

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 27, 2023

For the Council meeting of August 3, 2023, the Committee recommends the following:

E. LAND USE MATTERS

E.2 1514 and 1520 Foul Bay Road: Rezoning Application No. 00762 and Development Permit Application No. 000590 (South Jubilee)

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated July 13, 2023 for 1514 and 1520 Foul Bay Road.
2. That Council direct staff to waive the requirement of a Public Hearing and proceed with notifications as required by the Local Government Act.
3. the applicant prepare and execute legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw, to secure:
 1. 2.38m wide right of way along Foul Bay Road for highway purposes, in accordance with the following requirements:
 - a. the owner is to construct and maintain the right of way area in accordance with plans submitted to the Planning department and date stamped by Planning on May 11, 2023.
 - b. installation of underground Hydro/Tel service and relocate the existing overhead poles/lines as necessary to accommodate the removal of the fronting utility pole.
1. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
2. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variances Application

That Council, after giving notice consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000590 for 1514 and 1520 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on May 11, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - a. increase the maximum height from 10.50m to 11.50m
 - b. reduce the minimum front setback from 6.00m to 4.48m
 - c. reduce the minimum rear setback from 4.00m to 2.04m
 - d. reduce the minimum side (north) setback from 4.00m to 2.64m
 - e. reduce the minimum side (south) setback from 4.00m to 2.64m
 - f. reduce the minimum number of visitor vehicle parking spaces from 1 to 0

- g. reduce the minimum short term bicycle parking spaces from 2 six-racks to 1 six-rack
 - b. The property being consolidated into one lot.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

F. STAFF REPORTS

F.1 Governance Review Update

That Council receive the Governance Review Update staff report for information, and

That Council direct staff to:

- 1. Continue implementation of all Recommendations listed as “in progress” with the goal of completing each Recommendation.
- 2. As per Recommendation 5.5.3, update technology so that public addresses to Council may use live video.
- 3. As per Recommendation 5.2.3, direct the city manager to undertake a formal review of base Council remuneration, including considerations of time commitment, principles for appropriate comparators and benchmark levels, a regular review framework and schedule, per diems for external committee appointments that are not already compensated, and conferences, with a report back due by December 31, 2023.
- 4. Regarding 5.1.4, not pursue a policy regarding Council’s role in matters beyond core responsibility.
- 5. Regarding 5.5.5, not pursue a requirement for recorded input from CALUC meetings be posted online.
- 6. Provide a report back to Council on this Motion by December 31, 2023.

F.2 Short Term Rentals in the City of Victoria

That Council direct the City Solicitor to bring forward the necessary bylaw amendments to the Short-Term Rental Regulation Bylaw and Zoning bylaws to improve regulatory effectiveness and of the Short-Term Rental program.

- a. Clarify and better define: “operator”, “tenant”, “dwelling”, “property manager”, “host”, “other designated person”, “bedroom”, “kitchen facilities”, “room”.
- b. Restrict occasional rentals of principal residence to four bookings in a year.
- c. Better distinguish between hotel, motel, bed and breakfast, time-share and short-term rental.
- d. Amend term “30 days or less” to “30 nights or less” to come into alignment with the tourism industry.
- e. Regarding ‘Principal Resident Operator’ status, clarify that it is the operator’s obligation to furnish proof, satisfactory to the Licence Inspector, to demonstrate the premises are their principal residence.
- f. Add short term rental bylaw offences to the list of offences in the Bylaw Notice Adjudication Bylaw.

- g. Increase Municipal Ticket Information fine amounts under the Short-Term Rental Regulation Bylaw for 'Operating without a Business Licence' from \$500 to \$1000 and for 'Advertise without a Licence' from \$250 to \$500.
- h. Increase Municipal Ticket Information fine amounts under the Zoning Regulation Bylaw and the Zoning Bylaw 2018 for 'Allow Use' from \$350 to \$700.
- i. Ensure that all persons engaged in facilitating short term rentals are explicitly covered by City regulations.
- j. Amend fee provisions to ensure that the higher fee applies to all situations where an entire dwelling unit is regularly rented as a short-term rental.
- k. Simplify the Short-Term Rental licence appeal process.
- l. Increase the non principal resident operator fee to at least \$2500.