

MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, NOVEMBER 23, 2017, 9:00 A.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:01 A.M.

Committee Members Present: Councillor Isitt (Acting Chair), Councillors Alto, Loveday, Lucas, Madoff, Thornton-Joe, and Young

Absent: Councillor Coleman

Absent for a portion of the Meeting: Mayor Helps

Staff Present: J. Jenkyns – Acting City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; C. Royle – Deputy Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; N. Sidhu – Assistant Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; B. Eisenhauer – Head of Engagement; D. St. Jacques – Executive Coordinator; S. Jameson – Policy Analyst, Legislative and Regulatory Services; L. Milburn – Senior Planner, Housing Policy; M. Betanzo – Senior Planner, Urban Design; A. K. Ferguson – Recording Secretary

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Agenda of the November 23, 2017, Committee of the Whole meeting be approved.

Amendment: It was moved by Councillor Alto, seconded by Councillor Madoff, that the Agenda of the November 23, 2017, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item No. 1 – Minutes from the meeting held October 26, 2017

Item No. 4 – CRD Art and Culture Support Service Establishment Bylaw

Item No. 9 – Proclamation – National Homeless Persons' Memorial Day

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That the amended Agenda of the November 23, 2017 Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item No. 1 – Minutes from the meeting held October 26, 2017

Item No. 4 – CRD Art and Culture Support Service Establishment Bylaw

Item No. 9 – Proclamation – National Homeless Persons' Memorial Day

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

3. CONSENT AGENDA

Motion: It was moved by Councillor Alto, seconded by Councillor Loveday, that the following items be approved without further debate:

3.1 Minutes from the meeting held October 26, 2017

Motion: It was moved by Councillor Alto, seconded by Councillor Loveday, that the Minutes of the meeting held October 26, 2017 be adopted.

CARRIED UNANIMOUSLY 17/COTW

3.2 Capital Regional District Art and Culture Support Services Establishment Bylaw

Committee received a report dated November 9, 2017, from the City Clerk regarding recommendations for approval of the amended CRD Bylaw No. 4127 – Arts and Culture Support Services Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017.

Motion: It was moved by Councillor Alto, seconded by Councillor Loveday, that Council consent to the adoption of the CRD Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" as amended.

CARRIED UNANIMOUSLY 17/COTW

3.3 Proclamation – National Homeless Persons' Memorial Day

Committee received a report dated November 13, 2017, from the City Clerk regarding recommendations for the Proclamation "National Homeless Persons' Memorial Day" December 21, 2017.

Motion: It was moved by Councillor Alto, seconded by Councillor Loveday, that Council forwarded *the National Homeless Persons' Memorial Day Proclamation* to the November 23, 2017 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 17/COTW

4. UNFINISHED BUSINESS

Councillor Alto withdrew from the meeting at 9:04 am

Councillor Madoff withdrew from the meeting at 9:05 am due to a pecuniary conflict of interest with the next two items, as she runs a Bed and Breakfast in her home.

Councillor Lucas withdrew from the meeting at 9:05 am due to a pecuniary conflict of interest with the next two items, as she is the general manager of a hotel.

Councillor Alto returned to the meeting at 9:05 am

4.1 Short Term Rental Business Regulations – Community Engagement Results Draft – Short Term Rental Business Regulation Bylaw

Committee received a report dated November 16, 2017, from the City Clerk providing the results from the public consultation on the proposed business regulations which took place on October 30, 2017. He is also provided the draft Short Term Rental Business Regulation Bylaw for Council approval.

Committee discussed:

- How the suites will qualify as legal non-conforming.
- Concerns with legal action being brought against the City following implementation of the regulations.

Motion:

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

1. Direct staff to report back to Council in Quarter 1 of 2018 with finalized short term rental business licence fees, in conjunction with the short term rental implementation plan; and
2. Direct staff to bring forward the short term rental regulation bylaw in Quarter 1 of 2018 for introductory readings.

Committee discussed:

- Concerns with the fees being too high at the outset.
- Concerns with the approach being too strict.

CARRIED UNANIMOUSLY 17/COTW

4.2 Zoning Regulation Bylaw Amendment: Schedule D – STR Home Occupations

Committee received a report dated November 1, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the proposed updates to the City's home occupation regulations for Short Term Rentals.

Committee discussed:

- How housing swaps will be affected under the proposed regulations.
- The definition of "occasionally allowable".

- Whether the City's property records are available to other levels of government.

Councillor Loveday withdrew from the meeting at 9:46 am and returned at 9:46 am

Motion: It was moved by Councillor Isitt, seconded by Councillor Young, that Council direct staff to prepare amendments to the Zoning Regulation Bylaw, Schedule D - Home Occupations, to allow short term rental in up to two bedrooms in an occupied dwelling unit of any type and in entire principal residences on occasion when the normal resident is not present.

CARRIED UNANIMOUSLY 17/COTW

Committee recessed at 9:50 am and returned at 9:52 am

Councillors Lucas and Madoff returned at 9:52 am

5. LAND USE MATTERS

5.1 Community Garden Licence of Occupation

Committee received a report dated October 18, 2017, from the Director of Parks, Recreation and Facilities regarding recommendations for the approval of two existing community gardens, Rockland Woodland Garden and Montreal Street Community Garden, and a new community garden, Franklin Green, located at 1045 Mason Street.

Committee discussed:

- Reasoning for the choice of location for the Franklin Green garden.

Motion: It was moved by Councillor Alto, seconded by Councillor Isitt, that Council authorize the Mayor and City Clerk to execute new Licences of Occupation for the following community gardens, subject to the publication of notices as required by the Community Charter:

1. Rockland Woodland Garden (1059 Craigdarroch Road)
2. Franklin Green (1045 Mason Street)

CARRIED UNANIMOUSLY 17/COTW

Councillor Isitt withdrew from the meeting at 9:58 am due to a non-pecuniary conflict of interest with the Montreal Street Community garden, as a family member has a plot within the garden.

Councillor Loveday assumed the chair at 9:58 am

Motion: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council authorize the Mayor and City Clerk to execute new Licences of Occupation for the following community gardens, subject to the publication of notices as required by the Community Charter:

1. Montreal Street Community Garden (155, 165, 175, 185 Montreal Street and 210 Dobinson Street)

Councillor Isitt reassumed the chair at 9:58 am

5.2 Heritage Alteration Permit Application No. 00224 for 700 Government Street (Downtown)

Committee received a report dated November 7, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the repair and replacement of the quartzite tile pavers along the causeway apron, which require a Heritage Alteration Permit to complete.

Committee discussed:

- The length of time the temporary solution would be in place.
- Concerns with the possibility of the heritage tiles being replaced with street concrete.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

Amendment: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That subject to staff exploring with the applicant the possibility of a letter of commitment that the temporary solution is not a fit and be limited to a finite timeline, subject to a memorandum of understanding:

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

Amendment to the amendment:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

That subject to staff exploring with the applicant the possibility of a letter of commitment that the temporary solution is not a fit and be limited to a finite timeline, subject to a memorandum of understanding or

registration of a notice on title or another binding legal instrument to ensure compliance :

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

On the amendment to the amendment:

DEFEATED 17/COTW

For: Councillors Isitt, Loveday, and Madoff

Against: Councillors Alto, Lucas, Thornton-Joe and Young

Amendment to the amendment:

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

That subject to staff exploring with the applicant the possibility of a letter of commitment that the temporary solution is not acceptable as a permanent fit and be limited to a finite timeline, subject to a memorandum of understanding:

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

On the amendment to the amendment:

CARRIED UNANIMOUSLY 17/COTW

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That subject to staff exploring with the applicant the possibility of a letter of commitment that the temporary solution is not acceptable as a permanent fit and be limited to a finite timeline, subject to a memorandum of understanding:

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.

3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

On the main motion as amended:

CARRIED 17/COTW

For: Councillors Alto, Loveday, Lucas, Madoff, Thornton-Joe, and Young
Against: Councillor Isitt

Councillor Young withdrew from the meeting at 10:27 am due to a non-pecuniary conflict of interest with the following item, as a family member lives within 200m meters of the property.

Committee recessed at 10:27 am and returned at 10:34 am

5.3 Development Permit Application No. 000510 for 530 Michigan Street (James Bay)

Committee received a report dated November 16, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the construction of one four-storey residential building with 70 units, one five-storey residential building with 37 units and seven townhouse units.

Motion: It was moved by Councillor Lucas, seconded by Councillor Alto, that Council authorize the issuance of Development Permit Application No. 000510 for 530 Michigan Street, in accordance with:

1. Plans date stamped October 13, 2017;
2. Development meeting all Zoning Regulation Bylaw requirements
3. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- Whether the application was reviewed by the heritage staff.

CARRIED UNANIMOUSLY 17/COTW

Councillor Young returned to the meeting at 10:47 am

5.4 Market Rental Revitalization Study Project Update: Tenant Projections

Committee received a report dated November 17, 2017, from the Director of Sustainable Planning and Community Development regarding the project update for the Market Rental Revitalization Study (MaRRS) as well as recommendations for a municipal role in maintaining residential building standards and rental tenant stability.

Committee discussed:

- The possibility of modeling Victoria's processes after that of local governments in the lower mainland.
- Requirements for functioning heat within a rental building.
- Requirements and enforcement for removal of refuse and pest infestation.

- Protection for tenants from retribution from landlords, should they have complaints about the property.

Motion: It was moved by Councillor Young, seconded by Councillor Lucas, that Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report;
 - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. examine the City's authority to further improve tenant stability through other legislative mechanisms.

Amendment: It was moved by Councillor Young, seconded by Councillor Lucas, that the motion be amended as follows:

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report;
 - b. Seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. Examine the City's authority to further improve tenant stability through other legislative mechanisms.
 - d. **Examine options for permitting fixed term tenancies in anticipation of demolition, renovations or family use.**

Committee discussed:

- Concerns with the amendment being out of the City's authority.

On the amendment:
DEFEATED 17/COTW

For: Councillor Young
Against: Councillors Isitt, Alto, Loveday, Lucas, Madoff, and Thornton-Joe

Committee discussed:

- Concerns with this issue being dealt with at the municipal level.
- Waiting until more information is available from the Provincial government.

Committee recessed at 11:49 am to allow for Mayor Helps to call into the meeting.

Committee reconvened at 11:51 am with Mayor Helps on the conference phone line.

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

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report, **including consideration of strengthening tenants' rights to first refusal to replacement units at comparable/reasonable rent levels;**
 - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. examine the City's authority to further improve tenant stability through other legislative mechanisms.

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

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

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report, including consideration of strengthening tenants' rights to first refusal to replacement units at comparable/reasonable rent levels;
 - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. examine the City's authority to further improve tenant stability through other legislative mechanisms.
3. **Review Council's new policy and bylaw once more information and/or legislation is available from the provincial and/or federal government.**

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

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

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report, including consideration of strengthening tenants' rights to first refusal to replacement units at comparable/reasonable rent levels;

- b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. Examine the City's authority to further improve tenant stability through other legislative mechanisms.
 - d. **Direct staff to explore the idea of compensation for moving expenses for tenants.**
3. Review Council's new policy and bylaw once more information and/or legislation is available from the provincial and/or federal government.

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended as follows:

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report, including consideration of strengthening tenants' rights to first refusal to replacement units at comparable/reasonable rent levels;
 - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. Examine the City's authority to further improve tenant stability through other legislative mechanisms.
 - d. **Direct staff to explore the idea options of compensation for moving expenses for tenants.**
3. Review Council's new policy and bylaw once more information and/or legislation is available from the provincial and/or federal government.

On the amendment to the amendment:

CARRIED UNANIMOUSLY 17/COTW

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council:

1. Receive this Market Rental Revitalization Study Project Update for information;
2. Direct staff to:
 - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report, including consideration of strengthening tenants' rights to first refusal to replacement units at comparable/reasonable rent levels;
 - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018;
 - c. Examine the City's authority to further improve tenant stability through other legislative mechanisms.
 - d. Direct staff to explore the options of compensation for moving expenses for tenants.
3. Review Council's new policy and bylaw once more information and/or legislation is available from the provincial and/or federal government.

6. NEW BUSINESS

6.1 Consideration of an alternate Council appointee as the City's mediator for the CRD Regional Growth Strategy Mediation

Committee received a verbal report from the City Clerk regarding recommendations for the appointment of an alternate representative of the City for the CRD Regional Growth Strategy Mediation slated for December 6-8, 2017.

Committee discussed:

- The availability of Council for the mediation dates.

Motion: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council appoint Councillor Alto as the alternate representative of the City for the CRD Regional Growth Strategy Mediation.

CARRIED UNANIMOUSLY 17/COTW

6.2 Resolution: Modernizing the BC Motor Vehicle Act

Committee received a Council member motion dated November 17, 2017, from Councillor Isitt regarding recommendations for Modernizing the *BC Motor Vehicle Act*

Motion: It was moved by Councillor Isitt, seconded by Mayor Helps, that Council:

1. endorse the Road Safety Law Reform Group of British Columbia's Position Paper on Modernizing the BC Motor Vehicle Act and the resolution "Modernizing the BC Motor Vehicle Act";
2. Request that the Mayor write to the BC Minister of Justice and Attorney General, copying the Premier, the Minister of Transportation, Members of the Legislative Assembly, and local governments in British Columbia, requesting favourably consideration; and
3. direct staff to forward the resolution to the Association of Vancouver Island and Coastal Communities and Union of BC Municipalities for consideration at the 2018 annual meetings of those associations:

Resolution: Modernizing the BC Motor Vehicle Act:

WHEREAS The Road Safety Law Reform Group of British Columbia and organizations including the City of Vancouver, British Columbia Cycling Coalition and Trial Lawyers Association of British Columbia have called on the Government of British Columbia to review and modernize the BC Motor Vehicle Act;

AND WHEREAS modernization of this legislation is necessary to achieve the Government of British Columbia's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020;

AND WHEREAS the Road Safety Law Reform Group has provided evidence-based recommendations for increasing safety for vulnerable road users, including children, seniors, people with disabilities, pedestrians and cyclists;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia review and modernize the BC Motor Vehicle Act, to increase safety for all road users and achieve the “Vision Zero” objective of making BC’s roads the safest in North America and eliminating road-related injuries and deaths by 2020.

CARRIED UNANIMOUSLY 17/COTW

7. ADJOURNMENT

Motion: It was moved by Councillor Alto, seconded by Councillor Young, that the Committee of the Whole meeting of November 23, 2017, be adjourned at 12:20 p.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR