finishes for the three single family dwellings, as well as landscaping.

Michael Angrove (Planner): *Advised that the application is to allow for 3 single family dwellings to be constructed on one panhandle lot.*

Councillor Loveday withdrew from the meeting at 7:07 p.m. and returned at 7:08 p.m.

Mayor Helps opened the public hearing at 7:09 p.m.

Peter Hardcastle (Hillel Architecture): Provided information regarding the application by providing a project context on how the three new single family dwellings would fit in the panhandle lot.

Jo-Ann MacDonald (Richmond Avenue): Expressed concerns relating to increased traffic due to the increase in residents.

Bob June (Rockland Neighbourhood Association): Expressed support for the application due to the neighbourhood consultation that was undertaken and the positive Community Association Land Use Committee process.

Mayor Helps closed the public hearing at 7:17 p.m.

3. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1110) No. 17-080*

Council discussed the following:

- *Concerns relating to an efficient use of land to address the housing crisis.*

Carried Unanimously

4. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1110) No. 17-080*

Carried Unanimously

5. **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council authorize the issuance of Development Permit Application No. 000485 for 1745 Rockland Avenue, in accordance with:

1. Plans date stamped March 24, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. **Rezoning Application No. 00526 for 950 Yates Street**

1. **Public Hearing**

Rezoning Application No. 00526

To rezone the land known as 950 Yates Street from the R-48 Zone, Harris Green District, to the R-83 Zone, Harris Green (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: R-83 Zone, Harris Green (Cannabis) District

Legal description: Lot A, (DD 286896I) of Lot 815, Victoria City, Plan 7579

Existing Zone: R-48 Zone, Harris Green District

Michael Angrove (Planner): *Advised that the application is to allow for the retail sale of cannabis (950 Yates Street) and outlined the distances between other cannabis retail stores.*

Rezoning Application No. 00534 for 851 Johnson Street

2. **Public Hearing**

Rezoning Application No. 00534

To rezone the land known as 851 Johnson Street from the S-1 Zone, Limited Service District, to the S-10 Zone, Limited Service (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: S-10 Zone, Limited Service (Cannabis) District

Legal description: Lot 379, Victoria City

Existing Zone: S-1 Zone, Limited Service District

Michael Angrove (Planner): Advised that the application is to allow for the retail sale of cannabis (851 Johnson Street) and outlined the distances between other cannabis retail stores.

Mayor Helps opened the public hearing at 7:24 p.m.

Charles Philp (Leaf Compassion – 950 Yates Street): Provided information regarding the application and advised of the security features for the building.

James Whitehead (Medijuana Dispensary – 851 Johnson Street): Provided information regarding the application and advised of the security features and that it is a small dispensary with minimal impact on the neighbours.

Jessica Aspen (Rural Drive): Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Eric Foust (Sitkum Road): Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Kyle Boutin (Victoria Avenue): Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Brendan Longley (Lampson Street): Expressed support for the application at 950 Yates Street as it is a good location for a cannabis dispensary due to its security and discreteness.

James Kirk (Kingston Street): Expressed support for the application at 950 Yates Street as they are an ethical and compassionate business.

Julia Veintrop (Vision Way): Expressed support for the application at 950 Yates Street as they sell edibles.

Daniel Cunningham (Hawkwood Place): Expressed support for the application at 950 Yates Street in relation to his employment there.

Clay Bark (McKenzie Avenue): Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Evan Langley (Resident): Expressed support for the application at 950 Yates Street as he wants to remain employed.

Anthony Kwan (Yates Street): Expressed support for the application at 950 Yates Street as he resides and works besides the site, which has been a positive experience.

Peter Tatchell (Yates Street): Expressed support for the application at 950 Yates Street so they can continue to provide safe access to medical cannabis.

Mayor Helps closed the public hearing at 8:00 p.m.

Council recessed from 8:01 p.m. and reconvened at 8:06 p.m.

3. **Bylaw Approval for 950 Yates Street**

Motion:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033

Council discussed the following:

- Concerns relating to the proximity to other cannabis retailers.
- Concerns relating to compliance with the City's bylaws and that compliance can be dealt through the business licensing process.

Motion to table:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council table consideration of this motion.

Carried Unanimously

4. **Bylaw Approval for 851 Johnson Street**

Motion:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1098) No. 17-045

Council discussed the following:

- That there is an adequate feeling of separation from other cannabis retailers at this location.
- The positive support received by the neighbouring businesses.
- That footprints of buildings are included within the zoning regulation bylaw, which will ensure that the small footprint of this site will be continued.

Carried

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

5. **Bylaw Approval**

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following bylaw **be adopted**:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1098) No. 17-045

Carried

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

Motion to lift from table:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council lift the following motion from the table for consideration.

Carried Unanimously

6. **Bylaw Approval for 950 Yates Street**

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following bylaw **be given third reading**:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033

Defeated

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

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Gloria Back: 750 Pemberton Road Carriage House Designation Application**

Outlined why Council should consider relaxing the heritage standards to allow for the illusion of privacy to their neighbours.

2. **Peggy Mahoney: Cannabis Regulations**

Outlined why Council should change the Cannabis Regulations.

Councillor Lucas withdrew from the meeting at 8:37 p.m. and returned at 8:39 p.m.

Councillor Coleman withdrew from the meeting at 8:41 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. **Samantha Stone: Mt. Edwards Court Rezoning**

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

4. **Jennifer Matthews: Upholding Non-Discrimination Principles at City Land Use Consultations**

Outlined why Council should adopt a motion to uphold non-discrimination principles at land use consultations.

5. **Sandi Love: Mt. Edwards Court Rezoning**

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

6. **Paul Longley: Mt. Edwards / Christ Church Cathedral School**

Outlined why Council should reject the proposed Rezoning Application for 1002 Vancouver Street.

Councillor Coleman returned to the meeting at 8:59 p.m.

UNFINISHED BUSINESS

1. **Rise and Report from Closed Meeting for Information**

1. **From the July 13, 2017 Closed Council Meeting**

The City received six proposals in response to *RFEI 17-054 - Apex Site Development Project* and is negotiating with a preferred proponent.

2. **From the July 13, 2017 Closed Council Meeting**

That Council:

1. Appoint nine candidates to the Advisory Design Panel (ADP) each for an 18-month term from July 1, 2017 to December 31, 2018:
 - a. Elizabeth Balderston
 - b. Sorin Birliga
 - c. Justin Gammon
 - d. Jesse Garlick
 - e. Patty Graham
 - f. Paul Hammond
 - g. Deborah LeFrank
 - h. Jason Niles
 - i. Carl-Jan Rupp
2. Rise and report on these appointments once applicants have been notified.

REPORTS OF COMMITTEES

1. **Committee of the Whole – July 20, 2017**

1. **Development Permit with Variances Application No. 00036 for 1479 Fort Street (Rockland)**

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, 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 Application No. 00036 for 1479 Fort Street, in accordance with:

1. Plans date stamped June 8, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Reduce the required parking stall from twelve to six, increasing the existing non-conformity by two stalls
 - ii. Reduce the setback from a street for an accessory building from 7.50m to 6.47m
 - iii. Reduce the separation space between an accessory building and the principle building from 2.40m to 1.50m.
3. The Development Permit lapsing two years from the date of this resolution.”

Carried Unanimously

2. **Development Variance Permit Application No. 00192 and Development Permit with Variances Application No. 00033 for 1421 Fairfield Road (Fairfield)**

Motion:

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

Development Variance Permit Application No. 00192:

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 Application No. 00193 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped June 23, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot F

- a. Part 1.2.5(a): Reduce the front setback from 7.5m to 6.2m
- b. Part 1.2.5(b): Reduce the rear setback from 7.5m to 3.5m.

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

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016.”

Remove the two surface parking spots and replace with green landscaping.

Development Permit with Variances Application No. 00033

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 Application No. 00033 for 1421 Fairfield Road, in accordance with:

1. Plans date stamped June 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot D

- i. Schedule H(3)(a): Increase the height from 5.00m to 6.66m
- ii. Schedule H(3)(a): Increase the number of storeys from 1 to 1.5.

Proposed Lot E

- i. Schedule H(3)(a): Increase the height from 5.00m to 7.01m
- ii. Schedule H(3)(a): Increase the number of storeys from 1 to 1.5.

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

This authorization is conditional on the property being subdivided into three strata lots generally in accordance with the subdivision application dated April 29, 2016.”

Remove the two surface parking spots and replace with green landscaping.

Carried Unanimously

3. Enforcement Update on Cannabis-Related Businesses

Motion:

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

Carried Unanimously

4. Deer Management

Motion:

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

That the Mayor write to the CRD, the Premier and the Minister responsible and ask the Province to take a more active role in deer management.

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do population counts and to have staff do an inventory of impacts.

That Council direct staff to report back if no funding is available.

That Council direct staff to review current regulations for fencing on private property, focusing on conflicts between urban gardens and urban deer, and report back to Council.

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the motion be amended as follows:

That the Mayor write to the CRD, the Premier and the Minister responsible and ask ~~the Province~~ them to take a more active role in deer management, **including public education, community surveys, and deer inventories.**

On the amendment:
Carried Unanimously

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the motion be amended as follows:

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do **appropriate public education, a community survey, and a population counts**, and to have staff do an inventory of impacts.

On the amendment:
Carried Unanimously

Main motion as amended:

That the Mayor write to the CRD, the Premier and the Minister responsible and ask them to take a more active role in deer management, including public education, community surveys, and deer inventories.

That Council direct staff to seek funding to work with the Urban Wildlife Stewardship Society to do appropriate public education, a community survey, and a population count, and to have staff do an inventory of impacts.

That Council direct staff to report back if no funding is available.

That Council direct staff to review current regulations for fencing on private property, focusing on conflicts between urban gardens and urban deer, and report back to Council.

On the main motion as amended:
Carried Unanimously

5. Endorsing the We Speak Translate Project and Training City of Victoria Frontline Staff

Motion:

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

1. That Council endorse the We Speak Translate program and that the Mayor writes to partner municipalities in the CRD to inform them of the We Speak Translate program.
2. That the We Speak Translate initiative be brought forward to the South Island Prosperity Project as part of the Smart South Island Plan soon getting underway.
3. That Council and all staff in the Engagement Department receive the 45 minute training as soon as practicable.
4. That Council direct staff to report back at the next Quarterly Update on the implications of the Human Resources Department coordinating with the Intercultural Association to have the ICA provide 45-minute We Speak Translate training sessions to all frontline service delivery staff.

Carried Unanimously

2. Committee of the Whole – July 27, 2016

1. Heritage Designation Application No. 000165 for 750 Pemberton Road

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council consider the following motion:

"That Council approve the designation of the Carriage House located on the property at 750 Pemberton Road, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

Carried Unanimously

2. Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

Motion:

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council consent to the adoption of the Capital Regional District Bylaw No. 4127, Arts and Culture Support Services Establishment Bylaw.

Carried Unanimously

3. Regional Coordination on Invasive Species Removal

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council endorse the following resolution and direct staff to forward copies to the Capital Regional District Board and local governments in the Capital Region, requesting favourable consideration:

Resolution: Regional Coordination on Invasive Species

WHEREAS the Capital Region Invasive Species Partnership (CRISP) has served the needs of local governments in the region to coordinate invasive species planning, monitoring, treatment, provincial mapping and reporting, training, public engagement, contractor management, and disposal;

AND WHEREAS the success of the inter-governmental CRISP team has led to consistent Provincial funding to aid in the coordination of efforts for the region;

AND WHEREAS the existing administrative model (an ad-hoc working group of staff from various municipalities) has required CRISP to partner with outside organizations to administer the funds, resulting in conditions of unstable and insecure employment with high turnover and low retention for the Provincially-funded position of Regional Invasive Species Coordinator – creating a situation where the region risks losing this Provincial funding and having local governments assume responsibilities, services and activities currently provided by CRISP.

THEREFORE BE IT RESOLVED THAT the City of Victoria request the Capital Regional District Board direct staff to report on the implications, feasibility and recommendations to house the duties of a Regional Invasive Species Coordinator within the CRD.

Carried Unanimously

4. Inclusive Housing and Community Amenity Policy- Draft for Discussion

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council direct staff to:

1. Replace the City of Victoria Density Bonus Policy with an Inclusive Housing and Community Amenity Policy to better support the provision of non-market housing units within developments seeking density beyond the existing legal entitlement in the Zoning Regulation Bylaw.
2. Consider best practices in local governments in British Columbia's lower mainland and other relevant jurisdictions regarding density benefits for amenities and non-market housing.
3. Consider the attached Inclusive Housing and Community Amenity Policy - Draft for Discussion and provide advice on why any of these provisions should not be included in the final policy.
4. Invite comment on the proposed changes from Community Associations, the Urban Development Institute and agencies working in the field of housing affordability.
5. Report back to Council on a priority basis with any revisions to the proposed Inclusive Housing and Community Amenity Policy for final consideration by Council.
6. Examine actions identified within the Victoria Housing Strategy Implementation and other housing-related initiatives to determination which may be expedited to complete in 2017 or early 2018.
7. Consider additional resources required to complete and expedite the above work.

Carried

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

5. Johnson Street Bridge Quarterly Update

Motion:

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council receive the report for information.

Carried Unanimously

Councillor Coleman withdrew from the meeting at 9:10 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.

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

Motion:

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

Rezoning Application No. 00588

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00588 for 1002 Vancouver 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:
 - a. Preparation of the following documents, executed by the Applicant to the satisfaction of City Staff:

- i. Legal Agreement to secure the following criteria with respect to supportive and affordable rental housing on the subject property:
 - a maximum of 78 supportive housing units
 - a maximum of 15 affordable rental housing units
 - all residents must be over the age of 50
 - potential supportive housing residents will be subject to a VAT (Vulnerability Assessment Tool) assessment to determine their eligibility, and only those who meet a low-to-moderate support requirement will be admitted
 - illicit substance use will not be permitted on the premises
 - 24/7 staffing, including a fulltime client services worker to assist supportive housing residents
- ii. Statutory Right-of-Way of 3.67m on Rockland Avenue in accordance with the 2003 Greenways Plan.
- b. Revise the site plan to show the Statutory Right-of-Way of 3.67m and relocate the garbage enclosure to the satisfaction of staff.
- c. Establishment of a legal mechanism to secure the landscape security deposit for onsite hard and soft landscaping in accordance with the landscape plan dated May 23, 2017 to the satisfaction of staff.
- d. That the following list of questions be answered and provided to Council as a condition of the Public Hearing:
 - The calls for service by both fire and ambulance, at both the current operations and from when it was an extended care facility.
 - The police calls at the new playground and Pioneer Square.
 - Clear definition of transitional housing vs. supportive housing and affordable housing.
 - The operational experience at Fairway Woods, Hillside Terrace, Olympic Vista, and Cottage Grove.
 - Information regarding the current demographic at the building.
 - Clear explanation of the Vulnerability Assessment Tool (VAT).
 - Clarification on the operating agreement regarding the use of illicit substances not being permitted on premise and will the VAT process limit that use.
 - A break down on how many low and medium need individuals will be placed according to the VAT assessment.
 - Whether the applicant is looking at working with the Ready to Rent Program for residents.
 - Whether or not pets are permitted, especially dogs and cats.
 - Whether there are accessible units.
 - The rationale for the ratio of supportive housing to affordable housing and whether there is an opportunity to change that ratio.
 - Would changing the ratio of supportive housing in the building impact the people receiving the supports they need.

Development Variance Permit Application No. 00195

2. 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. 00588, if it is approved, consider the following motion:

"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."

Heritage Designation Application No. 000167

3. "That Council approve the designation of the heritage-registered property located at 1002 Vancouver Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set, subject to:
 - a. Applicant revising elevation drawings dated July 13, 2017 to indicate that the third floor double-hung and fixed wood windows will be restored to ensure their long-term conservation, and staircase addition will be clad with brick to match the brick on the original Mount Edwards Court Apartments to the satisfaction of the Director of Sustainable Planning and Community Development."

Council discussed the following:

- *The Province's authority to override the City's zoning regardless of Council's decision.*
- *Whether decreasing the number of units would allow the residence to be run in such a way that would lessen the impact on neighbours.*

Carried

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

Councillor Coleman returned to the meeting at 9:26 p.m.

Councillor Loveday withdrew from the meeting at 9:27 p.m.

7. Rezoning Application No. 00564 for 2695 Capital Heights Development Permit & Development Variance Permit Application No. 000564 for 2695 Capital Heights

Motion:

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

Rezoning Application No. 00564 for 2695 Capital Heights

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and;
2. That prior to the Public Hearing staff facilitate a further conversation with the Oaklands Community Association to consider alternatives to a sidewalk installation, the results of such conversation to be reported to the Public Hearing.

Development Variance Permit Application No. 000564 for 2695 Capital Heights

3. 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. 00564, if it is approved, consider the following motions:
 1. 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.
 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.

Carried Unanimously

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

Motion:

It was moved by Councillor Madoff, 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 Development Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

1. Plans date stamped June 22, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Proposed Lot A
 - i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
 - ii. reduce the front setback from 7.50m to 3.05m
 - iii. reduce the side yard setback from 1.97m to 1.50m.
 - Proposed Lot B
 - iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
 - v. reduce the minimum lot width from 15.00m to 13.70m
 - vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

9. Rezoning Application No. 00508, Development Variance Permit Application No. 00194, and Heritage Designation Application No. 000162 for 121 Menzies Street

Motion:

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

Rezoning Application No. 00508

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00508 for 121 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:
 1. Preparation of the following documents, executed by the applicant:

- a. Housing Agreement Bylaw to secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Statutory Right-of-Way of 1.78 metres along Menzies Street to the satisfaction of the Director of Engineering and Public Works.

Development Variance Permit Application No. 00194

2. 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. 00508, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. decrease the dwelling unit floor area (minimum) from 33.00m² to 28.98m²
 - b. decrease the number of parking stalls from eight to one
 - c. locate the parking in the front yard
 - d. locate accessory buildings in the side yard
 - e. increase total site coverage from 40% to 42.30%
 - f. increase the height of one accessory building from 3.50m to 4.41m
 - g. decrease the rear setback of an accessory building from 0.60m to 0.50m
 - h. decrease the side setback of accessory buildings from 0.60m to 0.40m
 - i. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m
 - j. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000162

3. That Council consider the following motion:

"That Council approve the designation of the property located at 121 Menzies Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

Carried Unanimously

10. Engagement Framework and 2017 - 2018 Public Engagement Road Map

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council adopt the Engagement Framework and 2017 - 2018 Public Engagement Road Map and add a section on the City's principles of accessible engagement.

Carried Unanimously

11. Upholding Non-Discrimination Principles at City Land Use Consultations

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following motion be referred to the next quarterly update and direct staff to report back at the update on the potential implications and staff resources to carry out this work:

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that Council direct staff to create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of guidelines that outline acceptable behaviours in public consultations, including anti bullying and anti-discrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

Councillor Loveday returned to the meeting at 9:30 p.m.

Amendment:

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

That the following motion be ~~referred to the next quarterly update and direct staff to report back at the update on the potential implications and staff resources to carry out this work delegated to Mayor Helps, Councillor Alto, and Councillor Loveday:~~

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that ~~Council direct staff to the delegated Councillors~~ create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of guidelines that outline acceptable behaviours in public consultations, including anti bullying and anti-discrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

On the amendment:
Carried Unanimously

Amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps, the motion be amended by adding the following:

AND THAT, as a first step, the materials focus on amendments to the CALUC Procedures, Terms of Reference and related documents, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, the amendment be amended as follows:

AND THAT, as a first step, the materials focus on amendments to the CALUC Procedures, ~~Terms of Reference and related documents~~ appendix, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

On the amendment to the amendment:
Carried Unanimously

Amendment to the amendment:

It was moved by Councillor Loveday, seconded by Councillor Isitt, the amendment be amended as follows:

AND THAT, the following paragraph be forwarded to the delegated Councillors for their consideration:

- As a first step, the materials focus on amendments to the CALUC appendix, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

On the amendment to the amendment:
Carried Unanimously

Council discussed the following:

- The importance of creating a safe environment for free speech and that discrimination in any form is not acceptable.

On the amendment:
Carried Unanimously

Main motion as amended:

That the following motion be delegated to Mayor Helps, Councillor Alto, and Councillor Loveday:

RESOLVED that Mayor and Council act to ensure that all City endorsed public consultations regarding land use and development be carried out in a manner that upholds the City's commitment to non-discrimination;

AND BE IT FURTHER RESOLVED that the delegated Councillors create policies to guide and facilitate safe, inclusive, and constructive public consultations that include the following measures:

- Communicate to the public the terms of reference to be addressed in rezoning/development applications, including direction that an individual's race, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, social or economic status, or disability, are not acceptable considerations for approval or denial of these applications.
- Prepare, present and post at a CALUC or other city-endorsed land use review meetings a list of guidelines that outline acceptable behaviours in public consultations, including anti bullying and anti-discrimination best practices.
- Develop and implement procedures to confront bullying and discriminatory conduct that violates the City's commitment to human rights, anti-racism and anti-discrimination, and denies or restricts the participation of organizations and individuals in CALUC meetings or public hearings.
- Provide opportunities for public sessions in which dialogue is had that will help to confront community stigma associated with poverty and addictions

AND THAT, the following paragraph be forwarded to the delegated Councillors for their consideration:

- As a first step, the materials focus on amendments to the CALUC appendix, mandating acceptable behaviour for people participating in public consultations, including anti-bullying and anti-discrimination best practices, and providing explicit direction to participants verbally at the beginning of CALUC meetings and in a posted notice at the entrance to meeting rooms, confirming the City of Victoria's commitment to human rights and indicating that an individual's race, social or economic status are not acceptable considerations for approval or denial of these applications.

On the main motion as amended:
Carried Unanimously

12. Councillor Sharing – Update on the Supervised Consumption Services Partners' Project

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council receive the memo for information.

Carried Unanimously

BYLAWS

1. Bylaw for Sidewalk Café Bylaw Update –Parklets

Motion:

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

- a. Sidewalk Cafés Regulation Bylaw, Amendment Bylaw (No. 1) No. 17-081

Carried Unanimously

Councillor Isitt withdrew from the meeting at 9:53 p.m. due to a potential non-pecuniary conflict of interest, as his mother resides at an adjacent property.

1. Bylaws for Rezoning Application No. 00487 for 1144, 1148, 1152, & 1154 Johnson Street and 1406 Chambers Street

Motion:

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

- a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1108) No. 17-075

Carried Unanimously

Motion:

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

- b. *Housing Agreement (1144, 1148, 1152, and 1154 Johnson Street and 1406 Chambers Street) Bylaw (2017) No.17-076*

Carried Unanimously

Councillor Isitt returned to the meeting at 9:54 p.m.

3. Bylaws for Rezoning Application No. 00523 for 1250 Dallas Road

Motion:

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1099) No. 17-046*

Carried Unanimously

Motion:

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

- b. *Housing Agreement (1250 Dallas Road) Bylaw (2017) No. 17-074*

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Council meeting adjourn.
Time: 9:55 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR