



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, APRIL 14, 2016, 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 and Young.

ABSENT: Councillor Thornton-Joe.

STAFF PRESENT: J. Johnson – City Manager; P. Bruce – Fire Chief; C. Coates - City Clerk; K. Hamilton – Director of Citizen Engagement & Strategic Planning; J. Jenkyns - Deputy City Manager; T. Soulliere - Director of Parks, Recreation & Facilities; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; L. Baryluk – Senior Planner; J. Handy – Senior Planner; C. Havelka - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the agenda be approved as amended. **Carried Unanimously**

Amendment:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Ashley Molinson, Deane Strongitharm, Zach Levine and Julia Jennings be added to Request to Address Council. **On the amendment: Carried Unanimously**

On the main motion as amended: Carried Unanimously

READING OF MINUTES

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Regular Council meeting minutes of March 24, 2016, be approved. **Carried Unanimously**

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Special Council meeting minutes of February 18, 2016, be approved. **Carried Unanimously**

POETRY READING

The Poet Laureate, Yvonne Blomer, read a sonnet entitled “Conception, Acorn, Zygote, and History”.

Bruce Rice, guest Poet, read a poem entitled “Glossary of Hills”.

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. **Theresa Moylan: Subsidized Housing for Vulnerable Individuals**
Outlined issues related to the need for affordable housing for families with disabled family members.
2. **Bart Reed: Bike Lanes**
Outlined issues related to bike lane design in comparison with downtown and Cook Street Village.
3. **Marg Gardiner: Biketoria**
Outlined issues related to the Biketoria project and the impact it will have in the James Bay neighbourhood.
4. **Richard Wise: Urban Food Gardens**
Requested a change to fence heights and outlined the importance of urban agriculture in the Rockland neighbourhood.
5. **Stephen Hammond: 24 Hour Police Protection needed in Neighbourhoods around the Occupation**
Outlined issues related to the tent city at the court house and how it is impacting residents in the neighbourhood.

6. **David Wales: Tent City**

Outlined issues related to tent city and the impacts to residents in the area.

PROCLAMATIONS

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following Proclamations be endorsed:

1. "World Wish Day" - April 29, 2016
2. "Highland Games Week" – May 17 – May 23, 2016
3. "Earth Day Power Hour" – 11:59 am – 12:59 pm the Friday preceding Earth Day – April 22, 2016
4. "Child Abuse Prevention Month" – April 2016

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

Councillor Lucas withdrew from the meeting at 7:14 p.m. due to a potential pecuniary conflict of interest due to her employer owning the hotel where she is employed and also owning 755-795 Market Street.

1. **Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue**

1. **Public Hearing**

1. **Rezoning Regulation Bylaw, Amendment Bylaw (No. 1064) No. 16-032**

To rezone the land known as 755-795 Market Street and 766-770 Hillside Avenue from the R3-2 Zone, Multiple Dwelling District and R1-B Zone, Single Family Dwelling District to the C1-HM Zone, Hillside and Market District, to permit transient accommodation, public buildings, home occupations and all those uses permitted in the C1-N Zone and permit an additional 207m2 of floor area.

2. **Hillside Avenue and Blanshard Street Land Use Contract Discharge Bylaw**

The purpose of this Bylaw is to discharge the Land Use Contract as it applies to the land known as 755-795 Market Street and 766-770 Hillside Avenue.

The land use regulations contained within the Land Use Contract will be superseded by the land use regulations enacted by Zoning Regulation Bylaw, Amendment Bylaw (1064) – No. 16-032.

Jim Handy (Senior Planner): Provided information regarding the application to rezone the property located at 755-795 Market Street and 766-770 Hillside Avenue to a new zone and to discharge the land use contract.

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

John Keay (Architect): Provided information regarding the rezoning application which is to bring minor alterations into conformity to the current size and use of the building.

A Council member discussed with staff and the applicant the zoning permissions associated with this property.

Mayor Helps closed the public hearing at 7:19 p.m.

3. **Bylaw Approval**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1064) 16-032

Carried Unanimously

4. **Bylaw Approval**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1064) 16-032

Carried Unanimously

5. **Bylaw Approval**

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

Land Use Contract Discharge (755-795 Market Street and 766-770 Hillside Avenue) 16-034

Carried Unanimously

6. **Bylaw Approval**

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

Land Use Contract Discharge (755-795 Market Street and 766-770 Hillside Avenue) 16-034

Carried Unanimously

Councillor Lucas returned to the meeting at 7:20 p.m.

2. Development Permit with Variances Application No. 000404 for 701 Tyee Road

1. Continuation of Hearing from the March 24, 2016 Council Meeting Development Permit with Variance Application

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 701 Tyee Road, in Development Permit Area 13: Core Songhees, for the purposes of constructing 144 residential units in three phases and varying the following requirements of the *Zoning Regulation Bylaw* namely:

- increasing the height for buildings in Phase 2 from 24m to 25.49m
- increasing the height for buildings in Phase 3 from 31m to 33m
- reducing the overall parking from 185 stalls to 178 stalls
- reducing the parking from 50 stalls to 49 stalls for Phase 1
- reducing bicycle storage from 40 stalls to 28 stalls for Phase 1
- reducing the north setback (Gaudin Road) from 3.5m to nil
- reducing the south setback from 4m to 3.5m
- reducing the south setback from 4m to nil for Phases 1 and 2

Jim Handy (Senior Planner): Outlined the purpose of the application for a development permit with variances for 701 Tyee Road and advised that revised plans, removing the garbage collection from Gaudin Road, were provided.

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

Chris Le Fevre (Proponent for the Railyards Development): Provided information and the rationale behind the plan for two buildings on this site and described the variances requested. He advised they have removed the garbage depot which will be sited elsewhere in the project and described the green wall treatment at the corner of Gaudin Road.

Joost Bakker (Architect): Provided a presentation on the project and described the changes to Gaudin Road and the proposed landscaping that will mitigate the effect of the wall.

Jim O'Connor (Regatta Landing): Expressed concerns regarding the zero setback proposed on Gaudin Road.

Josephine Nurse (Bonds Landing resident): Expressed concerns regarding the concrete wall proposed on Gaudin Road.

Council discussed the following:

- *The type of plantings proposed for the wall and how it will be maintained.*
- *The zero setback that is required as the solution for parking.*
- *The design guidelines for parking that guided the proposed setbacks.*

Mayor Helps closed the public hearing at 7:42 p.m.

2. Development Permit with Variance Approval

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016 and plans showing the removal of the garbage holding area and additional landscaping date stamped April 8, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil
 - b. reduce the south setback from 4m to nil for Phases 1 and 2
 - c. reduce the south setback from 4m to 3.5m
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2
 - e. increase the height in DA-J from 31m to 33m for Phase 3
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1
 - g. reduce parking from 185 stalls to 178 stalls
 - h. reduce bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the *Railyards Master Development Agreement* being registered on title, to the satisfaction of staff.
5. Garbage facilities being provided within the building to the satisfaction of staff.
6. That Council authorize staff 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 staff.

Council discussed the motion:

- *Noting the concerns raised regarding the setbacks which will be mitigated by the plantings and doesn't diminish the public realm.*
- *Support for the overall height and density of the proposal.*
- *This proposal replicates the look and feel of the Railyards project which has been successful.*
- *The applicant's response to concerns regarding the garbage collection area is supportable.*

Carried Unanimously

3. **Heritage Designation Application No. 000152 for 1728 Denman Street**

1. **Public Hearing**

Heritage Designation Application No. 000152

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior and specific interior features (entry hall, dining room and parlour) of the building located at 1728 Denman Street, legally described as the west ½ of Lot 16, Section 76, Victoria District, Plan 2695, as protected heritage property, under Heritage Designation (1728 Denman Street) Bylaw No. 16-037.

Jim Handy (Senior Planner): Outlined details regarding the house built in 1909 located at 1728 Denman Street.

Mayor Helps opened the public hearing at 7:50 p.m.

Mayor Helps closed the public hearing at 7:51 p.m.

2. **Bylaw Approval**

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

Heritage Designation (1728 Denman Street) Bylaw 16-037

Carried Unanimously

3. **Bylaw Approval**

It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following bylaws **be adopted:**

Heritage Designation (1728 Denman Street) Bylaw 16-037

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Teri Hustins: Tent City**

Described issues related to tent city activities that impact businesses on Fort Street.

2. **Suzanne Bradbury: Tent City and Recent Impacts on Fort Street**

Outlined issues downtown and provided examples of incidents on Fort Street.

3. **Paul Nursey: Tent City**

Outlined issues and incidents related to tent city and how it impacts business and tourism downtown.

4. **Glenys Verhulst: Biketoria**

Spoke in support of the Biketoria plan and outlined information regarding the benefits of cycling.

5. **Teri Hustins: Biketoria**

Outlined the benefits to businesses having cyclists downtown and expressed support for the plan on Fort Street.

6. **Shane Devereaux: Biketoria**

Spoke in support of the plan for Biketoria and provided information on how it energizes cities.

7. **Kalen Harris: Biketoria**

Spoke in support of bike lanes throughout Victoria and outlined the positive elements of this initiative in Victoria.

8. **Claudio Costi: Support for Bike Lanes**

Outlined safety issues related to biking and the importance of bike lanes to create community.

9. **Ashley Molinson: Homeless not Hate**

Provided information regarding the group *Homeless not Hate* in response to issues arising from activities at tent city.

10. **Julie Jennings and Zach Levine: Permaculture Community**

Provided information and the benefits of permaculture and community gardens in communities.

11. **Deane Strongitharm: Bonus Density Contributions**

Outlined concerns related to the bonus density contribution respecting the development at Speed and Frances Avenue.

Council recessed at 8:46 p.m.

Council reconvened at 8:51 p.m.

UNFINISHED BUSINESS

1. **Letter dated March 4, 2016, from the Ministry of Finance: Municipal and Regional District Tax (MRDT)**

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the correspondence dated March 4, 2016 from the Ministry of Finance regarding Municipal and Regional District Tax (MRDT) be received for information.

Carried Unanimously

REPORTS OF THE COMMITTEES

1. **Committee of the Whole – April 7, 2016**

1. **Annual Car Free Day**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council approve in principle supporting the Annual Car Free Day with an annual contribution of up to \$15,000.00 of in kind services for the next three years.

Carried Unanimously

2. **Request to Amend Motor Fuel Tax Act to Fund Transit Investments**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council endorse the Victoria Regional Transit Commission's request to increase the dedicated fuel tax applied in the region under the BC Transit Act by two cents per litre to support transit system development in the Capital Region.

Carried Unanimously

3. **Rezoning Application No. 00498 for 1705 Haultain Street**

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council, instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00498 for 1705 Haultain Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.

Carried Unanimously

4. **Development Permit with Variances Application No. 00498 for 1705 Haultain Street**

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 and after the Public Hearing for Rezoning Application No. 00498, if it is approved, consider the following motion:

That Council authorize the issuance of Development Permit Application No. 00498 for 1705 Haultain Street, in accordance with:

1. Plans date stamped March 15, 2016.

2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

i. Reduce the front yard (west) setback from 6.00m to 2.03m;

ii. Reduce the rear yard (east) setback from 6.00m to 1.50m;

Proposed Lot B

iii. Reduce the front yard (north) setback from 6.00m to 5.00m;

iv. Reduce the rear yard (south) setback from 6.00m to 4.73m;

v. Reduce the side yard (east) setback from 2.40m to 1.83m;

vi. Permit parking to be located between the building and the front lot line;

Proposed Lot C

vii. Reduce the side yard (south) setback from 2.40m to 1.50m;

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

Carried Unanimously

5. **Development Variance Permit No. 00170 for 704 Robleda Crescent:**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00170 for 704 Robleda Crescent, in accordance with:

1. Plans date stamped February 10, 2016.

2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:

i. Schedule J Section 2.a - to increase the maximum floor area of an addition to a single family dwelling from 20m² to 132m² with the installation of a secondary suite

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

Carried Unanimously

6. Development Permit with Variance Application No. 00001 for 1115 and 1117 Caledonia Avenue

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 on April 28, 2016, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00001 for 1115 and 1117 Caledonia Street, in accordance with:

1. Plans date stamped March 14, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 3.97(4)(2) - Increase the maximum number of storeys from 1.5 storeys to 2.5 storeys;
 - b. Part 3.97(4)(3) - Allow roof decks above the second storey;
 - c. Part 3.97(5)(1) - Reduce the minimum front yard setback from 5.9m to 4.9m;
 - d. Part 3.97(5)(2) - Reduce the minimum rear yard setback from 20m to 19m;
 - e. Part 3.97(5)(4) - Reduce the minimum side yard setback (west) from 3.9m to 1.5m;
 - f. Part 3.97(5)(5) - Reduce the combined side yard setback from 5.4m to 5.02m.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

7. Heritage Designation Application No. 000158 for 1802-1826 Government Street

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Heritage Designation Bylaw to designate the property located at 1802-1826 Government Street pursuant to Section 967 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

8. Heritage Alteration Permit Application with Variances No. 00213 for 623 Avalon Road

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 the Heritage Alteration Permit Application with Variances No. 00213 for 623 Avalon Road in accordance with:

1. Plans date stamped February 29, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Part 2.1.5 (a) - Relaxation for the minimum required front yard setback from 7.50m to 4.62m
 - Part 2.1.5 (b) - Relaxation for the minimum required rear yard setback from 12.80m to 9.63m
 - Part 2.1.5 (c) - Relaxation for the minimum required interior side yard setback (west) from 1.83m to 1.35m
 - Schedule C, Section 4 - Relaxation to the required number of off-street parking spaces to be provided from 2 to 1
 - Schedule F, Section 5 (b) - Relaxation to maximum allowable rear yard coverage from 25% to 28.39%.
3. The Heritage Alteration Permit lapsing two years from the date of this resolution.
4. Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Carried Unanimously

9. Heritage Alteration Permit Application No. 00217 for 740 View Street

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council authorize the issuance of the Heritage Alteration Permit Application No. 00217 for 740 View Street in accordance with:

1. Plans date stamped February 15, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Heritage Alteration Permit lapsing two years from the date of this resolution.

Carried Unanimously

10. Guiding Policy for Wastewater Treatment Facilities

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

1. Undertake a comprehensive public engagement process to support development of guiding policy for Council consideration and adoption related to wastewater treatment facilities as a precursor to a future land use application for such a facility within the City of Victoria. This policy should address:
 - a. land use suitability;
 - b. siting options and considerations;
 - c. designer requirements;
 - d. construction and operational considerations, and;
 - e. amenity priorities and opportunities.
 - f. technical feasibility
 - g. cost effectiveness to City of Victoria taxpayers
2. Hold an open house on Monday, April 25, 2016, and distribute a letter to provide background information to the public as well as generate feedback in support of the development of an Engagement Plan for development of the guiding policy framework;
3. Report back to Council on the outcomes of the open house and the draft Engagement Plan.

Council discussed concerns regarding public consultation as well as the proposal that Clover Point be a treatment site.

Amendment:

It was moved by Councillor Loveday, seconded by Councillor Alto, that a fourth bullet be added:

4. Follow the engagement timelines noted in the staff report.

On the amendment:
Carried Unanimously

On the main motion as amended

That Council direct staff to:

1. Undertake a comprehensive public engagement process to support development of guiding policy for Council consideration and adoption related to wastewater treatment facilities as a precursor to a future land use application for such a facility within the City of Victoria. This policy should address:
 - a. land use suitability;
 - b. siting options and considerations;
 - c. design requirements;
 - d. construction and operational considerations, and;
 - e. amenity priorities and opportunities.
 - f. technical feasibility
 - g. cost effectiveness to City of Victoria taxpayers
2. Hold an open house on Monday, April 25, 2016, and distribute a letter to provide background information to the public as well as generate feedback in support of the development of an Engagement Plan for development of the guiding policy framework;
3. Report back to Council on the outcomes of the open house and the draft Engagement Plan, and
4. Follow the engagement timelines noted in the staff report.

On the main motion as amended:
Carried

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

Against: Councillors Loveday and Young

11. Revenue and Tax Policy Benchmark Monitoring and 2016 Tax Rates

It was moved by Councillor Young, seconded by Councillor Coleman, that Council:

1. Direct staff to proceed with preparation of tax rates based in option 3 in the staff report.
2. Direct staff to bring forward a monitoring report on benchmarks identified in this report on an annual basis prior to the adoption of the annual property tax rate bylaw.
3. Approve 2016 tax rates based on current policy as follows:

Residential	4.2746
Utility	36.8124
Major Industrial	13.0546
Light Industrial	13.0546
Business	13.0546
Rec/Non Profit	7.1681
4. Direct staff to bring forward Tax Bylaw, 2016 for first, second and third readings on April 14, 2016.

Motion:

It was moved by Councillor Isitt that this motion be referred to staff to report back to Council on April 28, 2016, with tax rates as outlined in Option 1.

Mayor Helps ruled the motion out order as the proper manner to proceed would be for the motion under consideration to be defeated and to propose a new motion.

Council Isitt encouraged Council to vote against the motion which places more of a burden on residential taxpayers.

Carried

For: Mayor Helps, Councillor Alto, Coleman, Lucas, Madoff and Young

Against: Councillors Isitt and Loveday

12. Southbound Douglas Street Bus Lane – Engagement Results/Design Refinement

Moved by Councillor Lucas, seconded by Councillor Coleman, that Council:

1. Receive this report as an update on southbound Douglas Street dedicated bus lane public engagement and further design;
2. Direct staff to continue work with BC Transit and the public (workshop scheduled for April 20th) in order to improve, and inform the final design and construction details for overall completion of the associated road works before the end March 2017, in a manner that improves transit quality, enhances the public realm, minimizes impacts to City trees, reduces overall impact to residents, travellers and adjacent businesses.
3. Authorize the Mayor and the Corporate Administrator to execute a Funding agreement with BC Transit, in a form acceptable to the City Solicitor, to enable BC Transit to fund construction of a southbound bus lane on Douglas Street, with the final design to be approved by Council to incorporate input received during public engagement, including the potential for pedestrian and cycling improvements at Spruce Avenue and Kings Road.

Carried Unanimously

13. Royal Athletic Park Overview

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council receive the report on the Royal Athletic Park Overview.

Carried Unanimously

14. Robson/Hunter Homes, 506 and 512 Government Street

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the Mayor, on behalf of Council, write to the Premier, the Minister of Technology, Innovation and Citizens' Services, and to the designated Real Estate Manager, Shared Services BC expressing concern about the current condition of the Robson/Hunter houses located at 506 and 512 Government Street and request information specific to the Government's plans for the maintenance, repair, restoration and rehabilitation of these architecturally and historically significant heritage buildings

Carried Unanimously

2. Committee of the Whole – April 14, 2016

1. Amendments to the Committee of the Whole Report from the Special Meeting held February 9, 2016

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council approve the motions in the Additional Committee of the Whole Report from the Special Meeting held February 9, 2016 (Appendix A) and recall the previously approved motion as outlined in Appendix B.

Carried Unanimously

2. Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00007 for 1407 and 1409 May Street, in accordance with:

1. Plans date stamped March 16, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Part 2.1.5 (b): Reduce the rear yard setback from 21.17m to 17.52m.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3. Regional Tower Crane Rescue Services Agreement Renewal

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council authorize the Mayor and City Clerk to execute the Regional Tower Crane Rescue Services Agreement.

Carried Unanimously

4. Amenity Contribution and Inclusionary Housing for Density Bonus Projects

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

1. Create a Density Bonus policy outside of the Downtown Core Area, which:
 - a. sets a fixed-rate target for amenity contribution to be requested when considering additional floorspace (bonus density) above the base density as part of rezonings within Large Urban Village and Urban Residential place designations;
 - b. establishes a fixed-rate target of \$5.00 per square foot (\$53.82 per square metre) for additional floor space that is permitted over the base density;
 - c. identifies the base density as the greater of the OCP base FSR or the existing zoning FSR (whichever is higher) within Large Urban Villages and Urban Residential place designations;
 - d. specifies that amenity contribution requests would not apply to purely commercial or industrial development, or to development of purpose built rental housing secured for the life of the building by a rental housing agreement;
 - e. provides guidance that bonus density contributions be directed to funding amenities within neighbourhoods or urban villages near the development generating the contribution, with amenity priorities to be identified by Local Area Plans;
 - f. provides for an applicant to retain a third party consultant to conduct an economic analysis if the applicant does not find the fixed-rate target supportable for a standard rezoning;
 - g. provides that a third-party economic analysis be used as a basis of negotiation for amenity contribution when bonus density is requested as part of rezonings within the Town Centre designations, and for major rezonings (defined as rezonings above the maximum density within the OCP, that are required to provide significant on-site amenities, that are generally larger than a single city block, or that are rezonings from industrial or institutional uses to residential or mixed-use), and,
 - h. establishes- a reserve fund for improvements within neighbourhoods and urban villages, to which amenity contributions can be directed.
2. Develop an Inclusionary Housing Density Bonus Policy within the Downtown Core Area and amend the Downtown Core Area Plan to reflect this policy which:
 - a. sets a threshold of 30,000 square feet of bonus floorspace (floorspace above the base density in the Downtown Core Area Plan) below which bonus density projects in the Downtown Core Area may elect to contribute amenities according to a fixed rate schedule of \$12.00 per square foot of bonus residential density. Monetary contributions should continue to be directed to the Downtown Core Area Public Realm Improvement Fund (75%) and Downtown Heritage Buildings Seismic Upgrade Fund (25%).

- b. provides the ability to negotiate amenity contributions for projects seeking 30,000 square feet or more of bonus density floorspace, considering third party economic analysis regarding the supportable contribution. The City may elect to seek on-site non-market housing as part of a package of amenity contributions on a site-by-site basis.
 - c. considers opportunities for additional bonus density in the Downtown Core Area Plan (DCAP) Bonus Density Area, up to 10% above the maximum density, for development projects which include on-site affordable housing. The City would seek at least 15% of this additional 10% incremental floorspace, as non-market housing secured by a housing agreement limiting rents to no more than Housing Income Limits (HILs) rents as defined by the Province. Alternatively, the City would consider an equivalent contribution of rental or affordable homeownership units as proposed by the developer, secured by a housing agreement for the life of the building, and defining maximum rents or sales prices and qualified renters or buyers. In some areas, the OCP may need to be amended to support this additional density.
 - d. exempts bonus density commercial floorspace from amenity contributions.
3. Incorporate the proposed amenity contribution target and affordable housing policies into the Downtown Zoning Bylaw which is under preparation.
 4. Forward the report and recommendation to the Affordable Housing Task Force, the industry and non-profit housing providers, and the neighbourhood associations, inviting comment by May 31, 2016.
 5. Adjust the target rate annually based on an indicator of construction cost inflation in the Victoria market, and undertake a comprehensive update of the target rate every three to five years, or in response to major market changes.

Carried Unanimously

5. Concerns Raised by the Applicant Regarding the Density Bonus Land Lift Analysis and Amenity Contribution for 605 -629 Speed avenue and 606 – 618 Frances Avenue

It was moved by Councillor Madoff, seconded by Councillor Young, that Council reconfirm its motion of October 29, 2015, that endorses the recommendations in the density bonus community amenity contribution analysis dated September 13, 2013, and that the monetary contribution due to a density bonus be split equally between the Victoria Housing Fund and neighbourhood amenities within the Burnside-Gorge neighbourhood.

Council discussed the motion:

- *Concerns related to stalling potential affordable housing projects and the fee associated with the amenity contribution.*
- *Concerns related to converting industrial land to residential use.*
- *Support for a schedule of payment for amenity contributions and options for a policy to this end.*

Carried

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

6. Reconsideration of Amenity Contribution and Inclusionary Housing for Density Bonus Projects

It was moved by Councillor Young, seconded by Councillor Coleman, that Council reconsider Item # 4 – *Amenity Contribution and Inclusionary Housing for Density Bonus Projects*.

Carried Unanimously

Amendment:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Council amend the motion by adding a sixth (6th) point:

That staff bring forward a policy for timing of payment of amenity contributions.

Carried Unanimously

On the main motion as amended:

That Council direct staff to:

1. Create a Density Bonus policy outside of the Downtown Core Area, which:
 - i. sets a fixed-rate target for amenity contribution to be requested when considering additional floorspace (bonus density) above the base density as part of rezonings within Large Urban Village and Urban Residential place designations;
 - j. establishes a fixed-rate target of \$5.00 per square foot (\$53.82 per square metre) for additional floor space that is permitted over the base density;
 - k. identifies the base density as the greater of the OCP base FSR or the existing zoning FSR (whichever is higher) within Large Urban Villages and Urban Residential place designations;
 - l. specifies that amenity contribution requests would not apply to purely commercial or industrial development, or to development of purpose built rental housing secured for the life of the building by a rental housing agreement;
 - m. provides guidance that bonus density contributions be directed to funding amenities within neighbourhoods or urban villages near the development generating the contribution, with amenity priorities to be identified by Local Area Plans;
 - n. provides for an applicant to retain a third party consultant to conduct an economic analysis if the applicant does not find the fixed-rate target supportable for a standard rezoning;
 - o. provides that a third-party economic analysis be used as a basis of negotiation for amenity contribution when bonus density is requested as part of rezonings within the Town Centre designations, and for major rezonings (defined as rezonings above the maximum density within the OCP, that are required to provide significant on-site amenities, that are generally larger than a single city block, or that are rezonings from industrial or institutional uses to residential or mixed-use), and,

- p. establishes- a reserve fund for improvements within neighbourhoods and urban villages, to which amenity contributions can be directed.
- 2. Develop an Inclusionary Housing Density Bonus Policy within the Downtown Core Area and amend the Downtown Core Area Plan to reflect this policy which:
 - e. sets a threshold of 30,000 square feet of bonus floorspace (floorspace above the base density in the Downtown Core Area Plan) below which bonus density projects in the Downtown Core Area may elect to contribute amenities according to a fixed rate schedule of \$12.00 per square foot of bonus residential density. Monetary contributions should continue to be directed to the Downtown Core Area Public Realm Improvement Fund (75%) and Downtown Heritage Buildings Seismic Upgrade Fund (25%).
 - f. provides the ability to negotiate amenity contributions for projects seeking 30,000 square feet or more of bonus density floorspace, considering third party economic analysis regarding the supportable contribution. The City may elect to seek on-site non-market housing as part of a package of amenity contributions on a site-by-site basis.
 - g. considers opportunities for additional bonus density in the Downtown Core Area Plan (DCAP) Bonus Density Area, up to 10% above the maximum density, for development projects which include on-site affordable housing. The City would seek at least 15% of this additional 10% incremental floorspace, as non-market housing secured by a housing agreement limiting rents to no more than Housing Income Limits (HILs) rents as defined by the Province. Alternatively, the City would consider an equivalent contribution of rental or affordable homeownership units as proposed by the developer, secured by a housing agreement for the life of the building, and defining maximum rents or sales prices and qualified renters or buyers. In some areas, the OCP may need to be amended to support this additional density.
 - h. exempts bonus density commercial floorspace from amenity contributions.
- 3. Incorporate the proposed amenity contribution target and affordable housing policies into the Downtown Zoning Bylaw which is under preparation.
- 4. Forward the report and recommendation to the Affordable Housing Task Force, the industry and non-profit housing providers, and the neighbourhood associations, inviting comment by May 31, 2016.
- 5. Adjust the target rate annually based on an indicator of construction cost inflation in the Victoria market, and undertake a comprehensive update of the target rate every three to five years, or in response to major market changes.
- 6. **That staff bring forward a policy for timing of payment of amenity contributions.**

On the main motion as amended:
Carried Unanimously

7. Social Enterprise and Social Procurement Task Force

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council adopt the Terms of Reference for the Mayor's Task Force on Social Enterprise and Social Procurement as presented in Appendix A, with the following amendment to the last bullet in point two (#2) of the Appendix: community members from the following sectors: social innovation and social enterprise, financial, community economic development, social procurement, community philanthropy, labour, and co-operative.

Carried

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

BYLAWS

1. FIRST READING

Councillor Young withdrew from the meeting at 9:52 p.m. due to a pecuniary conflict of interest as his family owns property adjacent to the Michigan Street properties under consideration in the next item.

Councillor Loveday withdrew from the meeting at 9:52 p.m.

Motion:

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

- 1. *Heritage Designation (580 Michigan Street) Bylaw No. 16-018*
- 2. *Heritage Designation (584 Michigan Street) Bylaw No. 16-019*
- 3. *Heritage Designation (588 Michigan Street) Bylaw No. 16-020*

Carried Unanimously

2. SECOND READING

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

- 1. *Heritage Designation (580 Michigan Street) Bylaw No. 16-018*
- 2. *Heritage Designation (584 Michigan Street) Bylaw No. 16-019*
- 3. *Heritage Designation (588 Michigan Street) Bylaw No. 16-020*

Carried Unanimously

Councillor Young returned the meeting at 9:53 p.m.

Councillor Loveday returned to the meeting at 9:53 p.m.

3. FIRST READING

Motion:

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

1. *Boulevard Tax Bylaw, 2016 No. 16-041*
2. *Business Improvement Area Rate Bylaw, 2016 No. 16-040*

Carried Unanimously

Motion:

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 15) No. 16-042

Council discussed the motion:

- *The companies listed for parking stands having business licences as a condition of approval.*
- *Concerns related to diesel vehicles using the parking stalls.*

Carried

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

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that the following bylaws **be given first reading:**

Tax Bylaw 2016 No. 16-044

Carried

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

Motion:

It was moved by Councillor Coleman, seconded by Mayor Helps, that the following bylaws **be given first reading:**

Civic Expenditures Bylaw Repeal Bylaw No. 16-039

Council discussed the rationale for having a policy instead of a bylaw.

Carried

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

4. MOTIONS TO RESCIND

222 and 226 Dallas Road – Motions to Rescind Adoption, Third and Second Reading

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that **Adoption** of the following bylaws **be rescinded:**

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

Motion:

It was moved by Councillor Madoff, seconded by Councillor Loveday, that **Third Reading** of the following bylaws **be rescinded:**

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that **Second Reading** of the following bylaws **be rescinded:**

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

5. SECOND READING

Motion:

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

Amended *Heritage Designation (222 Dallas Road) Bylaw No. 16-021*

Amended *Heritage Designation (226 Dallas Road) Bylaw No. 16-022*

Carried Unanimously

Motion:

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 15) No. 16-042

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Lucas, Madoff and Young

Against: Councillor Isitt

Motion:

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

Tax Bylaw 2016 16-044

Carried

For: Mayor Helps, Councillor Alto, Coleman, Lucas, Madoff and Young

Against: Councillor Isitt and Loveday

Motion:

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

Civic Expenditures Bylaw Repeal Bylaw No. 16-039

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Lucas, Madoff and Young

Against: Councillor Isitt

Motion:

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

Boulevard Tax Bylaw, 2016 No. 16-041

Carried Unanimously

Motion:

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

Business Improvement Area Rate Bylaw, 2016 No. 16-040

Carried Unanimously

6. THIRD READING

Motion:

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 15) No. 16-042

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Lucas, Madoff and Young

Against: Councillor Isitt

Motion:

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

Tax Bylaw 2016 16-044

Carried

For: Mayor Helps, Councillor Alto, Coleman, Lucas, Madoff and Young

Against: Councillors Isitt and Loveday

Motion:

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

Civic Expenditures Bylaw Repeal Bylaw No. 16-039

Carried

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Lucas, Madoff and Young

Against: Councillor Isitt

Motion:

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

1. *Boulevard Tax Bylaw, 2016 No. 16-041*

2. *Business Improvement Area Rate Bylaw, 2016 No. 16-040*

Carried Unanimously

Councillor Lucas withdrew from the meeting at 10:05 p.m. due to a potential pecuniary conflict of interest as the owner of the hotel where she is employed is also the owner of 755-795 Market Street.

4. ADOPTION

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following bylaw **be Adopted:**
Housing Agreement (755-795 Market Street and 766-770 Hillside Avenue) 16-033
Carried Unanimously
Councillor Lucas returned to the meeting at 10:06 p.m.

NEW BUSINESS

To Set Public Hearings for the Meeting of Thursday, April 28, 2016:

It was moved by Councillor Alto, seconded by Councillor Madoff, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, APRIL 28, 2016, at 6:30 p.m.:**

1. Heritage Designation Application No. 000145 for 580 Michigan Street
2. Heritage Designation Application No. 000146 for 588 Michigan Street
3. Heritage Designation Application No. 000147 for 584 Michigan Street
4. Development Permit with Variances for 1115 / 1117 Caledonia Avenue
5. Development Variance Permit No. 00170 for Robleda Crescent
6. Heritage Alteration Permit Application No. 00213 for 623 Avalon Road
7. Heritage Designation Application No. 000148 for 226 Dallas Road
8. Heritage Designation Application No. 000149 for 222 Dallas Road

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor Alto, seconded by Councillor Coleman, that the Council meeting adjourn.
Time: 10:06 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA