



MINUTES - COMMITTEE OF THE WHOLE

September 12, 2019, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Dubow, Councillor Young

LEAVE OF ABSENCE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, C. Mycroft - Manager of Executive Operations, M. Betanzo - Senior Planner, R. Morhart - Manager, Permits & Inspections, N. Sidhu - Assistant Director of Parks, Recreation & Facilities, J. O'Connor - Deputy Director of Finance, L. Van Den Dolder - Assistant City Solicitor, B. Stark - Manager, Parks Operations, B. Cockle - Leader, Bylaw Services, J. Lockhart - Manager - Revenue, M. Heiser - Committee Secretary

A. APPROVAL OF AGENDA

Moved By Councillor Loveday

Seconded By Mayor Alto

That the agenda be approved.

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

That the following items be approved without further debate

C.1 Minutes from the meeting held August 8, 2019

Moved By Councillor Alto

Seconded By Mayor Loveday

That the minutes from the Committee of the Whole meeting held August 8, 2019 be adopted.

CARRIED UNANIMOUSLY

G.1 Draft OCP Regional Context Statement

Committee received a report dated August 29, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the draft OCP regional context statement that has been prepared to summarize how the OCP policies are consistent with the policies and priority targets from the new 2018 CRD Regional Growth Strategy.

Moved By Councillor Alto

Seconded By Mayor Loveday

That Council:

1. Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the 2018 CRD Regional Growth Strategy.
2. Consider consultation under Section 475(1) of the Local Government Act and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.
4. Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading.

CARRIED UNANIMOUSLY

G.4 Proclamation - Manufacturing Month

Committee received a report dated September 4, 2019 from the City Clerk regarding a proclamation for Manufacturing Month, October 2019.

Moved By Councillor Alto

Seconded By Mayor Loveday

That the *Manufacturing Month* Proclamation be forwarded to the September 19, 2019 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

I.1 Conference Attendance Request for Councillor Loveday - UBCM

Committee received a Council Member Motion dated September 5, 2019 from Councillor Loveday regarding a request to attend the UBCM Conference.

Moved By Councillor Alto

Seconded By Mayor Loveday

That Council approve the attendance of the 2019 Union of BC Municipalities Convention and related expenses for Councillor Loveday.

CARRIED UNANIMOUSLY

Councillor Isitt joined the meeting at 9:03 a.m.

C. Presentations

D.1 Urban Food Table - Food Production on Private Land Inventory Survey

Committee received a presentation from Aaren Topley and Ben Clark, Co-Chairs of the Urban Food Table, regarding a survey of residents that produce foods on private land, with the purpose of understanding the current state of private land food production and setting a baseline to inform future targets.

Committee discussed:

- *Survey results*
- *Relating bylaws*
- *Neighbourhood participation*

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council receive this presentation for information and express appreciation to the Urban Food Table for undertaking the survey and other contributions for a sustainable food system.

CARRIED UNANIMOUSLY

D. UNFINISHED BUSINESS

E.1 Citizens' Assembly Council Committee - Report Back with Proposed Terms of Reference

Committee received an update from the City Clerk regarding the joint Terms of reference from the meetings between Saanich and Victoria.

Committee discussed:

- *Number of members on the assembly*
- *Number of sessions*

Moved By Councillor Isitt
Seconded By Mayor Helps

That Council approve the revised Terms of Reference for the Citizens' Assembly.

Amendment:

Moved By Councillor Isitt
Seconded By Mayor Helps

Item 7.4:

Proportions will be established based on the most recent (2016) census profile. To assist Assembly members to participate, members will be reimbursed for reasonable childcare, eldercare, and transportation costs and will receive an honorarium of \$100 per meeting, **to ensure participation is inclusive to people of all income levels. Members of the assembly will be asked if they wish to waive receipt of the honorarium to safeguard municipal funds.** Assistance will also be provided to those members with differing physical or learning abilities.

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps
Seconded By Councillor Isitt

Item 7.2.6:

Applicants will be asked to indicate organizations that they have participated in that they may perceive to give them a conflict in participating in this process **and indicate whether they are a board member of the organization.**

Amendment to the Amendment:

Moved By Councillor Isitt
Seconded By Mayor Helps

Applicants will ~~declare be asked to indicate~~ organizations that they have participated in that they may perceive to give them a conflict in participating in this process and indicate whether they are a board member of the organization.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe and Councillor Young

OPPOSED (1): Councillor Loveday

CARRIED (7 to 1)

Amendment to the Amendment:

Moved By Councillor Loveday

Seconded By Mayor Helps

Applicants will declare conflicts of interest and declare if they are a board member ~~to indicate of the organizations that they have participated in that they may perceive to give them a conflict in participating in this process and indicate whether they are a board member of the organization.~~

CARRIED UNANIMOUSLY

Amendment to the Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

Applicants will ~~declare conflicts of interest and~~ declare whether if they are a board member of the of an organizations that would place them in a conflict in participating in this process.

CARRIED UNANIMOUSLY

On the Amendment:

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps

Seconded By Councillor Loveday

Members are expected to participate in the assembly with an open mind.

Applicants will declare whether they are a board member of an organization that would place them in a conflict in participating in the process.

Amendment to the Amendment

Moved By Councillor Isitt

Seconded By Mayor Helps

Members are expected to participate in the assembly with an open mind while respecting the diverse perspectives of members. Applicants will declare whether they are a board member of an organization that would place them in a conflict in participating in the process.

DEFEATED UNANIMOUSLY

On the Amendment

DEFEATED UNANIMOUSLY

On the Main Motion as Amended:

That Council approve the revised Terms of Reference for the Citizens' Assembly.

Amendments to Joint Terms of Reference

Item 7.4:

Proportions will be established based on the most recent (2016) census profile. To assist Assembly members to participate, members will be reimbursed for reasonable childcare, eldercare, and transportation costs and will receive an honorarium of \$100 per meeting, to ensure participation is inclusive to people of all income levels. Members of the assembly will be asked if they wish to waive receipt of the honorarium to safeguard municipal funds. Assistance will also be provided to those members with differing physical or learning abilities.

Item 7.2.6

Applicants will declare whether they are a board member of an organization that would place them in a conflict in participating in the process.

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Young

That this matter be forwarded to September 12, 2019 Council Meeting.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

F.1 Work Without Permit: 1551 Bay Street/Bylaw File #71170 (Fernwood)

Committee received a report dated August 15, 2019 from the Manager - Bylaw and Licensing Services regarding the proposed filing of a notice on title in respect to work that has been done without permit to convert the two carports to an office/storage room and an additional bedroom with a bathroom at 1551 Bay Street.

Prior to a notice being registered on title, the owner must be given an opportunity to be heard. The Mayor opened the hearing and the City Clerk outlined the process as noted in Community Charter for the hearing.

The Leader – Bylaw Services and the Manager – Permits and Inspections provided Council with an overview of Bylaw File No. 71170.

The property owner addressed Council and noted the following:

- *Not wishing to displace a long-term tenant*
- *Work to the garage completed by a previous property owner*

Committee discussed:

- *The property being accommodated by one long-term tenant*
- *Permits and inspections*
- *What steps would be required to bring the property to code how to bring building to code*
- *Setbacks required for garden suites*

Upon closing comments, the property owner and staff noted that they would like to reach compliance with this property.

Moved By Councillor Isitt

Seconded By Councillor Young

That the hearing be recessed for 60 days.

Amendment:

Moved By Councillor Thornton-Joe

That ~~staff report back in 30 hearing be recessed for 60~~ days.

Failed to proceed due to no seconder

On the Main Motion:

CARRIED UNANIMOUSLY

Committee recessed at 10:48 a.m. reconvened at 10:54 a.m.

F.2 910 Government Street and 525 Broughton Street: Rezoning Application No. 00662

Committee received a report dated August 29, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00662 for 910 Government Street and 525 Broughton Street to discharge the Land Use Contract by bylaw and to amend the Old Town District 1 Zone to include site-specific regulations that reflect the existing density, height and floor area of an existing building and recommending it be declined.

Committee discussed:

- *Correspondence received*
- *Land use planning*

- *Staff recommendations*

Moved By Councillor Isitt
Seconded By Mayor Helps

That Council decline Rezoning Application No. 00662 for the property located at 910 Government Street and 525 Broughton Street.

CARRIED UNANIMOUSLY

F. STAFF REPORTS

G.2 Tree Preservation Bylaw Update

Committee received a report dated September 12, 2019 from the Director of Parks, Recreation and Facilities regarding the proposed amendments to the Tree Preservation Bylaw to address the immediate need to clarify certain definitions, standardize information requirements and strengthen tree protection.

Committee discussed:

- *Sizes of protected trees in other municipalities*
- *Public input and consultation*

Moved By Councillor Isitt
Seconded By Councillor Loveday

That staff bring forward for the attached Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 for first, second and third readings.

Amendment:

Moved By Councillor Isitt
Seconded By Mayor Helps

That “i” be changed from 80 centimeters to 60 centimeters.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt
Seconded By Mayor Dubow

That Council direct staff to convene an opportunity for public comment as part of the bylaw approval process.

FOR (6): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe and Councillor Young

OPPOSED (2): Mayor Helps and Councillor Alto,

CARRIED (6 to 2)

Amendment:

Moved By Mayor Helps

Seconded By Councillor Loveday

That the permit fee goes from \$30 to \$50.

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps

Seconded By Councillor Isitt

That the security deposit goes from \$350 to \$700

CARRIED UNANIMOUSLY

Councillor Isitt left the meeting at 12:07 p.m.

Main Motion as Amended:

That staff bring forward for the attached Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 for first, second and third readings.

1. That "i" be changed from 80 centimeters to 60 centimeters.
2. That Council direct staff to convene an opportunity for public comment as part of the bylaw approval process.
3. That the permit fee goes from \$30 to \$50.
4. That the security deposit goes from \$350 to \$700.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

Councillor Isitt returned to the meeting at 12:11 p.m.

Councillor Young left the meeting at 12:11 p.m.

Committee recessed at 12:11 p.m. and reconvened at 12:28 p.m.

G. UNFINISHED BUSINESS

E.2 Horse Drawn Carriages - Referred from May 23, 2019 Council Meeting

Committee received a presentation from M. Moriarty, Chief Prevention and Enforcement Officer, and A. Morris, Manager, Policy and Companion Animals, from the BC SPCA regarding previous correspondence and recommendations concerning Horse Drawn Carriages.

Committee discussed:

- *Economic viability of one versus two horse drawn carriages*
- *Animal welfare*

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council receive the presentation from the SPCA for information.

CARRIED UNANIMOUSLY

Motion Arising:

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council requests that the BC SPCA provide advice to Council on the following possible amendments to regulations respecting horse-drawn carriage operations in the City of Victoria:

Specifying that use of the municipal rights of way and parking stands for commercial horse-drawn carriage operations be limited to:

1. vehicles pulled by one horse;
2. a geographic area bounded by Humboldt Street to the north, Cook Street to the east, Dallas Road to the south, and Victoria Harbour to the west.
3. working conditions limited to an air temperature not exceeding 28 degrees Celsius measured in the City of Victoria and good air quality consistent with Vancouver Island Health Authority advisories.

Motion to Refer:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

That Council refer bullet 2 to the next quarterly update and ask staff to report back to Council on the implications of doing this work and what staff would put on hold to get this work done in a timely matter.

DEFEATED UNANIMOUSLY

Amendment:

Moved By Mayor Helps

Seconded By Councillor Isitt

That Council requests that the BC SPCA provide advice to Council on the following possible amendments to regulations respecting horse-drawn carriage operations in the City of Victoria **and have the response from the SPCA go to the next quarterly update for Council's consideration:**

CARRIED UNANIMOUSLY

On the Motion Arising as Amended:

That Council requests that the BC SPCA provide advice to Council on the following possible amendments to regulations respecting horse-drawn carriage operations in the City of Victoria and have the response from the SPCA go to the next quarterly update for Council's consideration:

Specifying that use of the municipal rights of way and parking stands for commercial horse-drawn carriage operations be limited to:

1. vehicles pulled by one horse;
2. a geographic area bounded by Humboldt Street to the north, Cook Street to the east, Dallas Road to the south, and Victoria Harbour to the west.
3. working conditions limited to an air temperature not exceeding 28 degrees Celsius measured in the City of Victoria and good air quality consistent with Vancouver Island Health Authority advisories.

CARRIED UNANIMOUSLY

Motion Arising:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

At the next quarterly update for staff to provide an update on the previously approved motion regarding the banning of the sale of puppies, kittens.

CARRIED UNANIMOUSLY

H. STAFF REPORTS

G.3 Permissive Tax Exemptions

Committee received a report dated August 30, 2019 from the Deputy Director of Finance regarding applications from non-profit organizations requesting permissive property tax exemptions for 2020 to 2022 for Council's consideration.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council:

Direct staff to bring forward a 2020-2022 permissive tax exemption bylaw for properties as follows:

- a. Renewal Applications Recommended for Approval (Appendix A)
- b. New Application Recommended for Approval: (Appendix B)
 - i. The Salvation Army, folio 12814031, 943 Fullerton Ave
- c. City of Victoria Exemptions Recommended for Approval (Appendix D)

Councillor Loveday withdrew from the meeting at 1:52 p.m. due to a pecuniary conflict of interest with the following item.

Councillor Isitt withdrew from the meeting at 1:52 p.m. due to a pecuniary conflict of interest with the following item, as a family member sits as a Director on one organizations not recommended for approval.

Motion to Extend:

Moved By Mayor Helps
Seconded By Councillor Dubow

That the Committee of the Whole meeting be extended to 2:30 p.m.

CARRIED UNANIMOUSLY

On the Main Motion:

CARRIED UNANIMOUSLY

Councillor Loveday returned to the meeting at 2:03 p.m.

Councillor Isitt returned to the meeting at 2:03 p.m.

Motion Arising:

Moved By Councillor Dubow
Seconded By Councillor Alto

That the legion be exempted from property taxes for the Class 8 taxable assessment.

Motion to Refer:

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the matter be referred to the September 19 Committee of the Whole meeting, with staff obtaining information from the Canadian Legion on whether membership is open to all permanent residents in Canada.

CARRIED UNANIMOUSLY

Motion Arising:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

Direct staff to report back to Council at the next quarterly update on changes needed to the City's Permissive Tax Exemption Policy to allow applications for tax exemptions from non-profit organizations categorized as long term care facilities, cultural associations, service clubs, and affordable housing providers located in the City, and the costs and other implications of such policy changes.

Motion to Refer:

Moved By Councillor Isitt

Seconded By Mayor Helps

That this matter be referred to the next quarterly update for staff to report on the implications of doing this work.

FOR (5): Mayor Helps, Councillor Dubow, Councillor Isitt, Councillor Loveday and Councillor Potts

OPPOSED (2): Councillor Alto and Councillor Thornton-Joe

CARRIED (5 to 2)

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Loveday

Seconded By Councillor Alto

That the Committee of the Whole Meeting be adjourned at 2:24 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR