

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 18, 2024**

For the Council meeting of August 01, 2024, the Committee recommends the following:

E.2 674, 676, and 678 Battery Street, 675 and 685 Niagara Street, and 50 Douglas Street: Rezoning Application No. 00810 and associated Development Permit with Variances Application No. 000614 and Heritage Alteration Permit Application No. 00251 (Downtown)

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 4, 2024 for 674, 676, and 678 Battery Street, 675 and 685 Niagara Street, and 50 Douglas Street.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute a 2.38 m wide statutory right of way along Niagara Street for highway purposes to the satisfaction of the Director of Engineering and Public Works prior to adoption of the bylaw.
4. 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.
5. Ensure that the TAP relocation lead time, is 12 months for all tenants and that the relocation and right of first refusal plan minimizes sudden rental increases and accounts for the needs of vulnerable residents, to the satisfaction of the Director of Planning.
6. 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 Variance 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 with Variances No. 000614 for 674, 676, and 678 Battery Street, 675 and 685 Niagara Street, and 50 Douglas Street, in accordance with plans submitted to the Planning department and date stamped by Planning on May 21, 2024, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the maximum height from 18.50m to 23.10m
 - ii. increase the maximum site coverage from 40% to 53%
 - iii. reduce the minimum open site space from 50% to 41%

- iv. reduce the Battery Street setback from 10.00m to 6.00m for the triplex
 - v. reduce the Battery Street setback from 10.00m to 6.50m for the building and 5.00m for the balcony of the assisted living facility
 - vi. reduce the Niagara Street setback from 4.00m to 2.50m for the port cochere of the assisted living facility
 - vii. reduce the internal east setback from 6.00m to 5.00m for the balcony of the assisted living facility
 - viii. reduce the internal south setback from 6.00m to 4.70m for the balcony of the assisted living facility
 - ix. locate an accessory building in the side yard instead of the rear yard
 - x. increase the maximum height of an accessory building from 3.50m to 3.70m.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Heritage Alteration Permit Application

That Council, consider the following motion:

- “1. That Council authorize the issuance of the Heritage Alteration Permit No. 00251 for 674, 676, and 678 Battery Street, 675 and 685 Niagara Street, and 50 Douglas Street in accordance with plans submitted to the Planning department and date stamped by Planning on May 21, 2024 (the “Plans”), subject to the proposed development meeting all City zoning bylaw requirements.
- 2. That the Heritage Alteration Permit, if issued, lapses two years from the date of this resolution.”

E.3 2659 Douglas Street: Tax Incentive Program Application No. 000033 (Burnside)

That Council approve Tax Incentive Program Application No. 000033 for 2659 Douglas Street.

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a heritage tax exemption bylaw to exempt 665.89 square meters (7,168 square feet) of residential area on the second story and exempt 665.89 square meters (7,168 square feet) of residential area on the third storey of the assessed value of the property at 2659 Douglas Street for a period of ten years.
- 2. That, first, second and third readings of the heritage tax exemption bylaw be considered by Council.
- 3. That subject to approval of first three readings, the applicant execute an exemption agreement with contents to the satisfaction of the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw that contains the following conditions:
 - a. the final costs of seismic upgrading must be verified by a third-party consultant to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - b. the tax exemption does not apply in a calendar year during any part of which any residential dwelling unit is not used for residential purposes.

4. 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.

F.1 Recommendation for Victoria Cannabis Company Farmgate at 340 Mary Street

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB):

The Council of the City of Victoria supports the application of Victoria Cannabis Company Farmgate at 340 Mary Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Victoria Cannabis Company Farmgate at 340 Mary Street.
- b. Bylaw Services indicated cannabis retail would have limited community impact; however, they outlined ongoing issues with the odour of the adjacent cultivation site and that it be resolved before issuing a local government recommendation.

The Victoria Police Department did not raise any concerns about community impacts.

- c. The reasons for a positive local government recommendation include that:
 - i. The location permits storefront cannabis retail.
 - ii. Staff did not raise significant concerns about community impact of storefront cannabis retail at this location only the preexisting adjacent cultivation site.
- d. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 312 notices, including the Vic West Neighbourhood Association.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

F.3 Amendments to the Short-Term Rental Regulation Bylaw

Motion arising:

That Council direct staff to report back on the implications of amending the City's *Short-Term Rental Regulation Bylaw*, and/or related bylaws, on the following topics:

- 1) Updating section 2.b.ii, or other relevant sections or related bylaws, to add language that would explicitly prohibit the use of secondary suites for short-term rentals;
- 2) Updating section 3 (2), or other relevant sections or related bylaws, to add language that would place a cap on the maximum number of nights that a principal residence could be rented out as a short-term rental within a calendar year, for instance, for 120, 150, or 180 nights in total.

In addition, for staff to report back on the following related items:

- 1) On the viability of creating a sliding licensing fee based on the frequency with which a host rents out a short-term rental. For instance, a system in which hosts who rent out a short-term rental for 1-14 nights per year pay a certain amount, hosts who rent out a short-term rental for 14-60 nights pay a higher amount, and hosts who rent out a short-term rental for 61 nights or more pay the highest amount. Staff to focus on enforceability, viability, and the ability to establish a cost-recovery licensing system for administering short-term rentals in Victoria;
- 2) On the viability of adding short-term rental regulations to the provincial baseline while also minimizing the City’s enforcement responsibilities. Staff to focus on whether the enforcement responsibilities could be shared with the Province – and if so, how – or whether creating additional regulations means that the City alone takes responsibility for the enforcement of short-term rentals moving forward.

H.3 Council Member Motion: Canadian Capital Cities Organization 2024 Conference September 2024

That Council authorize the attendance and associated costs for Councillor Gardiner to participate in the Canadian Capital Cities Organization 2024 Conference to be held in Winnipeg, Manitoba, on September 22-25, 2024.

The approximate cost for attending is:

Conference Registration Fee	\$ 400.00
Travel to/from Winnipeg	\$ 405.00
Taxis (Victoria and Winnipeg)	\$ 200.00
Accommodation (3 nights)	\$ 640.00
Food & Incidentals	\$ 150.00
Carbon Tax (0.76 x \$150/tonne)	\$ 114.00
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	\$ 1,909.00

Estimated Total Cost = \$1,909.00