



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, MAY 28, 2015, AT 7 P.M.**

**PLACE OF MEETING:**

Council Chambers, City Hall

**PRESENT:**

Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Madoff, Thornton-Joe and Young

**ABSENT:**

Councillors Loveday and Lucas

**STAFF PRESENT:**

J. Johnson, City Manager; L. Baryluk, Senior Process Planner; P. Bruce, Fire Chief; B. Dellebuur, Assistant Director of Engineering and Public Works; J. Hawkins, Council Secretary; J. Jenkyns, General Manager, Victoria Conference Centre; J. MacDougall, Assistant Director of Parks; A. Meyer, Assistant Director, Sustainable Planning and Community Development; C. Mycroft, Executive Assistant to the City Manager; T. Soulliere, Director, Parks and Recreation; S. Thompson, Director of Finance; R. Woodland, Corporate Administrator; T. Zworski, City Solicitor

### **APPROVAL OF AGENDA**

The Corporate Administrator outlined changes to the agenda.

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

*Councillor Coleman requested an item of Closed Business under Section 12 (3)(c) – Labour relations or employee Relations be added.*

Carried Unanimously

### **MINUTES**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Regular Council meeting minutes of May 14, 2015, be approved.

Carried Unanimously

### **PROCLAMATIONS**

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

1. "National Health and Fitness Day" – First Saturday in June, 2015
2. "ALS Awareness Month" – June, 2015
3. "National Tourism Week" – May 31 – June 6, 2015
4. "Access Awareness Week" – June 6, 2015
5. "Intergenerational Day Canada" – June 1, 2015
6. "Peace Tree Day" – June 1, 2015

*Councillor Young said that he cannot support "Victoria Harbour Ferry Day" as it is for a commercial venture.*

*Councillor Coleman said that "Victoria Harbour Ferry Day" was missing the following wording "Capital City of the Province of British Columbia," in the "Now, Therefore" paragraph.*

Carried Unanimously

**Motion:**

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

1. "Victoria Harbour Ferry Day" – May 29, 2015

*Councillor Young said he thought there was a policy that we did not make proclamations for private businesses.*

**Robert Woodland (Corporate Administrator):** Advised that in the past Council has shown some sensitivity around commercial proclamations, but he does not recall a policy. Council has passed a resolution that sales presentations would not be accepted as part of Request to Address Council.

*Councillor Isitt said if there is no policy, then it should be decided on the merits, and he believes there should be no free advertising.*

*Councillor Madoff said that she agrees that commercial enterprises should not have proclamations. Perhaps a letter from the Mayor with congratulations would be an appropriate alternative to this Proclamation.*

*Councillor Coleman said that this is a conversation Council needs to have, but he is willing to support this one as a one off.*

Mayor Helps that she will not support, but she will write a letter tonight for Councillor Coleman to hand deliver tomorrow at the event. She said that she will bring forward a policy for Council's future consideration.

Declined

**For:**

**Councillors Alto and Coleman**

**Against:**

**Mayor Helps, Councillors Isitt, Madoff,  
Thornton-Joe and Young**

### **COMBINED DEVELOPMENT APPLICATION**

#### **1. Rezoning Application No. 00465 for property known as 1609 Fort Street**

##### **1. Public Hearing – Zoning Regulation Bylaw, Amendment Bylaw (No. 1040)**

To rezone the land known as 1609 Fort Street, currently zoned as C1-J Zone, Limited Commercial Junction District to allow a liquor retail store as an additional permitted use and to limit the size of the proposed liquor retail store to 241 m<sup>2</sup> total floor area

**Existing Zone:** C1-J Zone, Limited Commercial Junction District

**Legal Description:** Lot 1, Plan 24881, Section 75, Victoria District

##### **2. Hearing – Development Permit with Variances**

The Council of the City of Victoria will consider issuing a development permit for the land known as 1609 Fort Street, in Development Permit Area 5, Large Urban Village, for the purposes of approving minor changes to the exterior design, finishes and landscaping, and reducing the required number of off-street parking stalls from 22 to 20.

*Mayor Helps opened the public hearing at 7:12 p.m.*

Lucina Baryluk (Senor Process Planner): This is an application for a rezoning and a concurrent Development Permit with Variance to allow a liquor retail store as a permitted use located at 1609 Fort Street and to establish a total maximum floor area of 241 square metres for the liquor retail store and to reduce the number of parking stalls from 22 to 20.

A liquor retail store means an establishment that engages in the retail sale of wine, beer or any other liquor, as defined in the Liquor Control and Licensing Act for the consumption elsewhere than in that establishment.

The matters subject to discussion are the suitability and appropriateness of the proposed permitted use of a liquor retail store and the regulations specific to the liquor retail store within the commercial complex and the supportability of the variance request.

Ross Borland (Applicant): Provided a PowerPoint presentation regarding the proposal for a liquor retail store located at 1609 Fort Street. The complex will be upgraded with new store fronts, lighting and seasonal hanging baskets. He read a letter from the Property Manager with respect to the tenancy of the hair salon. There were four areas of concern raised at the community meeting, which have been addressed: security, vehicle and bicycle parking and garbage and recycling. Four parking stalls will have a 15-minute limit, the bicycle rack will be moved from the parking lot and onto the landing in front of the restaurant, employees will have secure storage in the building and the garbage and recycling will be moved to the rear of the property and gated. The proposal will be a full service liquor store selling mainly craft beer, wine and spirits.

Bernard Graham Kelly: He lives in the neighbourhood with his wife and access to a liquor store has been an issue. There is a hole in the market in this area. A local store with a local product is the way things are going. He supports the proposal.

Jaclyn Casler (Langford Street): When she saw the picture of the new store, the first thing she saw was the Money Mart sign, in the same complex. She expressed concern that a significant portion of those patronizing Money Mart will use their money to buy liquor.

Justine Colstrome (Chamberlain Street): She has to go into Oak Bay to purchase alcohol. It will be nice to have something closer. This is a great idea and she supports. There are bus stops on either side for accessibility. She welcomes this idea.

Caleb Bayers: He is a local designer and is working with the owners. Through the intentions of the business owner, normal products can contribute to enhancing the liveliness and vitality of a neighbourhood. The applicants will be committing to the education around their products and the integration of it in a positive way in daily life.

Mary Fitzpatrick (Beach Drive): She works and lives in the Oak Bay area and supports this proposal. This will be a good outlet for local business and she is in favour.

Nancy Ring (Applicants' Mother): She delivered two letters to City Hall on Tuesday, but they are not in the agenda. They were from Catherine Stockton (St. Charles Street) and Marg Mahoney (Gillespie

Street). Both ladies are in support of the proposal and think it will be a good addition and a benefit to the neighbourhood.

Janice Hsueh (Owner of Hair Salon in 1609 Fort Street): She has been waiting for the property manager to contact her about renting half of her space, not all of it. She does not want to move. She was not aware that they had planned to take over all of her space. She has nowhere to go and has two employees. Those that signed the petition are their customers.

Kim Colpman (Bank Street): She likes the idea as it is in a central location and a boutique kind of area. It will enhance the community.

*Councillor Thornton-Joe asked about:*

- 1. If the suggested improvements to the property and building are guaranteed; and*
- 2. Will signage be put on the property or on the road to direct people to the store; if so, will it come to Council for approval?*

Lucina Baryluk: There will be minor frontage improvements to the building's doors and windows. The other improvements that can be secured through a landscaping deposit are the cleaning up of the recycling area that will be screened. If the sign complies with the Sign Bylaw then Council approval is not required and looking at the conceptual drawing it will likely meet the Sign Bylaw.

*Mayor Helps closed the public hearing at 7:38 p.m.*

### **3. Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1040)*

*Councillor Madoff said she attended a community meeting and she feels the feelings of the community are reflected in the letter received in that there are no significant concerns.*

*Councillor Isitt said it appears that the public supports the application so he will support.*

*Councillor Alto said that she applauds this being a locally owned outfit and locally owned products. The community association supports the proposal as it fills a geographic gap in the service delivery field. She will be able to support.*

*Councillor Young says that he has sympathy for the former tenant as there was some miscommunication, but that is beyond Council's power. Evaluating it on its own merit he will be able to support.*

*Councillor Thornton-Joe said that she supports liquor stores with amenities around them, such as grocery stores. As the neighbours are supportive, as is the neighbourhood association, and the location is good, although there isn't a grocery store in close proximity, she will be able to support.*

*Councillor Coleman said there were a number of comments about the applicants, but that is not how Council makes their decisions. He must decide based on land use and he will be able to support as it makes sense as it will be an amenity to the community.*

*Mayor Helps said that she will support as it fits with the direction Victoria is moving and it makes sense on this corner at this time.*

Carried Unanimously

### **4. Bylaw Approval:**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1040)*

Carried Unanimously

### **5. Application Approval:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit Application No. 000406 for 1609 Fort Street, in accordance with:

- Plans dated January 28, 2015.
- Development meeting all Zoning Regulation Bylaw requirements, except for Schedule C, total number of parking stalls reduced from 22 to 20.
- Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Development Services, Sustainable Planning and Community Development Department.

Carried Unanimously

## **REZONING APPLICATION**

### **1. Rezoning Application No. 00474 for property known as 1733 Bank Street**

#### **1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1039)**

To rezone the land known as 1733 Bank Street from the R1-B Zone, Single Family Dwelling District, to the R1-38 Zone, Bank Street Daycare District, to permit a kindergarten that accommodates not

more than 16 children in addition to the existing permitted uses and reduces the required amount of off-street parking to one stall.

**New Zone:** R1-38 Zone, Bank Street Daycare District  
**Legal Description:** Lot 59, Section 76, Victoria District, Plan 269  
**Existing Zone:** R1-B Zone, Single Family Dwelling District

*Mayor Helps opened the public hearing at 7:45 p.m.*

Lucina Baryluk (Senor Process Planner): This is an application for a rezoning to allow a daycare for up to sixteen children and to reduce the off-street parking from three stalls to one stall. A rezoning is required as the conditions required in the *Zoning Regulation Bylaw* are not satisfied for the minimum lot area. Currently a daycare operates from the single family dwelling at this address and is limited to eight children.

The matter subject to discussion is the suitability and appropriateness of the proposed permitted use of a daycare for sixteen children.

Alyson Culbert (Applicant): Provided a PowerPoint presentation regarding the proposal for 1733 Bank Street for a daycare for sixteen children. The property is one square foot short in the required size to fit with the required zoning and there is also a parking variance. She chose this area as it is residential and commercial so it should have the least amount of impact on the neighbours and there is street parking. She has received a lot of verbal support from her community. There is one neighbour at the back who has expressed concerns about the increase from eight to sixteen children. Three mornings a week the children are not on the property as they are on field trips and in the afternoons the children nap.

*Councillor Alto asked when replacing the fence has consideration being given to using other sound-proofing devices and/or materials.*

Alyson Culbert: She is not aware of sound-proofing fence materials, but she will be happy to look into it.

Riga Godron (Hillside Avenue): If this is approved her daughter will begin on Monday. There is a shortage of daycare spaces within Victoria. This is a beautiful facility and the backyard is an oasis in the City.

Frances Quetton (Bank Street): She lives next door to the property. There is a low sound level; she rarely hears a child cry. She will welcome more children as there will be a larger staff, which will be an advantage. She is totally in favour.

Resident (Stan Wright Lane): It has been indicated that only one neighbour is against and all others are in support. In his opinion the laws should be equal not to the mass majority. Secondary, the noise of children may be happy, but he finds them one of the most disturbing noises. Thirdly, there is the issue of one square foot, and he feels if there is a rule, there should be no exceptions.

*Councillor Isitt asked if the applicant has followed the rules, or has there been some extraordinary process.*

Lucina Baryluk: The purpose for the hearing tonight is because the application does not meet the current standard for the lot size for a kindergarten.

*Councillor Madoff asked if the applicant wanted to extend their hours what is the process they would go through.*

Lucina Baryluk: There would be no municipal process, but it would go through daycare licensing.

*Mayor Helps closed the public hearing at 8:05 p.m.*

## **2. Bylaw Approval**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1039)*

*Councillor Isitt said that there is a need for additional daycare in the City and co-locating in residential neighbourhoods makes sense. There may be some noise impacts but the benefit outweighs the downside of the impacts.*

*Councillor Madoff said that she agrees we need additional daycares in the City. It comes down to the compatibility in the neighbourhood and there is one letter expressing concern. The writer is supportive of the daycare; but is concerned what the cumulative effect of doubling the attendance would be.*

Councillor Coleman said the most impacted properties would be the adjacent properties due to the parking and the drop off and pickup of children and those neighbours are supportive. He feels this is a very supportable application.

Councillor Thornton-Joe said the majority of the neighbours are in support. She understands the neighbour is concerned about the noise and she has found good programming and good management reduces the amount of crying children. Anything that can be done to mitigate the noise to the neighbour would be appreciated.

Carried Unanimously

**3. Bylaw Approval:**

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

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1039)*

Carried Unanimously

***Councillor Isitt withdrew from Council Chambers at 8:12 p.m. due to a direct pecuniary conflict of interest in the following item as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.***

**LIQUOR LICENCE APPLICATION**

**1. Liquor Primary Licence Application for Helijet International Inc., Helijet Victoria Terminal at 79 Dallas Road**

**1. Hearing - Helijet Victoria Terminal – 79 Dallas Road**

To establish a new Liquor Primary Licence at 79 Dallas Road.

- The proposed licensed person capacity (occupant load), which includes staff and patrons is 30 persons located within the passenger terminal building.
- The requested hours are: 0900h (9:00am) – 2100h (9:00pm), Monday to Sunday.
- This licence is proposed to be limited to patrons travelling as passengers with Helijet and would not be open to the general public.

*Mayor Helps opened the public hearing at 8:13 p.m.*

Bert Hicks (Rising Tide, representing Helijet): They are applying for liquor primary licences for both the Victoria and Vancouver terminals to allow an amenity service of providing wine and beer to Helijet customers. The licence will be for the hours of 9am to 9pm. The maximum occupant load is for 30 people, and that includes Helijet staff. There will not be an outside patio and consumption will only be permitted within the terminal. There will be no external signage outside the establishment. One question that was raised by James Bay Neighbourhood Association was the delivery vehicles. The amount will be small, so the Helijet shuttle van will pick up what is needed when needed. If approval is granted the hours will be 9am to 9pm which coincides with the flights. The licence cannot be transferred or relocated to another site within the City without the Liquor Branch approval.

*Councillor Thornton-Joe asked for clarification of hours, which she thought was 9am to midnight.*

Bert Hicks: There was the initial application in 2014, but it has since been refined to 9am to 9pm.

Robert Woodland (Corporate Administrator): There was feedback provided to the applicant and the applicant has amended the application to 9am to 9pm. The matter under consideration tonight is 9am to 9pm and that those are the hours Council would provide feedback through the Council resolution to the General Manager of Liquor Control and Licensing Branch

*Mayor Helps closed the public hearing at 8:18 p.m.*

Robert Woodland: Staff will prepare a report and recommendation that will summarize the public feedback to the next Council meeting and then Council will deliberate that information and make their decision.

***Councillor Isitt returned to the meeting at 8:19 p.m.***

**HEARINGS – REQUESTS TO ADDRESS COUNCIL**

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

Carried Unanimously

*Councillor Isitt advised that the fourth speaker, Natalia Karpovskaia is not available to speak tonight.*

**1. Alex Park, 50@150 Co-creator, re: National Arts Project 50@150**

Provided a PowerPoint presentation providing Council information on the 50@150 National Arts Project for 2017. It is expected the tour will be in Victoria in August 2017. They are also requesting an in-kind contribution from the City in 2016 and 2017.

2. **Alan Calder, Beacon Hill Little League District 7, re: Identification of a Little League playing field for use by Junior, Senior and Big League Divisions (ages 13-18) in April 2016**  
Provided Council information about expanding their little league baseball for junior, senior and big league baseball and requested that the City support them in finding an additional playing field for them to use by the beginning of 2016.
3. **Jeff Hopkins, Learningstorm Education Society, re: Property tax rate for non-profit charities who lease space in Victoria**  
Expressed concern that registered charities, renting space, pay the same property tax rate as for profit organizations. He suggested a differentiated rate be created to make it more affordable for not for profit tenants.
4. **Jason Grenier, re: Municipal Divestment**  
Thanked Council for the bike lanes in Victoria. He would like the City to consider divesting from fossil fuel investments. The decision today makes more sense in the future.

### **UNFINISHED BUSINESS**

1. **Rezoning Application No. 00451 for 1049 Richmond Avenue**  
Council received a report dated May 14, 2015 from the Sustainable Planning and Community Development regarding Rezoning Application No. 004351 for 1049 Richmond Avenue updating Council on the status of conditions set by Council, and to recommend the application proceed to public hearing. The application is for construction of a new small lot home in the side yard of an existing home.

#### **Motion:**

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

1. That Council give first and second reading to the *Zoning Regulation Bylaw Amendment* and a Public Hearing date be set.
2. Following consideration of the *Zoning Regulation Bylaw Amendment* for Rezoning Application No. 00451, if it is approved, Council consider the following motion:  
"That Council approve a Development Permit for 1049 Richmond Avenue, in accordance with:
  1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - a. Part 4 (2) (a): height increased from 7.50m to 8.55m for the existing single family dwelling;
    - b. Part 4 (2) (b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
    - c. Part 7 (1): site coverage increased from 30% to 33.50% for the proposed single family dwelling;
    - d. Part 9 (1) (c): north side yard reduced from 2.40m to 1.57m for the proposed single family dwelling;
    - e. Part 9 (1) (c): north side yard reduced from 2.40m to 1.30m (cantilever portion only) and the south side yard reduce from 2.40m to 1.20m (cantilever portion only) for the exiting single family dwelling;
    - f. Schedule C (Section 3): parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
  3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.
  4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

2. **Official Community Plan, Bylaw, Amendment Bylaw (No. 15) for 251-259 Esquimalt Road**  
Council received a report dated May 14, 2015 from the Sustainable Planning and Community Development regarding the Official Community Plan, Amendment Bylaw (No. 15) for 251-259 Esquimalt Road updating Council on the status of conditions set by Council, and to recommend the application proceed to public hearing. The application is for the commercial-heritage phase of the Roundhouse Development.

#### **Motion:**

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council receive this report for information and that these Applications proceed to a Public Hearing in accordance with the motion below which has been updated to remove pre-conditions that have been satisfied:

1. a. That Council consider giving first reading to the Official Community Plan Amendment Bylaw;
- b. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the *City of Victoria 2012-2016 Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and *Capital Regional District Solid Waste Management Plan* pursuant to Section 882(3)(a) of the *Local Government Act* and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw;
- c. That Council consider consultation under Section 879(2) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the provincial and federal governments and their agencies due to the nature of the proposed amendments;
- d. That Council give second reading to the Official Community Plan Amendment Bylaw;

- e. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
2. Following consideration of the Official Community Plan Amendment Bylaw and after giving notice and allowing opportunity for public comment, Council consider the following motion:  
 "That Council authorize the issuance of Development Permit with Variance Application No. 000356 for 251–259 Esquimalt Road, in accordance with:
  - a. Plans for Development Permit Application No. 000356, stamped December 22, 2014;
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
    - Section 12.12.8.4 -relaxation for the distance from a railway easement from 10.00m to 1.00m;
  - c. Final plans to be generally in accordance with plans identified above to the satisfaction of staff."
3. a. That Council consider giving first and second reading to the Heritage Revitalization Agreement Bylaw;  
 b. That Council consider referring the Heritage Revitalization Agreement Bylaw for Consideration at a Public Hearing.
4. Following consideration of the Heritage Revitalization Agreement Bylaw and after giving notice and allowing opportunity for public comment, Council consider the following motion:  
 "That Council authorize the issuance of Heritage Alteration Permit Application No. 00180 for 251–259 Esquimalt Road, in accordance with:
  - a. Heritage Revitalization Agreement Bylaw No. 15-011;
  - b. Development meeting all *Zoning Regulation Bylaw* requirements;
  - c. Final plans to be generally in accordance with the Heritage Revitalization Agreement to the satisfaction of staff."

Carried Unanimously

## **REPORTS OF THE COMMITTEES**

### **1. Governance and Priorities Committee – May 21, 2015**

#### **1. "Growing in the City" Urban Food Production & Boulevard Gardening in the City of Victoria**

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

1. Council approve the "Growing in the City": Urban Food Production and Boulevard Gardening project charter, and
2. The City recognize the Victoria Urban Food Table as a consultative body during public engagement on the "Growing in the City" initiative, to facilitate efficient and effective engagement of organizations and individuals with expertise in the field of local food systems.

Carried Unanimously

#### **2. Urban Forest Management Plan Implementation Update**

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

1. Receives the report dated May 8, 2015 for information, and
2. Directs staff to provide an annual update on the Urban Forest Master Plan implementation.

Carried Unanimously

#### **3. Recreation Fees Bylaw Review**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council direct staff to amend the Recreation Fees Bylaw No. 10-036 to reflect a 1% overall increase with exceptions as listed in the report dated May 21, 2015, effective September 1, 2015.

Carried Unanimously

#### **4. Community Mailboxes**

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

1. Request that staff ask representatives from Canada Post to make a presentation to Council on the community mailbox transition.
2. Request more information from Canada Post regarding plans for community consultation on proposed locations, and post that information on the City's website, to inform residents.
3. That staff draft an agreement for use with Canada Post, similar to ones currently in place with third party users of public space and following the sample provided by the Federation of Canadian Municipalities with the additional clauses set out in Appendix B of the staff report dated May 15, 2015, setting out responsibility for the installation and maintenance of the mailboxes, including negotiation of fees to recover the City's costs, while reducing the cost to the City and impacts to City infrastructure; and that Canada Post be advised that installation of community mailboxes should not proceed until this agreement has been finalized and agreed to by the City and Canada Post.

Carried Unanimously

#### **5. Community Mailboxes**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council communicate the list of 31 suggested community mailbox sites with the public, specifically with Vic West Neighbourhood Association, if legally possible.

Carried Unanimously

#### **6. Cycling Network Implementation**

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

1. Issue a Request for Proposals for consulting services to review and enhance the cycling network, beginning with further analysis of public input received during the 2014 Cycling Master Plan update, and including identification of corridors and design of facilities on each corridor, with a view toward an interim report to Council on the proposed enhanced network and conceptual designs for each corridor in September 2015 and a final report to Council with recommended

- detailed designs for on-road facilities by December 2015;
2. Re-activate a Technical Committee consisting of staff and members of the public to support this process of reviewing the network and recommending on-road facilities;
  3. Work with partner organizations, including the Greater Victoria Cycling Coalition, Bike Victoria, Women's Everyday Bicycling (WeBike) Association and the Greater Victoria Placemaking Network, to host a public information series in September 2015 on cycling facilities, active transportation and placemaking in the City of Victoria. Carried Unanimously

**7. Community Mailboxes**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council reaffirm its support for the retention of door-to-door postal delivery in Canada. Carried

**For:** **Mayor Helps, Councillors Alto, Coleman, Isitt, Madoff and Thornton-Joe**

**Against** **Councillor Young**

**8. Community Mailboxes**

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council directs the Mayor to write to the Mayor and Council of Hamilton, and all the Mayors and Councillors of the suburban municipalities of Greater Montreal, copying the municipalities in the Capital Regional District, expressing appreciation of that City's assertion of municipal interests in response to the unilateral decision of Canada Post to eliminate door-to-door postal delivery. Carried

**For:** **Mayor Helps, Councillors Alto, Coleman, Isitt, Madoff and Thornton-Joe**

**Against** **Councillor Young**

**9. Presumptive Clause for First Responders**

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

*WHEREAS many First Responders have been affected by a Mental Health Injury "PTSD" Post Traumatic Stress Disorder;*

*AND WHEREAS there is a need to change the WorkSafe BC language to include a presumptive clause, as it is possible that within a first responder's duties they will encounter horrific acts, and develop a mental health injury;*

*AND WHEREAS it is imperative that a two month WorkSafe BC deadline be implemented to make a decision regarding a Mental Health Injury Claim based on one psychologist and/or psychiatrist report and immediate benefits;*

*AND WHEREAS it is paramount that the Presumptive Clause and changes be added to the Workers Compensation Act;*

*THEREFORE BE IT RESOLVED that Victoria City Council affirms its support for a proposed Presumptive Clause and changes to the Workers Compensation Act that will allow for First Responders to receive the support and treatment that they need for Mental Health Injuries sustained on the job.*

*BE IT FURTHER RESOLVED that the City of Victoria send a letter to Premier Christy Clark stating support for a proposed Presumptive Clause and changes to the Worker's Compensation Act and asking the Provincial Government to take action to make these changes.*

*Councillor Isitt said that he is persuaded by the comments received from the public and the Fire Chief. Mental health issues should be protected.*

*Councillor Young said that reading through the materials it is not clear if all the details have been worked out. He does not feel that this is a balanced approach to the issue; it is very one sided.*

*Councillor Isitt said that this submission may not be polished as it is put together by people grappling with work related injuries; but he believes it is appropriate.*

Carried

**For:** **Mayor Helps, Councillors Alto, Coleman, Isitt, Madoff and Thornton-Joe**

**Against** **Councillor Young**



2. **Planning and Land Use Committee – May 28, 2015**

1. **Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the Local Government Act, the necessary *Zoning Regulation Bylaw Amendment* and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
3. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
4. That Council give first reading to the *Official Community Plan Amendment Bylaw*.
5. That Council consider the *Official Community Plan Amendment Bylaw* in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the *Official Community Plan Amendment Bylaw*.
7. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing.
8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
9. That Council instruct staff to prepare a Housing Agreement Bylaw to secure the provision of 49 non-market residential rental housing units in perpetuity.
10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road. Carried Unanimously

2. **Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road**

It was moved by Councillor Madoff, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

1. Referral to the Advisory Design Panel with particular attention to the following issues:
  - a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
3. Plans date stamped March 31, 2015.
4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
5. Final plans in accordance with the plans identified above to the satisfaction of staff.
6. The Development Permit lapsing two years from the date of this resolution. Carried Unanimously

3. **Rezoning Application No. 00479 for 62 Cambridge Street**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development

outlined in Rezoning Application No. 00479 for 62 Cambridge 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

**4. Development Permit with Variances Application No. 00479 for 62 Cambridge Street**

It was moved by Councillor Madoff, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00479, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00479 for 62 Cambridge Street, in accordance with:

1. Plans date stamped April 20, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Part 1.22, Section 8(a): reduce the front yard setback of Lot B from 6.00m to 3.50m;
  - b. Part 1.22, Section 8(c): reduce the side yard setback of Lot B from 2.40m to 1.50m.
3. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

**5. Rezoning Application No. 00468 for 1070 Joan Crescent**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00468 for 1070 Joan Crescent, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Referral of Rezoning Application No. 00468 to the Heritage Advisory Panel, concurrent with Heritage Alteration Permit Application No. 00195.
2. Registration of an Easement and a Section 219 Covenant to secure access to 10 vehicle parking stalls and one bicycle rack on the property at 1048-1050 Joan Crescent, to the satisfaction of staff.
3. Provision of an updated Arborist Report on the condition of the existing trees on the property at 1048-1050 Joan Crescent to the satisfaction of staff and, if necessary, a landscaping security for replacement trees, prior to the issuance of a Building Permit. Carried Unanimously

**6. Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent**

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

1. That Council refer Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent to the Heritage Advisory Panel for the meeting of June 9, 2015, for feedback on the proposed exterior alterations and additions to the Heritage-Registered property.
2. Following consideration of the *Zoning Regulation Bylaw Amendment* pertaining to Rezoning Application No. 00468 for 1070 Joan Crescent:

"That Council authorize the issuance of Heritage Alteration Permit Application No. 00195 for 1070 Joan Crescent, subject to the applicant providing seismic strengthening details of the existing chimneys prior to the Public Hearing for the Rezoning Application 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 plans identified above as amended to the satisfaction of staff." Carried Unanimously

**7. Development Permit with Variances Application No. 000411 for 1990 Fort Street**

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

"That Council authorize the issuance of Development Permit Application No. 000411 for 1990 Fort Street, in accordance with:

1. Plans date stamped April 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the variance to reduce the amount of required parking for 1990 Fort from 92 to 66 stalls (taking into account the previously approved parking variances).
3. A landscape security be submitted to ensure changes to the plaza area are in accordance with the submitted plans for continued public access to the public art pond and to secure the installation of additional bicycle racks (exterior and within the parkade).
4. Registration of a legal agreement on the property's title ensuring that eight stalls in the parkade will be available until 6 pm for restaurant use, to the satisfaction of staff.
5. The applicant install new signage and pavement parking markings identifying the eight underground stalls available for the restaurant within 30 days of opening the restaurant.
6. The Development Permit apply specifically to this restaurant use and lapse two years from the date of this resolution, if the restaurant use does not open or ceases to operate." Carried Unanimously

**8. Development Permit with Variances Application No. 00421 for 195 Bay Street**

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

"That Council consider authorizing the issuance of Development Permit with Variances Application No. 000421 for 195 Bay Street, in accordance with:

1. Plans date stamped May 4, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Part 10.28, Section 3: Reduce the minimum setback of the eastern internal boundary from 5m to 4.10m and on the southern internal boundary from 5m to 3.6m.
3. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

**9. Heritage Alteration Permit Application with No. 00203 with Variances for 135 Medana Street**

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

"That Council consider authorizing the issuance of Heritage Alteration Permit No. 00203 for 135 Medana Street subject to:

1. Plans date stamped April 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Rear yard setback relaxed from 10.7m to 4.03m.
  - b. Relaxation of accessory building requirements to permit existing accessory building to be located in the side yard (due to rear deck addition projecting beyond the front of the accessory building).
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of staff." Carried Unanimously

**10. Heritage Alteration Permit Application No. 00204 for 1156 Fort Street**

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council authorize the issuance of Heritage Alteration Permit Application No. 00204 for 1156 Fort Street, subject to and in accordance with:

1. Plans date stamped May 11, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans dated May 11, 2015, for Heritage Alteration Permit Application No. 00204, to the satisfaction of staff. Carried Unanimously

***Councillor Isitt withdrew from Council Chambers at 8:49 p.m. due to an indirect pecuniary conflict of interest in the items for 1146 Caledonia Avenue as his ex-spouse owns property on the street and for a direct pecuniary conflict of interest in the items for 1 Dallas Road as he is the City's representative on the Greater Victoria Harbour Authority Board, who is the landlord at this site.***

**11. Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council direct staff to prepare the necessary *Official Community Plan Amendment Bylaw* in accordance with Section 882 of the *Local Government Act* and the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00469 for 1146 Caledonia Avenue, and that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of an Easement in favour of the City to provide a public pathway from Cameron Street to Kings Park, to the satisfaction of staff.
2. Preparation of a Housing Agreement for no prohibition on the rental of strata units, to the satisfaction of staff.
3. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
4. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation. Carried Unanimously

**12. Development Permit Application No. 000398 for 1146 Caledonia Avenue**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00469, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 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, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously

**13. Rezoning Application No. 00469 for 1146 Caledonia Avenue and Amendment to the Official Community Plan**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council direct that staff provide a report on improvements planned for King's Park to provide a path and improved lighting in relation to the public pathway from Cameron Street to King's Park. Carried Unanimously

**13. Development Permit Application No. 000424 for 1 Dallas Road**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000424 for 1 Dallas Road, in accordance with:

1. Plans date stamped May 5, 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 staff.
4. The Development Permit lapsing two years from the date of this resolution. Carried Unanimously

**14. Development Permit Application No. 000423 for 1 Dallas Road**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000423 for 1 Dallas Road, in accordance with:

1. Plans date stamped May 5, 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 staff.
4. The Development Permit lapsing two years from the date of this resolution. Carried Unanimously

***Councillor Isitt returned to the meeting 8:50 p.m.***

**MOTIONS**

**1. To Set Public Hearings for the Council Meeting of Thursday, June 11, 2015 for:**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, JUNE 11, 2015, at 7:00 p.m.:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) for property known as 251-259 Esquimalt Road
2. Development Variance Permit Application No. 00151 for property known as 821-827 Broughton Street
3. Development Permit with Variances Application No. 000399 for property known as 120 Gorge Road East
4. Development Permit with Variances Application No. 000408 for property known as 1015 Rockland Avenue Carried Unanimously

***Mayor Helps withdrew from Council Chambers at 8:51 p.m. due to a non-pecuniary conflict of interest as she is the past Director of Community Micro-Lending, which has a business relationship with the applicant of the following item.***

***Councillor Madoff assumed the Chair at 8:51 p.m.***

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following Public Hearing be held in Council Chambers, City Hall, on **THURSDAY, JUNE 11, 2015, at 7:00 p.m.:**

5. Rezoning Application No. 00447 for property known as 2121 Douglas Street Carried Unanimously

***Mayor Helps returned to the meeting and assumed the Chair at 8:52 p.m.***

**BYLAWS**

**1. FIRST READING**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1040)

*The purpose of this bylaw is to rezone the lands known as 1049 Richmond Avenue to permit subdivision and construction of a new small lot single family dwelling*

Heritage Designation (624 Battery Street) Bylaw

*The purpose of this bylaw is to designate the exterior of the building located at 624 Battery Street as protected heritage property* Carried Unanimously

**2. SECOND READING**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 1040)

Heritage Designation (624 Battery Street) Bylaw

Carried Unanimously

3. **ADOPTION**

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

Streets and Traffic Bylaw, Amendment Bylaw (No. 5)

*The purpose of this bylaw is to amend the Streets and Traffic Bylaw to provide specified parking exemptions for care share organizations*  
Carried Unanimously

**QUESTION PERIOD**

*A question period was held.*

**NEW BUSINESS**

1. **Zoning Regulation Bylaw, Amendment Bylaw (No. 998)**

Council received a memo from the Corporate Administrator advising Council that a motion to receive and file the bylaw for 2680 Blanshard Street would be in order as the application was declined.

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Victoria City Council receive and file *Zoning Regulation Bylaw, Amendment Bylaw (No. 998)* for the property known as 2680. Blanshard.  
Carried Unanimously

2. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1030)**

Council received a memo from the Corporate Administrator advising Council that a motion to receive and file the bylaw for 1330 Ivy Place would be in order as the application was declined.

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Victoria City Council receive and file *Zoning Regulation Bylaw, Amendment Bylaw (No. 1030)* for the property known as 1330 Ivy Place.  
Carried Unanimously

**CLOSED MEETING**

It was moved by Councillor Madoff, seconded by Councillor Coleman, 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 deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw; namely:

**Section 12(3)(c)**

- Labour relations or employee relations.

**Section 12(3)(e)**

- The acquisition, disposition or expropriation of land and/or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.

**Section 12(3)(g)**

- Litigation or potential litigation affecting the City.

**Section 12(3)(i)**

- The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.  
Carried Unanimously

**ADJOURNMENT**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Council meeting adjourn.

Time: 9:27 p.m.

Carried Unanimously

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE ADMINISTRATOR

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