



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, JULY 13, 2017, AT 6:30 P.M.

PLACE OF MEETING:

Council Chambers, City Hall

PRESENT:

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

STAFF PRESENT:

J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; T. Soulliere – Director of Parks, Recreation, & Facilities; C. Havelka – Deputy City Clerk; C. Mycroft – Manager of Executive Operations; M. Angrove – Planner; M. Harris – Strategic Planning and Communications Advisor; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The Deputy City Clerk outlined amendments to the agenda.

Motion:

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

Carried Unanimously

READING OF MINUTES

Motion:

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

1. Minutes from the daytime meeting held June 8, 2017
2. Minutes from the daytime meeting held June 15, 2017
3. Minutes from the daytime meeting held June 22, 2017

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. Ryan Moen: Workforce Housing

Outlined why Council should build apartment housing on city assets to accommodate the working citizens.

Mayor Helps withdrew from the meeting at 6:41 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 Lucas withdrew from the meeting at 6:41 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 6:41 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

2. Debra Sheets: Short-Term Vacation Rentals

Outlined why Council should not amend the Short-Term Vacation Rental regulations.

Mayor Helps returned to the meeting at 6:46 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 6:46 p.m.

Councillor Madoff returned to the meeting at 6:46 p.m.

Councillor Coleman withdrew from the meeting at 6:46 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.

3. **France Cormier: My Neighbourhood – Part 2**
Outlined why Council should reject the rezoning application at 1002 Vancouver Street, Mount Edwards Court.
4. **Christopher Schmidt: Mount Edwards – New Civic Engagement Strategy**
Outlined why Council should reject the rezoning application at 1002 Vancouver Street, Mount Edwards Court.

Councillor Coleman returned to the meeting at 6:57 p.m.

PUBLIC AND STATUTORY HEARINGS

Councillor Young withdrew from the meeting at 6:58 p.m. due to a pecuniary conflict of interest with the following item, as the applicant is a client of his consulting firm.

1. Development Permit with Variances Application No. 00038 for 376 Harbour Road

1. Hearing

Development Permit with Variances Application No. 00038

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 376 Harbour Road, in Development Permit Area 13, Core Songhees, for purposes of constructing a four-storey commercial building.

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

- Schedule C - Reduce the required number of parking stalls from 23 to 20.

Legal description of the land:

Lot 3, District Lot 119, Esquimalt District, Plan VIP84612

Michael Angrove (Planner): *Advised that the development permit with variances application is to construct a four storey commercial building consisting of retail and office uses, with a parking variance to reduce the number of parking stalls from 23 to 20.*

Mayor Helps opened the public hearing at 6:59 p.m.

Rajinder Sahota (Applicant): *Provided information regarding the application, which will be built to a LEED Gold standard, and provide end-of-trip bicycle facilities for the Galloping Goose Trail.*

Mayor Helps closed the public hearing at 7:02 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 Permit Application No. 00038 for 376 Harbour Road, in accordance with:

1. Plans date stamped April 5, 2017;
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the required number of parking spaces from twenty three to twenty.
3. The Development Permit lapsing two years from the date of this resolution;
4. Amend the MDA by deleting section 11.1 (a) the words "NC version 1.0 Platinum" and substituting words "Building Design and Construction (Version 4) Gold", to allow the proposed commercial building to be constructed to LEED Gold (Version 4) standards;
5. Registration of reciprocal access easements on title to the satisfaction of the City Solicitor;
6. That Council authorizes the Mayor and City Clerk to execute an encroachment agreement, in a form satisfactory to the City Clerk, for building encroachment(s) adjacent to 376 Harbour Road;
7. Seven Class 1 (secure and enclosed) and seven Class 2 (outside) bicycle parking spaces are provided to the satisfaction of the Director of Sustainability, and end-of-trip bicycle facilities, including showers, lockers and change rooms provided in the building in accordance with the Plans date stamped April 5, 2017.

Carried Unanimously

Councillor Young returned to the meeting at 7:03 p.m.

2. **Rezoning and Development Permit Application No. 00553 for 1757 Newton Street**

1. **Public Hearing**

Rezoning Application No. 00553

To rezone the land known as 1757 Newton Street from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit a duplex dwelling.

New Zone: R-2 Zone, Two Family Dwelling District

Legal description: Parcel B (DD 44922I) of Lot 16, Section 25, Victoria District, Plan 332

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

2. **Development Permit Application No. 00553**

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1757 Newton Street, in Development Permit Area 15D: Intensive Residential - Duplex for the purposes of approving the exterior design and finishes for a duplex as well as landscaping.

Michael Angrove (Planner): *Advised that the rezoning application is to allow for the construction of a duplex.*

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

Dan Hagel (Applicant): Provided information regarding the application, advising of the design aspects and a shadow study.

Mayor Helps closed the public hearing at 7:09 p.m.

3. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1103) No. 17-051*

Carried Unanimously

4. **Bylaw Approval**

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1103) No. 17-051*

Carried Unanimously

5. **Development Permit with Variances Approval**

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council authorize the issuance of a Development Permit for 1757 Newton Street, in accordance with:

1. Permit date stamped April 21, 2017.
2. Development meeting all Zoning Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

3. **Rezoning Application No. 00537 for 1010 Cook Street**

1. **Public Hearing**

Rezoning Application No. 00537

To rezone the land known as 1010 Cook Street from the C-1 Zone, Limited Commercial District, to the C1-C2 Zone, Limited Commercial (Small Cannabis) District, to permit a storefront cannabis retailer.

New Zone: C1-C2 Zone, Limited Commercial (Small Cannabis) District

Legal description: Lot A, of Lots 1567 and 1568, Victoria City, Plan 6933

Existing Zone: C-1 Zone, Limited Commercial District

Michael Angrove (Planner): *Advised that the application is to rezone the property to allow for the retail sale of cannabis.*

Mayor Helps opened the public hearing at 7:10 p.m.

Herb Collins (Applicant): Provided information regarding the application, which is to provide medical cannabis and provided the history of the retailer.

Council discussed the following:

- *The support that has been received by the neighbouring businesses.*
- *The layout and use of various rooms in the building.*

Donna Longley (Slater Street): Expressed concerns relating to the application due to its proximity to the Christ Church Cathedral School.

Eric Kong (Rockland Avenue): Expressed concerns relating to the application due to the smell of cannabis in the neighbourhood.

Gary Kirk (Linden Avenue): Expressed concerns relating to the application due to the number of cannabis storefronts in Victoria and the smell of cannabis in the neighbourhood.

Jeff Platson (Craigflower Road): Expressed support for the application as the business is providing medical cannabis to patients at fair cost.

John Wood (Ridgewood Place): Expressed support for the application due to the quality of the business.

David Wale (Burdett Avenue): Expressed concerns relating to the application due to the number of cannabis storefronts in Victoria.

Oliver Merch (Burdett Avenue): Expressed support for the application due to the quality of the business.

France Cormier (Collinson Street): Expressed concerns relating to the application due to its proximity to the Christ Church Cathedral School

Council discussed the following:

- *That the Christ Church Cathedral School is over 200 meters away from the application, which is allowed within the policy.*
- *The proximity of the application to other upcoming cannabis rezoning applications.*
- *The status of when the Capital Regional District will begin regulating cannabis smoke.*
- *How the City is proceeding with rezoning applications and regulating cannabis retail stores.*

Mayor Helps closed the public hearing at 7:46 p.m.

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. 1091) No. 17-029

Council discussed the following:

- *Whether the regulated sale of cannabis is beneficial to the community.*
- *The number of cannabis retail stores that are currently operating in the city, and the number of applications that have been approved.*
- *The lack of opposition by the immediate business neighbours.*
- *That the application is in support of the City's policies and regulations.*
- *That through the regulation of cannabis retail stores, the City is working on limiting the number of operating retailers.*
- *The importance of allowing safe access to medical cannabis.*

Carried

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

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. 1091) No. 17-029

Carried

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

Council recessed from 8:05 p.m. till 8:11 p.m.

4. **Rezoning Application No. 00566 for 778 Fort Street**

1. **Public Hearing**

Rezoning Application No. 00566

Commercial Office District, to the CA-80 Zone, Central Area (Cannabis) District to permit a storefront cannabis retailer.

New Zone: CA-80 Zone, Central Area (Cannabis) District

Legal description: The Westerly 1/2 of lot 28, Victoria City except the Southerly 8 feet thereof taken for road purposes

Existing Zone: CA-4 Zone, Central Area Commercial Office District

Mike Angrove (Planner): Advised that the application is to rezone the property to allow for the retail sale of cannabis.

Mayor Helps opened the public hearing at 8:12 p.m.

Brandon Arsens (Applicant): Provided information regarding the application and the appropriateness of the cannabis retail store in the neighbourhood.

Councillor Loveday withdrew from the meeting at 8:18 p.m.

Manuel Miles (Oak Bay Avenue): Expressed support for the application due to the quality of the retailer and its positive fit within the neighbourhood businesses.

Deb Schindele (Rockland Avenue): Expressed concerns relating to the application due the effect of cannabis on people under the age of 25.

Council discussed the following:

- That cannabis retail stores are only allowed to continue operating if they are in the process of a rezoning application, until the application is approved or declined by Council.
- That the retail store has a code of conduct that is required by their members which requires they do not consume within the neighbourhood or their memberships are revoked.
- The distance between the retail store and schools and other approved cannabis retail stores.

Mayor Helps closed the public hearing at 8:29 p.m.

2. **Bylaw Approval**

Motion:

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

1.Zoning Regulation Bylaw, Amendment Bylaw (No. 1097) No. 17-044

Council discussed the following:

- The high number of neighbouring businesses that are in support of the application.
- That the retail store helps create vibrancy in the neighbourhood.
- Concerns relating to future inflation of the economy due to limited and highly valued approved land use areas.

Carried

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

3. **Bylaw Approval**

Motion:

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

1.Zoning Regulation Bylaw, Amendment Bylaw (No. 1097) No. 17-044

Carried

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

5. **Burnside Gorge Neighbourhood Plan**

1. **Public Hearing**

Official Community Plan Bylaw, Amendment Bylaw (No. 19) No. 17-071

The purpose of this Bylaw is to amend the Official Community Plan to make changes to Urban Place Designations in order to implement the future land use directions identified in the proposed Burnside Gorge Neighbourhood Plan. These directions include:

- Supporting the creation of new housing, by expanding areas designated for Urban Residential;
- Supporting the creation of walkable urban villages by expanding or adding Urban Village designations;
- Supporting retention of light industrial areas and adding opportunities for the mixing of light industrial uses with commercial uses, by replacing the existing Industrial designation with a new Industrial Employment designation, and by also changing some General Employment areas to this new designation;
- In some transitional areas, supporting a mix of employment or light industrial uses with residential uses;
- Refining uses and building heights within the Core Employment area.

2. **Official Community Plan Bylaw, Amendment Bylaw (No. 20) No. 17-072**

The purpose of this Bylaw is to amend the Official Community Plan to make changes to Development Permit Area Boundaries and Designations in order to implement the Urban Design directions for various areas as identified in the Burnside Gorge Neighbourhood Plan, by:

- including in Development Permit Areas, all areas in Burnside Neighbourhood proposed for urban residential, urban village or town centre urban place designations as well as employment designations along transportation corridors;
- application of the City's Guidelines for: Multi-Unit Residential, Commercial and Industrial to these areas;
- the additional application of the proposed Revitalization Guidelines for Corridors, Villages and Town Centres.

Marc Cittone (Senior Planner): *Provided information regarding the proposed Burnside Gorge Neighbourhood Plan, and advised that in order to implement the new plan, two amendments to the Official Community Plan bylaws are required.*

Mayor Helps opened the public hearing at 8:43 p.m.

Jim Keefe (Co-Chair of Gorge View Society): Expressed concerns relating to the plan, due to a policy that may affect the privacy of their residents, and may affect their future plan to build affordable townhouses for the workforce.

Council discussed the following:

- *The City's intention of the policy, which is solely to provide a guideline for this neighbourhood.*

Lynn McColl (Harriet Road): Expressed support for the direction of the plan, but noted concerns relating to the consultation process and that the plan would allow four-storey buildings along Gorge Road, which would affect their property's views and sunlight.

Dean Strongitharm (Speaking on behalf of owners on Bay Street): Expressed support for the direction of the plan, but requested that Council still consider applications in the Burnside Gorge Neighbourhood that have heights over the recommendations in the plan.

Darcy Houston (Gorge Road East): Expressed concerns relating to the plan, as it would re-class the zoning of their neighbourhood, which may negatively affect the future use of their property.

Dennis Mack (Government Street): Expressed concerns relating to the plan, as having a mixed-use of residential and commercial in the industrial employment area would be beneficial for workers in the neighbourhood.

Council discussed the following:

- *How owners and residents in the Burnside Gorge neighbourhood were consulted.*
- *That the guidelines allow for an increase in urban-residential buildings, while providing a sensitivity to the existing homes.*
- *That the plan does not provide any entitlements for future applications, and concerns noted could be mitigated through future land use application processes.*

Mayor Helps closed the public hearing at 9:18 p.m.

3. **Bylaw Approval**

Motion:

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

1. *Official Community Plan Bylaw, Amendment Bylaw (No. 19) No. 17-071*
2. *Official Community Plan Bylaw, Amendment Bylaw (No. 20) No. 17-072*

Council discussed the following:

- *That the plan will help to improve the neighbourhood through quality of life infrastructure.*
- *That the plan will assist in creating a balance between the industrial, commercial, and residential land uses.*
- *Balancing the need between sensitivity to current residents and the need for densification in this neighbourhood.*

Recess from 9:47 p.m. till 9:53 p.m.

Amendment:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that staff make amendments to maintain the existing OCP designations on Gorge Road between Irma Street and Harriet Road.

On the amendment:
Carried Unanimously

Main motion as amended:

That the following bylaw **be given third reading**, as amended:

1. *Official Community Plan Bylaw, Amendment Bylaw (No. 19) No. 17-071*
2. *Official Community Plan Bylaw, Amendment Bylaw (No. 20) No. 17-072*

On the main motion as amended:
Carried Unanimously

4. **Bylaw Approval**

Motion:

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

1. *Official Community Plan Bylaw, Amendment Bylaw (No. 19) No. 17-071*
2. *Official Community Plan Bylaw, Amendment Bylaw (No. 20) No. 17-072*

Carried Unanimously

5. **Burnside Gorge Neighbourhood Plan Approval**

Motion:

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

1. That Council approve the Burnside Gorge Neighbourhood Plan, 2017; and
2. That Council, following approval of the Burnside Gorge Neighbourhood Plan, 2017, rescind the *Burnside Neighbourhood Plan, 1992 (revised August 30, 2012).*

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

Councillor Coleman withdrew from the meeting at 10:03 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.

1. **Donna Longley: Mount Edwards Court Rezoning Application - Object to the Number of Residents Proposed**

Outlined why Council should reject the rezoning application at 1002 Vancouver Street, Mount Edwards Court.

2. **Stuart Hall: Policy to Provide Guidance for the Placement of Supported Housing Facilities**

Outlined why Council should work with the Provincial Government to establish a policy relating to the appropriate size and placement of support housing facilities.

Councillor Coleman returned to the meeting at 10:14 p.m.

Mayor Helps withdrew from the meeting at 10:14 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 Lucas withdrew from the meeting at 10:14 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 10:14 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

3. John O'Brien: Short Term Rentals

Outlined why Council should adopt a licensing regime which would allow for citizens to operate short term rentals to assist in affordable home ownership.

Mayor Helps returned to the meeting at 10:19 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 10:19 p.m.

Councillor Madoff returned to the meeting at 10:19 p.m.

4. Lorne DeLarge: Royal and McPherson Theatres Society / City of Victoria Partners Project Phase Two

Outlined why Council should support the Phase Two project.

UNFINISHED BUSINESS

1. Letter from Island Health

Council received a letter reply dated June 28, 2017 regarding funding for Victoria Police Department officers assigned to the Assertive Community Treatment Teams (ACT).

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated June 28, 2017, from Island Health be received for information.

Carried Unanimously

2. Rise and Report from Closed Meeting for Information

1. From the June 22, 2017 Closed Council Meeting

That Council:

1. Appoint five candidates to the Arts in Public Places Committee (APPC) each for an 18-month term from July 1, 2017 to December 31, 2018:
 - a. Scott Amos
 - b. Randi Cook
 - c. Doug Jarvis
 - d. Wendy Welch
 - e. India Young
2. Rise and report on these appointments once applicants have been notified.

2. From the June 22, 2017 Closed Council Meeting

That Council:

1. Appoint ten candidates to the Heritage Advisory Panel (HAP) each for an 18-month term from July 1, 2017 to December 31, 2018:
 - a. Keri Briggs
 - b. Douglas Campbell
 - c. Richard Goodacre
 - d. Ken Johnson
 - e. Harold Kalman
 - f. Shari Khadem
 - g. Richard Linzey
 - h. John O'Reilly
 - i. Theo Riecken
 - j. Stuart Stark
2. Rise and report on these appointments once applicants have been notified.

3. From the July 6, 2017 Closed Council Meeting

1. That Council revoke the existing "Clean Hands Policy for Planning Approvals"; and
2. That Council authorize a rise and report on its decision to revoke the policy at the July 13, 2017 Council meeting.

REPORTS OF COMMITTEES

1. Committee of the Whole – July 6, 2017

1. Development Permit with Variances Application No. 00023 for 2770 Pleasant Street (Burnside)

Motion:

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

"That Council authorize the issuance of Development Permit with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with:

1. Plans date stamped June 16, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce Class 1 bicycle space requirement from four to zero;
 - ii. relaxation to permit construction over the lot lines for the office trailer structure.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

2. Off-leash Dog Park Pilot Project in Barnard Park

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council approve the following motion:

Therefore Be It Resolved that Council directs staff to report back on impacts and advisability of allowing for dogs off-leash on a trial basis in Barnard Park.

Carried Unanimously

3. Greater Victoria Harbour Authority Annual Presentation

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council receive the presentation for information.

Carried Unanimously

Councillor Thornton-Joe withdrew from the meeting at 10:24 p.m. due to a pecuniary conflict of interest with the following item, as her cousin is the President of the Asian Real Estate Board.

4. Letter from the Capital Regional District regarding the Foreign Purchaser Property Transfer Tax

Motion:

It was moved by Councillor Coleman, seconded by Councillor Young, that Council receive this letter for information.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 10:25 p.m.

5. Request to remove off-site parking easement and covenant at 324/328 Cook Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council authorize the Mayor and City Clerk to execute a legal instrument, in the form satisfactory to the City Solicitor, to discharge off-site parking easement number EX143925 (as modified by FA103662) and covenant number EX143926 (as modified by FA103663) from the property located at 324/328 Cook Street.

Carried Unanimously

6. Request to discharge and replace existing Statutory Right of Way, 755 Caledonia Street (Hudson Walk)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council authorize the Mayor and City Clerk to execute legal instruments, in a form satisfactory to the City Solicitor, to discharge Statutory Right of Way numbers CA4143281 and CA4143284 and register a replacement Statutory Right of Way on the property with the civic address of 755 Caledonia Street.

Carried Unanimously

7. a. Appointment of a Representative to the 2016 Regional Growth Strategy Dispute Resolution Process

Motion:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that *Council nominate Councillor Loveday to the 2016 Regional Growth Strategy Dispute Resolution Process.*

Carried Unanimously

7. b. City of Victoria Policy in Regional Growth Strategy Mediation

Motion:

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council adopt the following position in the Regional Growth Strategy mediation process in support of the positions of Central Saanich, Highlands, North Saanich, Saanich and View Royal with respect to encouraging compact and complete communities, discouraging urban sprawl and retaining effective growth management tools:

1. Endorsing concerns expressed by the District of Central Saanich that policies 2.2 (1) and (2) need to be strengthened to avoid development and sprawl on rural lands in Electoral Areas which would be contrary to the objectives of the Regional Growth Strategy to support complete and compact communities, but Council is supportive of water servicing from localized community water sources.
2. Endorsing the position of the District of Highlands that the 2003 Regional Growth Strategy is a stronger tool to support managed growth for the benefit of the entire region, and that incremental sprawl affects biodiversity, increases greenhouse gases and fundamentally negates the values of a Regional Growth Strategy.
3. Endorsing the objection from the District of North Saanich to provisions 1.1 (Keep Urban Settlement Compact) and 1.2 (Protect the Integrity of Rural Communities) for the following reasons:
 - a. There are not sufficient integrated objectives and targets with respect to reduced development pressures contained in the RGS which would strengthen the protection of rural communities;
 - b. There are not clear population projections broken by municipality to provide sufficient certainty
 - c. There is not sufficient strength in aspirational targets such as the food systems target to ensure objectives are met, particularly containing development and meeting crop production goals;
 - d. Food systems targets are not linked to food security and climate change targets;
 - e. Meeting climate action targets are not linked specifically to rural communities, which have a high percentage of transportation by cars and a large agricultural land base, limiting their ability to meet climate change targets. The RGS does not fully integrate climate action considerations into all aspects of regional growth management;
 - f. The RGS ought to specifically demonstrate how land use designations in Regional Context Statements correspond to the RGS to limit growth; and
 - g. That urban containment boundaries are a more certain and effective approach to protecting rural communities than emphasizing urban growth areas.
4. Endorsing the objection of the District of North Saanich to provision 6.1 (Foster a Resilient Food and Agriculture System) for the following reason: the target of 5,000 ha is aspirational and not linked to population projections or food security.
5. Endorsing the position of the District of Saanich that in comparison to the existing 2003 Regional Growth Strategy, it would appear that the proposed 2016 Regional Growth Strategy reduces the emphasis on a regional and focused approach to sustainable growth management, and that the 2016 RGS can be strengthened through the following actions:
 - a. Including a strong regional growth management hierarchy, which indicates the location of Centres where growth should be focused and investments in infrastructure and transportation facilities should be prioritized;
 - b. Applying stronger criteria to limit future water extensions outside the Growth Area boundary to prevent significant additional development in outlying Rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary; and
 - c. Develop a robust monitoring and adaptation program to assess progress towards Regional Growth Strategy targets and objectives. In particular, the targets to accommodate 95% of new dwelling units within the Growth Policy Area and to reduce greenhouse gas emissions by 61% below 2007 levels will need to be evaluated on a regular basis.
6. Endorsing the objection of the Town of View Royal to provisions 2.2.2 and 2.2.4 for the following reasons:
 - a. That additional development on rural and resource lands is at the expense of development of lands within the Urban Containment Boundary;

- b. That additional development on rural and resource lands will contribute to further transportation challenges in the region, and does not allow for efficient public transportation, increases greenhouse gas emissions, and does not provide for jobs/housing balance;
- c. That rural development will further contribute to GHG emissions by encouraging a high-carbon built form.

Carried

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

8. Storefront Cannabis Retailer Rezoning Policy

Motion:

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

BE IT RESOLVED THAT Council approve a change to the Storefront Cannabis Retailer Rezoning Policy:

- a. to change the distance from 200m to 400m that a storefront cannabis retailer (in a straight line from the closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active or not (sample map attached).
- b. this Policy does not limit Council from considering variances to the separation distances noted in the Policy based on circumstances related to a specific application.

Amendment:

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

BE IT RESOLVED THAT Council approve a change to the Storefront Cannabis Retailer Rezoning Policy:

- c. to change the distance from 200m to ~~400m~~ 300m that a storefront cannabis retailer (in a straight line from the closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active or not (sample map attached).
- d. this Policy does not limit Council from considering variances to the separation distances noted in the Policy based on circumstances related to a specific application.

Council discussed the following:

- *Whether the increase in distance to 400m will create future economic challenges through inflation of the economy due to limited and highly valued approved land use areas.*
- *That the 400m change was made in reaction to correspondence from the public.*

On the amendment:
Defeated

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

On the main motion:
Carried

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

9. Naming of the James Bay Branch

Motion:

It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that the City request public input as to a suitable name for the James Bay branch of the Greater Victoria Public Library.

Carried Unanimously

10. Advocacy for Provincial and Federal Investment in the E & N Rail Corridor

Motion:

It was moved by Mayor Helps, seconded by Councillor Isitt, that Council postpone consideration of the following motion until the feasibility study from the Province, including input from BC Transit, has been received by Council:

That Council endorse the following resolution and request that the Mayor write, on behalf of Council, to the Provincial and Federal Ministers responsible for Transportation and Infrastructure, forwarding this resolution and requesting favourable consideration, with copies sent to the Premier and Prime Minister, the

Island Corridor Foundation, the Capital Regional District, and local governments and First Nations governments on Vancouver Island:

Resolution: Provincial and Federal Investment in E & N Rail Corridor

WHEREAS the City of Victoria's Strategic Plan 2015-2018 identifies the strategic action to work with other municipalities, First Nations and other partners to get the train running between Victoria and Langford;

AND WHEREAS rail provides a viable long-term option for the transport of people and goods on Vancouver Island that aligns with a commitment to climate action and compact, complete communities;

AND WHEREAS a lack of investment in the Esquimalt & Nanaimo (E & N) Rail Corridor between Victoria, Courtenay and Port Alberni has resulted in unrealized economic opportunities and limited transportation options;

THEREFORE BE IT RESOLVED THAT the City of Victoria requests Provincial and Federal investment in the E & N Rail Corridor in the next Provincial and Federal budgets, to allow for the establishment as soon as possible of efficient commuter rail service between Victoria, the Western Communities and the Cowichan Valley, and restoration of inter-city passenger rail service between Victoria and Courtenay;

AND BE IT FURTHER RESOLVED THAT consideration be given to electrification of the rail line between Victoria and Courtenay, to reduce reliance on fossil fuels and provide a clean energy option for the transport of people and goods on Vancouver Island.

Carried Unanimously

2. Committee of the Whole – July 13, 2016

1. Regulation of Victoria Harbour Water Airport

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council endorse the following resolution and request that the Mayor, on behalf of Council, write to the federal Minister of Transport, copying the Prime Minister, the Vancouver office of Transport Canada - Civil Aviation Division, and the Victoria Harbour Master, requesting favourable consideration:

Resolution: Regulation of Victoria Harbour Water Airport

WHEREAS Residents living in proximity to Victoria Harbour have expressed concern over the current ad-hoc regulation of the Victoria Harbour Water Airport, specifically the operation of the airport by the Government of Canada under interim regulations;

AND WHEREAS The Government of Canada through the Minister of Transport has provided assurances to the City of Victoria and local residents that Canadian Aviation Regulations and Standards will be published in the Canada Gazette, providing an opportunity for public comment prior to adoption of permanent regulations for the Victoria Harbour Water Airport;

AND WHEREAS Transitioning the Victoria Harbour Water Airport from an interim to a permanent regulatory framework is in the best interests of the community, to provide certainty for people residing in proximity to the harbour, as well as passengers, employees and businesses involved in Victoria Harbour Water Airport operations;

THEREFORE BE IT RESOLVED THAT The City of Victoria requests that the Government of Canada move forward with publication of Canadian Aviation Regulations and Standards for the Victoria Harbour Water Airport, to allow for public comment prior to adoption of a permanent regulatory framework for the Victoria Harbour Water Airport, and provide certainty for residents, operators and passengers.

Motion to postpone:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council postpone consideration of this motion until the end of this Committee of the Whole report.

On the motion to postpone:
Carried Unanimously

2. Postponed Motion from March 2, 2017 regarding the Composition of Regional Water Supply Commission

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Young, that Council postpone the following motion indefinitely:

That Council adopt the policy that representation by population be retained at the Capital Regional District Water Supply Commission.

Carried Unanimously

3. Royal and McPherson Theatre Society/City of Victoria Partners Project Phase Two

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council endorse the RMTS/City of Victoria Partners Project Phase Two as outlined in the report of July 13, 2017, and delegate Councillors Alto and Madoff to continue facilitating the Project.

Carried Unanimously

4. BCLC Casino Victoria

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council direct staff to undertake the public engagement required under the Gaming Control Act in the form of a public hearing, to be held at the same time as the public hearing required for a rezoning application under the Local Government Act and Casino Rezoning Guidelines for the proposed gaming facility in Victoria, including specific outreach to both Esquimalt and Songhees First Nations.

That staff inform BCLC that any rezoning would need to include a Community Benefits Agreement including but not limited to provisions for at least 10% of the labour force employed to build the casino and 10% of those hired to operate it come from economically marginalized and/or underemployed groups.

That any neighbourhood association that may be the host of any applications be added to the engagement of local stakeholders.

Carried Unanimously

5. Options for Rental Housing In Strata Property

Motion:

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the motion be referred to Councillor Isitt for further work.

Carried Unanimously

Mayor Helps withdrew from the meeting at 10:39 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 Lucas withdrew from the meeting at 10:39 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 10:39 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

6. Supplementary Material on Short-Term Rental Regulatory Framework

Motion:

It was moved by Councillor Isitt, seconded by Councillor Coleman, that Council refer this report and the attachments to staff, and request that the following provisions be considered for inclusion in the City of Victoria's regulatory and business licensing framework for Short-Term Rentals:

- One host = One listing;
- Proof of the host's identity and municipal address;
- Proof of a current police background check;
- Proof that the property is the host's principal/primary residence;
- Proof that the listed space is in a habitable room in the principal/primary residence;
- Proof that the host has sufficient insurance coverage;
- Proof that mortgage terms are not violated, if an owner;
- Proof that short-term rentals are consistent with the use of the strata lot in the host's land titles declaration, if a strata resident;
- Proof that the host's strata council rules permit short-term rentals, if a condominium resident;
- Proof that the listing does not violate existing zoning by-laws, building codes, fire codes and health and safety standards;
- Submission of site and floor plans accurately depicting the size and location of the existing dwelling;
- Submission of the number and location of the designated off and on-street parking spaces and the number of vehicles allowed for overnight guests, if applicable;

- Submission of a list of responsible contact persons;
- Submission of a list of all online platforms used to advertise the listing.

Carried

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

Mayor Helps returned to the meeting at 10:40 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 10:40 p.m.

Councillor Madoff returned to the meeting at 10:40 p.m.

7. Council Workshop – Draft Gonzales Neighbourhood Plan

Motion:

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

1. Refer the draft Gonzales Neighbourhood Plan and draft Design Guidelines for Intensive Residential Development - Townhouse and Rowhouse to the Advisory Design Panel for comment.
2. Refer the draft Gonzales Neighbourhood Plan to the Heritage Advisory Panel for comment.
3. Direct staff to create Gonzales-specific guidelines or exemptions for the proposed Heritage Conservation Areas that address feedback from homeowners, community and Heritage Advisory Panel.
4. Invite further public comment to inform Council's consideration of the next iteration of the plan.

Carried

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

Motion to lift from the table:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council lift the following motion from the table.

On the motion to lift from the table:
Carried Unanimously

8. Regulation of Victoria Harbour Water Airport

Motion:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council endorse the following resolution and request that the Mayor, on behalf of Council, write to the federal Minister of Transport, copying the Prime Minister, the Vancouver office of Transport Canada - Civil Aviation Division, and the Victoria Harbour Master, requesting favourable consideration:

Resolution: Regulation of Victoria Harbour Water Airport

WHEREAS Residents living in proximity to Victoria Harbour have expressed concern over the current ad-hoc regulation of the Victoria Harbour Water Airport, specifically the operation of the airport by the Government of Canada under interim regulations;

AND WHEREAS The Government of Canada through the Minister of Transport has provided assurances to the City of Victoria and local residents that Canadian Aviation Regulations and Standards will be published in the Canada Gazette, providing an opportunity for public comment prior to adoption of permanent regulations for the Victoria Harbour Water Airport;

AND WHEREAS Transitioning the Victoria Harbour Water Airport from an interim to a permanent regulatory framework is in the best interests of the community, to provide certainty for people residing in proximity to the harbour, as well as passengers, employees and businesses involved in Victoria Harbour Water Airport operations;

THEREFORE BE IT RESOLVED THAT The City of Victoria requests that the Government of Canada move forward with publication of Canadian Aviation Regulations and Standards for the Victoria Harbour Water Airport, to allow for public comment prior to adoption of a permanent regulatory framework for the Victoria Harbour Water Airport, and provide certainty for residents, operators and passengers.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended by adding the following clause:

AND BE IT FURTHER RESOLVED THAT the City of Victoria requests that the Government of Canada provide a Noise Exposure Forecast (NEF) for the Victoria Harbour Water Airport.

On the amendment:
Carried Unanimously

Main motion as amended:

That Council endorse the following resolution and request that the Mayor, on behalf of Council, write to the federal Minister of Transport, copying the Prime Minister, the Vancouver office of Transport Canada - Civil Aviation Division, and the Victoria Harbour Master, requesting favourable consideration:

Resolution: Regulation of Victoria Harbour Water Airport

WHEREAS Residents living in proximity to Victoria Harbour have expressed concern over the current ad-hoc regulation of the Victoria Harbour Water Airport, specifically the operation of the airport by the Government of Canada under interim regulations;

AND WHEREAS The Government of Canada through the Minister of Transport has provided assurances to the City of Victoria and local residents that Canadian Aviation Regulations and Standards will be published in the Canada Gazette, providing an opportunity for public comment prior to adoption of permanent regulations for the Victoria Harbour Water Airport;

AND WHEREAS Transitioning the Victoria Harbour Water Airport from an interim to a permanent regulatory framework is in the best interests of the community, to provide certainty for people residing in proximity to the harbour, as well as passengers, employees and businesses involved in Victoria Harbour Water Airport operations;

THEREFORE BE IT RESOLVED THAT The City of Victoria requests that the Government of Canada move forward with publication of Canadian Aviation Regulations and Standards for the Victoria Harbour Water Airport, to allow for public comment prior to adoption of a permanent regulatory framework for the Victoria Harbour Water Airport, and provide certainty for residents, operators and passengers.

AND BE IT FURTHER RESOLVED THAT the City of Victoria requests that the Government of Canada provide a Noise Exposure Forecast (NEF) for the Victoria Harbour Water Airport.

On the main motion as amended:
Carried Unanimously

BYLAWS

1. Bylaw for Rezoning Application No. 00487 for 1745 Rockland Avenue

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1110) No. 17-080*

Carried

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

2. Bylaw for Rezoning Application No. 00526 for 950 Yates Street

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033*

Council discussed the following:

- *What the distance is between this application and the two cannabis rezoning applications approved earlier in the evening.*

Motion to postpone:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council postpone consideration of the bylaw, until information is received by staff.

On the motion postpone:
Carried Unanimously

Staff gave Council the recommendation to forward the application to Public Hearing prior to making a decision regarding its distance to other cannabis retail stores, as the policy provides guidance for staff's recommendation but does not bind Council.

Motion to lift from the table:

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council lift the following motion from the table.

On the motion to lift from the table:
Carried Unanimously

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1094) No. 17-033*

Carried

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

3. Bylaw for Rezoning Application No. 00534 for 851 Johnson Street

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1098) No. 17-045*

Carried

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

QUESTION PERIOD

A question period was held.

ADJOURNMENT

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that the Council meeting adjourn.
Time: 10:50 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR