



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, FEBRUARY 22, 2018, 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. Jenkyns - Acting City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski- City Solicitor; B. Eisenhauer - Head of Engagement; J. Handy – Senior Planner; C. Mycroft – Manager of Executive Operations; P. Martin - Council Secretary.

### **APPROVAL OF AGENDA**

The City Clerk outlined amendments to the agenda.

**Motion:**

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

**Carried Unanimously**

### **READING OF MINUTES**

**Motion:**

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

1. Minutes from the evening meeting held November 9, 2017
2. Minutes from the evening meeting held November 23, 2017

**Carried Unanimously**

### **REQUESTS TO ADDRESS COUNCIL**

**Motion:**

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

**Carried Unanimously**

*Mayor Helps withdrew from the meeting at 6:35 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with a previous AirBnB operator.*

*Councillor Thornton-Joe assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 6:35 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

Councillor Madoff withdrew from the meeting at 6:35 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

1. **Paul Nursey: Short-Term Vacation Rentals**

Outlined why Council should adopt the proposed bylaws relating to short-term rentals.

Mayor Helps returned to the meeting at 6:37 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 6:37 p.m.

Councillor Madoff returned to the meeting at 6:37 p.m.

2. **Robyn Thomas: Stigma-Free Zone Mental Health Awareness Event**

Outlined why Council should consider attending a community event hosted by the Stigma-Free Society on mental health and stigma-reduction.

3. **Alex Robb: Temporary Use Permit for Cannabis Retail**

Outlined why Council should consider sending the application for Temporary Use Permit for 1040 North Park Street to Public Hearing.

4. **Chris Zmuda: City Management Negligence**

Outlined why Council should review the allowance of cannabis dispensaries in the City.

5. **Susanne Rautio: Public Engagement in Fairfield/Gonzales Plan**

Outlined why Council should consider more community engagement prior to adopting the Fairfield Neighbourhood Plan and Gonzales Neighbourhood Plan.

6. **Christopher Schmidt: Public Input & Engagement**

Outlined why Council should take input only from people whose interests are affected when it comes to property matters.

### **PROCLAMATIONS**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Alto, that the following proclamation be endorsed:

1. "Victoria Co-op Day" – March 10, 2018

**Carried Unanimously**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Coleman, that the following proclamation be endorsed:

2. "Tibet Day" – March 10, 2018

**Carried Unanimously**

### **PUBLIC AND STATUTORY HEARINGS**

1. **Heritage Designation Application No. 000168 for 1120 Faithful Street**

1. **Public Hearing**

**Heritage Designation Application No. 000168**

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the house (built in 1912) located on the southernmost portion of the property at 1120 Faithful Street,

legally described as Lots 5 and 6, Fairfield Farm Estate, Victoria City, Plan 1095, as protected heritage property, under Heritage Designation (1120 Faithful Street) Bylaw No. 18-023.

Jim Handy (Senior Planner): *Advised that the application is to designate the exterior of the house as protected heritage property.*

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

*There were no persons present to speak to the proposed bylaw.*

*Mayor Helps closed the public hearing at 7:02 p.m.*

2. **Bylaw Approval**

**Motion:**

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

1. *Heritage Designation (1120 Faithful Street) Bylaw No. 18-023*

**Carried Unanimously**

3. **Bylaw Approval**

**Motion:**

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

1. *Heritage Designation (1120 Faithful Street) Bylaw No. 18-023*

**Carried Unanimously**

2. **Heritage Designation Application No. 000169 for 35 San Jose Avenue**

1. **Public Hearing**

**Heritage Designation Application No. 000169**

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 35 San Jose Avenue, legally described as Lot 39, Section 24, Beckley Farm, Victoria City, Plan 247, as protected heritage property, under Heritage Designation (35 San Jose Avenue) Bylaw No. 18-024.

Jim Handy (Senior Planner): *Advised that the application is to designate the exterior of the building as protected heritage property.*

*Mayor Helps opened the public hearing at 7:03 p.m.*

*There were no persons present to speak to the proposed bylaw.*

*Mayor Helps closed the public hearing at 7:04 p.m.*

2. **Bylaw Approval**

**Motion:**

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

1. *Heritage Designation (35 San Jose Avenue) Bylaw No. 18-024*

**Carried Unanimously**

3. **Bylaw Approval**

**Motion:**

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

1. *Heritage Designation (35 San Jose Avenue) Bylaw No. 18-024*

**Carried Unanimously**

3. **Rezoning Application No. 00516 and Development Permit with Variances Application No. 000462 for 1120-1128 Burdett Avenue**

1. **Public Hearing**

**Rezoning Application No. 00516**

To rezone the land known as 1120 Burdett Avenue, 1124 Burdett Avenue and the westerly portion of 1128 Burdett Avenue from the R1-B Zone, Single Family Dwelling District and the easterly portion of 1128 Burdett Avenue from the R3-AM1, Mid-Rise Multiple Dwelling District to the R3-AM- 4, Mid-Rise Multiple Dwelling Burdett District, to permit increased density for multiple dwelling use.

New Zone: R3-AM-4, Mid Rise Multiple Dwelling Burdett District

Legal description: Lot 11 Fairfield Farm Estate Victoria City Plan 392

Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City

Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City

Existing Zone: R1-B, Single Family Dwelling District  
R3-AM-1, Mid-Rise Multiple Dwelling District

2. **Development Permit with Variances Application No. 000462**

The Council of the City of Victoria will also consider issuing a Development Permit with Variances Application for the land known as 1120, 1124 and 1128 Burdett Avenue, 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:

- increase the height from 12m to 13.53m
- increase the site coverage from 40% to 51.42%
- reduce the open site space from 50% to 46.58%
- reduce the minimum required front yard setback from 10.5m to 5.11m for the building
- reduce the east side yard setback from 6.77m to 3.75m for the building, and 2.82m for the parkade stairs
- reduce the west side yard setback from 6.77m to 4.22m for the building face, 2.22m for the balconies, and nil for the parkade
- reduce the required residential parking from 1.2 spaces per dwelling unit to 0.8 spaces per dwelling unit.

Jim Handy (Senior Planner): *Advised that the application is to construct a 4-storey, 44 multi-residential building.*

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

Luke Harrison (Applicant): Provided information regarding the application, and advised that the purpose is the creation of 44 new purpose built rental homes.

Paul Hammond (Architect): Provided information regarding the application advising of the project design, how the application responds to the neighbourhood context, and changes that have been made based on neighbourhood input.

*Councillor Isitt withdrew from the meeting at 7:22 p.m. due to a potential non-pecuniary conflict of interest, as he has family that lives 120 meters away.*

Dustin Miller (View Street): Expressed support for the application as the addition of rental housing would be beneficial for the neighbourhood.

James Allen (Rockland Ave): Expressed concerns relating to the application as the variances will negatively affect his property and the application is not a good fit for the neighbourhood.

Luke Mills (Resident): Expressed support for the application as the addition of rental housing is needed within the City.

Alex MacKay (Yates Street): Expressed support for the application as the addition of rental housing in this neighbourhood is needed.

Carolyn Whysall (Resident): Expressed concerns for the application citing loss of privacy and loss of light.

Diana Kozink (Rockland Avenue): Expressed concerns relating to the application as the style of the property is not a good fit for the neighbourhood, and the proposed new property would negatively affect her property.

Gerry Bell (Rockland Avenue): Expressed concerns relating to the application as the number of requested variances needed for the proposed new property would negatively affect her building.

Donna MacFarlane (Rockland Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Lori Ferguson (Cool Aid Society): Expressed support for the application as the addition of rental housing is needed within the City.

Wendy Stone (Cool Aid Society): Expressed support for the application as the addition of rental housing is needed within the City.

Gary Kirk (Linden Avenue): Expressed concerns relating to the application in relation to the number of variances and as the proposed building would not be a good fit for the neighbourhood.

*Councillor Loveday withdrew from the meeting at 7:53 p.m. and returned at 7:55 p.m.*

Norma Hynes (Rockland Avenue): Expressed concerns relating to the application as the proposed new property would negatively affect her building and would not be a good fit for the neighbourhood.

Patrick Hyde-Lay (Longview Drive): Expressed support for the application as the addition of rental housing is needed within the City.

Chris Douglas (Pentrelew Place): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Bess Jillings (Rockland Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Robert Kennedy (Rockland Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Nicholas Walker (Resident): Expressed support for the application as the addition of rental housing is needed within the City.

Nicholas Frappell (Amblewood Drive): Expressed support for the application as the addition of rental housing is needed within the City.

Carly Parachowki (Resident): Expressed support for the application as the addition of rental housing is needed within the neighbourhood.

Paula McGahon (Rockland Avenue): Expressed concerns relating to the application as the City needs more row houses and town houses as rental residences, and as the proposed building would not be a good fit for the neighbourhood.

Lindsay Lennox (Burdett Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

William MacTavish (Resident): Expressed support for the application as the addition of rental housing is needed within the City.

Cliff Childs (Cook Street): Expressed support for the application as the addition of rental housing is needed within the City.

Adam Gaudes (Yates Street): Expressed support for the application as the addition of rental housing is needed within the City.

Dannita MacLuskie (Resident): Expressed concerns relating to the application as the number of variances is not supportable.

Adrian Longmires (McClure Street): Expressed support for the application as the amendments made to the proposal due to community input is supportable, and the addition of rental housing is needed within the City.

Ian Lennox (Fort Street): Expressed concerns relating to the application as the proposed building will not provide affordable rental housing.

James McCracken (Fairfield Road): Expressed support for the application as the addition of rental housing is needed within the City.

Don Cal (Pentrelew Place): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood and it will not provide affordable rental housing.

Barbara Bowman (Moss Street): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Douglas Curran (Burdett Avenue): Expressed concerns relating to the application as the proposed building will not provide affordable housing and will not be a good fit for the neighbourhood.

*Council recessed at 9:02 p.m. and reconvened at 9:09 p.m.*

Jordan Van Thiel (Resident): Expressed support for the application as the addition of rental housing is needed within the City.

David Barns (Linden Avenue): Expressed support for the application as the addition of rental housing is needed within the neighbourhood.

Jim Cuthbert (Rockland Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Erin Glazier (Fisgard Street): Expressed support for the application as the amendments made to the proposal due to community input is supportable, and the addition of rental housing is needed within the City.

Marc Foucher (View Street): Expressed support for the application as the addition of rental housing is needed within the City.

Vincent Baart (Harriet Road): Expressed support for the application as the addition of rental housing is needed within the City.

Bob June (Manner Road): Expressed concerns relating to the application as gentle density would be a better fit for the neighbourhood.

Tim Stemp (Burdett Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for the neighbourhood.

Suzanne Faulkner (Rockland Avenue): Expressed concerns relating to the requested parking variances and their effect on the surrounding roads, as well as the effects the blasting might have on the neighbouring buildings.

Christopher Schmidt (Burdett Avenue): Expressed concerns relating to the application as the proposed building would not be a good fit for this site.

Robert Peterson (Rockland Avenue): Expressed concerns relating to the requested parking variances and their effect on the parking and traffic in this area, as well as concerns relating to the number of requested variances.

*Council discussed the following:*

- *The provisions of the housing agreement and that the agreement would guarantee rental housing for twenty years.*
- *Whether the proposed building would provide affordable rental housing, as it will be built at market rental rate.*
- *Whether the application is in alignment with the draft neighbourhood plan.*
- *How the proposed building would affect the sunlight of neighbouring properties.*
- *Why the applicant requested the various variances.*

*Mayor Helps closed the public hearing at 10:07 p.m.*

3. **Bylaw Approval**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Alto, that the following bylaw **be given third reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

*Council discussed the following:*

- *Whether the proposed application is consistent with the Official Community Plan.*
- *The importance of creating more rental housing in the City.*
- *Whether the size and requested variances of the building are supportable.*
- *That a rental building with sensitive infill would be a better fit for the neighbourhood.*

**Defeated**

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

*Councillor Isitt returned to the meeting at 10:53 p.m.*

*Council recessed from 10:53 p.m. and reconvened at 11:00 p.m.*

**Motion to extend meeting:**

It was moved by Councillor Loveday, seconded by Councillor Madoff, that the meeting be extended until 12:30 a.m.

**On the motion to extend the meeting:**  
**Carried Unanimously**

4. **Rezoning and Development Permit with Variances Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road**

1. **Public Hearing**

**Rezoning Application No. 00597**

To rezone the western portion of the land known as 737 Belton Avenue & 1137 Dominion Road, as shown on the attached map, from the R1-B Zone, Single Family Dwelling District, to R1-SC Zone, Restricted Small Lot (Commercial) District and to rezone the remaining eastern portion from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit the subdivision of one lot into two lots, the conversion of an existing building to a small lot house while retaining the commercial use on the western portion of the land, and the construction of a new small lot house on the eastern portion of the land.

New Zones: R1-SC Zone, Restricted Small Lot (Commercial) District and R1-S2 Zone, Restricted Small Lot (Two Storey) District

Legal description: Lot 10, Section 10, Esquimalt District, Plan 253

Existing Zone: R1-B Zone, Single Family Dwelling District

2. **Development Permit with Variances Application No. 00597**

The Council of the City of Victoria will also consider issuing a development permit with variances for the land known as 737 Belton Avenue & 1137 Dominion Road for the purposes of reducing the flanking street setback from 2.4m to 0.0m, reducing the front yard setback from 6.0m to 4.24m, reducing the rear yard setback from 6.0m to 4.65m, reducing the east side setback from 2.4m to 2.15m, and approving the exterior design and finishes for the proposed small lot house as well as landscaping.



Jim Handy (Senior Planner): *Advised that the application is to subdivide the existing lot into two small lots, replace the existing house with a new single family dwelling, and convert the existing store to a single family dwelling.*

*Mayor Helps opened the public hearing at 11:02 p.m.*

Renee Gautier (Applicant): Provided information regarding the application, advising that the building on Lot A would be renovated, and a new home would be built on Lot B.

Colin Harper (Architect): Provided information regarding the application, advising of the form and character of the proposed project.

*Councillor Alto withdrew from the meeting at 11:06 p.m. and returned at 11:07 p.m.*

*There were no persons present to speak to the proposed bylaw.*

*Mayor Helps closed the public hearing at 11:08 p.m.*

3. **Bylaw Approval**

**Motion:**

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030*

**Carried Unanimously**

4. **Bylaw Approval**

**Motion:**

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1126) No. 18-030*

**Carried Unanimously**

5. **Development Permit with Variances Approval**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council authorize the issuance of a Development Permit with Variances Application for 737 Belton Avenue and 1137 Dominion Road, in accordance with:

1. Plans date stamped January 18, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Lot A: reduce the flanking street setback from 2.40m to 0.0m;
  - b. Lot B: reduce the front setback from 6.0m to 4.24m;
  - c. Lot B: reduce the rear setback from 6.0m to 4.65m; and
  - d. Lot B: reduce the east side setback from 2.4m to 2.15m.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

5. **Rezoning, Development Permit with Variances, and Development Variance Permit Application No. 00583 for 3110 Doncaster Drive**

1. **Public Hearing**

**Rezoning Application No. 00583**

To rezone the land known as 3110 Doncaster Drive from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to permit the construction of a new small lot house at the rear of the property.

New Zone: R1-S2 Zone, Restricted Small Lot (Two Storey) District

Legal description: Lot 1, Section 29-30, Victoria District, Plan 7274

Existing Zone: R1-B Zone, Single Family Dwelling District

2. **Development Permit with Variances Application No. 00597**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 3110 Doncaster Drive, in Development Permit Area 15A: Intensive Residential – Small Lot for the purposes of approving the exterior design and finishes for the small lot house as well as landscaping.

Variances on the R1-S2 Zone, Restricted Small Lot (Two Storey) District are required as follows:

- reduce the front yard setback from 6.00m to 5.11m
- reduce the rear yard setback from 6.00m to 3.94m.

3. **Development Variance Permit Application No. 00583**

The Council of the City of Victoria will also consider issuing a development variance permit for the land known as 3110 Doncaster Drive for the purposes of reducing the front yard setback from 6.00m to 5.11m and reducing the rear yard setback from 6.00m to 3.94m for the proposed single family dwelling, as well as reducing the rear yard setback from 6.00m to 5.70m for the existing single family dwelling.

*Jim Handy (Senior Planner): Advised that the application is to subdivide the existing lot to two small lots, while retaining the existing house on one lot, and proposing a new house on the remainder lot.*

*Mayor Helps opened the public hearing at 11:12 p.m.*

*Raymond (On Behalf of Applicant): Provided information regarding the application and advised why the variances have been requested.*

*There were no persons present to speak to the proposed bylaw.*

*Mayor Helps closed the public hearing at 11:13 p.m.*

4. **Bylaw Approval**

**Motion:**

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1136) No. 18-009*

**Carried Unanimously**

5. **Bylaw Approval**

**Motion:**

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1136) No. 18-009*

**Carried Unanimously**

6. **Development Permit with Variances Approval**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council authorize the issuance of a Development Permit with Variances Application for the west portion of 3110 Doncaster Drive, in accordance with:

1. Plans date stamped October 5, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the front setback from 6.00m to 5.11m reduce the rear setback from 6.00m to 3.94m.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

7. **Development Variance Permit Approval**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council authorize the issuance of a Development Variance Permit Application for the east portion of 3110 Doncaster Drive, in accordance with:

1. Plans date stamped October 5, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the rear setback from 6.00m to 5.70m.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**REQUESTS TO ADDRESS COUNCIL**

**Motion:**

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

**Carried Unanimously**

*Mayor Helps withdrew from the meeting at 11:15 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with a previous AirBnB operator.*

*Councillor Thornton-Joe assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 11:15 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

*Councillor Madoff withdrew from the meeting at 11:15 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

1. **David Langlois: Short-Term Rental Bylaw**

Outlined why Council should remove provision 3(2)(d) from the proposed bylaw and keep the whole unit licence fee at current levels.

2. **Beverly Booth: Short-Term Rental Proposal**  
Outlined why Council should exempt "accredited corporate housing providers" from the short-term rental proposal and recognize them as a different industry sector.
3. **Rachelle Keeley: Short-Term Rental Proposal**  
Outlined why Council should exempt "accredited corporate housing providers" from the short-term rental proposal and recognize them as a different industry sector.

*Mayor Helps returned to the meeting at 11:31 p.m. and assumed the Chair.*

*Councillor Lucas returned to the meeting at 11:31 p.m.*

*Councillor Madoff returned to the meeting at 11:31 p.m.*

**Motion to Refer:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following items be referred to a Council meeting to be held on March 1, 2018, following the Committee of the Whole meeting:

**G - Unfinished Business**

2. Letter from the Corporation of the Township of Spallumcheen
3. Letter from the Minister of Transportation and Infrastructure
4. Letter from the Minister of Transportation and Infrastructure
5. Letter from the District of Metchosin
6. Letter from the Minister of Social Development and Poverty Reduction
7. Rise and Reports from Closed Meeting for Information

**H – Reports of Committees**

- 1.a. Report from the February 15, 2018 COTW Meeting
  1. City Role in Childcare Solutions
  3. 2018 Operational Plan
  4. Fourth Quarter Operational Plan Progress report
  9. Governance – Amendments to the Council Procedures Bylaw and Request to Address Council Policy
  10. Right of Way Improvements on Greenways
- 1.b. Report from the February 22, 2018 COTW Meeting
  1. Advocacy and Local Action for Treatment and Recovery for People with Addictions
  2. Attendance at Association of Vancouver Island and Coastal Communities Conference
  3. Follow-Up on Council Motion Re: Human rights and Non-Discrimination
  10. Sheltering Prohibition in Reeson Park and Quadra Park

**J – Bylaws**

1. Bylaw for Business Licence Changes

**Carried Unanimously**

**UNFINISHED BUSINESS**

1. **Update Report for Rezoning Application No. 00557 for 2616-2626 Douglas Street**  
Council received a report providing an updated recommendation for Council's consideration.

**Motion:**

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

outlined in Rezoning Application No. 00557 for 2616- 2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of: (1) proof of registration of an executed Statutory Right-of-Way (SRW) of **1.17m off the rear laneway** at the Land Titles Survey Authority; and, (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

**Carried Unanimously**

## **REPORTS OF COMMITTEES**

### **1. Committee of the Whole – February 15, 2018**

#### **2. Making Victoria City Hall a ‘Stigma Free Zone’**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council endorse the idea of City Hall becoming a ‘Stigma Free Zone’ by taking the necessary steps and participating in an evening mental health awareness event tentatively scheduled for March 20th, 2018.

And That the City of Victoria include awareness of mental health and other perceived stigmas in support of a healthy workplace culture in the corporate learning needs assessment that the Human Resources Department is conducting in 2018 with guidance and contributions from the Stigma-Free Society.

**Carried Unanimously**

#### **3. Temporary Use Permit Application No. 00010 for 1040 North Park Street (North Park)**

**Motion:**

It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

**Defeated**

**For:** Councillors Lucas, Thornton-Joe, and Young

**Opposed:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, and Madoff

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the issuance of Temporary Use Permit Application No. 00010 for 1040 North Park Street in accordance with:

1. Revised plans, to the satisfaction of the Director of Planning, that show six parking stalls in the carport and move the loading stall to a new location that does not block the drive aisle.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary use Permit lapsing three years from the date of this resolution.
4. That the Temporary Use Permit be conditional upon notice being displayed indicating that the property is subject to a Temporary Use Permit expiring three years from the date of this resolution, to the satisfaction of Director of Planning.

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, and Madoff

**Opposed:** Councillors Lucas, Thornton-Joe, and Young

**6. Rezoning Application No. 00561 for 1725 Cook Street (Fernwood)**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00561 for 1725 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**Carried**

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

**7. Development Permit Application No. 000517 for 203, 211 & 335 Harbour Road (Vic West)**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council, subject to receipt of amended plans to address technical corrections to the satisfaction of the Director of Sustainable Planning and Community Development, Council authorize the issuance of Development Permit Application No. 000517 for 203, 211 and 335 Harbour Road, in accordance with:

1. Plans date stamped November 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

**8. Regional Growth Strategy Bylaw No. 4017 – Referral for Municipal Acceptance**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council advise the Capital Regional District (CRD) Board that the City of Victoria accepts CRD Bylaw No. 4017 to enact the *2018 Regional Growth Strategy* for the Capital Region.

**Carried**

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

**2. Committee of the Whole – February 22, 2018**

*Councillor Thornton-Joe withdrew from the meeting at 11:47 p.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.*

**1. Commentary on the CRD Proposed Transportation Service Bylaw**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Alto, that Council receive this report for information and consider the risks and uncertainties associated with the bylaw's lack of clarity, roles and responsibilities as well as the important absence of BC Transit and Provincial transportation membership, which impair the CRD's ability to influence some of the most important regional transportation challenges.

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Lucas, and Madoff  
**Opposed:** Councillors Isitt, Loveday, and Young

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Young, that the City of Victoria endorse the establishment of the proposed CRD Transit Service.

**Defeated**

**For:** Councillor Isitt, Loveday, and Young

**Opposed:** Mayor Helps, Councillors Alto, Coleman, Lucas, and Madoff

*Councillor Thornton-Joe returned to the meeting at 12:05 a.m.*

**2. Tax Incentive Application No. 00029 for 816 Government Street and 811-813 Wharf Street**

**Motion:**

It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 816 Government Street / 811-813 Wharf Street for 51.59% of assessed value for 10 years, pursuant to Section 225 of the *Community Charter*, with the following conditions:

1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

**Carried**

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

**Opposed:** Councillors Isitt and Loveday

**3. Development Permit with Variances Application No. 00069 for 1928 Oak Bay Avenue**

**Motion:**

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

“That Council authorize the issuance of Development Permit with Variances Application No. 00069 for 1928 Oak Bay Avenue, in accordance with:

1. Plans date stamped February 7, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the interior (east) setback from 2.40m to 0.00m;
  - ii. reduce the flanking street (west) setback from 2.40m to 0.87m;
  - iii. reduce the required number of parking stalls from 14 to 10.
3. The Development Permit lapsing two years from the date of this resolution.”

**Carried Unanimously**

**4. Development Permit with Variances Application No. 00045 for 777 Herald Street**

**Motion:**

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

“That Council authorize the issuance of Development Permit with Variance Application No. 00045 for 777 Herald Street, in accordance with:

1. Plans date stamped January 24, 2018
2. Ensuring the ongoing provision and maintenance of the sky garden
3. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. increase the height from 72 metres to 75 metres
  - ii. reduce the massing step back from 13.2m to 2.1m, measured at the upper most storey of the building
  - iii. reduce the minimum site area from 4480m<sup>2</sup> to 2100m<sup>2</sup>
4. The Development Permit lapsing two years from the date of this resolution.

**Carried**

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

*Mayor Helps withdrew from the meeting at 12:06 a.m.. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator. Councillor Thornton-Joe assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 12:16 a.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

*Councillor Madoff withdrew from the meeting at 12:16 a.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

**5. Short-Term Rentals Business Regulations**

**Motion:**

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

1. Approve of the proposed short-term rental annual business licence fee of \$150 for principal residence and \$1,500 for all other short-term rentals;
2. Direct staff to bring forward the Short-Term Rental Regulation Bylaw at the February 22, 2018 Council meeting for introductory readings;
3. Approve holding an opportunity for receiving public comments on the proposed Bylaw in conjunction with the Public Hearing for Zoning Amendment Bylaw (Short-Term Rental Home Occupations) Bylaw No. 18-035; and,
4. Direct staff to report back to Council in Quarter 4 of 2018 with an update on the short-term rental program, including budget implications.

**Motion to permit speaker for a second time:**

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Councillor Alto be permitted to speak to the question for a second time.

**On the motion to permit speaking for a second time:**

**Carried**

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

**Amendment:**

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

That staff be directed to further investigate, and report back to Council on, the impact (if any) of recent provincial government agreements and/or policies on short-term rentals, and that consideration of these recommendations be postponed until receipt of that report.

**On the amendment:**

**Defeated**

**For:** Councillors Alto and Coleman  
**Opposed:** Councillors Isitt, Loveday, Thornton-Joe, and Young



**Main motion:**

That Council:

1. Approve of the proposed short-term rental annual business licence fee of \$150 for principal residence and \$1,500 for all other short-term rentals;
2. Direct staff to bring forward the Short-Term Rental Regulation Bylaw at the February 22, 2018 Council meeting for introductory readings;
3. Approve holding an opportunity for receiving public comments on the proposed Bylaw in conjunction with the Public Hearing for Zoning Amendment Bylaw (Short-Term Rental Home Occupations) Bylaw No. 18-035; and,
4. Direct staff to report back to Council in Quarter 4 of 2018 with an update on the short-term rental program, including budget implications.

**On the main motion:**  
**Carried**

**For:** Councillors Coleman, Isitt, Loveday, and Young

**Opposed:** Councillors Alto and Thornton-Joe

*Mayor Helps returned to the meeting at 12:20 a.m. and assumed the Chair.*

*Councillor Madoff returned to the meeting at 12:20 a.m.*

*Councillor Lucas returned to the meeting at 12:20 a.m.*

**BYLAWS**

**1. Bylaw for Gonzales Neighbourhood Plan**

**Motion:**

It was moved by Mayor Helps, seconded by Councillor Loveday, that Council refer *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) No. 18-003* for the Gonzales Neighbourhood Plan to the March 1, 2018 Committee of the Whole meeting to be considered with the Fairfield Neighbourhood Plan Workshop.

**Motion to extend:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the meeting be extended to 12:45 a.m.

**On the motion to extend:**  
**Carried Unanimously**

**Amendment:**

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

That Council Refer *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) No. 18-003* for the Gonzales Neighbourhood Plan to the March 1, 2018 Committee of the Whole meeting to be considered with the Fairfield Neighbourhood Plan Workshop, **and to hold an Opportunity for Public Comment on the draft plan to date, at the March 8, 2018 Council Meeting.**

**Amendment to the amendment:**

It was moved by Councillor Isitt, that the amendment be amended to include the following:

That Council Refer *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) No. 18-003* for the Gonzales Neighbourhood Plan to the March 1, 2018 Committee of the Whole meeting to be considered with the Fairfield Neighbourhood Plan Workshop, **and to hold an Opportunity for Public Comment on the draft plan to date, at the March 8, 2018 Council Meeting, and that Council agree not to consider adoption of the bylaws during the meeting.**

**On the amendment to the amendment:**  
**Defeated due to no seconder**

**On the amendment:**  
**Carried**

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

**Main motion as amended:**

That Council Refer *Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 21) No. 18-003* for the Gonzales Neighbourhood Plan to the March 1, 2018 Committee of the Whole meeting to be considered with the Fairfield Neighbourhood Plan Workshop, and to hold an Opportunity for Public Comment on the draft plan to date, at the March 8, 2018 Council Meeting.

**On the main motion as amended:**  
**Carried**

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

*Mayor Helps withdrew from the meeting at 12:39 a.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator. Councillor Thornton-Joe assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 12:39 a.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

*Councillor Madoff withdrew from the meeting at 12:39 a.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

**2. Bylaw for Zoning Amendments to Schedule D – Short-Term Rental Home Occupations**

**Motion:**

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1147) No. 18-035*

**Carried**

**For:** Councillors Coleman, Isitt, Loveday, and Young  
**Opposed:** Councillors Alto and Thornton-Joe

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Young, that Council amend *Zoning Regulation Bylaw, Amendment Bylaw (No. 1147) No. 18-035*, by inserting the following as the new section 2(3):

“Bylaw No. 80-159, the Zoning Regulation Bylaw, is further amended in section 17(4)(b)(ii) of the General Regulations by deleting the words ‘as if it were transient accommodation’.”

**Carried**

**For:** Councillors Coleman, Isitt, Loveday, and Young  
**Opposed:** Councillors Alto and Thornton-Joe

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Young, that the following bylaw **be given second reading, as amended:**

- b. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1147) No. 18-035*

**Carried**

**For:** Councillors Coleman, Isitt, Loveday, and Young  
**Opposed:** Councillors Alto and Thornton-Joe

**3. Bylaw for Short-Term Rental Regulation**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Young, that the following bylaw **be given first, second, and third reading:**

- a. *Short-Term Rental Regulation Bylaw No. 18-036*

**Carried**

**For:** Councillors Coleman, Isitt, Loveday, and Young  
**Opposed:** Councillors Alto and Thornton-Joe

*Mayor Helps returned to the meeting at 12:42 a.m. and assumed the Chair.*

*Councillor Madoff returned to the meeting at 12:42 a.m.*

*Councillor Lucas returned to the meeting at 12:42 a.m.*

**QUESTION PERIOD**

*A question period was held.*

**ADJOURNMENT**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Council meeting adjourn.  
Time: 12:43 a.m.

**Carried Unanimously**

CERTIFIED CORRECT:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR