

MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, JUNE 15, 2017, 9:00 A.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:01 A.M.

Committee Members Present: Mayor Helps (Chair), Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski – City Solicitor; A. Hudson – Assistant Director of Community Planning; A. Meyer – Assistant Director of Development Services; R. Morhart – Manager of Permits & Inspections; C. Mycroft – Manager of Executive Operations; R. Bateman – Senior Process Planner; L. Milburn – Senior Planner, Housing Policy; M. Angrove – Planner; A. Johnston – Planner; R. Penz – Citizen Engagement Advisor; A. M. Ferguson – Recording Secretary

Guests: Ms. S. Davis – Victoria Youth Council; Ms. E. Hanna – Victoria Youth Council; Ms. S.M. Bhandar – Victoria Youth Council; Ms. Z. Chaudhry – Victoria Youth Council; Ms. E. de Rosenroll – Executive Director, South Island Prosperity Project; Mr. A. English – P. Eng, Vice President, WSP

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Agenda of the June 15, 2017, Committee of the Whole meeting be approved.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended to move item no. 21 - Correcting the Zoning of Residential Strata Buildings in Downtown Victoria, to take place after item no. 7.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Coleman, seconded by Councillor Alto, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item No. 1 – Minutes from the Meeting held May 18, 2017

Item No. 12 – Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Item No. 13 – Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended to include the following additional item on the consent agenda:

Consent Agenda:

Item No. 20 – Council Member Motion: Urban Development Institute Tour of Austin Texas

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That the amended Agenda of the June 15, 2017, Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item No. 1 – Minutes from the Meeting held May 18, 2017

Item No. 12 – Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Item No. 13 – Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

Item No. 20 – Council Member Motion: Urban Development Institute Tour of Austin Texas

Other Item:

Item no. 21 - Correcting the Zoning of Residential Strata Buildings in Downtown Victoria, to take place after item no. 7.

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

3. Presentation

3.1 City of Victoria Youth Council

Council received a presentation from Ms. Shae-Linn Davis, Ms. Emma Hanna, Ms. Sara Maya Bhandar, and Ms. Zara Chaudhry with the City of Victoria Youth Council regarding activities and initiatives.

Motion: It was moved by Mayor Helps, seconded by Councillor Lucas, that Council receive the presentation for information.

Committee discussed:

- The growth and value of the Youth Council.

CARRIED UNANIMOUSLY 17/COTW

3.2 South Island Prosperity Project

Council received a presentation from Ms. Emilie de Rosenroll, Executive Director with the South Island Prosperity Project regarding the project's past and future projects and initiatives.

Motion: It was moved by Councillor Alto, seconded by Councillor Isitt, that Council receive the presentation for information.

Committee discussed:

- The Annual General Meeting to be held on June 29th at the University Club.

CARRIED UNANIMOUSLY 17/COTW

Councillor Loveday withdrew from the meeting at 9:41 a.m. and returned at 9:42 a.m.

4. UNFINISHED BUSINESS

4.1 Johnson Street Bridge Project Update

Committee received a memo dated June 14, 2017, from Mr. Angus English, Project Director with WSP regarding updates and information on the scheduling delays associated with the Johnson Street Bridge Replacement Project.

Committee discussed:

- Concerns about the reliability of the new revised schedule.
- PCL's obligation to monitor its subcontractor ZTSS and concerns about the City needing to oversee this.

Motion: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive the report for information.

Committee discussed:

- Issues associated with the external contracting on the bridge project.
- The on-going updates and information with the Johnson Street Bridge and ensuring, as best possible, timely and transparent information.
- The fact that the corrosion is a cosmetic concern rather than a structural issue.

CARRIED UNANIMOUSLY 17/COTW

4.2 Crystal Pool Upgrade - Lessons Learned from Johnson Street Bridge

Committee received a report dated June 15, 2017, from the Project Director for the Johnson Street Bridge Replacement Project regarding some of the lessons learned from the Johnson Street Bridge Replacement Project which should be considered and applied to the Crystal Pool Project.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council receive this report for information.

Committee discussed:

- Guidance to deal with risk factors in a more proactive way, including risk analysis for future Council orientations.
- The misleading information received during the procurement process leading to various unknown risks. This included the reputations of the companies, the low quote, and the advice that the uniqueness of the bridge was only specific to the configuration not the technology.
- The choice of PCL to sub-contract to ZTSS with little experience in building bridges to North American Standards.

Amendment: It was moved by Councillor Loveday, seconded by Mayor Helps, that Council receive this report for information, **and;**

- 1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report to guide all future capital projects.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, that the motion be amended as follows:
That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report to guide ~~all future~~ **current and upcoming** capital projects.

MOTION FAILED DUE TO NO SECONDER

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

That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report **and future lessons learned reports** to guide all future capital projects.

Amendment to the amendment:

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

That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report **and future lessons learned reports** to guide all future capital projects
2. **That training in regards to risk profile and lessons learned for major capital projects be provided to Council members.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

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

That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report and future lessons learned reports to guide all future capital projects
2. That training in regards to risk profile and lessons learned for major capital projects be provided to Council members.
3. **Staff be directed to report back to Council on the advisability of establishing a risk management function for capital projects.**

Committee discussed:

- Adding a check-in with Council to the lessons learned policy so Council can reflect on the political lessons learned after capital projects.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

- That Council receive this report for information, and;
1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report and future lessons learned reports to guide all future capital projects, and;
 2. That training in regards to risk profile and lessons learned for major capital projects be provided to Council members, and;
 3. Staff be directed to report to Council on the advisability of establishing a risk management function for capital projects.

Councillor Lucas withdrew from the meeting at 11:22 a.m., due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 11:22 a.m., due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

Mayor Helps withdrew from the meeting at 11:22 a.m., due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator. Councillor Thornton-Joe assumed the chair in her absence.

Committee recessed at 11:22 a.m. and returned at 11:30 a.m.

4.3 Short Term Vacation Rentals – Regulatory Options

Committee received a report dated June 8, 2017, from the Director of Sustainable Planning and Community Development regarding regulatory options for short-term rentals (STR) in downtown Victoria where both residential use and transient accommodation is permitted.

Motion:

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

1. Limit short term rentals in Victoria to the greatest extent possible through appropriate language in the *Zoning Regulation Bylaw*, housing agreements, or other available tools to ensure that all new residential zoned units are used for the primary purpose of housing, rather than as short-term rentals (STR).
2. Bring forward a comprehensive scheme of business regulations for existing and future short term rentals. Such regulations may include:
 - a. requirements for a business licence for all short-term rentals
 - b. business licence fees
 - c. requirement that business activity comply with applicable strata rules
 - d. establishing appropriate rules for operation of short-term rentals.
3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other
4. Report back with a short-term rental enforcement strategy that will detail considerations for proactive enforcement of City-wide short-term rental including:
 - a. benefits and challenges of manual (staff led) enforcement vs. enlisting third party STR management assistance

- b. fines and escalatory action for non-compliance
- c. audit options to monitor adherence to rules and regulations
- d. engaging STR host platforms for regulatory cooperation
- e. additional policies, regulations, and programs to ensure compliance with regulations
- f. expediting the time frame for rolling out enforcement
- g. creating a dedicated short-term rental webpage for clarity and transparency regarding new regulations that outlines the City's progress on reducing short-term rental impact on long-term rental housing availability
- h. establishing a monitoring system to evaluate success of short-term rental regulations and the Short-Term Rental Enforcement Strategy

Committee discussed:

- The issues associated with the lack of regulation on short-term rentals.

Amendment: It was moved by Councillor Young, seconded by Councillor Coleman, that the motion be amended in the following point:

- 3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other **and request the province to revise the regulations to facilitate appropriate assessment of properties used for transient accommodation.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Councillor Young withdrew from the meeting at 11:54 a.m. and returned at 11:54 a.m.

Councillor Loveday withdrew from the meeting at 11:55 a.m. and returned at 11:56 a.m.

Main motion as amended:

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

- 1. Limit short term rentals in Victoria to the greatest extent possible through appropriate language in the *Zoning Regulation Bylaw*, housing agreements, or other available tools to ensure that all new residential zoned units are used for the primary purpose of housing, rather than as short-term rentals (STR).
- 2. Bring forward a comprehensive scheme of business regulations for existing and future short term rentals. Such regulations may include:
 - a. requirements for a business licence for all short-term rentals
 - b. business licence fees
 - c. requirement that business activity comply with applicable strata rules
 - d. establishing appropriate rules for operation of short-term rentals.
- 3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other and request the province to revise the regulations to facilitate appropriate assessment of properties used for transient accommodation.
- 4. Report back with a short-term rental enforcement strategy that will detail considerations for proactive enforcement of City-wide short-term rental including:

- a. benefits and challenges of manual (staff led) enforcement vs. enlisting third party STR management assistance
- b. fines and escalatory action for non-compliance
- c. audit options to monitor adherence to rules and regulations
- d. engaging STR host platforms for regulatory cooperation
- e. additional policies, regulations, and programs to ensure compliance with regulations
- f. expediting the time frame for rolling out enforcement
- g. creating a dedicated short-term rental webpage for clarity and transparency regarding new regulations that outlines the City's progress on reducing short-term rental impact on long-term rental housing availability
- h. establishing a monitoring system to evaluate success of short-term rental regulations and the Short-Term Rental Enforcement Strategy

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

4.4 Correcting the Zoning of Residential Strata Buildings in Downtown Victoria

A Council member motion dated June 12, 2017, from Councillors Isitt, Loveday, and Thornton-Joe regarding changes to the zoning of residential strata properties in Downtown Victoria, removing transient accommodation as a permitted use.

- Motion:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to:
1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
 2. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
 3. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
 4. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

Councillor Alto withdrew from the meeting at 12:04 p.m. and returned at 12:06 p.m.

Committee discussed:

- Impacts of this motion on staff's recommendations.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Young, that the motion be amended as follows:

That Council direct staff to:

1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
2. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw.**
3. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

Amendment to the amendment:

It was moved by Councillor Alto, seconded by Councillor Young, that the amended motion be amended as follows:

That Council direct staff to:

- ~~1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;~~
1. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw.**
2. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
3. **Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;**
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.

5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

On the amendment to the amendment:
DEFEATED 17/COTW

For: Councillor Young
Against: Councillors Alto, Coleman, Isitt, Loveday, and Thornton-Joe

Amendment to the amendment:

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

That Council direct staff to:

2. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw (c) legal non-conforming status.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council direct staff to:

1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
2. Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw (c) legal non-conforming status.
3. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

On the main motion as amended:
CARRIED 17/COTW

For: Councillors Alto, Coleman, Isitt, Loveday, and Thornton-Joe
Against: Councillor Young

Councillor Lucas returned to the meeting at 11:53 a.m.

Councillor Madoff returned to the meeting at 11:53 a.m.

Mayor Helps returned to the meeting at 11:53 a.m. and assumed the chair.

Motion: It was moved by Councillor Alto, seconded by Councillor Lucas, that the following additional item be included on the consent agenda for the June 15, 2017, Committee of the Whole meeting:

Consent Agenda:

Item No. 16 – Update and Consolidation of Building and Electrical Bylaws

CARRIED UNANIMOUSLY 17/COTW

3. CONSENT AGENDA

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that the following items be approved without further debate:

3.1 Minutes from the Meeting held May 18, 2017

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that the minutes from the Meeting held May 18, 2017, be adopted.

CARRIED UNANIMOUSLY 17/COTW

3.2 Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Committee received a report dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding an application to designate the exterior of the Heritage-Registered property located at 1402-1406 Douglas Street.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council consider the following motion:
"That Council approve the designation of the property located at 1402-1406 Douglas Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

CARRIED UNANIMOUSLY 17/COTW

3.3 Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

Committee received a report dated May 26, 2017, from the Director of Sustainable Planning and Community Development regarding an application by Argyle Attic to

change their Food-Primary License and add an Entertainment Endorsement at 850 Blanshard Street.

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

1. Council, after conducting a review with respect to the location of the establishment, the occupant capacity and the hours of liquor service, supports the application of Argyle Attic, located at 850 Blanshard Street, to add an Entertainment Endorsement to their Food-Primary Liquor License. Providing the following comments on the prescribed considerations:
 - a. The impact of noise on the community in the vicinity of the establishment has been considered and is not expected to be appreciatively different than that generated by the existing operations. It is understood that there is no change to the existing approved occupant load or hours of operation.
 - b. If the application is approved the impact on the community is expected to be positive, as the approval supports the long term viability of the business in the community. Approval is not expected to be disruptive to the community.
 - c. The views of residents were solicited via a mail-out to neighbouring property owners and occupiers within 50 metres of the licensed location, as well as a notice posted at the property. The City received one letter in support of the application.
 - d. Council recommends the issuance of the license as the requested change benefits the business and is compatible with the neighbourhood.

CARRIED UNANIMOUSLY 17/COTW

3.4 Council Member Motion: Urban Development Institute Tour of Austin Texas

A Council member motion dated June 12, 2017, from Councillor Lucas regarding a conference attendance request for the UDI tour of Austin Texas.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council approve the attendance of Councillor Margaret Lucas at the UDI Tour of Austin Texas.

CARRIED UNANIMOUSLY 17/COTW

3.5 Update and Consolidation of Building and Electrical Bylaws

Committee received a report dated June 8, 2017, from the Director of Sustainable Planning and Community Development regarding an updated and consolidated Building and Plumbing Bylaw.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council advance the proposed Building and Plumbing Bylaw to first and second reading and that Council direct staff to:

1. Present the proposed Building and Plumbing Bylaw for information to the Urban Development Institute and the Victoria Residential Homebuilders

Association as well as to the public at an in-house information session prior to adoption.

2. Revise applicable engineering bylaws and/or standards to address technical requirements related to infrastructure, site drainage and enforcement where they are more appropriately addressed.

CARRIED UNANIMOUSLY 17/COTW

Committee recessed at 12:54 p.m. and returned at 1:25 p.m.

4. LAND USE MATTERS

4.1 Rezoning Application No. 00571 for 2639-2641 Quadra Street

Committee received a report dated June 1, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion:

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

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00571 for 2639-2641 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon proof of registration of an executed Statutory Right-of-Way (SRW) of 3.2m on Quadra Street at the Land Titles Survey Authority.
2. That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00571, if it is approved, consider the following motion: "That Council authorize the issuance of a Development Variance Permit for 639-2641 Quadra Street, in accordance with:
 - a. plans date stamped May 15, 2017
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements to one parking stall per 132m² for commercial uses.
 - c. the Development Variance Permit lapsing two years from the date of this resolution."

CARRIED 17/COTW

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

Against: Councillor Young

4.2 Rezoning Application No. 00546 for 510-512 Yates Street

Committee received a report dated June 1, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council decline Rezoning Application No. 00546 for the property located at 510-512 Yates Street.

Committee discussed:

- Process to amend the policy to extend the distance between dispensaries.

CARRIED UNANIMOUSLY 17/COTW

4.3 Development Permit with Variances Application No. 00021 & Heritage Designation Application No. 000163 for 515 Foul Bay

Committee received reports dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the existing panhandle lot into four lots and construct three new single-family dwellings while retaining the existing five-unit house conversion on one lot and to designate the exterior of the Heritage-Registered property.

Committee discussed:

- Protection of the native landscape during the blasting.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the meeting be extended until 3:00 p.m.

CARRIED UNANIMOUSLY 17/COTW

Mayor Helps excused herself from the meeting at 1:53 p.m. to attend a meeting with BC Housing. Councillor Thornton-Joe assumed the chair in her absence.

Motion: It was moved by Councillor Lucas, seconded by Councillor Alto: That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion: "That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, in accordance with:

1. Plans date stamped March 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A:
 - a. increase the maximum height from 5.00m to 7.80m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 1.22m (west)
 - d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)

- ii. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
- iii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
- iv. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)
 - b. reduce the rear setback from 7.50m to 2.00m (east)
 - c. reduce the side setback from 7.50m to 0.00m (north).
- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
- 4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
- 5. The Development Permit lapsing two years from the date of this resolution.”

Amendment: It was moved by Councillor Isitt, seconded by Councillor Alto, that the motion be amended in the following section:

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, **and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road**, in accordance with:

Councillor Loveday withdrew from the meeting at 2:07 p.m. and returned at 2:09 p.m.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended in the following point:

- 3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan **and protection of environmentally sensitive areas** is followed.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended to include the following point:

6. **Consideration of protection of the vegetation management area to the west of building d.**

Amendment to amendment:

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

6. **Consideration of protection of the vegetation management area to the west of Building D including the natural topography.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended in the following point:

6. Consideration of protection of the vegetation management areas ~~to the west of Building D including the natural topography.~~

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the amended motion be amended to include the following point:

6. Consideration of protection of the vegetation management areas **and natural topography to the west of Building D and to the south of Building C** ~~to the west of building d including the natural topography.~~

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Concerns about the approach taken to the property, including affects to the neighbouring properties and the response to the unique topography of the site.

Amendment: It was moved by Councillor Coleman, seconded by Councillor Isitt, that the motion be amended to include the following point:

7. **That a CALUC meeting be held and the meeting minutes be provided at the hearing.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, in accordance with:

1. Plans date stamped March 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A:
 - a. increase the maximum height from 5.00m to 7.80m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 1.22m (west)
 - d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
 - ii. Lot B:
 - a. increase the maximum height from 5.00m to 7.70m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback from 7.50m to 6.81m (south)
 - d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
 - iii. Lot C:
 - a. increase the maximum height from 5.00m to 7.90m
 - b. increase the maximum number of storeys from one to two
 - c. reduce the front setback, from 7.50m to 0.69m (north)
 - d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
 - iv. Lot D (Existing House):
 - a. reduce the front setback from 7.50m to 1.58 (west)
 - b. reduce the rear setback from 7.50m to 2.00m (east)
 - c. reduce the side setback from 7.50m to 0.00m (north).
3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan and protection of environmentally sensitive areas is followed.
4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
5. The Development Permit lapsing two years from the date of this resolution.
6. Consideration of protection of the vegetation management areas and the natural topography to the west of Building D and south of Building C.
7. That a CALUC meeting be held and the meeting minutes be provided at the hearing.

On the main motion as amended:

CARRIED 17/COTW

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

Against: Councillor Young

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council consider the following motion:
"That Council approve the designation of the property located at 515 Foul Bay Road, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

CARRIED UNANIMOUSLY 17/COTW

4.4 Victoria Housing Reserve Fund Program Update

Committee received a report dated June 2, 2017, from the Director of Sustainable Planning and Community Development regarding changes to the Victoria Housing Reserve Fund (VHRF) following focused consultation with affordable housing providers and the development community.

Motion: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that Council direct staff to:

1. Implement all changes to the Victoria Housing Reserve fund approved at the November 24, 2016 Committee of the Whole Meeting; and
2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
 - a. add women and children to the priority target group
 - b. increase income limits for affordable home ownership projects
 - c. ensure financial health of project proponents
 - d. cap the funding window to two years
 - e. improve flexibility for how the fund maybe used
 - f. require affordable home ownership projects to demonstrate how they are affordable and how they will remain so over the long term
 - g. expand funding eligibility criteria to include for-profit entities provided they enter into a partnering agreement.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that the motion be amended in the following point:

2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
 - h. culturally appropriate first nations housing to the priority target group**

Committee discussed:

- Alignment with the Regional Housing First Strategy.

On the amendment:
CARRIED 17/COTW

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

Against: Councillor Young

Main motion as amended:

It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that Council direct staff to:

1. Implement all changes to the Victoria Housing Reserve fund approved at the November 24, 2016 Committee of the Whole Meeting; and
2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
 - a. add women and children to the priority target group
 - b. increase income limits for affordable home ownership projects
 - c. ensure financial health of project proponents
 - d. cap the funding window to two years
 - e. improve flexibility for how the fund may be used
 - f. require affordable home ownership projects to demonstrate how they are affordable and how they will remain so over the long term
 - g. expand funding eligibility criteria to include for-profit entities provided they enter into a partnering agreement.
 - h. culturally appropriate first nations housing to the priority target group

On the main motion as amended:

CARRIED 17/COTW

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

Against: Councillor Young

4.5 Sidewalk Café Bylaw Update-Noise, Parklet Trial Installation and Fees for Use of Parking Stalls

Committee received a report dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding noise concerns with sidewalk cafes and to update the fees associated with sidewalk cafes using adjacent parking stalls.

Motion: It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council direct staff to:

1. Monitor potential noise issues related to sidewalk cafes under the existing Noise Bylaw and Nuisance (Business Regulation) Bylaw and report back to Council in two years with analysis and recommendations.
2. Bring forward amendments to the Sidewalk Cafe Bylaw to update the fees for sidewalk cafes using the adjacent parking stall so that it is double the amount currently charged for sidewalk cafes occupying a sidewalk.
3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the meeting be extended to 3:30 p.m.

CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Reviewing and updating the Noise Bylaw to consider the increased population downtown.

Amendment: It was moved by Mayor Helps, that the motion be amended in the following point:

3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets **including a 2 for 1 parking spot deal for public use rather than private business.**

MOTION FAILED DUE TO NO SECONDER

Amendment: It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be amended in the following point:

3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets **including a 2 for 1 parking spot deal for groups of businesses and residents that come together to develop a parklet.**

Councillor Coleman withdrew from the meeting at 3:14 p.m.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council direct staff to:

1. Monitor potential noise issues related to sidewalk cafes under the existing Noise Bylaw and Nuisance (Business Regulation) Bylaw and report back to Council in two years with analysis and recommendations.
2. Bring forward amendments to the Sidewalk Cafe Bylaw to update the fees for sidewalk cafes using the adjacent parking stall so that it is double the amount currently charged for sidewalk cafes occupying a sidewalk.
3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets including a 2 for 1 parking spot deal for groups of businesses and residents that come together to develop a parklet.

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

5. STAFF REPORTS

5.1 Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

Committee received a report dated May 23, 2017, from the City Clerk regarding CRD Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017.

Councillor Coleman returned to the meeting at 3:17 p.m.

Motion: It was moved by Mayor Helps, seconded by Councillor Madoff, that Council postpone consideration of this matter until staff get more information from the CRD Arts Commission:
That Council advise the Capital Regional District that the City requests the Bylaw be amended to reduce the maximum Group 1 Participant contribution by the amount of the contributions of the Group 2 Participants.

CARRIED UNANIMOUSLY 17/COTW

5.2 Municipal Finance Authority Socially Responsible Investments Survey

Committee received a report dated June 2, 2017, from the Director of Finance regarding the Municipal Finance Authority's Socially Responsible Investment Fund survey.

- Motion:** It was moved by Mayor Helps, seconded by Councillor Loveday, that Council:
1. Direct staff to respond to the Municipal Finance Authority Socially Responsible Investment Fund survey question 3. "What is the dollar amount your organization would be willing to invest in an SRI fund?" noting the City would be willing to invest up to \$15 million in an SRI fund, to represent a maximum of 10% of the City's investment portfolio balance, consistent with the current Investment Policy.
 2. Direct staff to report back on any financial impacts if the new fund is created by the Municipal Finance Authority.

CARRIED 17/COTW

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

Against: Councillor Young

6. ADJOURNMENT

- Motion:** It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Committee of the Whole meeting of June 15, 2017, be adjourned at 3:21 p.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR