



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, JANUARY 14, 2016, AT 7 P.M.**

<b><u>PLACE OF MEETING:</u></b>	Council Chambers, City Hall
<b><u>PRESENT:</u></b>	Mayor Helps in the Chair, Councillors Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe
<b><u>ABSENT:</u></b>	Councillors Alto and Young
<b><u>STAFF PRESENT:</u></b>	J. Johnson - City Manager; P. Bruce - Fire Chief; C. Coates - City Clerk; K. Hamilton – Director of Citizen Engagement and Strategic Planning; J. Jenkyns - Deputy City Manager; T. Soulliere - Director of Parks, Recreation and Facilities; S. Thompson - Director of Finance; J. Tinney - Director, Sustainable Planning and Community Development; F. Work – Director of Engineering & Public Works; A. Meyer – Assistant Director of Development Services; C. Mycroft - Executive Assistant to the City Manager; 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**

### **POETRY READING**

Poet Laureate, Yvonne Blomer read a poem titled “Get Warm”.

### **MINUTES**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Regular Council meeting minutes of December 10, 2015, be approved.

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Special Council meeting minutes of December 18, 2015, be approved.

### **PROCLAMATIONS**

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

1. “BC Aware 2016: Be Secure, Be Aware Days” January 25 – February 5, 2016

**Carried Unanimously**

### **COMBINED DEVELOPMENT APPLICATIONS**

#### **1. 1070 Joan Crescent**

##### **1. Public Hearing**

##### **1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1057) – 15-090**

The purpose of this bylaw is to rezone the land known as 1070 Joan Crescent from the R1-A Zone, Rockland Single Family Dwelling, to the CCVC Zone, Craigdarroch Castle Visitor Centre District, to allow a cultural facility, commercial exhibits, public buildings, retail sales and restaurant in association with the cultural facility to permit the use of the property for a visitor centre, with regulations specific to the property.

##### **2. Heritage Alteration Permit and Development Permit Application**

The City of Victoria will also consider the issuance of a Heritage Alteration Permit and Development Permit for the property with civic address 1070 Joan Crescent for the purposes of approving changes to the existing building, allowing an addition to the existing building and allowing the relocation of a free-standing structure on this property.

##### **3. Development Permit Application**

The Council of the City of Victoria will also consider issuing a Development Permit for the land known as 1070 Joan Crescent.

Alison Meyer (Assistant Director, Development Senior Planner): This is a rezoning application for the proposed Craigdarroch Castle Visitor Centre located at 1070 Joan Crescent. The current and

proposed zones, the associated development permit and heritage alteration permit were described, as well as the proposed uses.

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

John Hughes (Executive Director of Craigdarroch Castle): Provided information about the state of the buildings and the background on this project to develop the proposed visitor centre.

Stuart Stark (Heritage Consultant): Advised that he provided the Heritage Statement of Significance for this project and he outlined the heritage elements of the house which informed and directed this development.

Christine Lintott (Architect): Provided information regarding the physical attributes of the house proposed for the visitor centre, with details regarding the elevations, the garage to be re-purposed as a tea house, and the approaches to the property.

Mark Hunter (Joan Crescent): Spoke in support of the proposal but expressed concerns regarding parking and potential impacts associated with the increased visitors and the commercial creep into the neighbourhood.

Abe Black (Cassidy Child Centre Board of Directors, Joan Crescent): Expressed concerns about parking for the child care centre during the renovations and when the visitor centre is open.

Jon Tupper (Dallas Road, Art Gallery of Greater Victoria): Spoke in support of the application and noted that the restaurant is too small to have any impact on the neighbourhood, like a full service restaurant might have.

Bob June (Rockland Land Use Committee): Spoke in opposition to the application due to the restaurant proposal and the concern it could become a larger business.

*Councillor Madoff asked about the restaurant definition in the zoning and what could happen in terms of the restaurant expanding and including outdoor seating.*

Alison Meyer (Assistant Director of Development Services): An expansion in size would require a variance which would have to come to Council for consideration. The outdoor seating is seasonal so adding a permanent structure would also trigger a variance.

*Councillor Madoff asked if there would be liquor service.*

Alison Meyer: Liquor service is not contemplated in this application.

*Councillor Isitt asked what type of food establishment would be permitted and the seating capacity and parking requirements.*

Alison Meyer: The zoning doesn't provide details about the type of food, but it is limited by size, which is 14 square meters. This also restricts the outdoor seating. The parking requirements are accommodated on site.

*Councillor Isitt asked if a liquor licence requires an application to the province.*

Chris Coates (City Clerk): An application for service of liquor is through the Liquor Control Licensing Branch and the City is involved through that policy.

*Councillor Isitt asked if a new owner would be able to continue with the restaurant.*

Alison Meyer: Only in association with a cultural facility.

*Councillor Isitt asked the applicant for clarification regarding the food service.*

John Hughes: Provided information on the type of food that would be offered.

*Councillor Madoff noted that community consultation had been extensive and asked if the applicant had consulted with the Friary.*

John Hughes: Yes, they met and had discussions with them.

*Mayor Helps asked if the intention is to run the tea shop by the Society.*

John Hughes: A final decision hasn't been made but his preference would be for the Society to manage it.

*Councillor Thornton-Joe noted the various requirements and authorizations required to open a restaurant, which makes it complex and costly.*

*Mayor Helps closed the public hearing at 7:44 p.m.*

2. **Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1057)*

*Councillor Isitt noted the opposition from the community association but spoke in support of the application due to staff advising on the limited nature of permitted food services and how the food service is complementary to the visitor centre. These uses are compatible for Rockland and it is a modest expansion.*

*Councillor Coleman spoke in support of the application, noting the concerns regarding the restaurant use but the small size of the restaurant won't permit the issues associated with a large restaurant. This is a cultural precinct in the Rockland district and any changes to this use would require a further application to Council.*

*Councillor Madoff spoke in support of the application and noted that there had been a thorough consultation process and concerns had been addressed. The restaurant is constrained by the existing zoning and will not result in the scenarios that were expressed as concerns. Parking concerns can be dealt with and she will be available to hear those concerns as community liaison.*

*Councillor Loveday spoke in support of the application noting the concerns expressed about the restaurant, but the proposal is not for a full service restaurant and any changes would require further applications.*

**Carried Unanimously**

3. **Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1057)*

**Carried Unanimously**

3. **Heritage Alteration Permit Approval**

It was moved by Councillor Madoff, seconded by Councillor, that Council authorize the issuance of the Heritage Alteration Permit (HAP) Application No. 00195 for 1070 Joan Crescent, in accordance with:

1. Revised drawings date stamped May 11, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Community Planning Division.

**Carried Unanimously**

4. **Development Permit Approval**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit No. 000448 for 1070 Joan Crescent, in accordance with:

1. Revised drawings date stamped May 11, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above as amended to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**COMBINED DEVELOPMENT APPLICATIONS**

2. **863 / 865 Villance Street**

1. **Public Hearing**

1. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1058) 15-094**

The purpose of this bylaw is to rezone the land known as 863 and 865 Villance Street from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District, to permit an existing duplex to be strata titled.

2. **Development Permit with Variances Application**

The Council of the City of Victoria will also consider issuing a development permit with variances for the land known as 863 and 865 Villance Street, in Development Permit Area 15D: Intensive Residential - Duplex for the purposes of approving the exterior design and finishes for the duplex, and to vary the following requirements of the Zoning Regulation Bylaw for the existing duplex:

- Reduce the front yard (east) setback from 7.5m to 1.58m
- Reduce the rear yard (west) setback from 10.7m to 2.89m.

Alison Meyer (Assistant Director of Development Services): This is an application to rezone the property located at 863 and 865 Villance Street from single family to two family zone. The new zone would permit the non-conforming duplex to be strata titled and reflect pre-existing conditions.

*Mayor Helps opened the public hearing at 7:54 p.m.*

Won Chen (Applicant): They are applying for strata conversion for a non-conforming duplex and he described the variances they are applying for.

*Mayor Helps closed the public hearing at 7:56 p.m.*

3. **Bylaw Approval**  
It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaw **be given third reading:**  
*Zoning Regulation Bylaw, Amendment Bylaw (No. 1058) 15-094*
- Councillor Isitt spoke in support of the application, noting there haven't been any concerns from the public.*
- Councillor Coleman said this is an important application because the strata conversion of the duplex allows young families to move into town.*
- Carried Unanimously**
4. **Bylaw Approval:**  
It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following bylaw **be adopted:**  
*Zoning Regulation Bylaw, Amendment Bylaw (No. 1058) 15-094*
- Carried Unanimously**
5. **Development Permit with Variances Application Approval**  
It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council authorize the issuance of Development Permit with Variances Application No. 00495 for 863 and 885 Villance Street, in accordance with:
1. Plans date stamped October 20, 2015.
  2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - a. Part 2.1.5(a): Reduce the front yard setback from 7.5m to 1.58m.
    - b. Part 2.1.5(b): Reduce the rear yard setback from 10.7m to 2.89m.
  3. The Development Permit lapsing two years from the date of this resolution.
- Carried Unanimously**

**ZONING REGULATION BYLAW AMENDMENT APPLICATION**

1. **Zoning Regulation Bylaw, Amendment Bylaw**
1. **Public Hearing**  
**Zoning Regulation Bylaw, Amendment Bylaw (No. 1055) No. 15-084**  
The purpose of this bylaw is to amend the Zoning Regulation Bylaw by amending the R1-A Zone, Rockland Single Family Dwelling District, to better define regulations related to the site area required for lots with attached and semi-attached dwelling units and the site area for house conversions upon subdivision.
- Alison Meyer (Assistant Director of Development Services): The purpose of this City-initiated amendment is to bring the R1-A Zone back into alignment with the adopted City policy of the Rockland Neighbourhood Plan and provided information regarding how the changes would affect houses in this zone.
- Mayor Helps opened the public hearing at 8:00 p.m.*
- Melanie Smith (Owner of property in Rockland): Spoke in opposition to the bylaw change noting it is a significant change that, in some cases, would not allow for densification and requested that a more balanced review of the bylaw take place.
- Bob June (Rockland Land Use Committee): Said the community association supports this amendment which provides clarity for the area requirement of large properties.
- Councillor Madoff asked staff if notification requirements were met?*
- Alison Meyer (Assistant Director of Development Services): Yes, the notification requirements were met.
- Councillor Isitt asked if the Rockland association notifies the public, or does the City.*
- Alison Meyer: There are no obligations for the association or the City in terms of notification. The *Local Government Act* requires a notice be placed in the newspaper, which was done.
- Councillor Isitt asked why the City brought this forward.*
- Alison Meyer: Advised that the policy regarding the required lot area was more clearly articulated in the previous R1-A zone and wasn't captured as clearly when it was revised, so this is bringing the current zoning back up to date.

Mayor Helps closed the public hearing at 8:09 p.m.

**2. Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1055) 15-084*

*Councillor Madoff spoke in support of the application, noting that it doesn't preclude consideration of a rezoning application, which receives more public input than a development permit, which may be a benefit.*

**Carried Unanimously**

**3. Bylaw Approval:**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1055) 15-084*

**Carried Unanimously**

**DEVELOPMENT PERMIT APPLICATION WITH VARIANCES**

**1. 941 – 943 Fort Street**

**2. Hearing - Development Permit with Variances Application No. 000447**

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 941 to 943 Fort Street, in Development Permit Area 7B (HC) Corridors, for purposes of changes to the exterior of the building and allowing office use within the front 6m of the building.

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

- Part 6.55 1.(2) allowing office use to locate within 6m of the building street frontage;
- Schedule C Section 16.C.5 - reduction of 1 parking stall for the change of use from retail to office.

Alison Meyer (Assistant Director of Development Services): This application is a for property development permit with variances at 941 – 943 Fort Street, to allow office use for front 6 meters of the building and the use is limited to three years.

Mayor Helps opened the public hearing at 8:12 p.m.

Charles Kierulf (Keirulf Architects): Provided information regarding the retail spaces in this building and the office use that is required for three years to conduct an investigation. He also described the retail floor space and how the store front will be used for the three year period.

Mayor Helps closed the public hearing at 8:15 p.m.

**2. Development Permit with Variances Approval:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all Zoning Regulation Bylaw requirement, except for the following variances:
  - a. Part 6.55 1.(2): Allowing office use to locate within 6m of the building street frontage.
  - b. Schedule C Section 16.C.5: Reduction of 1 parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution.

*Mayor Helps noted that this is flexible use of space and she'd like to see temporary use proposals happen expediently.*

**Carried Unanimously**

**HEARINGS – REQUESTS TO ADDRESS COUNCIL**

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

**Carried Unanimously**

**1. Phillip Ryce: New Concept in Tourism**

Described a project for tourists and locals involving an application for smart phones and requested permission to proceed with this project and for a Request for Proposals to be issued for the service.

**2. Kathleen Gilbert and Annie Wong-Harrison: Funding Cap for Vancouver Island South Film & Media Commission**

Listed the film productions that were brought to the area by the film board and the economic impact this had on the area. Also described was the work they do to support these projects all on a limited budget. They requested funding of \$45,000 for the film commission.

3. **Denis Oliver: Victoria City Council's Reduction of Funding of the Vancouver Island South Film & Media Commission**

Noted that the film commission brings in millions of dollars into Victoria and he asked Council reconsider its decision to cut the funding to the film commission.

4. **Greg Balicki: Concerns regarding Development at Cook and Oliphant**

Advised that he lives on Oliphant and raised points of concern and proposed resolutions on the proposed development at Cook and Oliphant.

5. **Victoria Adams: Advocacy for Affordability & Security of Rental Housing**

Provided background information regarding property management groups and outlined issues associated with finding affordable rental units and impacts when buildings are renovated, and provided suggestions in support of renters.

6. **Nicole Chaland: Market Affordable Housing at Risk in Cook Street**

Requested Council protect affordable housing in the City, in particular in the Cook Street Village, noting concerns regarding the proposed development at Cook and Oliphant.

7. **Jacinthe Tremblay: Cook/Oliphant Development and Parking**

Expressed concerns about the Cook and Oliphant development proposal and outlined issues associated with parking related to the proposal.

8. **Emmy Marshall-Hill: Cook/Oliphant Development and Sustainability**

Spoke about sustainability goals in the OCP and how the development proposed at Cook and Oliphant could be better aligned with those goals.

9. **Wayne Shillington: Creating Equity Among all City of Victoria Neighbourhoods**

Spoke on behalf of six neighbourhood associations that are without a City funded and neighbourhood association operated community centre. He also outlined the process that brought him to Council tonight to request that the budget be extended to meet the needs of these neighbourhoods.

10. **Wayne Hollohan: Community Consultation, Local Area Plans and Cook Street Village**

Spoke about community consultation and expressed concerns on how the process works, giving examples about downtown borders and the local area plan consultation processes.

11. **Sid Tafler: Cook Street Village**

Provided history about development in the Fairfield community and outlined issues regarding the proposal at Cook and Oliphant and gave examples of supportable development in Fairfield.

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following people be added to Request to Address Council:

Crin Roth

Stephanie Collins

Shelagh Bell Irving

Cathy Bandar

Sonia Furstenau

**Carried Unanimously**

12. **Crin Roth: Balanced Approach for Development at Cook and Oliphant**

Spoke for a balanced approach to development and expressed concerns and outlined issues regarding the current proposal at Cook and Oliphant. She also provided a petition regarding this proposal.

**Cathy Bandar: Contaminated Soil dumped near Shawnigan Lake**

Asked for Council's support in the effort to have the permit rescinded for the dumping of contaminated soil near the aquifer that supplies drinking water Shawnigan Lake.

**Stephanie Collins: Contaminated Soil dumped near Shawnigan Lake**

Expressed concerns regarding the contaminated soil dump near the aquifer for Shawnigan Lake and asked for support for the right for clean water for all.

**Shelagh Bell Irving : Contaminated Soil dumped near Shawnigan Lake**

Advised that on November 13 contaminated water leaked into Shawnigan Lake and her dogs would not drink it, and expressed concerns regarding the contaminated water.

**Sonia Furstenau: Contaminated Soil dumped near Shawnigan Lake**

Said they are trying to define the future of their community which was taken away by a company that wants to make money by dumping contaminated soil in their watershed.

**Council recessed at 9:17 p.m.**

**Council reconvened at 9:23 p.m.**

**UNFINISHED BUSINESS**

1. **Application for a Liquor Primary Licence, Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.) 665 Douglas Street (James Bay Neighbourhood)**

Council received a report dated December 29, 2015 from staff that provided an assessment of the application for a Liquor Primary Licence at 665 Douglas Street. After receiving public input, staff is recommending that Council does not support the application.

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Council, after conducting a review of the staff assessment respecting noise and community impacts of the application for a Liquor Primary Liquor Licence for Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.), located at 665 Douglas Street, and receiving public input in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy:

1. Does not support the application as described in the application summary dated July 29, 2015 and the revised terms and conditions outlined in letters dated October 13, 2015 and December 10, 2015 due to likelihood of noise and other community impacts.
2. Provides comments to the Liquor Control and Licensing Branch on the prescribed considerations as follows:
  - a. The location of the establishment:

The proposed location of the Yuk Yuk's Comedy Club is the ground floor of the "Q" apartment building, which is the space previously licensed as Samuel's Dining Lounge in the former Queen Victoria Hotel. The location is in the Intermediate Noise District as defined in the Noise Bylaw. The zoning permits club use. The venue is near residential properties, and adjacent land uses are generally focused on daytime operation or are hotels. The establishment is co-located in a multi-story apartment building, beneath the apartments. Adjacent properties include apartment buildings and townhouses, hotels, St. Ann's Academy, and the Royal BC Museum. The proposed location is not considered compatible with the existing neighbourhood due to the number of residences close by.
  - b. The proximity of the establishment to other social or recreational facilities and public buildings:

There are no apparent conflicts with nearby social, recreational and public buildings.
  - c. The person capacity and hours of liquor service of the establishment:

The proposed hours of liquor service are from 9:00AM to 12:00AM Sunday to Thursday, and 9:00AM to 1:00AM, Friday and Saturday. The proposed licensed person capacity (occupant load), which includes staff and patrons, is 211 persons. The late hours create concerns for street noise at closing time.
  - d. The number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location:

Within a 2 block radius of the proposed business, there are 9 other Liquor Primary Licensed establishments with a total patron capacity of 7,458 seats. Four of these are located in hotels, others include the Victoria Conference Centre, Royal BC Museum (special events) and a private club. Yuk Yuk's has a different focus, providing entertainment in the form of stand-up comedy, with snack and beverage service. The club caters to an over 35 years, mixed demographic, which includes tourists, business people and residents.
  - e. The impact on the community in the immediate vicinity of the establishment:

It is anticipated that there would be noise-related conflicts between residents and patrons exiting the premise at closing time, primarily near the entrance on Douglas Street. Even though the proposed use is permitted under existing zoning, City staff do not believe that this use is compatible with the land use in the area, given the significant number of residents currently living in the subject building and nearby, with more residents likely in future. Issues related to additional traffic and parking from patrons attending the venue can also be anticipated. The building was converted from the Queen Victoria Hotel to a rental apartment building with 146 suites in 2013. Council approval was given for a reduced parking requirement per suite with the provision of two car share stalls on-site. These stalls are for the use of residents and guests only; no other parking capacity is available on-site for patrons of the club.
  - f. The impact on the community if the application is approved:

While the type of business proposed would serve to add vitality and help diversify the business offering in this area of the downtown, if the application is approved it is anticipated that residents will be impacted by noise and increased traffic.
  - g. The City consulted the public on this application by:
    - i. Sending out written notice to all property owners and residents within 300 metres of this business inviting comment on the application and notifying them of a public hearing;
    - ii. Posting notices in two consecutive editions of the newspaper;
    - iii. Having the business post a notice at the access point to the business for a period of 21 days inviting the public to provide written comment and/or attend the public hearing; and
    - iv. Holding a public hearing on December 10, 2015 to receive public input on this proposal.

*Councillor Madoff spoke in support of the recommendation noting that it is not an appropriate location for this venue but she would like to see it in another location.*

*Councillor Isitt spoke in support of the recommendation though he had originally thought it had some merit but public opposition was clear.*

*Councillor Lucas said they heard from James Bay residents that they were in support of a comedy club, but not in this location as there are too many residents surrounding it.*

Councillor Thornton-Joe noted her previous concerns regarding this application and spoke in support of the recommendation.

Mayor Helps expressed support for the entrepreneur though she spoke in support of the recommendation due to the opposition expressed in the neighbourhood, noting that the restaurant use was before the hotel became a residential building. Also, Council is making a recommendation to the province, who will make a final decision on the application.

Councillor Loveday asked how often the province will override a recommendation from Council.

Chris Coates (City Clerk): Advised he hasn't experienced that before.

Councillor Loveday said he would support staff's recommendation as they heard the concerns of the residents but he felt solutions had been proposed and hopes this doesn't deter the applicant.

Councillor Coleman said he supported the idea of the application but it would be better closer to the downtown core as this is not the area for it.

**Carried Unanimously**

**3. Update on Development Permit with Variances No. 000377 for 613 Herald Street**

Council received a report dated December 18, 2015 that provided an update on the Development Permit with Variances Application for 613 Herald Street.

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council receive the report for information and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion which has been updated to remove preconditions that have been satisfied, identify changes to proposed variances that reflect the revised proposal and provide specific details on the costs associated with the Encroachment Agreement.

"That Council authorize the issuance of Development Permit Application No. 000377 with Variances for 613 Herald Street, in accordance with:

1. Plans date stamped November 19, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 6.6.1 – Increase the maximum building height from 15m to 18.73m
  - b. Section 6.8.3(b) – Reduce the front yard setback above 10m from 1.75m to 0.40m
  - c. Section 6.8.5 – Reduce the minimum side yard setback from 4.5m to nil.
  - d. Section 6.8.6(ii) – Reduce the number of vehicle parking spaces from 70% of the number of dwelling units (22 spaces) to 31% (10 spaces)
3. Removal of the Section 219 Covenant requirement for a car share vehicle.
4. The applicant entering into a car share agreement with MODO to secure car share memberships for each unit.
5. That a Car Share Agreement is in place to the satisfaction of MODO that will secure the fulfilment of the agreement in accordance with the standard practice.
6. Council authorizing the City of Victoria 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 City staff.
7. 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.
8. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
9. The Development Permit lapsing two years from the date of this resolution.

Councillor Madoff spoke in support of the consultation that occurred with the neighbours, but she can't support the application due to the design which is not in keeping with this area.

Councillor Thornton-Joe spoke in support of the application noting there were concerns expressed by residents, but they met with the developer and this reflects those discussions. Height is a concern but there is value in protecting one of the hidden courtyards.

**Carried**

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

**Against:** Councillor Madoff

**4. Update on Development Permit with Variances Application No. 000426 for 951 Johnson Street**

Council received a report dated December 18, 2015 that provided an update on Development Permit with Variances Application for 951 Johnson Street.

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council receive this report for information and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion which has been updated to remove preconditions that have been satisfied and provide specific details on the costs associated with the Encroachment Agreement:

"That Council authorize the issuance of Development Permit with Variances Application No. 000426 for 951 Johnson Street, in accordance with:

1. Plans date stamped December 2, 2015.
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 50m;
  - b. Section 3.67.5(2) - increase the number of storeys from 10 storeys to 17 storeys.
  3. Council authorizing staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m<sup>2</sup> of exposed shored face during construction, in a form satisfactory to staff.
  4. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff.
  5. The Development Permit lapsing two years from the date of this resolution."
- Councillor Isitt asked about highway access off Vancouver Street which should be protected as a part of the bike corridor.*

Fraser Work (Director of Engineering & Public Works): Said he will return to Council with the details on that issue.

*Councillor said he cannot support this application as he is concerned about this policy direction regarding the highway access off Vancouver Street.*

**Carried**

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

## **2. Correspondence for Information**

### **BCLC Response – Expression of Interest in Gaming Facility:**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council receive the correspondence dated December 14, 2016 from BCLC for information.

**Carried**

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

### **Mishandling of Asbestos:**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council receive the correspondence dated December 2, 2016 from the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour, for information.

**Carried Unanimously**

### **Oil Spills Response:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council receive the correspondence dated December 21, 2016 from the Environmental Protection Division, Spill Response Regime Project, Jobs, for information.

**Carried Unanimously**

### **Support for Road Allowance**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council receive the correspondence dated November 19, 2016 from the City of Hamilton, for information.

**Carried Unanimously**

### **Funding for Cottage Grove and Rosalie's Village Projects**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council receive the correspondence dated December 7, 2016 from the District of Saanich, for information.

**Carried Unanimously**

*Councillor Isitt asked if Saanich matched the City's funding.*

### **Motion:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council direct staff to examine the motion passed regarding Rosalie's Village and report back to Council.

**Carried Unanimously**

## **REPORTS OF THE COMMITTEES**

### **1. Governance and Priorities Committee – January 7, 2016**

#### **1. Early Budget Approval for Capital Projects**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council approve the budgets for the following projects outlined in this report.

**Carried Unanimously**

#### **2. Proposed Amendments to the Expenditure Bylaw**

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

1. Direct staff to prepare a clause along the following lines for inclusion in the Civic Expenditures Policy: "The City, including directors, managers and other responsible staff, will endeavour to provide goods, equipment and services internally prior to considering any external purchase of goods, equipment or services."
2. Refer the policy to the Mayor's Task Force on Economic Development and Prosperity in April 2016. That Council repeal the Expenditure Bylaw after approval of the Procurement Policy.

**3. Summary of Feedback on Proposed Changes to the Strategic Plan Grant Policy**

***Mayor Helps withdrew from the meeting at 9:45 p.m. due to a pecuniary conflict of interest with the next item as she is the Co-Chair for the Coalition to End Homelessness. Councillor Lucas assumed the Chair.***

***Councillor Thornton-Joe withdrew from the meeting at 9:45 p.m. due to a pecuniary conflict of interest with the next item as she is a Director on the Coalition to End Homelessness.***

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council approve the following motion:

That the Coalition to End Homelessness be awarded a grant of \$100,000 for 2016 and that they be exempted from the procurement policy.

*Councillor Loveday said he will support the motion but he would like to see the results of the Coalition's governance review.*

*Councillor Isitt said Council is working with CRD partners to look at new solutions for homelessness and the focus needs to come from these regional partners.*

*Councillor Coleman noted the history of the coalition and cautioned against downsizing the Coalition.*

**Carried Unanimously**

***Mayor Helps returned to the meeting at 9:50 p.m. and assumed the Chair.***

***Councillor Thornton-Joe returned to the meeting at 9:50 p.m.***

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Lucas

That Council direct staff to:

1. Make the following amendments to the Strategic Plan Grant Policy:
  - a. Implement a maximum grant amount of \$25,000
  - b. Allow only one strategic plan grant application per organization per year except in situations where they are applying on behalf of a group that does not have not-for profit status.
2. Develop a communications strategy for all the City's grant programs.

*Council discussed:*

- *They are setting the grant policy and making exceptions in certain instances.*
- *Concerns regarding the cap on the maximum amount when some organizations are deserving of more.*

*Mayor Helps advised that their review of fees for service grants showed the application process was not fair as some organizations had to apply and others didn't. This policy was to remedy that, and included the requirement that each organization report annually.*

**Amendment:**

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

That Council direct staff to:

1. Make the following amendments to the Strategic Plan Grant Policy:
  - a. ~~Implement a maximum grant amount of \$25,000~~
  - b. Allow only one strategic plan grant application per organization per year except in situations where they are applying on behalf of a group that does not have not-for profit status.
2. Develop a communications strategy for all the City's grant programs.

*Councillor Loveday spoke in support of the amendment noting that all organizations should report back.*

*Councillor Isitt spoke in opposition of the amendment, advising that a cap in the funding means a larger amount of organizations can be supported, with specific applications receiving exemptions.*

*Councillor Thornton-Joe said it becomes political if there is a cap and it should be based on merit with annual reporting.*

*Councillor Coleman noted the metrics that show what the City is getting out of the investment and this helps to understand what the grants will do.*

*Councillor Lucas spoke in support of a cap which allows the funding to be spread around to more organizations.*

*Councillor Madoff noted that both policies have proven to have their pros and cons, and it is important to have a defensible process.*

Mayor Helps noted that organizations applying for more than \$10,000 had to present to Council and asked if there is a simpler process for organizations apply for lesser amounts.

Susanne Thompson (Director of Finance): The application form and process mirror the criteria of the policy, so if additional information from the organization is desired, she'd like clear direction on that.

Mayor Helps said she would provide that information.

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

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

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

**4. Community and Seniors Centres Annual Performance Report for 2014**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council direct staff to report annually in April on the performance measures for the community and seniors centres and that the community building at 1921-1923 Fernwood Road be added to the City's list of facilities.

That Council direct staff to provide the following:

1. community and seniors centres operating agreements to Council, and
2. develop a process for renewing and negotiating community and seniors centre operating agreements.

Councillor Isitt asked if staff can report back on how to support a community that doesn't have a community centre.

Katie Hamilton (Director of Citizen Engagement & Strategic Planning): Staff can report back to Council on this.

**Carried Unanimously**

**5. 784 Johnson Street – Consent to Sub-let**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council authorizes the Mayor and Corporate Administrator to execute an agreement consenting to the sub-letting of the premises at 748 Johnson Street to Fun Kun Lei, in a form satisfactory to staff.

**Carried Unanimously**

1

**6. FCM Resolution – Federal Bill of Environmental Rights**

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

THAT Council endorse the following resolution for consideration at the 2016 Annual Convention of the Federation of Canadian Municipalities, requesting that the motion be considered by delegates at the Annual Convention in Winnipeg, rather than referred to Directors at a Board meeting, in order to encourage debate among representatives from all member local governments;

AND THAT Council direct staff to forward the resolution to all members of local governments of the Federation of Canadian Municipalities, requesting favourable consideration and resolutions of support:

WHEREAS municipalities are the governments that are nearest to the people and the natural environment, and therefore share a deep concern for the well-being of the natural environment and understand that a healthy environment is inextricably linked to the health of individuals, families, future generations and communities;

AND WHEREAS federal policy affects municipalities' abilities to deliver the best environmental conditions for their citizens, including protecting natural assets such as air, water and soil, and enhancing community quality of life;

THEREFORE BE IT RESOLVED that FCM request that the Government of Canada enact federal environmental rights legislation that:

- recognizes the right of every resident to live in a healthy environment, including the right to clean air, clean water, safe food and resilient, fully functioning ecosystems;
- provides for public participation in decision-making on issues regarding the environment and access to environmental information;
- provides access to justice when environmental rights are infringed; and
- includes provisions for whistle-blower protection.

And that Council request the Mayor to write to the Federal Government regarding the resolution.

**Carried Unanimously**

**7. Conference Attendance Request - Canadian Capital Cities Organization Annual Board Meeting to be held in Ottawa, Ontario from January 27 - 31, 2016**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council authorizes the attendance and associated costs for Councillor Alto to the Canadian Capital Cities Organization Board meeting to be held in Ottawa, Ontario, January 27 to 31, 2016.

**Carried Unanimously**

## **REPORTS OF THE COMMITTEE**

### **3. Planning and Land Use Committee – January 14, 2016**

#### **1. Rezoning Application No. 00489 for 2035 Stanley Avenue:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the application be referred back to staff, encouraging that they work with the applicant to try and find an application that can be supported, and particularly in relation to height and massing of the building and a reduction of some of the variances.

**Carried**

**For:** Councillors Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe

**Against:** Mayor Helps

#### **2. Rezoning Application No. 00490 for 1845 Gonzales Avenue:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that first and second reading of the attached Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Carried Unanimously**

#### **3. Development Permit Application No. 00490 for 1845 Gonzales Avenue:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council consider the following the motion after the Public Hearing for Rezoning Application No. 00490, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00490 for 1845 Gonzales Avenue in accordance with:

1. Plans date stamped November 12, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

#### **5. Rezoning Application No. 00496 for 1122 and 1124 Leonard Street:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00496 for 1122 and 1124 Leonard Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Carried Unanimously**

#### **6. Development Permit with Variances Application No. 00496 for 1122 and 1124 Leonard Street:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council consider the following the motion after the Public Hearing for Rezoning Application No. 00496, if it is approved:

"That Council authorize the issuance of Development Permit with Variances Application No. 00496 for 1122 and 1124 Leonard Street, in accordance with:

1. Plans date stamped November 6, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Part 2.1.3 (d): Increase the combined floor area from 380m<sup>2</sup> to 395.08m<sup>2</sup>;
  - ii. Part 2.1.4 (a): Increase the height from 7.6m to 8.16m;
  - iii. Part 2.1.4 (a): Increase the height from 1.5 storeys with a basement to 2 storeys with a basement;
  - iv. Part 2.1.5 (b): Reduce the rear yard setback from 13.28m to 9.51m;
  - v. Part 2.1.5 (c): Reduce the side yard (west) setback from 1.5m to 0.99m;
  - vi. Part 2.1.5 (c): Reduce the side yard (east) setback from 3.0m to 0.97m;
  - vii. Part 2.1.5 (d): Reduce the combined side yard setbacks from 4.5m to 1.96m;
  - viii. Schedule "C" (3): Permit parking to be located between the building and the front lot line.
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

#### **7. Development Permit Application No. 000445 for 845 Yates Street:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit Application No. 000445 for 845 Yates Street, subject to registration of a legal agreement securing a maintenance schedule for the mural to the satisfaction of staff, in accordance with:

1. Plans date stamped November 5, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

#### **8. Development Variance Permit No. 00161 for 1000 Chamberlain Street:**

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

That Council authorize the issuance of Development Variance Permit Application No. 00161 for 1000 Chamberlain Street, in accordance with:

1. Plans date-stamped November 25, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Section 1.6.4.a - Relaxation to increase the maximum building height from 7.60m to 10.68m

- ii. Section 1.6.5.a - Relaxation to reduce the front yard setback from 7.50m to 4.70m (Cantilever) and 4.96m for the building façade
  - iii. Section 1.6.5.b - Relaxation to reduce the rear yard setback from 9.10m to 3.39m
  - iv. Schedule F, Section 1 - Relaxation to permit an accessory building within the side yard (west) and the front yard instead of the rear yard
  - v. Schedule F, Section 2.a - Relaxation to increase the maximum floor area of an accessory building from 37.00m<sup>2</sup> to 40.30m<sup>2</sup>
  - vi. Schedule J, Section 2.a - Relaxation to permit an increase in the enclosed floor area of an addition to a building from 20.00m<sup>2</sup> to 47.25m<sup>2</sup> with the installation of a secondary suite.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**9. Development Variance Permit No. 000158 for 950 Rockland Avenue:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, after giving notice and allowing an opportunity for public comment, that Council consider the following motion:  
That Council authorize the issuance of Development Permit Application No. 000158 for 950 Rockland Avenue in accordance with:

- 1. Plans date stamped September 18, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. parking requirements reduced from 1.3 parking stalls per dwelling unit to 0.66 stalls per unit;
  - ii. bicycle storage requirements reduced from 1 storage space per dwelling unit to 0.49 storage space per unit.
- 3. That Council authorize staff to register a Section 219 Covenant on title in a form satisfactory to staff.
- 4. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**10. Development Variance Permit Application No. 000166 for 1082 Richmond Street:**

It was moved by Councillor Lucas, seconded by Councillor Coleman, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:  
That Council authorize the issuance of Development Variance Permit Application No. 000166 for 1082 Richmond Avenue, in accordance with:

- 1. Plans date stamped November 13, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - visitor parking requirements reduced from no less than 10% of total parking stalls to 5% of total parking stalls.
- 3. The Development Variance Permit lapsing two years from the date of this resolution.

**Carried**

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

**11. Heritage Designation Application No. 000155 for 59 Cook Street:**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the designation of the property located at 59 Cook Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

**Carried Unanimously**

**12. Heritage Designation Application No. 000157 for 534 Pandora Avenue:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the designation of the property located at 534 Pandora Avenue pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

**Carried Unanimously**

**13. Heritage Alteration Permit Application No. 00211 for 534 Pandora Avenue (Lum Sam and Look Den Building):**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:  
That Council authorize the issuance of Heritage Alteration Permit Application No. 00211 for the property located at 534 Pandora Avenue, in accordance with:

- 1. Revised plans date stamped December 11, 2015
- 2. Development meeting all *Zoning Regulation Bylaw* requirements
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.

**Carried Unanimously**

**14. Heritage Designation Application No. 000156 for 533-537 Fisgard Street:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that after giving notice and allowing an opportunity for public comment at a meeting of Council:  
That Council consider the designation of the property located at 533-537 Fisgard Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

**Carried Unanimously**

**15. Heritage Alteration Permit Application No. 00210 for 533-537 Fisgard Street (Lee Cheong Building):**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion: That Council authorize the issuance of Heritage Alteration Permit Application No. 00210 for the property located at 533-537 Fisgard Street, in accordance with:

1. Revised plans date stamped December 11, 2015
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.

**Carried Unanimously**

**16. Application for a Permanent Change to a Liquor Licence - The Duke Saloon, 502 Discovery Street (Rock Bay Neighbourhood):**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary Licence of the **Duke Saloon**, Liquor Licence No. 167968 located at 502 Discovery Street **supports:**

1. The application of the Duke Saloon to amend its Liquor Primary Licence to allow a change in operating hours to include 12:00 PM to 2:00 AM liquor service seven days per week.
2. The Council provides the following comments on the prescribed considerations:
  - a. The location is within the Core Employment Urban Place designation in the Official Community Plan. The Core Area Employment area uses include: industrial, light industrial, high technology, marine industrial, research and development, commercial, office and complementary retail.
  - b. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Seven written responses were received from residents, six opposed and one in favour of the application.

*Councillor Thornton-Joe expressed concerns that there is a gymnastic club adjacent to the subject property and this is an approval for liquor service without a full service kitchen, which is an issue.*

*Councillor Isitt said he doesn't see a negative impact for the liquor service between 12 noon and 7:00 p.m.*

**Carried**

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

**MOTIONS**

**1. To Set Public Hearings for the Council Meeting of Thursday, January 28, 2016 for:**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, JANUARY 28, 2016, at 7 p.m.:**

1. Rezoning Application No. 00492 for 2972 Doncaster Drive
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1050) No. 16-004
3. Development Variance Permit Application No. 00163 for 1066 and 1070 Finlayson Street
4. Liquor Licence Application, Royal Canadian Legion, 514 Government Street

**Carried Unanimously**

**BYLAWS**

**1. Temporary Borrowing Bylaw, 2016, No. 16-008**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council approve the Temporary Borrowing Bylaw, 2016.

**Carried Unanimously**

**FIRST READING**

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

Temporary Borrowing Bylaw, 2016 – 16-008

*To provide for the borrowing of money that may be necessary to meet the current lawful expenditures of the City.*

**Carried Unanimously**

**3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1050), No. 16-004**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council give first and second reading of the Zoning Regulation Bylaw Amendment (Bylaw No. 16-004) and set a Public Hearing date.

**Carried Unanimously**

**FIRST READING**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1050) No. 16-004

*To amend the Zoning Regulation Bylaw by adding and amending definitions for outdoor feature, finished grade and natural grade.*

**Carried Unanimously**

4. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1060) No. 16-007 for Rezoning Application No. 00492 for 2972 Doncaster Drive:**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1060).

**Carried Unanimously**

**FIRST READING**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given first reading:

Zoning Regulation Bylaw, Amendment Bylaw (No. 1060) No. 16-007

*To amend the Zoning Regulation Bylaw to rezone the land known as 2972 Doncaster Drive from the R10B Zone, to the R1-S2 Zone.*

**Carried Unanimously**

5. **FIRST READING**

**Parks Regulation (Skateboarding) Amendment Bylaw, No. 16-012**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given first reading:

Parks Regulation (Skateboarding) Amendment Bylaw

*The purpose of this bylaw is to clarify the rules surrounding the use of skateboards and other similar modes of transportation in parks.*

**Carried Unanimously**

6. **FIRST READING**

**Streets and Traffic (Skateboarding) Amendment Bylaw, No. 16-013**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given first reading:

Streets and Traffic (Skateboarding) Amendment Bylaw

*The purpose of this Bylaw is to remove the current prohibition against the use of skateboards and other similar modes of transportation on highways within the downtown core, to revoke the authority to impound skateboards and other similar modes of transportation being used in the downtown core, and to establish rules governing the use of skateboards and other similar modes of transportation on highways throughout the city.*

**Carried Unanimously**

7. **FIRST READING**

**Ticket Bylaw, Amendment Bylaw, (No. 8) No. 16-014**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw be given first reading:

Streets and Traffic (Skateboarding) Amendment Bylaw

*The purpose of this Bylaw is to establish ticket fines for contravention of provisions in the Parks Regulation Bylaw and Streets and Traffic Bylaw that regulate the use of skateboards and other similar modes of transportation.*

**Carried Unanimously**

2. **Council Procedures Bylaw, No. 16-011**

Council received a report dated January 7, 2016 regarding a New Council Procedures Bylaw.

*Councillor Isitt pointed to page 4 of the bylaw, regarding Appointments to the Capital Regional District Board of Directors and that the wording doesn't reflect current practice.*

Chris Coates (City Clerk): Provided some possible language to correct the wording and advised that the bylaw could be referred to the January 21 GPC meeting and a Special Council meeting could also be convened.

**Motion to Refer:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council refer this bylaw to staff to address the issue around the working in section 5.2 regarding the appointment of alternate directors and report back, if possible, at the next GPC meeting and convene a special Council Meeting.

**Motion to Postpone:**

It was moved by Mayor Helps, seconded by Councillor Loveday, that Council postpone the motion to refer.

**Carried Unanimously**

It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that Council postpone first reading of the Council Procedures Bylaw.

**Carried Unanimously**

2. **SECOND READING**

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

1. Temporary Borrowing Bylaw, 2016, No. 16-008
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1050) – 16-004

3. Zoning Regulation Bylaw, Amendment Bylaw (No. 1060) – 16-007 for 2972 Doncaster Drive
4. Parks Regulation (Skateboarding) Amendment Bylaw, No. 16-012
5. Streets and Traffic (Skateboarding) Amendment Bylaw, No. 16-013
6. Ticket Bylaw, Amendment Bylaw (No. 8) No. 16-014

**Carried Unanimously**

**3. THIRD READING**

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

1. Temporary Borrowing Bylaw, 2016, No. 16-008
2. Parks Regulation (Skateboarding) Amendment Bylaw, No. 16-012
3. Streets and Traffic (Skateboarding) Amendment Bylaw, No. 16-013
4. Ticket Bylaw, Amendment Bylaw (No. 8) No. 16-014

**Carried Unanimously**

**4. ADOPTION**

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

1. Road Closure (Unconstructed Portion of Clawthorpe Avenue) Bylaw No. 15-085
2. Housing Agreement Amendment (1035 Oliphant Avenue) Bylaw, 15-095

**Carried Unanimously**

**QUESTION PERIOD**

*A question period was held.*

**NEW BUSINESS**

**1. Advocacy for Affordability and Security of Rental Housing**

Council received a motion from Councillors Isitt, Loveday and Madoff that outlined issues relating to displacement resulting from the refurbishment of rental housing in the City of Victoria.

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council request that the Mayor:

1. Write to Larlyn Property Management and Starlight Investments, requesting a meeting at the earliest opportunity to seek clarity on the companies' plans with respect to the refurbishment and retention of rental housing in their portfolio in the City of Victoria, with a view toward ensuring that rental housing is refurbished in a manner that minimizes displacement and other negative impacts on tenants and preserves affordability to the greatest extent possible;
2. Write to the Premier of British Columbia, the Minister Responsible for Housing and the Director of the Residential Tenancy Branch, requesting that the Residential Tenancy Act and Residential Tenancy Regulations be reviewed and amendments considered to increase protections for tenants in circumstances of so-called "reno-victions," with the objective of preserving affordability in the province's rental housing supply and supporting the refurbishment of existing rental housing in a manner that reduces displacement and other negative impacts on tenants and preserves affordability to the greatest extent possible;
3. Write to the Prime Minister of Canada, the Minister Responsible for the Canada Mortgage and Housing Corporation and the Minister of National Revenue, requesting that the federal tax system and other fiscal mechanisms support the refurbishment and retention of affordable rental housing in the City of Victoria and nationally.

*Council discussed the need to protect tenants as well as the need for clarification from management companies to alleviate the concern in the community.*

**Carried Unanimously**

**3. Protection of Drinking Water in the Shawnigan Lake Watershed**

Council received a motion from Councillors Loveday and Isitt and Mayor Helps regarding the Shawnigan Lake Watershed.

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council approve the following motion:

WHEREAS the Province of British Columbia has approved a contaminated soils facility that permits the dumping of five million tons of highly contaminated material near the headwaters of the Shawnigan Lake drinking water watershed, which supplies drinking water to 12,000 people;

AND WHEREAS Cowichan Tribes, residents of Shawnigan Lake, and the Boards of the Cowichan Valley Regional District and Capital Regional District have expressed opposition to the dumping of contaminated material in drinking water watersheds and concern over the lack of meaningful local government input in the provincial permitting process;

AND WHEREAS there are significant conflicting hydrogeological and technical opinions about the risk the facility poses to the natural environment and to people's drinking water;

THEREFORE BE IT RESOLVED THAT the City of Victoria supports the residents of Shawnigan Lake, Cowichan Tribes, and the Cowichan Valley Regional District in calling on the Province of British Columbia



to invoke the precautionary principle and respect the need for meaningful local government input by revoking the permit for the property at 460 Stebbings Road in Shawnigan Lake;

AND BE IT FURTHER RESOLVED THAT the City of Victoria forward this resolution to the Province of British Columbia, requesting that contaminated site regulations be amended to provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.

*Council noted this is a land use issue and that local government consultation should have been a part of the permitting process.*

**Carried Unanimously**

**4. 2016 Funding for the Greater Victoria Film Commission**

Council received a motion from Councillor Loveday regarding funding for the Greater Victoria Film Commission.

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council approve the following motion:

WHEREAS the Greater Victoria Film Commission works with a modest budget of \$170,000 a year and the City of Victoria's funding represents a quarter of that budget;

AND WHEREAS a cap of \$25,000 in funding per year from the City of Victoria would equal at least \$20,000 less in funding and would cause significant hardship to the Greater Victoria Film Commission and their ability to market the Region;

AND WHEREAS stable funding has allowed the Greater Victoria Film Commission to have a banner year in 2015 with 20 visiting productions spending over \$18 million in the Region.

AND WHEREAS the film industry in Victoria employs hundreds of people in the CRD including many in the City of Victoria;

AND WHEREAS the Greater Victoria Film Commission brings \$18 million dollars a year into our local economy and contributes to City of Victoria revenue through parking fees and other revenue streams;

THEREFORE BE IT RESOLVED that the City of Victoria provide a grant of \$45,000 to the Greater Victoria Film Commission in 2016.

*Councillor Isitt asked if the film commission had submitted an application for 2016.*

Susanne Thompson (Director of Finance): The grant intakes haven't opened yet and their applications have not been in front of Council before.

*Councillor Madoff spoke in support of the motion and noted that overtures had been made to several groups about the changes in policy and they hadn't heard back.*

*Councillor Thornton-Joe spoke in support of the motion and noted the need for the policy to provide reports from the organizations.*

*Councillor Coleman noted the economic impact that the film commission brings to the region.*

**Amendment:**

It was moved by Mayor Helps, seconded by Councillor Isitt, that Council amend the motion:

That Council approve the following motion:

WHEREAS the Greater Victoria Film Commission works with a modest budget of \$170,000 a year and the City of Victoria's funding represents a quarter of that budget;

AND WHEREAS a cap of \$25,000 in funding per year from the City of Victoria would equal at least \$20,000 less in funding and would cause significant hardship to the Greater Victoria Film Commission and their ability to market the Region;

AND WHEREAS stable funding has allowed the Greater Victoria Film Commission to have a banner year in 2015 with 20 visiting productions spending over \$18 million in the Region.

AND WHEREAS the film industry in Victoria employs hundreds of people in the CRD including many in the City of Victoria;

AND WHEREAS the Greater Victoria Film Commission brings \$18 million dollars a year into our local economy and contributes to City of Victoria revenue through parking fees and other revenue streams;

THEREFORE BE IT RESOLVED that the City of Victoria provide a grant of \$45,000 to the Greater Victoria Film Commission in 2016.

And direct the Greater Victoria Film Commission to report back to Council on their activities in 2016, specifically job creation and economic impact.

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

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

5. **Funding for Security at “Victoria – A Sanctuary City” on January 20, 2016**

Council received a motion from councillors Loveday and Isitt regarding Funding for security at the “Victoria – A Sanctuary City” event scheduled for January 20.

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that Council approve the following motion:

BE IT RESOLVED THAT the City of Victoria hire security for the January 20<sup>th</sup> event “Victoria – A sanctuary City” hosted at City Hall at a cost of roughly \$80.

**Carried Unanimously**

**Motion to Extend Past 11 p.m.**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, to extend the Council meeting to 1:00 a.m.

**Carried Unanimously**

6. **Attendance at Sacred Trust Ceremony**

Council received a motion from Councillor Isitt requesting approval for his attendance and associated costs at the Sacred Trust Ceremony.

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council approve the attendance and associated costs for Councillor Isitt to participate in the Sacred Trust Ceremony hosted by the Tsleil-Waututh Nation on January 18, 2016.

**Carried Unanimously**

*Councillor Thornton-Joe asked if motions are required to have a seconder.*

Chris Coates (City Clerk): The council bylaw doesn't require a seconder for a written motion. Motions from the floor do require a seconder.

7. **Correspondence for Information**  
**Victoria Airport Authority**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated December 14, 2015 from the Victoria Airport Authority for information.

**Carried Unanimously**

**Anticipated Property Assessment Change**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated December 17, 2015 from the City of Burnaby regarding the Anticipated Property Assessment Change for information.

**Carried Unanimously**

**Gas Tax Agreement Community Works Fund Payment**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated November 26, 2015 regarding the Gas Tax Agreement Community Works Fund Payment for information.

**Carried Unanimously**

**Provincial Office for the Early Years**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence from the Ministry of Children and Families dated December 18, 2015 for information.

**Carried Unanimously**

**BC Schizophrenia Society re: Property Tax Deferment**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated December 7, 2015 from the BC Schizophrenia Society for information.

**Carried Unanimously**

**Governance and Service Integration in the Capital Region**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated December 7, 2015 from the Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink for information.

**Carried Unanimously**

### **Repatriating a Sacred Lekwungen Site**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence dated December 18, 2015 from the Murray Rankin, MP, for information.

**Carried Unanimously**

### **Children's Drawings in Thanks for a Crosswalk**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Thornton-Joe, that Council receive the correspondence from the children regarding the crosswalk.

**Carried Unanimously**

## **7. Motion to Lift from the Table – Council Procedures Bylaw**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council lift from the table the Council Procedures Bylaw.

**Carried Unanimously**

The City Clerk provided Committee with a new sub-section to the Council Procedures Bylaw to address the issues regarding Appointments to the Capital Regional District Board of Directors.

### **FIRST READING**

#### **Motion:**

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

Council Procedures Bylaw 16-011

*To establish the general procedures to be followed by Council and Council committees in conducting their business.*

With the following amendment:

Section 5(3) In the event that it is not possible to appoint a sufficient number of alternate municipal directors pursuant to subsection (2), Council may appoint any of the elected councillors as alternate municipal directors.

#### **Amendment:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the Council Procedures Bylaw be amended:

Section 5(3) In the event that it is not possible to appoint a sufficient number of alternate municipal directors pursuant to subsection (2), Council may appoint any of the elected councillors as alternate municipal directors, **according to the number of votes received in the general local election.**

*Councillor Coleman said this creates an issue where a person has to be a director who may not have wanted to.*

**On the amendment:**  
**Defeated Unanimously**

#### **Amendment:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council Procedures Bylaw be amended:

Section 5(3) In the event that it is not possible to appoint a sufficient number of alternate municipal directors pursuant to subsection (2), Council may appoint any of the elected councillors as alternate municipal directors, **with preference given to Councillors who receive the highest numbers of votes in the general local election.**

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

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

### **SECOND READING**

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

Council Procedures Bylaw, No. 16-011

**Carried Unanimously**

### **THIRD READING**

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

Council Procedures Bylaw, No. 16-011

**Carried Unanimously**

**CLOSED MEETING at 11:07 p.m.**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw; namely:

- Section 12(3)(a)** *Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another person appointed by the City.*
- Section 12(3)(e)** *The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.*
- Section 12(3)(f)** *Law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw;*
- Section 12(3)(i)** *The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*
- Section 12(3)(k)** *Negotiations and related discussions respecting the proposed provision of a City service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;.*
- Section 12(4)(b)** *The consideration of information received and held in confidence relating to negotiations between the City and a Provincial government or the Federal government or both, or between a Provincial government or the Federal government or both and a third party.*

**Carried Unanimously**

***All Staff, except for the City Manager, were excused from the meeting at 11:25 p.m.***

**ADJOURNMENT**

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the Council meeting adjourn.  
Time: 11:40 p.m.

**Carried Unanimously**

CERTIFIED CORRECT:

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

\_\_\_\_\_  
MAYOR OF THE CITY OF VICTORIA