



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, SEPTEMBER 21, 2017, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Young.

ABSENT FOR A PORTION OF THE MEETING: Councillor Thornton-Joe

ABSENT: Councillor Lucas

STAFF PRESENT: J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; C. Royle – Deputy Fire Chief; S. Thompson – Director of Finance; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; 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; L. Milburn – Senior Planner; 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.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Alto, that John James O'Brien and Joan Russow be added to the second Request to Address Council section of the agenda.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

READING OF MINUTES

Motion:

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

1. Minutes from the daytime meeting held August 3, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

Councillor Thornton-Joe joined the meeting at 6:35 p.m.

1. **Brett Hayward: Housing for the Homeless**
Outlined why Council should provide more affordable housing in the City of Victoria.
2. **Bill Stewart: The Removal of the John A. MacDonald Statue from the Front of City Hall**
Outlined why Council should work with the Songhees and Esquimalt Nations in the True Spirit of Reconciliation to remove or give context to the John A. MacDonald statue at City Hall.

3. **J. Ocean Dennie: Removal of John A. MacDonald Statue**
Outlined why Council should remove the John A. MacDonald statue from City Hall.
4. **Robert Preston: Heritage Conservation Area Designation**
Outlined why Council should remove Durban Street from consideration for Area Heritage designation.
5. **Thomas Buck: Homelessness and How They Are Being Treated**
Outlined concerns relating to how the homeless are treated in the City of Victoria.
6. **Sariah Korneluk: John A. MacDonald**
Outlined why Council should work with the Indigenous Peoples of Kanata to remove or give context to the John A. MacDonald statue at City Hall.

PROCLAMATIONS

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that the following Proclamation be endorsed:

1. "Manufacturing Month" – October 2017

Carried Unanimously

Motion:

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

1. "Wrongful Conviction Day" – October 2, 2017

Carried Unanimously

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following Proclamation be endorsed:

1. "Fire Prevention Week 2017" – October 8 to 14, 2017

Carried Unanimously

Motion:

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

1. "Occupational Therapy Month" – October 2017

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Development Permit with Variances Application No. 00036 for 1479 Fort Street

1. Opportunity for Public Comment **Development Permit with Variances No. 00036**

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1479 Fort Street, in Development Permit Area 7B Corridors Heritage, for purposes of adding an additional unit within the existing eight unit building.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*:

- Part 3.10 Section 17.2 - Relaxation of the off-street parking requirement from 12 to 6, increasing the existing non-conformity by 2 stalls
- Part 3.10 Section 18(c) - Relaxation of the setback from the street for an accessory building from 7.5m to 6.47m
- Schedule F 4(d) - Relaxation of the minimum separation space between an accessory building and the principle building from 2.4m to 1.5m.

Legal description of the land:

Lot 4, Section 74, Victoria, Plan 309, Except that part outlined in red on plan 127 BL

Alison Meyer (Assistant Director of Development Services): Advised that the application is to add one suite to an existing eight unit multiple dwelling building.

Mayor Helps opened the opportunity for public comment at 6:58 p.m.

Eric Barker (Applicant): Provided information regarding the application, which is adding a rental unit without adding to the size of the building.

Mayor Helps closed the opportunity for public comment at 6:59 p.m.

2. Development Permit with Variances Approval

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council authorize the issuance of Development Permit Application No. 00036 for 1479 Fort Street, in accordance with:

1. Plans date stamped June 8, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Reduce the required parking stall from twelve to six, increasing the existing non-conformity by two stalls
 - ii. Reduce the setback from a street for an accessory building from 7.50m to 6.47m
 - iii. Reduce the separation space between an accessory building and the principle building from 2.40m to 1.50m.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

Councillor Alto withdrew from the meeting at 7:00 p.m. due to a non-pecuniary conflict of interest with the following item, as the applicants are close family friends.

2. Development Variance Permit Application No. 00188 for 1457 Clifford Street

1. Opportunity for Public Comment Development Variance Permit No. 00188

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1457 Clifford Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* including:

Lot 1:

- reduce the minimum lot width from 15m to 13.46m
- reduce the minimum side yard setback from 3.0m to 2.49m
- reduce the minimum combined side yard setback from 4.5m to 3.99m

Lot 2:

- reduce the minimum average lot width from 15m to 13.46m
- reduce the minimum side yard setback from 3.0m to 2.59m
- reduce the minimum combined side yard setback from 4.5m to 4.09m

to allow for the construction of two single-family dwellings with secondary suites.

Legal description of the land:

Lot 145, Fairfield Farm Estate, Victoria City, Plan 884

Alison Meyer (Assistant Director of Development Services): Advised that the application is to subdivide the existing lot and construct a new single family dwelling with a secondary suite on each lot.

Mayor Helps opened the opportunity for public comment at 7:01 p.m.

Russ Collins (Zebra Design): Provided information regarding the application, and advised that the secondary suites are being built in the hopes of providing additional living units in the City.

Mayor Helps closed the opportunity for public comment at 7:05 p.m.

2. Development Variance Permit Approval

Motion:

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council authorize the issuance of Development Permit Application No. 00188 for 1457 Clifford, in accordance with:

1. Plans date stamped July 13, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Lot 1

- i. reduce the minimum lot width from 15m to 13.46m;
- ii. reduce the minimum side yard setback from 3.0m to 2.49m;
- iii. reduce the minimum combined side yard setback from 4.5m to 3.99m.

Lot 2

- i. reduce the minimum average lot width from 15m to 13.46m;
- ii. reduce the minimum side yard setback from 3.0m to 2.59m;
- iii. reduce the minimum combined side yard setback from 4.5m to 4.09m.

3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

Councillor Alto returned to the meeting at 7:06 p.m.

3. Development Variance Permit Application No. 00191 for 1501 Haultain Street

1. Opportunity for Public Comment
Development Variance Permit No. 00191

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1501 Haultain Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw*, Schedule C – Off-Street Parking, namely:

- reducing the required number of parking spaces from twelve (12) to five (5) in order to permit a restaurant on the ground floor of the building.

Legal description of the land: Lot 24, Block 15, Section 48, Victoria District, Plan 835

Alison Meyer (Assistant Director of Development Services): Advised that the application is to relax the required number of on-site parking spaces.

Mayor Helps opened the opportunity for public comment at 7:07 p.m.

Michael Manhas (Applicant): Provided information regarding the application which is to reduce the parking stalls to create a night-time gathering space.

Mayor Helps closed the opportunity for public comment at 7:09 p.m.

2. Development Variance Permit Approval

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council authorize the issuance of Development Variance Permit Application No.00191 for 1501 Haultain Street, in accordance with:

1. Plans date stamped July 13, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 12 to 5.
3. Install a bike rack onsite to accommodate five bikes under the cantilever roof on the east side of the building, and install four new planter boxes in the parking area on the west side of the building.
4. Recreation vehicles shall not be stored on the subject property.
5. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. Rezoning Application No. 00559 and Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

1. Public Hearing
Rezoning Application No. 00559

To rezone the land known as 1402-1406 Douglas Street from the CA-3C Zone, Old Town District, to the CA-82 Zone, Old Town Cannabis 2 District, to permit a storefront cannabis retailer.

New Zone: CA-82 Zone, Old Town Cannabis 2 District

Legal Description: The easterly 60 feet of Lot 671, Victoria City

Existing Zone: CA-3C Zone, Old Town District

2. Heritage Designation Application No. 000164

Under the provisions of the *Local Government Act*, the City of Victoria intends to designate the exterior of the building located at 1402-1406 Douglas Street, legally described as the easterly 60 feet of Lot 671, Victoria City, as protected heritage property, under Heritage Designation (1402-1406 Douglas Street) Bylaw No. 17-078.

Alison Meyer (Assistant Director of Development Services): Advised that the application is to rezone the property to allow for the retail sale of cannabis, as well as an application to designate the exterior of the building as a heritage protected property.

Mayor Helps opened the public hearing at 7:11 p.m.

Deane Strongitharm (City Spaces Consulting Ltd.): Provided information regarding the application, and provided information on the applicant's other cannabis retail storefront. Also detailed was the proposed designation of the property as a Heritage Property.

Michael Supowitz (Applicant): Provided information regarding their intention for the new retail storefront.

Chris Watson (Best Western Plus): Expressed support for the application due to the co-operation extended by the applicant.

Paul Da Costa (1402 Douglas Street): Expressed support for the application due to the quality of the applicant as a tenant and the benefit the business will bring to the neighbourhood.

Mayor Helps closed the public hearing at 7:25 p.m.

3. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070*
2. *Heritage Designation (1402-1406 Douglas Street) Bylaw No. 17-078*

Council discussed the following:

- *Concerns relating to the opening of a new cannabis retail store.*
- *The support received by the neighbours and landlord.*

Carried

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

4. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1107) No. 17-070*
2. *Heritage Designation (1402-1406 Douglas Street) Bylaw No. 17-078*

Carried

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

Councillor Thornton-Joe withdrew from the meeting at 7:28 p.m. and returned at 7:30 p.m.

Mayor Helps withdrew from the meeting at 7:29 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.

Councillor Alto assumed the Chair in her absence.

Councillor Madoff withdrew from the meeting at 7:29 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

4. **Short-Term Rentals**

1. **Public Hearing**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1112) No. 17-084

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw by amending the definition of "Transient Accommodation" by removing a reference to vacation rentals, creating "Short-Term Rental" as a new use, and by prohibiting Short-Term Rentals except where expressly allowed. This amendment bylaw will affect properties throughout the city where Transient Accommodation is currently permitted.

Lindsay Milburn (Senior Housing Planner): Advised that the consideration is for an amendment to the Zoning Regulation Bylaw, to amend the definition of Transient Accommodation, adding a definition for Short-Term Rental, and prohibiting Short-Term Rentals in the entire City unless where expressly allowed.

Acting Mayor Alto opened the public hearing at 7:32 p.m.

Nancy Pain (runs businesses downtown): Expressed concerns relating to the bylaw amendment, as prohibiting short-term rentals will not fix the housing shortage, and will only benefit hotel operators.

Maeve Galahad (works for an Airbnb company): Expressed concerns relating to the bylaw amendment, as regulating short-term rentals would be more beneficial.

Pierre Roulette (manages short-term rentals): Expressed concerns relating to the bylaw amendment, as there is a shortage of accommodation for tourists, and regulating short-term rentals would be more beneficial.

Mark Atkins (Resident): Expressed support for the bylaw amendment, due to the rental housing shortage and high cost of rentals in the City.

Chris Watson (GM of Best Western Plus): Expressed support for the bylaw amendment due to the rental housing shortage and the inclusion of regulations.

Liza Rogers (Airbnb operator): Expressed concerns relating to the bylaw amendment, as short-term rentals allows for affordable home ownership.

Mary Davies (Fairfield Resident): Expressed concerns relating to the bylaw amendment, as short-term rentals allow for affordable travel, and affordable home ownership.

Paul Nursey (CEO of Tourism Victoria): Expressed support for the bylaw amendment and the regulatory framework, due to the rental housing shortage and high cost of rentals in the City.

Blake McKenzie (Director of Vacation Rentals Company): Expressed concerns relating to the bylaw amendment, as it is too restrictive and, a framework like Seattle, Washington would be a better fit for the City.

Greg Keller (Fairfield Resident): Expressed support for the bylaw amendment, due to the rental housing shortage and as short-term rentals should be regulated.

Eric Ney (Residential Strata Owner): Expressed support for the bylaw amendment, but requested that all short-term rentals be limited to owner-occupied housing.

Mya Worthy (Airbnb operator): Expressed concerns relating to the bylaw amendment, as the option of short-term rentals provides great benefits to landlords and allows for affordable home ownership.

Councillor Loveday withdrew from the meeting at 8:20 p.m. and returned at 8:21 p.m.

Ranie Stoycheva (Airbnb operator): Expressed concerns relating to the bylaw amendment, as short-term rentals allow for affordable travel and brings more tourists to the City.

Jim Warner (Fernwood Resident): Expressed concerns relating to the bylaw amendment, as short-term rentals allow for affordable home ownership.

Selena (Downtown Resident): Expressed concerns relating to the bylaw amendment, as short-term rentals allow for affordable travel.

Victoria Adams (Dallas Road): Expressed support for the bylaw amendment, due to the rental housing shortage and high cost of rentals in the City, but requested that all short-term rentals be banned.

Mandy Leith (Crescent Road): Expressed support for the bylaw amendment, due to the rental housing shortage and high cost of rentals in the City.

Elizabeth Strickland (Airbnb operator): Expressed concerns relating to the bylaw amendment, as short-term rentals allow for affordable home ownership.

John O'Brien (Resident): Expressed concerns relating to the bylaw amendment, as short-term rentals provide benefits to home owners and tourists.

Bryan Chard (Chard Development): Expressed concerns relating to the bylaw amendment, as it may negatively affect development in the City.

Michael Bjornson (Resident): Expressed concerns relating to the bylaw amendment, as collecting tax from regulated short-term rentals would be more beneficial.

Acting Mayor Alto closed the public hearing at 8:52 p.m.

Council recessed from 8:52 p.m. and returned at 8:58 p.m.

Council discussed the following:

- *Clarification on where transient accommodation is currently permitted in the City and how the bylaw amendment will affect where it is permitted.*

2. 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. 1112) No. 17-084*

Council discussed the following:

- *That residents who are currently running short-term rentals will still be allowed to operate as legal non-conforming.*
- *The importance of creating long-term rentals to aid the current housing crisis.*
- *The need for regulation and enforcement of short-term rental operations, along with commercial taxes and business licences.*

Councillor Loveday withdrew from the meeting at 9:31 p.m. and returned at 9:32 p.m.

Carried

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

3. Bylaw Approval

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1112) No. 17-084*

Carried

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

Mayor Helps returned to the meeting at 9:40 p.m. and assumed the Chair.

Councillor Madoff returned to the meeting at 9:40 p.m.

Council recessed from 9:40 p.m. and returned at 9:44 p.m.

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. Joan Russow: Treaty of Prohibition of Nuclear Weapons

Outlined why Council should endorse the motion on the Treaty of Prohibition of Nuclear Weapons.

UNFINISHED BUSINESS

1. Rise and Report from Closed Meeting for Information

There are no Rise & Reports for this meeting.

REPORTS OF COMMITTEES

1. Committee of the Whole – September 14, 2017

1. Councillor Attendance Request for Councillor Loveday

Motion:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council approve costs for accommodation, transportation, and incidentals for Councillor Jeremy Loveday to attend the Union of BC Municipalities Conference 2017 in Vancouver.

Carried Unanimously

2. Proposed Memorandum of Understanding with YMCA-YWCA of Vancouver Island

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council approve the Memorandum of Understanding attached to the report dated September 1, 2017 between the City of Victoria and YMCA-YWCA of Vancouver Island.

Carried Unanimously

3. **Rezoning and Development Permit with Variances Application No. 00544 for 1539 Pearl Street (Oaklands)**

Motion:

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

Rezoning Application No. 00544

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00544 for 1539 Pearl Street, that first and second reading of the *Zoning Regulation Bylaw* Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00544

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00544 if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00544 for 1539 Pearl Moss Street, in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.57m;
 - ii. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.58m;
 - iii. Part 1.23.8(c): reduce the side yard (east) setback of Lot A from 2.40m to 1.50m to allow for a habitable room with a window;
 - iv. Part 1.23.8(c): reduce the side yard (west) setback of Lot B from 2.40m to 1.50m to allow for a habitable room with a window.
3. The Development Permit lapsing two years from the date of this resolution

Carried Unanimously

4. **Rezoning Application No. 00556 and Development Permit with Variances Application No. 00028 for 1417 May Street (Fairfield Gonzales)**

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

Rezoning Application No. 00556

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00556 for 1417 May Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following legal agreements to the satisfaction of the City Solicitor:
 - a. Housing Agreement to ensure a future strata cannot restrict the rental of units;
 - b. A Section 219 Covenant ensuring the building is constructed to Passive House standards, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation of a technical report to the satisfaction of the Director of Engineering and Public Works, identifying how the site will manage all storm water generated on site and, if necessary, preparation of legal agreements for the design, inspection and long term maintenance requirements of the storm water system to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00028

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00556, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00556 for 1417 May Street, in accordance with:

1. Plans date stamped July 12, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the minimum vehicle parking requirements from six stalls to four stalls;
 - ii. reduce the minimum visitor parking from one stall to zero stalls.
3. The Development Permit lapsing two years from the date of this resolution."

Carried

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

5. **Development Permit with Variance Application No. 00003 for 944 Heywood Avenue (Fairfield Gonzales)**

Motion:

It was moved by Councillor Isitt, seconded by Councillor Young, that Council direct staff to work with the applicant to address the following:

1. Revise the cladding and other exterior details of the buildings;
2. Retain the trees on the Pendergast Street frontage of the property.

Carried

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

8. Draft Ship Point Master Plan Design Concept

Motion:

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

1. Proceed with the proposed Ship Point Design Concept with the following refinements:
 - a. Replace the urban beach at the north end of the site with a plaza space that complements the adjacent Harbour Air Sea Plane Terminal and explores a combination of soft and hard landscaped elements which may include other amenities such as seating, a playful water feature and commercial kiosk space.
 - b. Incorporate design elements and features to better activate the southern portion of the site year round and create a more inviting gateway and connection for people entering the site from the Lower Causeway.
2. Proceed with the detailed design and development of the draft Ship Point master plan including Class 'C' costing and an implementation strategy.
3. Report back to Council with the draft Ship Point master plan, the related implementation strategy and a summary of public and stakeholder input by January 2018.
4. Present the proposed Ship Point Concept to the Downtown Residents Association and their members for input.
5. Consideration of adding a small urban dog park to accommodate the downtown residents.

Carried

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

9. Application for a New Liquor Primary Licence for Interactivity Board Game Café, 721 Yates Street (Downtown)

Motion:

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Interactivity Board Game Café, located at 721 Yates Street to obtain a new Liquor Primary License permitting service from 11:00 am until 11:00 pm 7 days a week with an occupant load of 65 persons. Providing the following comments on the prescribed considerations:
 - a. The impact of noise on the community in the vicinity of the establishment has been considered and is not expected to be appreciatively different than that generated by the existing operations. It is understood that the total licensed capacity is to be 65 persons and that approval of the Liquor Primary Licence is dependent on existence of the core gaming business.
 - b. If the application is approved, the impact on the community is expected to be negligible given the size, hours, and primary focus of the business.
 - c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application and two expressing concern about the application for a liquor licence.
 - d. Council recommends the issuance of the license as it is expected to increase the economic stability of the business.

Carried Unanimously

10. Application for Lounge Endorsements to Manufacturer's Licences Regarding Manufacture Licenses (300184 & 302296), Phillips Brewery, 2000 (2010) Government Street (Downtown)

Motion:

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Phillips Brewery, located at 2000 Government Street, to have a lounge endorsement added to each of the two manufacturing licenses, having hours of operation from 11:00 am to 11:00 pm daily and an occupant load of 134 persons. Providing the following comments on the prescribed considerations:
 - a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and there is limited reason to expect noise will be an issue resulting from approval.
 - b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the request and long term objectives of the business.

- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received one letter in support of the application.
- d. Council recommends the license endorsements be approved.

Carried Unanimously

11. Orange Shirt Day

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe:

1. For the balance of 2017, that up to \$5,000 be set aside from the \$50,000 allocated to Reconciliation specifically for endeavours outside the Program.
2. To fund up to \$4,500 for Victoria's First Annual Orange Shirt Day for the expenses laid out in the attached budget.

Carried Unanimously

12. Councillor Sharing – Royal Oak Burial Park Annual Report

Motion:

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

Carried Unanimously

2. Committee of the Whole – September 21, 2017

1. Development Permit with Variance Application No. 00046, No. 00047 and No. 00048 for 1032, 1038, and 1044 Harling Lane (Fairfield)

Motion:

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

1032 Harling Lane

"That Council authorize the issuance of Development Permit with Variances Application No. 00046 for 1032 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 18m to 17.30m for an outdoor feature (arbour)
 - ii. reduce the separation distance from 2.4m to 1.58m for the arbour from the dwelling.
3. The Development Permit lapsing two years from the date of this resolution."

1038 Harling Lane

"That Council authorize the issuance of Development Permit Application with Variances No. 00047 for 1038 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 18m to 17.20m for an outdoor feature
 - ii. reduce the separation distance from 2.4m to 1.72m for the arbour from the dwelling.
3. The Development Permit lapsing two years from the date of this resolution."

1044 Harling Lane

"That Council authorize the issuance of Development Permit Application with Variances. No. 00048 for 1044 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 18m to 17.27m
 - ii. reduce the separation distance from 2.4m to 1.68m for the arbour from the dwelling.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. UBCM Attendance Requests

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday:

That Council approve costs for accommodation, transportation, and incidentals for Mayor Helps to attend the Union of BC Municipalities Conference 2017 in Vancouver.

That Council approve costs for accommodation, transportation, and incidentals for Councillor Marianne Alto to attend the Union of BC Municipalities Conference 2017 in Vancouver.

That Council approve costs for accommodation, transportation, and incidentals for Councillor Chris Coleman to attend the Union of BC Municipalities Conference 2017 in Vancouver.

That Council approve costs for accommodation, transportation, and incidentals for Councillor Ben Isitt to attend the Union of BC Municipalities Conference 2017 in Vancouver.

That Council approve costs for accommodation, transportation, and incidentals for Councillor Geoff Young to attend the Union of BC Municipalities Conference 2017 in Vancouver.

Carried Unanimously

3. Rezoning Application No. 00589 for 229 Government Street (James Bay)

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council refer Application No. 00589 for the property located at 229 Government Street back to staff to work with the applicant to achieve, at a minimum, the following principles:

- ensure the height is no more than 1.5 storeys;
- reorient the front door to the front of the property;
- attention to the overall height and overlook;
- remove the deck entrance; and
- re-site the building slightly.

Carried

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

4. Development Permit with Variance Application No. 00006 for 584 John Street (Burnside-Gorge)

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, 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 Application No. 00006. for 584 John Street, in accordance with:

1. Plans date stamped September 16, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce parking requirement from one stall per 93m² of warehouse/wholesale use to one stall per 190.m²; and
 - ii. reduce loading space requirement from one space to nil.
3. Provision of a legal agreement securing the provision of bus passes, bicycle parking and other Transportation Demand Management measures as offered by the applicant to the satisfaction of the City Solicitor.
4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

5. Fairfield Neighbourhood Plan - Emerging Directions

Motion:

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

1. That Council:
 1. Approve, in-principle, the emerging directions as a basis for preparing the draft Fairfield Neighbourhood Plan, which directs:
 - a. some growth in and around Cook Street Village (buildings up to four storeys in height) and some growth directed to the northwest part of Fairfield (buildings from six to 10 storeys in height)
 - b. for staff to clarify which areas west of Cook Street are appropriate for apartments up to 4 storeys and which stock is appropriate for housing diversity.
 - c. Examine opportunities for pre-zoning and/or differential density entitlements for different housing types (strata ownership, purpose built market rental, purpose built market rental with non-market units, entire non-market building) in the northwest corner
2. Heritage Conservation Areas:

That Council direct staff to identify all four areas for future consideration.

Carried

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

6. Development Variance Permit Application No. 00184 for 1265 Vista Heights (Hillside-Quadra)

Motion:

It was moved by Councillor Coleman, 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 Variance Permit Application No. 00184 for 1265 Vista Heights, in accordance with:

1. Plans date stamped August 23, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. relaxation to permit a roof deck
 - ii. reduce the front yard setback from 7.50m to 5.00m
 - iii. increase the maximum parking stall area grade from 8% to 10.50%.
3. Registration of a Section 219 Covenant on title to ensure the roof deck is used solely for the purposes pertaining to sustainable environmental initiatives, including but not limited to, solar panels and green roofs.
4. The Development Permit lapsing two years from the date of this resolution."

Carried

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

7. Site Options for the Lebanese Emigrant Statue

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council:

1. Approve Centennial Park for installation of the Lebanese Emigrant statue, a gift from the World Lebanese Cultural Union.
2. Direct staff to create a Service Agreement with the WLCU-BC to ensure all funding associated with installation, as well as a donation of 10% of the assessed value of the statue for the ongoing maintenance will be provided by the WLCU-BC.

Carried

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

8. Official Community Plan Amendments to Align with Gonzales Neighbourhood Plan

Motion:

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

1. Consider consultation under Section 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation with those affected by the proposed amendments to the Official Community Plan through online consultation, a public open house, and a meeting with owners of property within proposed heritage conservation areas, concurrent with public review of the proposed Gonzales Neighbourhood Plan.
2. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff:
 - a. to refer the proposed Official Community Plan amendments to the Songhees Nation, the Esquimalt Nation, the School District Board, the Council of Oak Bay, Island Health Board of Directors; and
 - b. that no referrals are necessary to the Capital Regional District Board, or the provincial or federal governments.
3. Direct staff to prepare Official Community Plan amendment bylaws following consultation to adjust urban place designations, adjust development permit area boundaries and guidelines, and create a new heritage conservation area in accordance with feedback received on the proposed Official Community Plan amendments.
4. Direct staff to create Development Permit Area Guidelines for the Small Urban Villages at Fairfield Road, Wildwood Avenue and Lilian Street.
5. Direct staff to develop appropriate tools to make secondary suites permissible in the neighbourhood.
6. Refer the proposed Gonzales Neighbourhood Plan to the meeting of Council at which the above Official Community Plan amendments Public Hearing is held, for consideration of final approval.
7. Following approval of the proposed Gonzales Neighbourhood Plan, rescind the Gonzales Neighbourhood Community Plan (2002).

Carried

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

9. 2018 - 2019 Permissive Property Tax Exemptions

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday:

1. That Council:
 1. Approve applications for permissive property tax exemption detailed in Table 2 for the 2018 - 2019 tax years, from the following applicants:
 - Victoria Social Innovation Centre
 - Victoria Truth Centre
 - Winners Chapel International
 2. Direct staff to prepare a 2018 - 2019 permissive property tax exemption bylaw for Council's consideration.
2. That Council:
 1. Approve applications for permissive property tax exemption detailed in Table 2 for the 2018 - 2019 tax years, from the following applicants:
 - Victoria Cool Aid Society, Application 1
 - Victoria Cool Aid Society, Application 2

Carried

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

10. Climate Change Leadership Plan Update

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council accept this Climate Action Program Update report for information.

Carried Unanimously

Mayor Helps withdrew from the meeting at 10:04 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator.

Councillor Alto assumed the Chair in her absence.

Councillor Madoff withdrew from the meeting at 10:04 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

11. Short Term Rental Business Regulations and Enforcement Strategy

Motion:

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

1. Approve the proposed short term rental regulatory framework, as described in this report, which allows short-term rentals in principal residences, subject to a business licence and compliance with operating requirements;
2. Direct staff to engage stakeholders on the proposed business regulations, and report back to Council in Q 4 of 2017 with the bylaws required to enact these regulations; and,
3. Direct staff to report back to Council in Q 1 of 2018 with an implementation plan, including schedule, resourcing proposal, and impacts to the financial plan.

Carried Unanimously

12. Short Term Vacation Rentals

Motion:

It was moved by Councillor Young, seconded by Councillor Coleman, that Victoria Council request the Provincial government to make changes to legislation and regulations to ensure that:

1. property used substantially for short term vacation rental (stvr) purposes is classified as commercial property for purposes of municipal property taxes; and that
2. the right to legal non-conforming use of residentially zoned units in a strata building is determined on the basis of use of those individual strata lots, not (as at present) on the basis of existing use in other parts of the building.

Carried Unanimously

Mayor Helps returned to the meeting at 10:06 p.m. and assumed the Chair.

Councillor Madoff returned to the meeting at 10:06 p.m.

13. Proposed Amendments to the Parks Regulation Bylaw

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

1. Ability to temporarily close a park or part of a park;

Carried

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

Motion:

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

2. Prohibition on interference with City workers engaged in clean-up, maintenance or other work in a park;

Carried

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

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Young, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

3. Authority to impound property unlawfully left in a park and waive the fee to return impounded property;

Council discussed the following:

- *The importance of balancing the needs of all users and treating all residents of the City of Victoria with respect.*

Carried

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

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

4. Ability to apply for permits to carry out protests and other expressive activities in a park;

Carried

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

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

5. Consequential and housekeeping amendments;

Amendment:

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

5. **Report back with proposed bylaw amendments for** consequential and housekeeping amendments

On the amendment:
Carried

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

Main motion as amended:

That Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

5. Report back with proposed bylaw amendments for consequential and housekeeping amendments;

On the main motion as amended:
Carried

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

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

6. To develop an effective lobbying approach to the province on the issue of tenting in parks and housing and homelessness;

Carried Unanimously

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

7. Thank TAPS for their letter and ask them, in their experience to offer some solutions on the issues that the park bylaw amendments attempt to address prolonged use and occupation in the absence of sufficient housing;

Carried

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

Motion:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

8. Direct staff to report back in a year to see if other amendments need to be considered;

Carried Unanimously

Motion:

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council direct staff to bring forward to the September 21 Council meeting amendments to the Parks Regulation Bylaw including the following new provision:

9. Direct police and bylaw to report publicly at the next quarterly update on the implementation of the new direction.

Council discussed the following:

- The need for public feedback as well.

Carried Unanimously

Councillor Thornton-Joe withdrew from the meeting at 10:22 p.m. due to a pecuniary conflict of interest with the following item, as her husband is employed with BC Transit.

14. Request for Staff Report on Transit as Part of Sustainable Mobility Strategy

Motion:

It was moved by Councillor Alto, seconded by Mayor Helps, that Council direct staff to work with BC Transit staff and to report back on Transit best practices and what is needed from the City's perspective to implement the Transit Futures Plan and drive transformational change in the region with regard to public transit.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 10:23 p.m.

15. UBCM Emergency Resolution: Protecting Local Waterways and Wild Fish Species

Motion:

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

THAT Council endorse the following resolution for consideration as an emergency resolution at the 2017 annual convention of the Union of BC Municipalities, and directs staff to forward this resolution to member local governments and to the UBCM requesting favourable consideration:

Resolution: Protecting Local Waterways and Wild Fish Species

WHEREAS British Columbia's coastal communities rely on healthy waterways and healthy marine ecosystems including fisheries for economic, social and ecological wellbeing;

AND WHEREAS the proliferation of open-net fish farms with non-native fish species threatens local waterways and wild fish species, undermining the economic, social and ecological wellbeing of local communities;

AND WHEREAS many open-net fish farms have been established in indigenous territories in the absence of adequate consultation with indigenous governments, undermining the shared objective of reconciliation and respectful relations between indigenous and non-indigenous governments;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia decline any further permits for open-net aquaculture and phase out existing open-net operations, transitioning the industry to closed-containment aquaculture with a just transition for affected workers and adequate consultation with indigenous governments.

Carried

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

16. Endorsing the Treaty on the Prohibition of Nuclear Weapons

Motion:

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

THAT Council endorse the following resolution and directs staff to forward this resolution to the Government of Canada, Members of Parliament representing electoral areas on Vancouver Island, and local governments in British Columbia, requesting favourable consideration and resolutions of support:

Resolution: Endorsing the Treaty on the Prohibition of Nuclear Weapons

WHEREAS the City of Victoria is a signatory to the Mayors For Peace initiative and the Earth Charter;

AND WHEREAS the City of Victoria has consistently supported citizens' initiatives for a more peaceful world grounded in the principles of non-violence and the peaceful resolution of conflict within communities and internationally;

AND WHEREAS the United Nations General Assembly has adopted the Treaty on the Prohibition of Nuclear Weapons and encouraged member nations to sign;

AND WHEREAS the Government of Canada is not yet a signatory to the Treaty on the Prohibition of Nuclear Weapons;

THEREFORE BE IT RESOLVED THAT the City of Victoria places itself on record as endorsing the Treaty on the Prohibition of Nuclear Weapons and calls on the Government of Canada to sign and ratify the treaty.

Carried Unanimously

BYLAWS

1. Bylaw for Rezoning Application No. 00564 for 2695 Capital Heights

Motion:

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

a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1116) No. 17-095*

Carried Unanimously

Councillor Coleman withdrew from the meeting at 10:25 p.m. due to a pecuniary conflict of interest with the following item, as his wife works for the Anglican Synod of the Diocese of B.C.

2. **Bylaws for Rezoning Application No. 00588 and Heritage Designation Application No. 000167 for 1002 Vancouver Street**

Motion:

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

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1114) No. 17-092*
- b. *Heritage Designation (1002 Vancouver Street) Bylaw No. 17-088*

Carried Unanimously

Motion:

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

- c. *Housing Agreement (1002 Vancouver Street) Bylaw (2017) No. 17-093*

Carried Unanimously

Councillor Coleman returned to the meeting at 10:28 p.m.

3. **Bylaw for 848 and 852-856 Yates Street and 845 and 849 Johnson Street**

A report dated September 14, 2017 from the Director of Sustainable Planning and Community Development advising that the Housing Agreement has been updated in response to the conditions set out by Council and in response to the requirements for BC Housing.

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council rescind third reading of Housing Agreement (848 Yates) Bylaw (2017) No. 17-091.

Carried Unanimously

Motion:

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

- a. *Housing Agreement (848 Yates) Bylaw (2017) No. 17-091*

Carried Unanimously

CORRESPONDENCE

1. **Letter from the City of Abbotsford**

Council received a letter dated September 5, 2017 requesting the City of Victoria's support for a resolution at the 2017 UBCM Convention, titled "The Case for Prevention of the Opioid Crisis".

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the correspondence dated September 5, 2017 from the City of Abbotsford be received for information.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

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

Time: 10:30 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR