

REVISED AGENDA - VICTORIA CITY COUNCIL

				Thursday, October 22, 2020			
		COL	JNCIL CHAM	IBERS - 1 CENTENNIAL SQUARE, VICTORIA BC			
	To be held immediately following the Committee of the Whole Meeting						
	The	City of Vic	ctoria is locat	ed on the homelands of the Songhees and Esquimalt People			
	Due to th	e COVID-		c, public access to City Hall is not permitted. This meeting may be on the City's webcast at www.victoria.ca			
			vieweu		ages		
A.	CONV	ENE COL	JNCIL MEET		0		
В.	APPR	OVAL OF	AGENDA				
C.	READING OF MINUTES						
	*C.1. Minutes from the evening meeting held September 17, 2020						
	*C.2.	Minutes	from the day	time meeting of October 8, 2020	7		
D.	PROCLAMATIONS						
	D.1. Respiratory Therapy Week - October 25-31, 2020						
		Pending	Committee	of the Whole approval			
E.	REPO	RTS OF C	COMMITTEE				
	E.1.	Committ	ee of the Wh	ole			
	E.1.a. Report from the October 15, 2020 COTW Meeting						
	Link to the			October 15 COTW Agenda			
			E.1.a.a.	202 Harbour Road: Development Permit Application No. 000549 (Victoria West)			
			E.1.a.b.	Youth Council			
			E.1.a.c.	Accountability Report - Period Two 2020			

E.1.a.d. Checkout Bag Regulation Bylaw Adoption

- E.1.a.e. 2021 Committee and Council Meeting Schedule
- E.1.a.f. Council Member Motion: Bastion Square Mural
- E.1.a.g. Shower Use at Royal Athletic Park

F. BYLAWS

G. NEW BUSINESS

G.1. Short Term Rental Business Licence Appeal

G.1.a. 1743 Pembroke Street

H. CLOSED MEETING

MOTION TO CLOSE THE OCTOBER 22, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(c) labour relations or other employee relations; and
- Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- Section 90(2)(b)the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- I. APPROVAL OF CLOSED AGENDA
- J. READING OF CLOSED MINUTES
- K. UNFINISHED BUSINESS
- L. CORRESPONDENCE

M. NEW BUSINESS

- M.1. Land Community Charter section 90(1)(e)
- *M.2. Land Community Charter Section 90(1)(e)
- *M.3. Legal Advice Community Charter Section 90(1)(i)
- *M.4. Late Item
 - *M.4.a. Land/Intergovernmental Relations Community Charter Section 90(1)(e) and 90(2)(b)
- M.5. Employee Relations Community Charter Section 90(1)(c)
- M.6. Employee Relations Community Charter Section 90(1)(c)
- N. CONSIDERATION TO RISE & REPORT
- O. ADJOURNMENT



September 17, 2020, 6:30 P.M. Council Chambers, City Hall, 1 Centennial Square The City of Victoria is located on the homelands of the Songhees and Esquimalt People Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca.

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

PRESENT Councillor Potts ELECTRONICALLY:

- ABSENT: Councillor Dubow
- STAFF PRESENT:
 J. Jenkyns City Manager, S. Thompson Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, A. James - Head of Strategic Operations, P. Bellefontaine - Director of Engineering & Public Works, J. O'Reilly – Senior Heritage Planner, P. Martin - Council Secretary

B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Loveday Seconded By Councillor Alto

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Isitt Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Andrea Brice: Homeless Camps in our Parks

Outlined why Council should not allow homeless camps within parks, play fields, or playgrounds near children.

D.3 <u>Lindsay Cerilli: Beacon Hill Park Encampments Endangering South Park</u> <u>Elementary School Students</u>

Outlined why Council should extend the 50 meter buffer zone to include the school yard and why added police presence should be provided during school hours whenever there is an active manhunt.

F. <u>PUBLIC AND STATUTORY HEARINGS</u>

F.1 <u>404 Henry Street: Heritage Designation Application No. 000189</u>

Heritage Designation:

Under the provisions of the Local Government Act, the City of Victoria intends to designate the building and rock formation located at 404 Henry Street, legally described as: PID: 008-958-220, Lot B (DD A53135) of Block D, Section 31, Esquimalt District, Plan 549, as protected heritage property, under Heritage Designation Bylaw No. 20-074 (404 Henry Street).

F.1.a Public Hearing & Consideration of Approval

John O'Reilly (Senior Heritage Planner): Advised that the application is to designate the property as heritage.

Mayor Helps opened the public hearing at 6:44 p.m.

Council recessed from 6:44 p.m. until 6:50 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 6:50 p.m.

Moved By Councillor Young Seconded By Councillor Thornton-Joe

That the following bylaw be given third reading:

1. Heritage Designation (404 Henry Street) Bylaw No. 20-074

CARRIED UNANIMOUSLY

Moved By Councillor Young Seconded By Councillor Thornton-Joe

That the following bylaw be adopted:1. Heritage Designation (404 Henry Street) Bylaw No. 20-074

CARRIED UNANIMOUSLY

F.2 <u>202 Raynor Avenue: Rezoning Application No. 00724, Development Permit</u> with Variances Application No. 00137, and Heritage Alteration Permit with Variances Application No. 00021

Zoning Regulation Bylaw, Amendment Bylaw (No. 1235) No. 20-090:

To rezone the land known as 202 Raynor Avenue from the R-2 Zone, Two Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to retain the existing single family dwelling and permit a new single family dwelling.

Development Permit with Variance Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 202 Raynor Avenue, in Development Permit Area 15A: Intensive Residential – Small Lot, for the purposes of establishment of objectives for the form and characters of intensive residential development as well as landscaping. The variance to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, is to reduce the front yard setback from 6.00m to 3.49m

Heritage Alteration Permit with Variance Application:

The Council of the City of Victoria will also consider issuing a Heritage Alteration Permit with Variance for the land known as 202 Raynor Avenue for the purposes approving a variance to reduce the rear yard setback from 6.00m to 3.00m.

F.2.a Public Hearing & Consideration of Approval:

John O'Reilly (Senior Heritage Planner): Advised that the application is for two small lots, to retain the existing heritage-designated single-family dwelling and to construct a new single family dwelling.

Mayor Helps opened the public hearing at 6:53 p.m.

Will King (Applicant): Provided information regarding the application.

Council recessed from 7:08 p.m. until 7:14 p.m. to provide an opportunity for members of the public to call to speak live.

<u>Janet Munson (Alston Street)</u>: Expressed concerns with the application due to the proposed reduction in set-back.

Council discussed the following:

• The relation of the proposed setback to the neighbouring property.

Mayor Helps closed the public hearing at 7:37 p.m.

Moved By Mayor Helps Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1235) No. 20-090

Council discussed the following:

- That the side yard setbacks address the neighbour's concerns.
- The importance of the inclusion of the passive house building standard.

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (1): Councillor Thornton-Joe

CARRIED (6 to 1)

Moved By Councillor Alto Seconded By Councillor Young

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1235) No. 20-090

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (1): Councillor Thornton-Joe

CARRIED (6 to 1)

Moved By Councillor Alto Seconded By Councillor Young

That Council authorize the issuance of Development Permit with Variance Application No. 00137 for 202 Raynor Avenue, in accordance with:

- 1. Plans date stamped June 9, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the front yard setback from 6.00m to 3.49m.
- 3. The Development Permit lapsing two years from the date of this resolution.

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young OPPOSED (1): Councillor Thornton-Joe

CARRIED (6 to 1)

Moved By Councillor Alto Seconded By Councillor Loveday

That Council authorize the issuance of Heritage Alteration Permit with a Variance Application No. 00021 for 202 Raynor Avenue, in accordance with:

- 1. Plans, date stamped June 9, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. To reduce the required rear yard setback from 6 metres to 3 metres.

- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Heritage Alteration Permit with Variance lapsing two years from the date of this resolution.

F.3 727-729 Johnson Street: Heritage Designation Application No. 000153

Heritage Designation Application:

Under the provisions of the *Local Government Act*, the City of Victoria intends to designate the building located at 727-729 Johnson Street, legally described as: 005-137-993, Lot 33, Victoria City, as protected heritage property, under Heritage Designation Bylaw No. 20-012 (727-729 Johnson Street).

F.3.a Public Hearing & Consideration of Approval

John O'Reilly (Senior Heritage Planner): Advised that the application is to designate the exterior of the building as heritage.

Mayor Helps opened the public hearing at 7:49 p.m.

Council recessed from 7:50 p.m. until 7:55 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 7:55 p.m.

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That the following bylaw be given third reading:1. Heritage Designation (727-729 Johnson Street) Bylaw No. 20-012

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted:**

1. Heritage Designation (727-729 Johnson Street) Bylaw No. 20-012

CARRIED UNANIMOUSLY

F.4 Five Year Financial Plan Bylaw, 2020: Proposed Amendment

<u>Five Year Financial Plan 2020, Amendment (No. 1) Bylaw No. 20-092</u> The purpose of the proposed bylaw is to amend the annual financial plan for the year 2020, to effect Council's direction to add the Topaz Park - Southern Park Enhancement project, the Public Washroom project, and the project to repair dehumidifiers and install handrails in the Save-On-Foods Memorial Centre.

F.4.a Opportunity for Public Comment & Consideration of Approval

<u>Susanne Thompson (Director of Finance):</u> Advised that the purpose of the bylaw amendment is to implement Council's direction to add the Topaz Park - Southern Park Enhancement project, the Public Washroom project, and the project to repair dehumidifiers and install handrails in the Save-On-Foods Memorial Centre.

Mayor Helps opened the opportunity for public comment at 7:59 p.m.

Council recessed from 7:59 p.m. until 8:04 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Mayor Helps closed the opportunity for public comment at 8:05 p.m.

Moved By Councillor Loveday Seconded By Councillor Isitt

That the following bylaw be adopted:

1. Five Year Financial Plan 2020, Amendment (No. 1) Bylaw No. 20-092

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the Council meeting adjourn. TIME: 8:06 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

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MINUTES - VICTORIA CITY COUNCIL

October 8, 2020, 12:44 P.M. COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC To be held immediately following the Committee of the Whole Meeting The City of Victoria is located on the homelands of the Songhees and Esquimalt People Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

- PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Isitt (joined at 12:51 p.m.), Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
- STAFF PRESENT: J. Jenkyns City Manager, S. Thompson Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski -City Solicitor, B. Eisenhauer - Head of Engagement, K. Hoese -Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Alto Seconded By Councillor Loveday

That the agenda be approved

Amendment: Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That F.1.b.1 and F.1.b.2 be added to the agenda

CARRIED UNANIMOUSLY

On the main motion as amended

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 Proclamation - Taoist Tai Chi Arts 50th Anniversary

Moved By Councillor Alto Seconded By Councillor Thornton-Joe That the following proclamation be endorsed:

"Taoist Tai Chi Arts 50th Anniversary"

CARRIED UNANIMOUSLY

D.2 Proclamation - Energy Efficient Day

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

"Energy Efficient Day"

CARRIED UNANIMOUSLY

F. <u>REPORTS OF COMMITTEES</u>

F.1 Committee of the Whole

F.1.a Report from the October 1, 2020 COTW Meeting

F.1.a.a Child Care in Victoria Action Plan

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That Council receive the report for information and:

- 1. Refer to staff to report back at the Term 3 Update on the Financial and Human Resource implications and the ability to implement the Process, Policy, Partnerships and education and Training recommendations that are within municipal jurisdiction in the Report.
- 2. Bring forward the specific recommended advocacy motions for consideration at a future Council meeting.

CARRIED UNANIMOUSLY

F.1.a.b1244 Wharf Street: Rezoning Application No. 00739 (Downtown)

Moved By Councillor Thornton-Joe Seconded By Councillor Alto

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No.00739 for 1244 Wharf Street, that first and second reading of the Zoning Regulation Bylaw amendments be considered by Council and a Public Hearing date be set once the following conditions are met: 1. Council authorizing the existing street-level projecting building ornamentation over the City right-of-way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

F.1.a.c 3080, 3082 and 3090 Washington Avenue: Rezoning Application No. 00714, associated Official Community Plan Amendment, and Development Permit Application No. 000566 (Burnside)

Councillor Alto recused herself from the meeting at 12:49 p.m. as she owns a home within 150 metres of the subject property.

Council discussed:

 whether it would be practical to change the design of the building

Moved By Mayor Helps Seconded By Councillor Potts

Rezoning Application No. 00714 and associated Official Community Plan Amendment:

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare:
 - a. the necessary Official Community Plan amendment bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw amendment that would change the Urban Place Designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential and authorize the proposed development outlined in the staff report dated September 17, 2020 for Rezoning Application No. 00714; and
 - b. the necessary bylaw in order to terminate the Land Use Contract F32837 pertaining to 3080, 3082 and 3090 Washington Avenue.
- 2. That first and second readings of the zoning bylaw amendments and the Land Use Contract termination bylaw be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Preparation of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
 - i. a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;

- ii. a statutory right-of-way of 1.00m on Washington Avenue for highway purposes, to the satisfaction of the Director of Engineering and Public Works;
- iii. a statutory right-of-way of 4.2m on the subject properties for the construction of the Doric Connector greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works; and
- iv. construction of the Doric Connector greenway by the applicant, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works.
- b. Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- c. Lower the building heights of the attached dwellings along the north and south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours, to the satisfaction of the Director of Community Planning and Sustainable Development.
- d. Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- e. Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.
- 3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
 - a. those property owners and occupiers within a 200m radius of the subject properties.
- 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to those property owners and occupiers within a 200m radius of the subject properties; and
 - b. post 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.
- 5. That Council consider that no consultation is necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.

6. That Recommendations 1 to 5 be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit Application No. 000566

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. 00714, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue, in accordance with:

- 1. Plans date stamped August 7, 2020.
- 2. The applicant revise the proposed Phasing Plan to ensure that the outdoor amenity space and Doric Connector are constructed in Phase 1 and provide more details on potential interim conditions of each phase, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. The Development Permit lapsing two years from the date of this resolution."

Councillor Isitt joined the meeting at 12:51 p.m.

Amendment: Moved By Mayor Helps Seconded By Councillor Potts

Rezoning Application No. 00714 and associated Official Community Plan Amendment:

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare:
 - a. the necessary Official Community Plan amendment bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw amendment that would change the Urban Place Designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential and authorize the proposed development outlined in the staff report dated September 17, 2020 for Rezoning Application No. 00714; and
 - b. the necessary bylaw in order to terminate the Land Use Contract F32837 pertaining to 3080, 3082 and 3090 Washington Avenue.
- 2. That first and second readings of the zoning bylaw amendments and the Land Use Contract termination bylaw be considered by Council and a public hearing date be set once the following conditions are met:

- a. Preparation of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
 - i. a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - ii. a statutory right-of-way of 1.00m on Washington Avenue for highway purposes, to the satisfaction of the Director of Engineering and Public Works;
 - iii. a statutory right-of-way of 4.2m on the subject properties for the construction of the Doric Connector greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works; and
 - iv. construction of the Doric Connector greenway by the applicant, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works.
- b. Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- c. Lower the building heights of the attached dwellings along the north and south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours, to the satisfaction of the Director of Community Planning and Sustainable Development.
- d. Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- e. Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.
- 3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
 - a. those property owners and occupiers within a 200m radius of the subject properties.
- 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to those property owners and occupiers within a 200m radius of the subject properties; and
 - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of

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staff and provide written or verbal comments to Council for their consideration.

- 5. That Council consider that no consultation is necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.
- 6. That Recommendations 1 to 5 be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Amendment to the amendment: Moved By Councillor Isitt

Seconded By Councillor Loveday

Rezoning Application No. 00714 and associated Official Community Plan Amendment:

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare:
 - a. the necessary Official Community Plan amendment bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw amendment that would change the Urban Place Designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential and authorize the proposed development outlined in the staff report dated September 17, 2020 for Rezoning Application No. 00714; and
 - b. the necessary bylaw in order to terminate the Land Use Contract F32837 pertaining to 3080, 3082 and 3090 Washington Avenue.
- 2. That first and second readings of the zoning bylaw amendments and the Land Use Contract termination bylaw be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Preparation of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
 - i. a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - ii. a statutory right-of-way of 1.00m on Washington Avenue for highway purposes, to the satisfaction of the Director of Engineering and Public Works;
 - iii. a statutory right-of-way of 4.2m on the subject properties for the construction of the Doric Connector

greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works; and

- iv. construction of the Doric Connector greenway by the applicant, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works.
- b. Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- c. Lower the building heights of the attached dwellings along the north and south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours, to the satisfaction of the Director of Community Planning and Sustainable Development. Consideration of revisions of the design of the attached dwellings on the north and/or south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours.
- d. Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
- e. Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.
- 3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
 - a. those property owners and occupiers within a 200m radius of the subject properties.
- 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to those property owners and occupiers within a 200m radius of the subject properties; and
 - b. post 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.
- 5. That Council consider that no consultation is necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.

6. That Recommendations 1 to 5 be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

CARRIED UNANIMOUSLY

On the main motion as amended:

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe OPPOSED (1): Councillor Young

CARRIED (7 to 1)

F.1.a.d Accessibility Framework and Policy Update

Moved By Councillor Loveday Seconded By Councillor Dubow

That Council approve the:

- 1. Accessibility Framework (Attachment A);
- 2. Terms of Reference for a new Accessibility Advisory Committee (Attachment C);

Add to Purpose

- 1. *Act as a resource and provide advice and recommendations to City Council and staff on the implementation of the Accessibility Framework and short term action plan
- 2. *Work with staff on a draft Mid-to-Long Term Accessibility Action Plan by Q3 2021.
- 3. *Review proposed tool for balancing competing rights and interests and provide comments and recommendations to Council after review
- 4. *Review and update current guidelines for writing an Accessibility Impact Statement (AIS) so the document can function as an Accessibility Lens

Amendment to Composition

Increase 7 to 9 members

Amendment to Composition – Bullet 3

Membership to the committee will be limited to people with lived experiences of accessibility challenges and may also include...

Add to Procedures

 The City will reasonably accommodate members' disabilities, as appropriate.

- All voting and non-voting members of the Committee will participate in an initial orientation session to ensure a common understanding of the scope of the Committees' mandate as approved by Council.*The orientation session described above will be held prior to the first regular meeting.
- 3. Accessibility and Inclusion Policy (Attachment E); and
- 4. Short-Term Action Plan (Attachment G).

F.1.a.e 2021 Strategic Plan Grants

Councillor Isitt recused himself at 1:30 p.m. as he is a Director of a business that has applied for a grant.

Moved By Mayor Helps Seconded By Councillor Alto

That in addition to the weighting given by Council, that the 2021 grants have an additional focus on building community resilience; and,

- Replace 30% community impact with 30% project builds community resilience.
- Resilience definition: the capacity of a system, enterprise, community or a person to maintain its core purpose or integrity in the face of dramatically changed circumstances.

CARRIED UNANIMOUSLY

Councillor Isitt returned at 1:31 p.m.

F.1.a.f Appointment of Auditor

Councillor Young recused himself at 1:31 p.m. as a family member has connections to BDO Canada LLP.

Moved By Councillor Alto Seconded By Councillor Loveday

That Council appoint BDO Canada LLP as the City's auditor for the financial reporting years 2020-2024.

CARRIED UNANIMOUSLY

Councillor Young returned at 1:32 p.m.

F.1.a.g Council Member Motion: Keep Growing, Victoria

Moved By Councillor Isitt Seconded By Councillor Loveday That Council:

- 1. Endorse in principle the continuation of Get Growing, Victoria as an annual program.
- 2. Direct staff to report back on the results of the 2020 Get Growing, Victoria program and on the implications of continuing the program annually in 2021 and future years
- 3. Invite input from the Urban Food Table and other stakeholders on the continuation of Get Growing, Victoria.

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

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

F.1.b Report from the October 8, 2020 COTW Meeting

F.1.b.a1623-1625 Bank Street - Report on the Potential Heritage Designation (South Jubilee)

Moved By Councillor Alto Seconded By Councillor Isitt

- 1. That the matter be referred to the Heritage Advisory Panel for their opinion on the Heritage values of the Bank Street School and brought back to Committee of the Whole by October 22, 2020 for further consideration.
- 2. Authorize staff to retain qualified consultants to complete an independent building condition assessment and a market value assessment of the property.

CARRIED UNANIMOUSLY

F.1.b.bBuild Back Victoria and Business Recovery from Pandemic Bylaw Review Report

Councillor Isitt recused himself at 1:33 p.m. as he is a Director of a business that has applied for a grant with the program.

Moved By Councillor Thornton-Joe Seconded By Councillor Loveday

That Council:

1. Extend the Build Back Victoria Program including the pedestrian priority on Government Street until October 31, 2021, to support local businesses with their recovery during the ongoing pandemic and give three readings to the Business Recovery from Pandemic Bylaw Amendment Bylaw (No 1) at the October 8, 2020 daytime council meeting.

- 2. Direct staff to check in with Council by the end of March 2021 with any proposed improvements.
- 3. Direct staff to provide an update with a recommendation on whether Government Street should be closed between Fort and View Streets for the spring/summer season.

Councillor Isitt returned at 1:34 p.m.

G. <u>BYLAWS</u>

G.1 <u>Bylaw for 334 Dallas Road: Rezoning Application No. 00674 and</u> <u>Development Permit with Variances Application No. 00101</u>

Moved By Councillor Dubow Seconded By Councillor Alto

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1229) No. 20-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Dubow

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (334 Dallas Road) Bylaw (2020) No. 20-069

CARRIED UNANIMOUSLY

Moved By Councillor Alto Seconded By Councillor Dubow

Development Permit with Variances Application No. 00101 – Revised Motion

That Council, after giving notice and allowing an opportunity for public comment and after a Public Hearing for the Rezoning Application, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variances No. 000101 for 334 Dallas Road, in accordance with:

- 1. Plans, date stamped May 26, 2020.
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the maximum height for a dwelling to 7.92m;
 - ii. increase the maximum height for an accessory building to 3.96m;
 - iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls;

- iv. reduce the rear yard open site space from 33% to 13%.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Development Permit with Variances lapsing two years from the date of this resolution."

G.2 Bylaw for Next Generation House Conversion Regulations

Moved By Councillor Alto Seconded By Councillor Loveday

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1231) No. 20-077

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

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

G.3 <u>Bylaw for Build Back Victoria and Business Recovery from Pandemic</u> Bylaw

Councillor Isitt recused himself at 1:37 p.m. as he is a Director of a business that has applied for a grant.

Moved By Councillor Loveday Seconded By Councillor Thornton-Joe

That the following bylaw be given first, second and third readings:

 Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 1) No. 20-105

CARRIED UNANIMOUSLY

Councillor Isitt returned at 1:37 p.m.

G.4 <u>Bylaw for 736 Princess: Rezoning Application No. 00602 and Development</u> Permit with Variances Application No. 00065

Moved By Councillor Alto Seconded By Councillor Loveday

That the following bylaw be given first and second readings:

1. Zoning regulation Amendment Bylaw (No. 20-106)

Moved By Councillor Alto Seconded By Councillor Thornton-Joe

That the following bylaw be given first, second and third readings:

1. Housing Agreement Bylaw (No. 20-107)

CARRIED UNANIMOUSLY

G.5 <u>Bylaw for 330-336 Michigan Street: Development Permit with Variance</u> <u>Application No. 00122</u>

Councillor Potts recused her at 1:38 p.m. because her residence is in closed proximity to the subject property

Moved By Councillor Alto Seconded By Councillor Loveday

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (330, 332, 334, & 336 Michigan Street) Bylaw (2020) No. 20-084

CARRIED UNANIMOUSLY

H. CORRESPONDENCE

H.1 Letter from the Minister of Municipal Affairs and Housing

A letter from Minister Robinson regarding the engagement that took place pertaining to economic recovery.

Moved By Councillor Dubow Seconded By Councillor Alto

That the correspondence from the Minister of Municipal Affairs and Housing be received for information.

CARRIED UNANIMOUSLY

H.2 Letter from the Union of British Columbia Municipalities

A letter dated July 31, 2020 from the UBCM President providing the Union of BC Municipalities submission to the Province's *Building BC's Recovery, Together* consultation document.

Moved By Councillor Alto Seconded By Councillor Dubow

That the correspondence dated July 31, 2020 from the UBCM President be received for information.

J. CLOSED MEETING at 1:41 p.m.

Moved By Councillor Dubow Seconded By Councillor Loveday

MOTION TO CLOSE THE OCTOBER 8, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(c) labour relations or other employee relations; and
- Section 90(1)(i)the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

 Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

M. UNFINISHED BUSINESS

M.1 Intergovernmental Relations – Community Charter Section 90(1)(b)

Council received a verbal report regarding Intergovernmental Relations.

The discussion and motion were recorded and kept confidential.

O. <u>NEW BUSINESS</u>

0.2 Legal Advice – Community Charter Section 90(1)(i)

Council received a verbal report regarding Legal Advice.

The discussion was recorded and kept confidential.

All staff except the City Manager were excused from the meeting at 3:06 p.m.

0.3 Employee Relations – Community Charter Section 90(1)(c)

Council received a verbal report regarding Employee Relations. The discussion was kept confidential.

0.4 Employee Relations – Community Charter Section 90(1)(c)

Council received a verbal report regarding Employee Relations.

The discussion was kept confidential.

Q. ADJOURNMENT

Moved By Councillor Loveday Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 4:06 p.m.

CARRIED UNANIMOUSLY

CITY CLERK	MAYOR

"RESPIRATORY THERAPY WEEK"

- *WHEREAS* educate the public about Respiratory Therapists varied roles and responsibilities; and
- **WHEREAS** respiratory therapists are highly trained professionals that provide essential cardio-respiratory care; and
- *WHEREAS* respiratory therapists have played an important role on the front lines of the pandemic and have been instrumental in managing supplies and protocol for COVID 19 care; and
- NOW, THEREFORE I do hereby proclaim the week of October 25-31 2020 as "RESPIRATORY THEORY WEEK" on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.
- *IN WITNESS WHEREOF*, *I* hereunto set my hand this October 22nd, Two Thousand and *Twenty*.

LISA HELPS MAYOR CITY OF VICTORIA BRITISH COLUMBIA

Sponsored by: Michelle Conville Independent Respiratory Services

COMMITTEE OF THE WHOLE REPORT FROM THE MEETING HELD OCOTBER 15, 2020

For the Council meeting of October 22, 2020, the Committee recommends the following:

G.1 <u>202 Harbour Road: Development Permit Application No. 000549 (Victoria West)</u>

That Council authorize the issuance of Development Permit Application No. 000549 for 202 Harbour Road, in accordance with:

- 1. Plans date stamped July 22, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. Registration of the following legal agreements on the property's title:
 - a. Section 219 Covenant requiring that the development be constructed to achieve LEED Gold certification, to the satisfaction of the Director of Sustainable Planning and Community Development
 - b. an extension to the Statutory Right of Way along the property frontage on Harbour Road, to the south property line, to the satisfaction of the Director of Engineering and Public Works
 - c. a Statutory Right of Way over the south plaza area to allow future access through the site to the Vic West Gateway footpath, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. The Development Permit lapsing two years from the date of this resolution.

F.1 Youth Council

That the report be received for information.

F.2 Accountability Report - Period Two 2020

That Council:

- a. Receive this report for information.
- b. That Council forward the information contained in Attachment K and this motion to the 2021 Financial Planning process.
- c. Staff provide draft terms of reference by November 23 of 2020 for the International Decade People African Descent Advisory Committee.

That Council:

- A. Recognize the experiences of Black communities by fulfilling the calls of the International Decade of People of African Descent (IDPAD); and
- B. Form an International Decade People African Descent Advisory Committee by the first quarter of 2021 and that:
 - a. The advisory committee membership be compensated for their participation; and
 - b. The advisory committee be asked to report to the City Council by May 2021 on an action plan for the City to address anti-Black racism and
 - c. The action plan be informed by community consultation.
- C. Approve the inclusion of \$18k in the 2021 budget to hire a consultant to develop and implement anti-black anti-racism training for all City staff, beginning with Council and senior management, and that the City Manager provide an update by Q4 of 2021 on the status and outcomes of this training including a breakdown of who received the training by department.
- D. Approve \$ 25k to be included in the 2021 budget to support Black children and youth leadership opportunities by providing grant funding to Black-led organizations, with the grant program to be co-designed by the IDPAD advisory committee.

- E. Include \$10,000 in the 2021 budget to engage a consultant to provide the capacity and expertise to establish and track workforce metrics in order to remove barriers to employment for underrepresented groups.
- F. Include \$7000 in the 2021 budget to engage a consultant with the expertise required to develop an internship program.
- G. And that Council include address systemic racism and fulfill the calls of the International Decade of People of African Descent (IDPAD) as an action item in the Strategic Plan as a 2021 action item.

That the AWG motion on Human Health Considerations be forwarded for discussion at the next Urban Forest Master Plan.

H.2 Checkout Bag Regulation Bylaw Adoption

That Council consider adoption of Checkout Bag Regulation Bylaw 20-025 at the April 15, 2021 Council meeting.

H.3 2021 Committee and Council Meeting Schedule

That Council approve the 2021 Committee of the Whole and Council meeting schedule attached to this report with a January 7, 2021 Meeting and make it available to the public as required under Section 127 of the Community Charter.

J.1 Council Member Motion: Bastion Square Mural

- 1. That the City of Victoria formally recognizes the prevalence of systemic racism in the City of Victoria both as an organization and as a community and that the City of Victoria commits to address and undo systemic racism everywhere that it exists.
- 2. That staff facilitate further dialogue among AHAVI, the artists, staff, and the police chief, and
- 3. That the letters ACAB be removed at the earliest opportunity possible, and
- 4. If the artists choose to replace the removed letters with another design, that they submit their proposal for the staff's approval.

J.2 Shower Use at Royal Athletic Park

That Council direct staff to make the showers at RAP available to the public during the community use hours or install a shower trailer temporarily at Royal Athletic Park parking lots and that any additional funding required for operating and cleaning the shower areas be allocated from the federal-provincial "Restart" monies and report back with a verbal report to Council as soon as possible.

NO. 18-036

SHORT-TERM RENTAL REGULATION BYLAW A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to provide for the regulation of short-term rentals including vacation rentals in operators' principal residences where permitted under the Zoning Regulation Bylaw No. 80-159 and where permitted pursuant to section 528 of the *Local Government Act*.

Contents

- 1 Title
- 2 Definitions
- 3 Licence Required
- 4 Power to Refuse a Licence
- 5 Licence Number to be Included in Advertising
- 6 Responsible Person
- 7 Offences
- 8 Penalties
- 9 Severability
- 10 Transition Provisions
- 11 Commencement

Pursuant to its statutory powers, including section 8(6) of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

1 This Bylaw may be cited as the "Short-Term Rental Regulation Bylaw".

Definitions

2 In this Bylaw

"operator" means a person who rents out, or offers for rent, any premises for short-term rental but does not include a person who acts as an intermediary between the short-term renal tenant and the person who receives the rent;

"principal residence" means the usual place where an individual makes their home;

"responsible person" means a person designated by the operator as the primary contact under section 6.

"short-term rental" means the renting of a dwelling, or any part of it, for a period of less than 30 days and includes vacation rentals;

"strata corporation", "strata council", and "strata lot" have the same meaning as in the *Strata Property Act*.

Licence Required

- 3 (1) A person must not carry on business as a short-term rental operator unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
 - (2) A person applying for the issuance or renewal of a licence to operate a short-term rental must, in addition to meeting the requirements of the Business Licence Bylaw:
 - (a) make an application to the Licence Inspector on the form provided for that purpose;
 - (b) pay to the City the applicable licence fee prescribed under subsection (3);
 - (c) provide, in the form satisfactory to the Licence Inspector, evidence that:
 - (i) the person owns the premises where the short-term rental will be offered, or
 - (ii) the owner of the premises where the short-term rental will be offered has consented to their use as a short-term rental;
 - (d) if the premises where the short-term rental will be offered are located within a strata lot, provide a letter from the strata council confirming that provision of short-term rental does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act; and
 - (e) provide, in the form satisfactory to the Licence Inspector,
 - (i) evidence that the premises where the short-term rental will be offered are occupied by the operator as their principal residence; or
 - (ii) provide the name and contact information for the responsible person in relation to the short-term rental premises.
 - (3) The licence fee for purposes of subsection (2)(b) is:
 - (a) \$150 where the short-term rental is offered in the operator's principal residence; or
 - (b) \$1,500 for all short-term rentals that do not qualify under paragraph (a).

Power to Refuse a Licence

- 4 The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,
 - (a) the applicant has failed to comply with section 3; or
 - (b) the short-term rental operation would contravene a City bylaw or another enactment.

Licence Number to be Included in Advertising

5 A person may offer to rent premises for rent as a short-term rental only if a valid business licence number is included in any advertising, listing, or promotion material that is intended to communicate availability of the premises for short-term rental.

Responsible Person

- 6 (1) A person may only operate a short-term rental in premises other than their principal residence if they designated a responsible person who, at all times that the short-term rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.
 - (2) A person may only operate a short-term rental if they ensures that the name and contact information of the responsible person is prominently displayed in the short-term rental premises at all times when the short-term rental is operated.
 - (3) The operator may be the responsible person except when subsection (5) applies.
 - (4) The responsible person must be able to attend at the short-term rental premises within two hours of being requested to do so.
 - (5) If a person who operates a short-term rental in their principal residence is going to be away during the term of the short-term rental, they must designate a responsible person and comply with this section.

Offences

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
 - (a) contravenes a provision of this Bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - (c) neglects or refrains from doing anything required be a provision of this Bylaw.
 - (2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

Penalties

8 A person found guilty of an offence under this Bylaw is subject to a fine of not less than \$100.00 and not more than \$10,000.00 for every instance that an offence occurs or each day that it continues.

Severability

9 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Transition Provisions

- 10 (1) In the calendar year that this bylaw is adopted only, the fee payable under section 3 shall be prorated by 1/12 for each month in that year prior to the adoption of this bylaw, including the month the bylaw is adopted.
 - (2) Any operator who, at the time of adoption of this bylaw, holds a valid licence for a short-term rental under the Business Licence Bylaw shall be credited with amount paid for that licence towards the fee payable under section 3.

Commencement

11 This bylaw comes into force on adoption.

READ A FIRST TIME the	22 nd	day of	February	2018
READ A SECOND TIME the	22 nd	day of	February	2018
READ A THIRD TIME the	22 nd	day of	February	2018
ADOPTED on the	8 th	day of	March	2018

"CHRIS COATES"	"LISA HELPS"
CITY CLERK	MAYOR

		COUNCIL POLICY		
	TORIA	No.1	Page 1 of 2	
SUBJECT:	Short-Term Rental Business Licence Appeal Process Policy			
PREPARED BY:	Monika Fedyczkowska			
AUTHORIZED BY:	Council			
EFFECTIVE DATE:	April 23, 2020	REVISION DATE:		
REVIEW FREQUENCY:	Every 3 years			

A. PURPOSE

The purpose of the Short-Term Rental Business Licence Appeal Process Policy [the Policy] is to establish a process for applicants for short-term rental business licences to have Council reconsider a Licence Inspector's decision to reject their application in accordance with section 60 of the Community Charter.

B. DEFINITIONS

Appellant means "an applicant for a short term rental business licence who is appealing a decision by a Licence Inspector to Council"

City Clerk means "the City Clerk and delegates"

Council means "the Council of the City of Victoria"

Short-term Rental Business Licence means "a business licence established under the Short-term Rental Regulation Bylaw"

C. POLICY STATEMENTS

Under the Community Charter, section 60(5), if a municipal officer or employee exercises authority to grant, refuse, suspend, or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have Council reconsider the matter.

Applicants must apply for a new short-term rental business licence each year.

D. PROCEDURES

- 1. Appeal Procedure
 - a. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk within 30 days after receiving notice from a Licence Inspector of a decision to reject the short-term rental business licence.
 - b. The City Clerk must reply to the Appellant to acknowledge the request for an appeal and explain the appeal process.
 - c. An Appellant must make a written submission to the City Clerk within 14 days. A written submission may include:
 - i. Reasons that Council should grant the appeal to issue a short-term rental business licence
 - ii. Any supporting documents



- d. A Licence Inspector must submit a document to the City Clerk responding to the Appellant's written submission. The Licence Inspector's document must include:
 - i. Reasons for refusing to issue a short-term rental business licence
 - ii. Any supporting documents
- e. An Appellant must provide a written submission in response to a Licence Inspector's response to the City Clerk within 7 days
- f. A Licence Inspector must prepare a report for Council that includes:
 - i. Reference(s) to relevant City Bylaw provisions
 - ii. Direction to Council on what they should/should not consider, and
 - iii. The following documents:
 - 1. The Appellant's business licence application
 - 2. The letter from a Licence Inspector giving notice of refusal to issue a business licence
 - 3. The Appellant's request to the City Clerk to appeal the refusal
 - 4. The City Clerk's acknowledgment of the request
 - 5. The Appellant's written submission and any supporting documents
 - 6. The Licence Inspector's written response and any supporting documents
 - 7. The Appellant's written response to the Licence Inspector's response
- g. The City Clerk will inform the Appellant of the date that Council will consider the appeal.
- 2. Council's Decision
 - a. Council may grant or deny an appeal by a majority vote.
 - b. Council will provide reasons for a decision, which may be accomplished by way of the rationale by Council members during deliberation preceding a vote if not included specifically in the motion of Council.
 - c. If Council grants an appeal, a Licence Inspector must issue the relevant business licence as soon as practicable.
 - d. If Council denies an appeal, an Appellant may not make a new business licence application for a business for 3 months, unless Council unanimously votes to allow an Appellant to apply for a short-term rental business licence sooner than 3 months.

E. REVISION HISTORY

Kim Ferris Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department City of Victoria 1 Centennial Square, Victoria B.C. V8W 1P6



To Whom It May Concern:

I am writing in response to the notice I was sent from your office on how I was to suspend using my suite in my house as a short-term rental. I have a three-fold response.

1. We have cleared our calendar with AirBnB for any future guests and nobody is able to book our suite until we have this issue resolved. Our AirBnB website and membership will still be up as the current AirBnB renters are long-term (6 months), so therefore we currently are legally operating according to the law.

2. The house originally had a door access from our upstairs suite (where we live) and we will be re-installing that opening. We were told by the inspector that if we have that open to our living quarters, we will be able to run as a short-term rental again. I would like confirmation on that from your office in writing.

3. Last year we were granted a business license from you to operate as a short-term rental. Could you explain what changed?

Thank you for your attention to this matter.

Phil Greet 1743 Pembroke Street Victoria, BC V8R 1W7 Ph.



July 2, 2020

Legislative and **Regulatory Services** Department

Bylaw and Licensing Services Division

1 Centennial Square Victoria BC V8W 1P6

Re: Short-Term Rental Business Licence Appeal – 1743 Pembroke St

Your 2020 application was rejected due to non-compliance with City Bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

"Self-contained Dwelling Unit" means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

We appreciate that you currently have a long-term tenant in the suite.

As mentioned in your letter dated February 11th (attached), adding a door to connect your suite to the remainder of the house would not allow you to use the suite for shortterm rentals, as your suite would still meet the above definition of a self-contained suite.

The Short-Term Rental Bylaw was introduced in March 2018. As with all new Bylaws, we start with education and information and then move on to ensuring compliance, through the use of inspections.

For these reasons, your 2020 application for a short-term rental business licence was rejected.

Regards

Greet, Philip 1743 Pembroke St

Victoria BC V8R 1W7

Kim Ferris Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department City of Victoria 1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: 250.361.0726 E-Mail: str@victoria.ca

Fax: 250.361.0205 Web: www.victoria.ca
Kim Ferris Bylaw Officer/Business Licence Inspector Legislative & Regulatory Services Department City of Victoria 1 Centennial Square, Victoria B.C. V8W 1P6



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I am writing in response to the notice I was sent from your office on how I was to suspend using my suite in my house as a short-term rental. I have a three-fold response.

1. We have cleared our calendar with AirBnB for any future guests and nobody is able to book our suite until we have this issue resolved. Our AirBnB website and membership will still be up as the current AirBnB renters are long-term (6 months), so therefore we currently are legally operating according to the law.

2. The house originally had a door access from our upstairs suite (where we live) and we will be re-installing that opening. We were told by the inspector that if we have that open to our living quarters, we will be able to run as a short-term rental again. I would like confirmation on that from your office in writing.

3. Last year we were granted a business license from you to operate as a short-term rental. Could you explain what changed?

Thank you for your attention to this matter.

Phil Greet 1743 Pembroke Street Victoria, BC V8R 1W7 Ph.

Christine Havelka

Subject: FW: Short term rental business license

From: Phil Greet <
Sent: September 24, 2020 7:13 PM
To: Legislative Services email <<u>LegislativeServices@victoria.ca</u>>
Subject: Short term rental business license

Dear Christine

I am responding to the last correspondence I received from you dated July 13,2020. We have re-installed a door that connects directly to our living space, as per the inspectors wishes. Attached are photos of the doorway. Please advise as to any next step needed re acquiring a business license.

Sincerely,

Phil Greet 1743 Pembroke Street

Victoria, BC V8R 1W7





Business Licence (Short-term Rental) Appeal re 1743 Pembroke Street

Submission of the Licence Inspector

I. Introduction

...

- 1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Phil Greet for the operation of a short-term rental at 1743 Pembroke Street.
- 2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw,* which states:
 - 4. The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,
 - (b) the short-term rental operation would contravene a City bylaw or another enactment.
 - 5. The appeal is brought pursuant to section 60(5) of the *Community Charter*, which requires that an applicant for a business licence has the right to have a staff decision to refuse such licence reconsidered by Council.
 - 6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.
 - II. Facts
 - 7. The appellant owns and resides at the property at 1743 Pembroke Street. The property is zoned R3-2 (Multiple Dwelling). Short-term rentals are not a permitted use under this zone.
 - 8. The property contains a single family home with a basement suite. [See attached photos]
 - 9. The basement suite consists of a living/dinning room with a full kitchen, two bedrooms and a full bathroom. It has a separate entrance from outside.
 - 10. The basement suite contains its own kitchen facilities, with gas stove, fridge, kitchen sink, and counters and cabinets. [See attached photos]
 - 11. The appellant has rented the entire basement suite as a short-term rental since at least April 2016. Between 2017 and 2019, the appellants have accepted an average of 13 to 20 short-term rental bookings per year, with stays as short as 3 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

- 12. The appellants applied for and received a business licence to operate short-term rental in 2019. The licence was granted on the basis of the appellant's representation that the short-term rental was offered in the appellant's principal residence.
- 13. An inspection of the premises on January 15, 2020 revealed that the basement suite is, in fact, a self-contained dwelling and is not part of the appellant's principal residence.
- 14. On January 31, 2020, the Licence Inspector advised the appellant that his application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

III. Relevant Regulations

15. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
 - (a) where they are expressly permitted subject to regulation applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.
- 16. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities."

IV. Argument

17. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Therefore, the fact that the appellant was issued a short-term rental business licence in 2019 is not an indication that a 2020 licence should also be issued.

- 18. Although the appellant resides in the house at 1743 Pembroke Street, the premises that are rented as a short-term rental are not part of his principal residence, because the basement suite is an independent self-contained dwelling unit.
- 19. It is clear that the basement suite at 1743 Pembroke Street is a self-contained dwelling unit: it has its own entrance from outside, its own full kitchen, and full bathroom it meets all the requirements of the definition of a "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
- 20. While the appellant has re-installed an inside connection between the basement suite and the appellant's residence, the suite contains its own separate entrance and kitchen and bathroom facilities, and still meets all the requirements of the definition of a "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
- 21. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the Zoning Regulation Bylaw.
- 22. One of the objectives of the City's regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.
- 23. The property at 1743 Pembroke Street is an example of a family sized self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.
- 24. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 1743 Pembroke Street upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: September 16th, 2020

flat

Shannon Perkins, Manager of Bylaw Services



January 15, 2020 11:55 AM

IME STAMP 🕑

min









January 15, 2020 11:59 AM

TIME STAMP 🕑

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1743 Pembroke St, Victoria, BC, Canada



Listing(s) Information

Airbnb - 11591689





⊘ Matched Details

Analyst

CHN6

Matching 3rd Party Sources

Explanation

Google street view and real estate website images match listing image.

Listing Photos







Exterior is the same.

s the same

Rental Unit Information





oyal Jubilee Hospit Google BILEE

Identified Address

1743 Pembroke St, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude 48.430810, -123.331770

Parcel Number 0123407410002

Owner Address

1743 Pembroke St, Victoria Victoria, BC V8R 1W6, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- I Documented Stay December, 2019
- Listing air11591689 Reposted December 10th, 2019
- X Listing air11591689 Removed December 7th, 2019

https://appca.hostcompliance.com/property/I5qZYupHKf8NEv8b?geoid=16000CA5917034

Matched property listing

A Owner Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/11591689
Listing Status	Active
Host Compliance Listing ID	- air11591689
Listing Title	– Pembroke House Victoria
Property type	- Guest suite
Room type	- Entire home/apt
Listing Info Last Captured	- Aug 31, 2020
Screenshot Last Captured	- Aug 29, 2020
Price	- \$97/night
Cleaning Fee	- \$57

Information Provided on Listing

Contact Name	— Phil And Linda Beth
Latitude, Longitude	- 48.430497, -123.331681
Minimum Stay (# of Nights)	- 3
Max Sleeping Capacity (# of People)	- 4
Max Number of People per Bedroom	- 2.0
Number of Reviews	- 54
Last Documented Stay	- 12/2019

Listing Screenshot History

View Latest Listing Screenshot

August (7

- 2 Documented Stays November, 2019
- 2 Documented Stays October, 2019
- 4 Documented Stays September, 2019
- 3 Documented Stays August, 2019
- 4 Documented Stays July, 2019
- 3 Documented Stays June, 2019
- 1 Documented Stay May, 2019
- 3 Documented Stays October, 2018
- 2 Documented Stays September, 2018
- 2 Documented Stays August, 2018
- 5 Documented Stays July, 2018
- ✓ Listing air11591689 Identified July 26th, 2018
- 3 Documented Stays June, 2018
- 2 Documented Stays May, 2018
- 2 Documented Stays April, 2018
- 1 Documented Stay March, 2018
- 1 Documented Stay December, 2017
- 1 Documented Stay October, 2017
- 3 Documented Stays September, 2017
- 3 Documented Stays August, 2017
- 2 Documented Stays July, 2017
- 3 Documented Stays June, 2017
- September () 1 Documented Stay
 - November, 2016
 - Listing air11591689 First Crawled April 20th, 2016
 - Listing air11591689 First Activity April 19th, 2016

July (8)