



## **MINUTES – VICTORIA CITY COUNCIL**

### **MEETING OF THURSDAY, MARCH 8, 2018, AT 6:30 P.M.**

**PLACE OF MEETING:**

Council Chambers, City Hall

**PRESENT:**

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

**ABSENT:**

Councillor Coleman.

**STAFF PRESENT:**

J. Jenkyns - Acting City Manager; C. Coates - City Clerk; C. Royle – Deputy Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski- City Solicitor; B. Eisenhauer - Head of Engagement; C. Havelka – Deputy City Clerk; A. Meyer – Assistant Director of Development Services; A. Hudson – Assistant Director of Community Planning; 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 Alto, seconded by Councillor Lucas, that the agenda be approved as amended.

**Carried Unanimously**

**Amendment:**

It was moved by Mayor Helps, seconded by Councillor Alto, that the agenda be amended to add Rachelle Westman to the second Request to Address Council portion of the agenda.

**Carried Unanimously**

### **READING OF MINUTES**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following minutes be adopted:

1. Minutes from the evening meeting held December 14, 2017
2. Minutes from the daytime meeting held January 11, 2018

**Carried Unanimously**

### **REQUESTS TO ADDRESS COUNCIL**

**Motion:**

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

**Carried Unanimously**

1. **David Leverton: Update on Activities at the Maritime Museum of BC**  
Provided Council with an update on the Maritime Museum of BC in their new location.
2. **Casey Edge: Step Code**  
Outlined why Council should not adopt the BC Energy Step Code.
3. **Chris Zmuda: City Management Negligent**  
Outlined why Council should review the allowance of cannabis dispensaries in the City.
4. **David Langlois: Affordable Housing and MRDT**  
Outlined why Council should take advantage of the provincial government's rule change to allow for the use of MRDT to fund municipal affordable housing initiatives.
5. **Douglas Curran: Viable, Community – Supported Redevelopment on Burdett Avenue**  
Outlined for Council a community-supported redevelopment for Burdett Avenue.
6. **Lisa Nitkin: Animal Responsibility**  
Outlined why Council should modify the language in the proposed Animal Control Bylaw amendments, and not restrict the ability for people to have a chinchilla as a pet.

### **PROCLAMATIONS**

#### **Motion:**

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

1. "World Water Day" – March 22, 2018

**Carried Unanimously**

#### **Motion:**

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

2. "Purple Day for Epilepsy Awareness" – March 26, 2018

**Carried Unanimously**

### **PUBLIC AND STATUTORY HEARINGS**

1. **Development Variance Permit Application No. 00199 for 1750 Haultain Street**

1. **Opportunity for Public Comment**  
**Development Variance Permit No. 00199**

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1750 Haultain Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: reduce the required vehicle parking from five stalls to one stall for a kindergarten use, increase the required bicycle parking spaces from zero to three Class 1 (weather-protected) and five Class 2 (short-term visitor) spaces, and reduce the minimum lot width for a house conversion to a kindergarten from 18m to 15m.

Legal description of the land: the Easterly ½ of Lot 20, Section 25, Victoria District, Plan 332

Alison Meyer (Assistant Director of Development Services): *Advised that the application is to relax the parking requirement for a kindergarten.*

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

Maureen O'Connell (Applicant): Provided information regarding the application which is a kindergarten conversion, and requires variances reduce vehicle parking from five stalls to one stall, and increase the required bicycle parking spaces.

Heather Weir (Haultain Street): Expressed support for the application as viewing a playground is preferable to viewing a parking lot, from their backyard.

Graeme Campbell (Shelbourne Street): Expressed support for the application as it is important to provide childcare spaces.

*Mayor Helps closed the public hearing at 7:17 p.m.*

## **2. Development Variance Permit Approval**

### **Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council authorize the issuance of Development Variance Permit No. 00199 for 1750 Haultain Street, in accordance with:

1. Plans date stamped November 15, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for:
  - i. reduce the required vehicle parking from five stalls to one stall for a kindergarten use
  - ii. increase the required bicycle parking spaces from zero to three Class 1 (weather-protected) and five Class 2 (short-term visitor) spaces
  - iii. reduce the minimum lot width for a house conversion to a kindergarten from 18m to 15m.
3. The Development Variance Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

## **2. Development Variance Permit Application No. 00201 for 821-827 Broughton Street**

### **1. Opportunity for Public Comment Development Variance Permit No. 00201**

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 821 – 827 Broughton Street for the purpose of varying the parking requirements of the *Zoning Regulation Bylaw* associated with a change of use from general office to medical office for one of the ground floor commercial units.

Legal description of the land: Lot 1, of Lots 256 and 257, Victoria City, Plan 7483

Alison Meyer (Assistant Director of Development Services): *Advised that the application is to increase the existing non-conforming parking by three stalls.*

*Mayor Helps opened the public hearing at 7:19 p.m.*

Gael Rainey (Applicant): Provided information regarding the application, advising that the heritage building is requesting a parking variance, and will be providing additional bicycle parking spaces.

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

*Mayor Helps closed the public hearing at 7:21 p.m.*

## **2. Development Permit with Variances Approval**

### **Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council authorize the issuance of Development Variance Permit Application No. 00201 for 821-827 Broughton Street, in accordance with:

1. Plans date stamped December 20, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - a. reduce the off-street parking requirement from an additional three stalls to nil for the change of use from general office to medical office.
3. The Development Permit lapsing two years from the date of this resolution.

**Carried Unanimously**

*Mayor Helps withdrew from the meeting at 7:22 p.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 Madoff withdrew from the meeting at 7:22 p.m. due to a potential non-pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

*Councillor Lucas withdrew from the meeting at 7:22 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

## **3. Short-Term Rentals**

### **1. Public Hearing**

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

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by updating the provisions in Schedule D to allow short term rentals in principal residences as a home occupation, as long as no more than two bedrooms are used for the short term rental, and the short term rental does not occupy the entire unit. This amendment bylaw will affect properties throughout the city where residential use or self-contained dwelling units are currently permitted.

### **2. Short-Term Rental Regulation Bylaw No. 18-036**

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by updating the provisions in Schedule D to allow short term rentals in principal residences as a home occupation, as long as no more than two bedrooms are used for the short term rental, and the short term rental does not occupy the entire unit. This amendment bylaw will affect properties throughout the city where residential use or self-contained dwelling units are currently permitted.

Andrea Hudson (Assistant Director of Community Planning): *Advised that the purpose of the hearing is to consider proposed changes to Schedule D – Home Occupations, of the Zoning Regulation Amendment Bylaw, which would update the home occupation provisions to allow short term rentals in principal residences.*

Chris Coates (City Clerk): *Advised that the purpose of the opportunity for public comment is to consider adoption of the Short-Term Rental Business Regulation Bylaw which would 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.*

*Council recessed at 7:30 p.m. and reconvened at 7:36 p.m.*

*Acting Mayor, Councillor Thornton-Joe opened the public hearing at 7:43 p.m.*

Beverly Booth: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Rachelle Keeley: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

David Langlois: Expressed concerns relating to the proposed business licence fee, as the fee is too high, and the portions of the regulations relating to requirements of a strata council.

Resident: Expressed concerns relating to the proposed regulations

Deirdre Middleton: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Gary Sims: Expressed concerns relating to the proposed business licence regulations, as they will create a hardship.

Rosemary Tillette: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Gordon Clark: Expressed concerns relating to the proposed business licence fee and regulations, as the fee is too high and the regulations will create a hardship.

Kevin White: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Melissa Frank: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Mark Atkins: Expressed support for the proposed business regulations, due to the housing shortage in the City.

Star Michael: Expressed support for the proposed business regulations as they will create a level playing-field with hotels and due to the housing shortage in the City.

Andy Whatell: Expressed support for the proposed business regulations, due to the housing shortage in the City.

Joanna Pettit: Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Victoria Addams (Dallas Road): Expressed support for the proposed business regulations, due to the housing shortage in the City and expressed concerns relating to the access to information for the public.

Reid James (Shelbourne Street): Expressed support for the proposed business regulations as they will create a level playing-field with hotels and due to the housing shortage in the City.

Chris Watson (Michigan Street): Expressed support for the proposed business regulations, due to the housing shortage in the City.

Jonathan Bennington: Expressed concerns relating to the proposed business regulations.

Karen Weiss (Seascape Place): Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Margaret Goodwin (Glasgow Avenue): Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Tom Weiss (Seascape Place): Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Blake MacKenzie (McCallan Road): Expressed concerns relating to the amendments of Schedule D of the Zoning Bylaw, and the proposed business licence regulations, as they are not fair to all owners.

Daniel Lowe (Oakview Place): Expressed concerns relating to the proposed business licence fee, as the fee is too high.

Mary Davies (Fairfield Road): Expressed concerns relating to the proposed bylaws as some of the regulations may limit uses for secondary suites.

Liza Rogers (Vic West Resident): Expressed concerns relating to the proposed business regulations, as the fee is too high.

Katrina Tye (Pandora Avenue): Expressed concerns relating to the proposed business regulations, as the fee is too high.

Ken Green (Clare Street): Expressed concerns relating to the proposed business regulations, as the fee is too high.

Nancy Sherwood (Burdett Avenue): Expressed support for the proposed bylaws, due to the negative affect short-term rentals can have on neighbours.

*Acting Mayor, Councillor Thornton-Joe closed the public hearing at 9:39 p.m.*

*Acting Mayor, Councillor Thornton-Joe recalled the closing of the public hearing at 9:39 p.m.*

*Council recessed at 9:40 p.m. and reconvened at 9:47 p.m.*

*Council discussed the following:*

- *How the proposed fee levels have been set by staff.*
- *Comparison of the regulations for short-term rentals, to bed and breakfast businesses.*

*Acting Mayor, Councillor Thornton-Joe closed the public hearing at 10:00 p.m.*

### 3. **Bylaw Approval**

#### **Motion:**

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

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

*Council discussed the following:*

- *The housing shortage and crisis in the City.*
- *That the province may need to change property classification, in order to better reflect the varying uses of property.*
- *Whether this suite of regulations is the best fit for everyone.*

**Motion to Postpone:**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council postpone consideration of the motion, in order to obtain further public engagement and research of other jurisdictions.

**On the motion to postpone:**  
**Defeated**

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

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

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

4. **Bylaw Approval**

**Motion:**

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the following bylaw **be adopted:**  
1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1147) No. 18-035*

**Carried**

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

5. **Bylaw Approval**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following bylaw **be adopted:**  
2. *Short-Term Rental Regulation Bylaw No. 18-036*

**Carried**

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

*Mayor Helps returned to the meeting at 10:35 p.m. and assumed the Chair.*

*Councillor Madoff returned to the meeting at 10:35 p.m.*

*Councillor Lucas returned to the meeting at 10:35 p.m.*

*Council recessed at 10:35 p.m. and reconvened at 10:38 p.m.*

4. **Proposed Gonzales Neighbourhood Plan**

1. **Opportunity for Public Comment**

**Proposed Gonzales Neighbourhood Plan**

City Council would like to hear your feedback on the proposed Gonzales Neighbourhood Plan.

- Read the proposed plan at [Victoria.ca/Gonzales](http://Victoria.ca/Gonzales)
- A Public Hearing on the Proposed Gonzales Neighbourhood Plan and associated Official Community Plan amendments will be held at a later date, pending further direction.

Kristina Bouris (Senior Planner): *Provided an overview of the Gonzales Neighbourhood Plan, highlighting some of the key ideas in the plan, and the revisions that have been made over the last year in response to community feedback.*

**Motion to extend meeting:**

It was moved by Mayor Helps, seconded by Councillor Alto, that the meeting be extended until 12:30 a.m.

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

*Mayor Helps opened the public hearing at 10:54 p.m.*

Jennifer Earl (Pinewood Avenue): Expressed concerns relating to the proposed neighbourhood plan due to the negative impact it may have on the neighbourhood.

Norm Figgie (Fairfield Road): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the creation of the small urban village zone.

Brad Atchison (Fairfield Road): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the loss of trees.

Guy Filch (Robertson Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.

Don Morris (Passmore Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of townhouses in certain locations.

John Hutchinson (Richardson Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular added congestion to Fairfield Road.

Donna Ruthel (Robertson Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of row houses in certain locations.

Susan Rautio (Richmond Avenue): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of townhouses in certain locations.

David Greg (Wild Wood Avenue): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of duplexes and triplexes in certain locations.

Mary Doody Jones (Kipling Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the need for conservation areas.

Pamela Ubuita (Pinewood Avenue): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular added congestion to Fairfield Road.

Karen Agers: Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.



Lynn Phillips (Gonzales Avenue): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of townhouses in certain locations.

Mary Davies (Fairfield Road): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.

*Councillor Thornton-Joe withdrew from the meeting at 11:53 p.m. and returned at 11:54 p.m.*

Rich Paul (St. Charles Street): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.

Bob June (Manner Road): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the Rockland neighbourhood.

Virginia Erick (Foul Bay Road): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood, in particular the consideration of townhouses in certain locations.

Lynn Shlakoff (St. Charles St): Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.

Resident: Expressed concerns relating to the proposed neighbourhood plan, due to the negative impact it may have on the neighbourhood.

#### **REQUESTS TO ADDRESS COUNCIL**

1. **Rachelle Westman: Animal Control Bylaw**

Outlined why Council should make changes to the proposed Animal Control Bylaw amendments, relating to the wording of tethering dogs, with types of collars.

*Council agreed to refer the following items to a Council meeting, to be held on March 15, 2018, following the Committee of the Whole meeting:*

#### **G - Unfinished Business**

1. Letter from the City of Prince George
2. Letter from the District of Sicamous
3. Letter from the City of Enderby
4. Council Member Motion: Follow Up on Council Motion re: Human Rights and Non-Discrimination

#### **H – Reports of Committees**

- 1.a. Report from the February 22 and March 1, 2018 COTW Meeting
- 1.b. Report from the March 1, 2018 COTW Meeting
- 1.c. Report from the March 8, 2018 COTW Meeting (with the exception of item #7)
- 1.d. Report from the February 22 and March 8, 2018 COTW Meeting

#### **K - Correspondence**

1. Letter from the Corporation of the Township of Spallumcheen

## **REPORTS OF COMMITTEES**

1. **Committee of the Whole – March 8, 2018**
2. **Further Support for the 2020 North American Indigenous Games**

### **Motion:**

It was moved by Councillor Alto, seconded by Councillor Loveday, that, should the Songhees Nation be awarded the 2020 North American Indigenous Games, the City of Victoria will:

1. contribute to the 2020 NAIG up to \$225,000 in each of its 2019 and 2020 budget years, from 2018 and 2019 budget surpluses, subject to receiving a detailed budget breakdown once that is possible and the bid documents are no longer confidential;
2. encourage its municipal neighbours to contribute per capita amounts of the same range (approximately \$2.50/per person for two years);
3. work with the 2020 NAIG organizing committee(s) to facilitate use of city sports facilities as needed.

**Carried Unanimously**

## **BYLAWS**

*Councillor Loveday withdrew from the meeting at 12:23 a.m. due to a potential non-pecuniary conflict of interest with the following item, as a family friend owns a house nearby.*

1. **Bylaw for Rezoning Application for 350 Sylvia Street**

### **Motion:**

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1135) No. 18-007*

**Carried Unanimously**

2. **Bylaw for Rezoning Application for 323 Skinner Street**

### **Motion:**

It was moved by Councillor Madoff, seconded by Councillor Alto, that the following bylaw **be given first and second reading:**

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1143) No. 18-027*

**Carried Unanimously**

3. **Bylaw for Development Cost Charges Reserve Establishment**

### **Motion:**

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

- a. *Development Cost Charges Reserve Establishment Bylaw No. 18-040*

**Carried Unanimously**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Lucas, upon adoption of the Bylaw, staff be directed to consolidate funds in the former Parks Acquisition and Parks Development Reserves into the new Reserve Fund established under Bylaw No. 18-040.

**Carried Unanimously**

*Councillor Loveday returned to the meeting at 12:25 a.m.*

*Councillor Lucas withdrew from the meeting at 12:25 a.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel, which holds business licences.*

**4. Adoption of Business Licence Amendment Bylaw**

**Motion:**

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

- a. *Business Licence Bylaw, Amendment Bylaw (No. 32) No. 18-034*

**Carried Unanimously**

**QUESTION PERIOD**

*A question period was held.*

**ADJOURNMENT**

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Council meeting adjourn.  
Time: 12:26 a.m.

**Carried Unanimously**

CERTIFIED CORRECT:

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

\_\_\_\_\_  
MAYOR