



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MAY 11, 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; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; C. Wain – Senior 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 Isitt, seconded by Councillor Alto, that the agenda be approved as amended.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Octavian Cadabeschi and Brian Merth be added to the second Request to Address Council section of the agenda.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

READING OF MINUTES

Motion:

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

1. Minutes from the daytime meeting held March 16, 2017
2. Minutes from the daytime meeting held April 13, 2017
3. Minutes from the daytime meeting held April 20, 2017
4. Minutes from the daytime meeting held April 27, 2017
5. Minutes from the evening meeting held April 27, 2017
6. Minutes from the daytime meeting held May 4, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Gertie Jocksch: Earth Charter Initiative**
Outlined why Council should endorse the Earth Charter created by the Victoria Faith in Action Committee.
2. **Jimmy Miller: “Skatespot” and Skatepark Advocacy**
Outlined why Council should allocate land and funding towards building a skateboard/all-wheel recreation facility.
3. **Tara Skobel: All Wheels Park in Topaz Park**
Outlined why Council should commit to putting an All Wheels Park in Topaz Park.
4. **Carla Hyslop: Skateboarding as a (Mentally) Healthy Activity**
Outlined why Council should build a small skateboard park to prevent over-crowding at the Victoria West Park.
5. **Jason Heit: Handicap Parking**
Outlined why Council should work to improve handicap parking in the downtown area.

6. **David MacDonald: Homelessness Mythakes Part II**
Outlined information regarding homelessness in Greater Victoria.

Councillor Loveday withdrew from the meeting at 7:06 p.m. and returned at 7:07 p.m.

PROCLAMATIONS

Motion:

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

1. "Intergenerational Day Canada" – June 1, 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. **Development Permit with Variances Application No. 00025 for 848, 852-856 Yates Street and 845 & 849 Johnson Street**

1. **Hearing**

Development Permit with Variances No. 00025

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 848 and 852-856 Yates Street and 845 and 849 Johnson Street, in Development Permit Area 2 (HC) Core Business, for the purpose of approving the exterior design and finishes for the mixed-use building as well as landscaping.

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

- Section 3.67.5(2) - increase the building height from 30m to 59.7m; and
- Section 3.67.5(2) - increase the number of storeys from 10 storeys to 21 storeys.

Legal description of the land:

Lot 374, Victoria City; Lot 375, Victoria City; Lot 380, Victoria City; and Lot 381, Victoria City.

Charlotte Wain (Senior Planner): *Advised that the application is for a Development Permit with Variances for a 21-storey (two tower) mixed-use building.*

Mayor Helps opened the public hearing at 7:08 p.m.

David Chard (Chard Development): Provided information regarding the application which would be mixed use building of commercial and residential. Also noted is the inclusion of 81 parking stalls designated for commercial parking.

Project Architect: Provided information regarding the improvements to mid-block walkway and specification on the height and setback of the proposed application.

Project Landscaper: Provided information regarding the landscaping of the mid-block walkway and the roof. A habitat garden for birds will also be included on the roofs.

Council discussed the following:

- *The voluntary inclusion of 81 parking stalls for commercial parking in the downtown core.*

Jane McGregor (CEO of the Victoria Conservatory of Music): Expressed support for the application as it will enhance the neighbourhood.

Dylan Willows (Yates Street): Expressed support for the application as it will enhance the neighbourhood, and hope that they will work with the club to mitigate noise concerns.

Jason Markus (Yates Street): Expressed concerns regarding the application due to the possible affect to an access door to their building.

Debra Nelson (Yates Street): Expressed concerns regarding the noise-proofing that would be provided with the buildings due to potential noise concerns in the neighbourhood.

Dan Markus (Yates Street): Expressed support for the application, but noted concerns relating to the access door to the neighbouring building.

Council discussed the following:

- *Lack of consultation that occurred with the neighbouring building.*
- *How noise concerns in the neighbourhood would be communicated to potential purchasers.*
- *How the applicant is working with BC Housing to create housing affordability.*
- *That transient accommodation is not a permitted use.*

Mayor Helps closed the public hearing at 7:58 p.m.

Councillor Loveday withdrew from the meeting at 7:58 p.m. and returned at 7:59 p.m.

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street in accordance with:

1. Plans date stamped April 27, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.67.5(2) - increase the building height from 30m to 59.7m;
 - b. Section 3.67.5(2) - increase the number of storeys from 10 storeys to 21 storeys;
3. Preparation and registration of the following documents, signed and executed by the applicant, to the satisfaction of the Director of Planning and Sustainable Development:
 - a. Section 219 covenant to ensure the security gates on the through block walkway remain open to the public between 7 a.m. and 10 p.m. in the form satisfactory to the City Solicitor;
 - b. Statutory Right-of-Way of a minimum of 1.22m along the western property line to allow for the expansion of the through-block walkway to the satisfaction of the Director of Planning;
 - c. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
4. Receipt of evidence that the application is in compliance with the Ministry of Environment's Environmental Management Act as it pertains to potentially contaminated sites;
5. That Council authorize the Mayor and City Clerk to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to the Director of Engineering and Public Works. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way;
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Planning and Sustainable Development;
7. The Development Permit lapsing two years from the date of this resolution unless the permit holder substantially starts construction.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended to add a new clause 3 (d), as follows:

- d. **Section 219 covenant to ensure that the Property Disclosure Statement for all potential purchasers clearly discloses the presence of a nightclub adjacent to the property.**

On the amendment:
Carried Unanimously

Council discussed the following:

- *Whether the increase of height to 21 storeys is supportable.*
- *Noise mitigation for the building to minimize impacts of the nearby nightclub.*
- *The positive inclusion of parking for commercial uses in the downtown core.*

Main motion as amended:

That Council authorize the issuance of Development Permit Application No. 00025 for 848 and 852-856 Yates Street and 845 and 849 Johnson Street in accordance with:

1. Plans date stamped April 27, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Section 3.67.5(2) - increase the building height from 30m to 59.7m;
 - b. Section 3.67.5(2) - increase the number of storeys from 10 storeys to 21 storeys;
3. Preparation and registration of the following documents, signed and executed by the applicant, to the satisfaction of the Director of Planning and Sustainable Development:
 - a. Section 219 covenant to ensure the security gates on the through block walkway remain open to the public between 7 a.m. and 10 p.m. in the form satisfactory to the City Solicitor;
 - b. Statutory Right-of-Way of a minimum of 1.22m along the western property line to allow for the expansion of the through-block walkway to the satisfaction of the Director of Planning;
 - c. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
 - d. Section 219 covenant to ensure that the Property Disclosure Statement for all potential purchasers clearly discloses the presence of a nightclub adjacent to the property.
4. Receipt of evidence that the application is in compliance with the Ministry of Environment's Environmental Management Act as it pertains to potentially contaminated sites;
5. That Council authorize the Mayor and City Clerk to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m² of exposed shored face during construction in a form satisfactory to the Director of Engineering and Public Works. This is to accommodate shoring for construction of the

- underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way;
6. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Planning and Sustainable Development;
 7. The Development Permit lapsing two years from the date of this resolution unless the permit holder substantially starts construction.

On the main motion as amended:
Carried

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

Council recessed from 8:33 p.m. until 8:39 p.m.

2. Development Permit with Variances Application No. 00039 for 710 Belton Street

1. Hearing

Development Permit with Variance Application No. 00039

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 710 Belton Avenue, in Development Permit Area 15E: Intensive Residential – Garden Suites, for purposes of approving a garden suite and an associated variance with respect to the separation space between a garden suite and single family dwelling.

The Development Permit will vary the following requirement of the *Zoning Regulation Bylaw*, Schedule M – Garden Suites:

- reduce the separation space between the garden suite and a single family dwelling from 2.40m to 2.10m.

Legal description of the land:

The Northerly 75 Feet of Lot 4, Section 10, Esquimalt District, Plan 286

Charlotte Wain (Senior Planner): *Advised that the application is for a Development Permit with Variance to permit construction of a new garden suite.*

Mayor Helps opened the public hearing at 8:40 p.m.

Russ Collins (Zebra Design): Provided information regarding the application, which is the creation of a new garden suite.

Mayor Helps closed the public hearing at 8:43 p.m.

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council authorize the issuance of Development Permit Application No. 00039 for 710 Belton Avenue in accordance with:

1. Plans date stamped February 28, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.108, Section 1.108.4(d): reduce the separation space between a garden suite and a single-family dwelling from 2.40m to 2.10m.
3. The Development Permit lapsing two years from the date of this resolution.

Council discussed the following:

- *That there are no concerns relating to the building code.*

Carried Unanimously

3. Rezoning and Development Permit with Variances Application No. 00499 for 722 Pine Street and 968 Walker Street

1. Public Hearing

Rezoning Application No. 00499

To rezone the lands known as 968 Walker Street and 722 Pine Street from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District, to permit a three-lot subdivision.

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

Legal description:

968 Walker Street, legally described as Lot 1, Sections 10 and 32, Esquimalt District, Plan 26788

722 Pine Street, legally described as Lot 3, Section 10, Esquimalt District, Plan 26788

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

2. **Development Permit with Variances Application No. 00499**

The Council of the City of Victoria will also consider issuing a development permit for the lands known as 968 Walker Street and 722 Pine Street, in Development Permit Area 15A: Intensive Residential – Small Lot, for the purposes of approving the exterior design and finishes for the new small lot house as well as landscaping and associated variances with respect to setbacks.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*, R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District:

Lot 1 (968 Walker Street)

- Part 1.23(8)(a): reduce the front yard setback from 6.00m to 5.59m;

Lot 2 (722 Pine Street)

- Part 1.23(8)(b): reduce the rear yard setback from 6.00m to 5.38m for building only and 4.18m to allow a deck;
- Part 1.23(8)(c): reduce the side yard setback from 2.40m (for habitable windows) to 1.52m;

Lot 3 (Proposed New Small Lot)

- Part 1.23(8)(a): reduce the front yard setback from 6.00m to 3.44m to allow a roof overhang above the front entryway only and 3.60m to building;

Charlotte Wain (Senior Planner): *Advised that the application is to subdivide the two existing properties to create three small lots.*

Mayor Helps opened the public hearing at 8:46 p.m.

Nigel Banks (Residential Designer): Provided information regarding the history of the application, the neighbourhood consultation that was undertaken, and the requested subdivision.

Kenneth Gibson (Owner): Provided information regarding the past rental history of the application.

Council discussed the following:

- *Maintenance that needs to be undertaken on the existing buildings.*

Motion to adjourn hearing:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the hearing be adjourned until information is received from staff.

Carried Unanimously

4. **Rezoning Application No. 00513 and Development Permit No. 000460 for 701 Belleville Street**

1. **Public Hearing**

Rezoning Application No. 00517

The purpose of this Bylaw is to rezone the land known as 701 Belleville Street from the T-1 Zone, Limited Transient Accommodation District, to the CA-80 Zone, Central Area (Belleville) District, to permit seniors housing for independent and assisted living uses, increase building height (from 21.5m to 45.0m), increase density (from a floor space ratio of 1.2:1 to 4:1) and reduce required setbacks.

New Zone: C-80 Zone, Central Area (Belleville) District

Legal description: Lot 30, District Lot 1269, Victoria City, Plan 760

Lot 31, District Lot 1269, Victoria City, Plan 760

Lot 32, District Lots 576 and 1269, Victoria City, Plan 760

Lot 33, District Lots 576 and 1269, Victoria City, Plan 760

Lot 34, District Lot 1269, Victoria City, Plan 760

Lot 35, District Lot 1269, Victoria City, Plan 760

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

Charlotte Wain (Senior Planner): *Advised that the application is for the construction of a 15-storey, mixed use building.*

Mayor Helps opened the public hearing at 9:09 p.m.

Brian McCauley (President of Concert Properties Ltd.): Provided information regarding the application and the contribution that will be provided for affordable housing.

David Simpson (DYS Architecture): Provided information regarding the application, including specifics on the height and character of the building within the neighbourhood.

Bruce Hemstock (PWL Partnership): Provided information regarding the proposed landscaping of the property.

Council discussed the following:

- *Whether the funds provided by the applicant to the Housing Trust Fund should be specified for use within the James Bay neighbourhood.*

Doug Ford (Douglas Street): Expressed concerns regarding the application due to the loss of parking in the neighbourhood.

Bill Miles (Douglas Street): Expressed concerns regarding the application due to the loss of parking in the neighbourhood.

Council discussed the following:

- *The parking considerations that have been made by the applicant.*
- *The shadow impacts of the building.*

Mayor Helps closed the public hearing at 9:39 p.m.

2. Bylaw Approval

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1095) No. 17-034*

Council discussed the following:

- *The importance of creating seniors housing in the City.*

Amendment:

It was moved by Councillor Lucas, seconded by Mayor Helps, that the money allocated to the housing trust fund be used exclusively in the James Bay neighbourhood.

Council discussed the following:

- *Allowing the Housing Trust Fund the latitude to allocate the funds at their discretion.*

On the amendment:
Defeated

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

Council discussed the following:

- *Whether the proposed height and character of the application is supportable in relation to the surrounding neighbourhood.*
- *The lack of affordable housing commitments.*
- *Whether the reduction of parking per unit is supportable.*

Carried

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

Final adoption of Zoning Regulation Bylaw, Amendment Bylaw (No. 1095) No. 17-034 and Housing Agreement (701 Belleville Street) Bylaw No. 17-035 has been postponed, pending execution of the Statutory-Right-of-Way.

Motion:

It was moved by Mayor Helps, seconded by Councillor Alto, that the hearing for the Rezoning and Development Permit with Variances Application No. 00499 for 722 Pine Street and 968 Walker Street be reconvened, as the required information from staff has been received.

Carried Unanimously

5. Rezoning and Development Permit with Variances Application No. 00499 for 722 Pine Street and 968 Walker Street

Council discussed the following:

- *That a covenant requiring maintenance to be done on the house would not be enforceable.*

Mayor Helps closed the public hearing at 10:10 p.m.

1. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1090) No. 17-028*

Council discussed the following:

- *The support by the most immediate neighbours.*

Carried

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

2. **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. 1090) No. 17-028*

Carried

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

3. **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council authorize the issuance of Development Permit Application No. 00499 for 968 Walker Street and 722 Pine Street, in accordance with:

1. Plans date stamped February 27, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Lot 1 (Existing Dwelling Unit)

- i. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 5.59

Lot 2 (Existing Dwelling Unit)

- ii. Part 1.23(8)(b): reduce the rear yard setback from 6.00m to 5.38m for building only and 4.18m to allow a deck;
- iii. Part 1.23(8)(c): reduce the side yard setback from 2.40m (for habitable windows) to 1.52m

Lot 3

- iv. Part 1.23(8)(a): reduce the front yard setback from 6.00m to 3.44m to allow a roof overhang above the front entryway only and 3.60m to building;

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

Carried

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

Council recessed from 10:19 p.m. until 10:25 p.m.

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Yvonne Mendel: Build a Bike Park at Topaz Park**
Outlined why Council should build a Bike Park at Topaz Park.

2. **Jenny Farkas: Cannabis Rezoning Approval Process**

Outlined why Council should hold all cannabis rezoning application during one hearing to allow residents to state preferred locations.

Mayor Helps withdrew from the meeting at 10:36 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 10:36 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 10:36 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

3. **Eric Ney: The Impacts to Affordability, Availability, and Livability of Short Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use in the downtown core.

4. **Starr McMichael: Impacts of Short-Term Vacation rentals on Tourism and Communities in Victoria**

Outlined why Council should eliminate transient accommodation as a permitted use for residential properties that are not primary residences.

5. **Diane Chimich: Short Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use.

6. **Kimberley Hughes: Short Term Rentals**

Outlined why Council should limit transient accommodation as a permitted use.

Motion to extend meeting:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the meeting be extended to 12:00 a.m.

Carried Unanimously

7. **Reid James: Short Term Vacation Rentals in Victoria**

Outlined why Council should eliminate transient accommodation as a permitted use.

8. **Chris Watson: Short Term Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use.

9. **Johanna Merth: Short Term Vacation Rentals**

Outlined why Council should limit transient accommodation as a permitted use.

10. **Daryl West: Short Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use.

11. **Nancy Sherwood: For the Common Good: True Rentals Not Short-Term Vacation Rentals for Victoria**

Outlined why Council should eliminate transient accommodation as a permitted use.

12. **Jackie Ellwood: Short-Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use in strata properties.

13. **Octavian Cadabeschi: Short Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use.

14. **Brian Merth: Short Term Vacation Rentals**

Outlined why Council should eliminate transient accommodation as a permitted use.

Mayor Helps returned to the meeting at 11:18 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 11:18 p.m.

Councillor Madoff returned to the meeting at 11:18 p.m.

Council recessed from 11:19 p.m. until 11:27 p.m.

Councillor Loveday was not present when the meeting reconvened.

UNFINISHED BUSINESS

1. 149 Montreal Street – Update Report

Council received a report from the City Solicitor, advising that final registration of the restrictive covenant could not be completed in time for final adoption during this May 11, 2017 Council meeting.

2. Rise and Report from Closed Meeting for Information

1. From the February 23, 2017 Closed Council Meeting

1. That Council authorizes the Mayor and City Clerk to execute a lease extension agreement, in a form satisfactory to the City Clerk, for premises at 1240 Yates Street with the Provincial Rental Housing Corporation for a period of two months commencing April 1, 2017, subject to the publication of the statutory notices required by the Community Charter.
2. That Council rise and report should Recommendation #1 be approved.

REPORTS OF COMMITTEES

1. Committee of the Whole – May 4, 2017

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

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 Heritage Alteration Permit with Variance Application No. 00003 for 623 Avalon Road, in accordance with:

1. Plans, date stamped March 20, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - Part 2.1.5 (a) -Reduction of the minimum required front yard setback from 7.50m to 4.35m.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

Carried Unanimously

Councillor Loveday joined the meeting at 11:28 p.m.

2. Capital Regional District Traffic Safety Commission Establishment Amendment Bylaw Road

Motion:

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

Carried Unanimously

3. Protecting Dallas Road Bluffs

Motion:

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

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

Carried Unanimously

Councillor Lucas withdrew from the meeting at 11:29 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel in close proximity to the subject property.

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

Motion:

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

Carried

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

Councillor Lucas returned to the meeting at 11:30 p.m.

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

Motion:

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

Carried

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

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

Motion:

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

1. Rezoning Application No.00520 for 3031 Jackson Street

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

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

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

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00520, if it is approved, consider the following motion:

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

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

Carried

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

Councillor Young withdrew from the meeting at 11:36 p.m. due to a pecuniary conflict of interest with the following item, as he lives in close proximity to the subject property.

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

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Licensing Agency:

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

Carried Unanimously

Councillor Young returned to the meeting at 11:37 p.m.

2. Committee of the Whole – May 11, 2017

1. Rezoning and Development Permit Application No. 00553 for 1757 Newton Street (Jubilee)

Motion:

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

Rezoning Application No. 00553

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00553 for 1757 Newton Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit Application No. 00553

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. 00553, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for 1757 Newton Street, in accordance with:

1. Permit date stamped April 21, 2017.
2. Development meeting all Zoning Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. Parks and Open Spaces Master Plan (2017 - 2041)

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council approve the Parks and Open Spaces Master Plan attached to this report and add acknowledgement of the Esquimalt and Songhees Territories.

That Council direct staff to provide active support for food systems in implementation of the Parks and Open Spaces Master Plan, including: policies and programs to support pollinators; expansion of community gardens into each neighbourhood and support for other neighbourhood food systems initiatives; and increased selection of native, edible and medicinal plant species within the municipal park system.

That staff report within 12 months on the progress of implementation of Priority Actions identified in the Parks and Open Spaces Master Plan, Urban Forest Master Plan and the Growing in the City initiative.

Carried Unanimously

3. Referred Letter from the Founder of Creating Homefulness Society

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Mayor write a letter to the BC Agricultural Land Commission supporting the position of the District of Central Saanich in the application related to Woodwynn Farm as outlined in the letter.

Carried Unanimously

Councillor Young withdrew from the meeting at 11:39 p.m. due to a pecuniary conflict of interest with the following item, as the applicant is a client of his consulting firm.

4. Development Permit with Variance Application No. 00038 for 376 Harbour Road (Victoria West)

Motion:

It was moved by Councillor Thornton-Joe, 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. 00038 for 376 Harbour Road, in accordance with:

1. Plans date stamped April 5, 2017;
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the required number of parking spaces from twenty three to twenty.
3. The Development Permit lapsing two years from the date of this resolution;
4. Amend the MDA by deleting section 11.1 (a) the words "NC version 1.0 Platinum" and substituting words "Building Design and Construction (Version 4) Gold", to allow the proposed commercial building to be constructed to LEED Gold (Version 4) standards;
5. Registration of reciprocal access easements on title to the satisfaction of the City Solicitor;
6. That Council authorizes the Mayor and City Clerk to execute an encroachment agreement, in a form satisfactory to the City Clerk, for building encroachment(s) adjacent to 376 Harbour Road;
7. Seven Class 1 (secure and enclosed) and seven Class 2 (outside) bicycle parking spaces are provided to the satisfaction of the Director of Sustainability, and end-of-trip bicycle facilities, including showers, lockers and change rooms provided in the building in accordance with the Plans date stamped April 5, 2017.

Carried Unanimously

Councillor Young returned to the meeting at 11:40 p.m.

6. David Foster Harbour Pathway Report – Reeson Park Improvement Plan

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council direct staff to proceed with construction of the new pathway in 2017.

Amendment:

It was moved by Councillor Young, seconded by Councillor Loveday, that the basic design width of the entire path be three meters.

On the amendment:
Defeated

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

On the motion:
Carried Unanimously

Motion:

It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council postpone consideration, pending receipt of park priority information arising from the Master Plan, of the following motion:

That Council endorse the park improvement plan for Reeson Park.

Carried

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

7. David Foster Harbour Pathway Program Update – Tender Results and Funding Considerations

Motion:

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

Defer construction of the Raymur and Heron Cove bridges and Heron Cove Special place projects, until more favourable industry conditions, due to the single, \$1m over budget bid, and progress completion of the remaining priority projects, planning and analysis using the current program budget:

- a. Complete Reeson Park pathway (as outlined in a separate May 11, 2017 report),
- b. Complete JSB Underpass pathway construction in early 2018,
- c. Report back to Council to define the funding required to support Ship Point structural / geotechnical remediation and repairs (2018 financial planning process),

- d. Report back to Council to define the funding required to Laurel Point Soil Contamination detailed assessment and risk analysis (June 2017),
- e. Immediately develop the scope of work required to complete the DFHP Pathway Plan, and report back with an estimate on the costs and considerations required to complete the plan,
 - a. Report back, as part of the long-term DFHP plan, with the funding required to support priority DFHP pathway property acquisition and essential improvements (2018 financial planning process),
- f. Request budget reallocation from the TCT funding to maximise contributions to the remaining DFHP projects (Reeson pathway, JSB underpass, Wayfinding) to be completed prior to funding deadlines.

Carried Unanimously

8. **Street Vending Review Project**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council direct staff to proceed with bylaw amendments to the Street Vendor Bylaw, Streets and Traffic Bylaw and Park Regulation Bylaw to permit a seasonal pilot project in 2017 to allow bicycle food vending and storefront displays as part of a Government Street event and to report back in Quarter 1 of 2018 with street vending policy and regulatory recommendations for Council's consideration.

Carried Unanimously

BYLAWS

1. **FIRST READINGS**

a. **Bylaws for Rezoning Application for 986, 988, and 990 Heywood Avenue**

Motion:

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

1. *Official Community Plan Bylaw, Amendment Bylaw (No. 18) No. 17-043*

Carried Unanimously

b. **Bylaws for Rezoning Application for 986, 988, and 990 Heywood Avenue**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1096) No. 17-041*

Carried Unanimously

c. **Bylaws for Rezoning Application for 986, 988, and 990 Heywood Avenue**

Motion:

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

1. *Housing Agreement (986, 988, and 990 Heywood Avenue) Bylaw No. 17-042*

Carried Unanimously

3. **ADOPTION**

a. **Tax Exemption Bylaw for 533-537 Fisgard Street and 534 Pandora Avenue**

Motion:

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

1. *Tax Exemption (533-537 Fisgard Street and 534 Pandora Avenue) Bylaw No. 17-027*

Carried Unanimously

b. **Development Cost Charges Bylaw**

Motion:

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

1. *Development Cost Charges Bylaw No. 17-020*

Carried

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

CORRESPONDENCE

Councillor Thornton-Joe withdrew from the meeting at 11:54 p.m. due to a non-pecuniary conflict of interest with the following item, as her cousin is the president of the Asian Real Estate Board.

- 1. **Letters from the Capital Regional District and from Generation Squeeze**
Council received a letter dated April 24, 2017 seeking input on a motion regarding the Foreign Purchaser Property Transfer Tax and a letter dated April 20, 2017 expressing the organization's support for asking the province to apply the Foreign Buyers' Tax to Victoria and the Capital Regional District.

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated April 24, 2017 from the Capital Regional District and the correspondence dated April 20, 2017 from Generation Squeeze be received for information.

Motion to postpone:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that consideration of the motion be postponed for one month.

On the motion to postpone:
Carried

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

Councillor Thornton-Joe returned to the meeting at 11:55 p.m.

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: 11:56 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR