



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, OCTOBER 27, 2016, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

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

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; J. Potter – Manager of Citizen Engagement & Strategic Planning; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; S. Thompson – Director of Finances; J. Tinney – Director of Sustainable Planning & Community Development; C. Havelka – Deputy City Clerk; C. Mycroft – Executive Assistant to the City Manager; C. Wain – Senior Planner; P. Martin - Council Secretary.

Mayor Helps presented certificates to Ethan Van Tol and Sophie Wood in recognition of their volunteer efforts with the War Amps Child Amputee Program

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

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

Amendment:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Request to Address Council speaker, Paul Nursey be moved to spot three, in order to group short term rental discussions.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

Councillor Loveday withdrew from the meeting at 6:34 p.m. and returned at 6:35 p.m.

READING OF MINUTES

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that the following minutes be adopted:

1. Minutes from the special meeting held May 19, 2016
2. Minutes from the special meetings held May 20, 2016
3. Minutes from the special meetings held July 7, 2016
4. Minutes from the meeting held September 22, 2016

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Jordan Reichert: Review of the Operation of the Horse Carriages**

Outlined why Council should take action to implement a phasing out of the horse drawn carriages by December 2017, due to the ongoing safety and cruelty concerns.

Mayor Helps withdrew from the meeting at 6:41 p.m. due to a potential non-pecuniary conflict of interest, due to her relationship with an AirBnB operator.

Councillor Madoff assumed the Chair in her absence.

Councillor Lucas withdrew from the meeting at 6:41 p.m. due to a potential pecuniary conflict of interest as she is the general manager of a hotel.

Councillor Loveday withdrew from the meeting at 6:41 p.m. due to a potential pecuniary conflict of interest due to his association with Tourism Victoria.

2. Paul Nursey: Short-Term Vacation Rentals

Discussed the negative impact that short-term vacation rentals have on the tourism industry, and asked for a regulatory taxation framework to be imposed.

Councillor Loveday returned to the meeting at 6:48 p.m.

3. Liza Rogers: Short Term Rentals

Outlined why Council should allow short term rentals, and why a taxation consideration is needed.

Councillor Lucas returned to the meeting at 6:52 p.m.

Mayor Helps returned to the meeting at 6:52 p.m. and assumed the Chair.

PROCLAMATIONS

Motion:

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

1. "Random Act of Kindness Day" – November 4, 2016

Carried Unanimously

Motion:

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

2. "Movember" – November 2016

Carried Unanimously

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that the following Proclamations be endorsed:

3. "Mifflin Wistar Gibbs Day" – November 19, 2016

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Heritage Alteration Permit with Variances Application No. 00222 for 1737 Rockland Avenue

a) Hearing

Heritage Alteration Permit with Variances No. 00222

The City of Victoria will be considering the issuance of a Heritage Alteration Permit with a variance for the land known as 1737 Rockland Avenue and varying the Zoning Regulation Bylaw namely:

- Front yard setback relaxed from 10.5m to 4.75m to allow for a covered patio

Charlotte Wain (Senior Planner): Provided information regarding the application, which is to construct a covered wood deck on the front elevation of the Heritage Register House.

Mayor Helps opened the public hearing at 6:58 p.m.

Russ Collins (Zebra Designs): Provided information regarding the application and provided information about the front elevation of the heritage property.

Mayor Helps closed the public hearing at 7:01 p.m.

b) Heritage Alteration Permit with Variances Approval

Motion:

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council authorize the issuance of Heritage Alteration Permit Application No. 000222 for 1737 Rockland Avenue, in accordance with:

1. Plans, date stamped May 18, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:

- i. Section 1.1.5(a) - relaxation of the minimum front yard setback from 10.5m to 4.75m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

Carried Unanimously

2. Rezoning Application No. 00493 for 1016 Southgate Street

a) **Public Hearing**

Rezoning Application No. 00493

To rezone the land known as 1016 Southgate Street from the R-K Zone, Medium Density Attached Dwelling District, to the R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District, to permit increased density for multiple dwelling use.

New Zone: R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District

Legal description: Lot F, Fairfield Farm Estate, Victoria City, Plan 966

Existing Zone: R-K Zone, Medium Density Attached Dwelling District

b) **Development Permit Application No. 000441**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1016 Southgate Street, in Development Permit Area 16 (General Form and Character) for the purposes of approving the exterior design and finishes for the multi-residential building as well as landscaping.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*, R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District:

- Increase the site coverage from 33% to 38.70%;
- Reduce the minimum site area from 920m² to 668.50m²;
- Reduce the minimum required front yard setback from 7.50m to 5.67m;
- Reduce the east side yard setback from 3m to 1.09m for the bike storage locker;
- Reduce the west side yard setback from 3m to 1.09m for the bike storage locker;
- Reduce the front yard projection setback for the steps from 3m to 2.34m;
- Required residential parking reduced from 1.2 spaces per dwelling unit to 1 space per dwelling unit;
- Schedule C, Section 7.2(b) – Reduce the distance of an off-street parking space from the street boundary (rear lane) from 1.0m to 0.64m;
- Schedule C, Section 7.2(h) – Reduce the landscape strip along the side yard from 0.60m to 0.50m;
- Schedule F, Section 4(d) – Reduce the separation space between an accessory building and the principal building from 2.40m to 1.37m

Charlotte Wain (Senior Planner): Provided information regarding the application, which is to create six new residential units.

Mayor Helps opened the public hearing at 7:06 p.m.

Stacey Dewey (Owner of 1016 Southgate Street): Provided information regarding the application, which is to replicate a character conversion home, creating six units.

Audrey Whittaker (Southgate Street): Expressed concerns that this application would impact available parking on Southgate Street.

Mayor Helps closed the public hearing at 7:18 p.m.

c) **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1073) No. 16-073*

Carried Unanimously

d) **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1073) No. 16-073*

Carried Unanimously

e) **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council authorize the issuance of a Development Permit for Application No. 000441 for 1016 Southgate Street, in accordance with:

1. Plans date stamped June 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the site coverage from 33% to 38.70%;
 - ii. reduce the minimum site area from 920m² to 668.50m²;
 - iii. reduce the minimum required front yard setback from 7.50m to 5.67m;
 - iv. reduce the east side yard setback from 3m to 1.09m for the bike storage locker;
 - v. reduce the west side yard setback from 3m to 1.09m for the bike storage locker;
 - vi. reduce the front yard projection setback for the steps from 3m to 2.34m;
 - vii. required residential parking reduced from 1.2 spaces per dwelling unit to 1 space per dwelling unit;
 - viii. Schedule C, Section 7.2(b) - reduce the distance of an off-street parking space from the street boundary (rear lane) from 1.0m to 0.64m;
 - ix. Schedule C, Section 7.2(h) - reduce the landscape strip along the side yard from 0.60m to 0.50m;
 - x. Schedule F, Section 4(d) - reduce the separation space between an accessory building and the principal building from 2.40m to 1.37m.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff;
4. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

UNFINISHED BUSINESS

1. **Rise and Report from Closed Meeting for Information**

--From the Special Closed Council Meeting held October 13, 2016

Law Enforcement / Gorge Waterway Enforcement Authorization

Authorize staff to proceed with removal of abandoned vessels and the City Solicitor to commence, at his discretion, legal proceedings to seek injunctive relief in relation to any remaining vessels and wharves located in the city's license of occupation area in the Gorge Waterway that are in violation of the Zoning Bylaw anchoring requirements.

2. **Letter from Prime Minister Justin Trudeau regarding the City's opposition to the Trans Mountain Pipeline Expansion Project**

Council received a letter dated October 6, 2016, in response to the City's letter dated July 26, 2016 regarding the City of Victoria's opposition to the Trans Mountain Pipeline Expansion Project.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the correspondence dated October 6, 2016, from the Prime Minister be received for information.

Council discussed the following:

- *Expressed ongoing concern on the Federal Governments level of response.*

Carried Unanimously

3. **Letter from the Western Canada Marine Response Corporation regarding the City's opposition to the Trans Mountain Pipeline Expansion Project**

Council received a letter dated September 28, 2016 in response to issues raised by the City regarding the Trans Mountain Pipeline Expansion Project.

Motion:

It was moved by Mayor Helps, seconded by Councillor Alto, that the correspondence dated September 28, 2016, from the Western Canada Marine Response Corporation be received for information.

Council discussed the following:

- *That Western Canada Marine will be invited to attend a Committee of the Whole meeting, as per the offer in the letter.*

Carried Unanimously

REPORTS OF COMMITTEES

1. Committee of the Whole – October 20, 2016

1. Development Permit Application No. 000478 for 1745 Rockland Avenue (Rockland Neighbourhood)

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council authorize the issuance of Development Permit Application No. 000478 for 1745 Rockland Avenue, in accordance with:

1. Plans date stamped August 9, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.
4. Design and installation of a fence on the property line between the lots is to be done in consultation with an ISA certified arborist.

Carried Unanimously

2. Royal Roads University Presentation: City Studio

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council receive this report for information.

Carried Unanimously

3. Amenity Contribution and Inclusionary Housing for Density Bonus Projects

Motion:

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

1. Approve the Density Bonus Policy (Attachment 1 attached to the report dated October 3, 2016) and direct staff to use this Policy as guidance for negotiating amenity contributions from development applications which request bonus density;
2. Direct staff to make the proposed changes to the Downtown Core Area Plan (Attachment 2) for alignment with the Density Bonus Policy;
3. Direct staff to remove wording that exempts public art as an amenity contribution;
4. Refer this issue to the Arts and Culture Master Plan and the Arts in Public Places Committee.

Carried

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

4. Introduction of the Draft 2017-2021 Financial Plan

Motion:

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

1. That Council receive this report for information and further consideration on October 31, 2016
2. That Council refer the following motion to the Special Committee of the Whole Meeting of October 31, 2016 and that a Special Council Meeting be scheduled, if necessary:
 1. Direct staff to bring forward bylaws outlining solid waste, water utility and stormwater utility user fee increases to the November 10 Council meeting for consideration of first, second and third readings.

Carried Unanimously

2. Committee of the Whole – October 27, 2016

1. Development Variance Permit – 711 Suffolk Street – Victoria West Neighbourhood

Motion:

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

"That Council authorize the issuance of Development Variance Permit Application No. 00178 for 711 Suffolk Street, in accordance with:

1. Plans date stamped August 31, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Schedule J, Section 2.a - to increase the maximum floor area of an addition to a single family dwelling from 20m² to 32m² with the installation of a secondary suite.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. Opportunity to Protect Mary Lake

Motion:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the City of Victoria endorses the proposal to create a park and trail connection at Mary Lake in the District of Highlands, and requests that the Mayor, on behalf of Council, write to the Greater Victoria Greenbelt Society and the Capital Regional District Board communicating this endorsement.

Carried Unanimously

3. Pemberton Trail Network / Lekwungen Trail

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council request that the Mayor or her designate, on behalf of Council, seek input from the Songhees and Esquimalt Nations on the proposed Lekwungen Trail, following existing pathways and sidewalks along the waterfront from the Oak Bay border at Gonzales Bay to Rock Bay in the Upper Harbour.

Council discussed the following:

- *The placement and name of the proposed trail.*

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that the motion be amended as follows:

That Council request that the Mayor or her designate, on behalf of Council, seek input from the Songhees and Esquimalt Nations on the proposed Lekwungen **Sesquicentennial** Trail, following existing pathways and sidewalks along the waterfront from the Oak Bay border at Gonzales Bay to Rock Bay in the Upper Harbour.

Council discussed the following:

- *That the intention of the name is the focus on the Lekwungen, not the Sesquicentennial.*

On the amendment:
Defeated Unanimously

On the motion:
Carried Unanimously

4. Downtown Victoria Business Association: 2017 Budget Presentations

Motion:

It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Council receive the report for information and approve the Downtown Victoria Business Association's 2017 Budget as presented in the correspondence dated September 2, 2016.

Carried Unanimously

Mayor Helps withdrew from the meeting at 7:47 p.m. due to a potential non-pecuniary conflict of interest, due to her relationship with an AirBnB operator.

Councillor Madoff assumed the Chair in her absence.

Councillor Lucas withdrew from the meeting at 7:47 p.m. due to a potential pecuniary conflict of interest as she is the general manager of a hotel.

5. Short-Term Vacation Rentals

It was moved by Councillor Coleman, seconded by Councillor Young, that this item be referred to a Committee of the Whole workshop in January 2017.

Amendment:

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

That this item be referred **back to staff to report back** to a Committee of the Whole workshop in January 2017.

Amendment to the amendment:

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

That this item be referred **back to staff to report back** to a Committee of the Whole workshop in January 2017, **and direct staff to highlight any applications coming forward that include transient accommodations.**

On the amendment to the amendment:
Carried Unanimously

Amendment to the amendment:

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

That this item be referred **back to staff to report back** to a Committee of the Whole workshop in January 2017, **and no further residential land use applications will be considered until this review has been completed** ~~direct staff to highlight any applications coming forward that include transient accommodations.~~

The Chair ruled that the amendment to the amendment was out of order.

On the amendment:
Carried Unanimously

Main motion as amended:

That this item be referred back to staff to report back to a Committee of the Whole workshop in January 2017, and direct staff to highlight any applications coming forward that include transient accommodations.

On the main motion as amended:
Carried Unanimously

Councillor Lucas returned to the meeting at 7:59 p.m.

Mayor Helps returned to the meeting at 7:59 p.m. and assumed the Chair.

6. Garden Suites

Motion:

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

1. Prepare amendments to the following:
 - a. The *Zoning Regulation Bylaw* to allow garden suites in single-family residential zones consistent with the *Garden Suite Policy* and based on the proposed *Zoning Regulation Bylaw Schedule M - Garden Suites* appended to this report;
 - b. The *Garden Suite Policy* to change language pertaining to the requirement for rezoning; and
 - c. The *Land Use Procedures Bylaw* to delegate development permit approval authority for garden suites to staff.
2. That Council direct staff to seek input on the garden suites recommendation prior to submitting bylaws for readings from the Community Association Land Use Committees, members of the Mayor's Task Force on Housing Affordability, and groups that provided input into the Task Force work, and
3. Report back to Council 18 months after implementation as to the effectiveness of the new policy approach.

Carried

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

7. 2016 Development Summit Action Plan

Motion:

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

1. Approve the 2016 Development Summit Action Plan (Attachment 1 to the report dated October 7, 2016).
2. Direct staff to provide an update to Council on the status of the action items outlined in the Action Plan in March 2017.
3. Direct staff to evaluate the format and timing of future Development Summits and report back with options and recommendations in March 2017.

Carried Unanimously

8. Update on Development Cost Charges Review

Motion:

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

1. Approve the following policy decisions for development cost charges:
 - a. Maintain current approach of not waiving development cost charges for any classes of eligible developments;
 - b. Maintain current approach of not charging development cost charges on residential developments with fewer than four dwelling units;
 - c. Maintain current exemption threshold for residential units of 29 m² or less in area; and
 - d. Maintain the current exemption threshold of \$50,000 of building permit value.
2. Direct staff to engage the development community and all non-profit agencies that build affordable housing on the proposed rate changes

Carried Unanimously

9. Good Governance Principles for Community Associations Land Use Committees and Community Centres

Motion:

It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that Council refer this item to the November 24, 2016 Committee of the Whole meeting.

Amendment:

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

That Council refer this item to **staff to take into consideration as part of the Community Associations Land Use Committees review**, to the November 24, 2016 Committee of the Whole meeting.

Amendment to the Amendment:

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

That Council refer **part one of the motion to staff to take into consideration as part of the Community Associations Land Use Committees review**, to the November 24, 2016 Committee of the Whole meeting.

On the amendment to the amendment:

Carried Unanimously

On the amendment:

Carried Unanimously

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that a point two be added as follows:

2. That Council direct staff to introduce amendments to operating agreements for community centres operating in City-owned facilities, mandating that any Society wishing to operate a community centre or seniors centre on behalf of the City in a City-owned facility will abide by good governance and open governance principles, including provisions that any resident of the neighbourhood may join the Society and stand for election to the Board of Directors of the Society, in an open, fair and transparent process.

On the amendment:

Carried Unanimously

On the main motion as amended:

1. That Council refer part one of the motion to staff to take into consideration as part of the Community Associations Land Use Committees review, to the November 24, 2016 Committee of the Whole meeting.
2. That Council direct staff to introduce amendments to operating agreements for community centres operating in City-owned facilities, mandating that any Society wishing to operate a community centre or seniors centre on behalf of the City in a City-owned facility will abide by good governance and open governance principles, including provisions that any resident of the neighbourhood may join the Society and stand for election to the Board of Directors of the Society, in an open, fair and transparent process.

On the main motion as amended:

Carried Unanimously

BYLAWS

1. FIRST READING

Motion:

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1075) No. 16-077*

Carried

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

2. SECOND READING

Motion:

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1077) No. 16-077*

Carried

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

3. ADOPTION

Motion:

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

- a. *Archives Use Bylaw, Amendment Bylaw (No. 2) No. 16-060*

Carried Unanimously

CORRESPONDENCE

1. Letter from Grant Specialist, Daniel Steiner

Council received a letter providing information on applications that are now being accepted for funding of community celebrations.

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the correspondence from Daniel Steiner be received for information and forwarded to the 150th Committee.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

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

Time: 8:13 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR