MINUTES - VICTORIA CITY COUNCIL

October 10, 2019, 6:30 P.M.
Council Chambers, City Hall, 1 Centennial Square
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

LEAVE OF ABSENCE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk , P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, P. Martin - Council Secretary, C. Tunis – Planner.

B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto
Seconded By Councillor Potts

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

Moved By Councillor Alto
Seconded By Councillor Potts

That the following minutes be adopted:
1. Minutes from the daytime meeting held September 12, 2019
2. Minutes from the daytime meeting held September 19, 2019
3. Minutes from the evening meeting held September 19, 2019

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Isitt
Seconded By Councillor Dubow

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Jon A. Sigurdson: Fairfield and Pacifica Housing
Outlined issues with the Fairfield Hotel, its landlords, and the surrounding safety issues.

D.2 Stephen F. Pittner: Clean Air Bylaw and Cannabis
Outlined why an amendment is needed to the Capital Regional District's Clean Air Bylaw in relation to medical cannabis use.

D.3 Lisa Gordon: Urban Forest
Outlined additional needs and learning opportunities for tree preservation in the City.

D.5 ChrŸs Tei: Grove of Lost Souls Labyrinth
Outlined why Council should pass a motion that would allow staff to provide the Rainbow Health Co-operative with an event permit for the Grove of Lost Souls Labyrinth.

E. PROCLAMATIONS

E.1 "Pregnancy and Infant Loss Awareness Day" - October 15, 2019

Moved By Councillor Potts
Seconded By Councillor Alto

That the following proclamation be endorsed:
1. "Pregnancy and Infant Loss Awareness Day" - October 15, 2019

CARRIED UNANIMOUSLY

E.2 "Waste Reduction Week" - October 21 to 27, 2019

Moved By Councillor Isitt
Seconded By Councillor Young

That the following proclamation be endorsed:
1. "Waste Reduction Week" - October 21 to 27, 2019

CARRIED UNANIMOUSLY

E.3 "Fair Employment Week" - October 7 to 11, 2019

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the following proclamation be endorsed:
1. "Fair Employment Week" - October 7 to 11, 2019

CARRIED UNANIMOUSLY

F. PUBLIC AND STATUTORY HEARINGS

F.1 589 Toronto Street: Rezoning Application No. 00661

Zoning Regulation Bylaw, Amendment Bylaw (No. 1196) No. 19-074:
To rezone the land known as 589 Toronto Street from the R-2 Zone, Two Family Dwelling District, to the R2-58 Zone, Toronto Street Conversion District, to permit a third dwelling unit within an existing two dwelling unit building.

F.1.a Public Hearing & Consideration of Approval

Chloe Tunis (Planner): *Advised that the application is to convert the existing duplex to a three-unit building.*

Mayor Helps opened the public hearing at 7:00 p.m.

Nicole Parker (Applicant): Provided information regarding the application.

There were no persons present to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 7:07 p.m.

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1196) No. 19-074

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That the following bylaw **be given first, second, and third readings:**
1. Housing Agreement (589 Toronto Street) Bylaw (2019) No. 19-075

CARRIED UNANIMOUSLY

Adoption of the bylaws will occur together at the October 17, 2019 daytime Council meeting.

F.2 561 and 565 Toronto Street: Development Permit with Variances Application No. 00091

Development Permit with Variances Application:
The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 561 and 565 Toronto Street, in Development Permit Area 16 – General Form and Character, for purposes of constructing a multi-unit residential building.

F.2.a Opportunity for Public Comment & Consideration of Approval:

Chloe Tunnis (Planner): *Advised that the application is to construct a multi-unit residential building.*

Mayor Helps opened the opportunity for public comment at 7:11 p.m.

Will King (Applicant): Provided information regarding the application.

There were no persons present to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 7:24 p.m.

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council authorize the issuance of Development Permit with Variance Application No. 00091 for 561 and 565 Toronto Street, in accordance with:

1. Plans date stamped April 26, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   a. reduce the street boundary setback from 10.5m to 4.6m;
   b. reduce the rear yard setback from 6.99m to 3.9m;
   c. reduce the West side yard setback from 6.99m to 4.39m;
   d. reduce the East side yard setback from 6.99m to 0m;
   e. reduce the distance from property line to centre line from 7.5m to 5.0m;
   f. increase the site coverage from 40% to 46%;
3. Registration of legal agreements on the property's title to secure:
   a. a statutory right of way, to the satisfaction of the Director of Engineering;
   b. a housing agreement to restrict Strata Bylaws from prohibiting rental units; and
   c. the provision of electrical conduits to all parking stalls to allow for future electric vehicle changing infrastructure.
4. Council authorizing anchor-pinning into the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works reduce the open site space from 60% to 54%.

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

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following bylaw **be adopted:**
1. Housing Agreement (561 & 565 Toronto Street) Bylaw (2019) No. 19-073

CARRIED UNANIMOUSLY

F.3 Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

The purpose of the bylaw is an amendment to the *Tree Preservation Bylaw* to ensure that trees are not cut down unnecessarily in the process of construction and to update definitions and internal references.

F.3.a Opportunity for Public Comment & Consideration of Approval

Tom Zworski (City Solicitor): *Outlined proposed amendments to the Tree Preservation Bylaw, which will ensure that trees are not cut down unnecessarily in the process of construction and to update definition and internal references.*

Mayor Helps opened the opportunity for public comment at 7:32 p.m.

Grace Golightly: Expressed support for the proposed amendments and encouraged Council to further strengthen the bylaw and ensure tree preservation.

Jenn Persper: Expressed support for the proposed amendments and encouraged Council to further strengthen the bylaw and ensure tree preservation in relation to tree diameter.

Mayor Helps closed the opportunity for public comment at 7:40 p.m.

Moved By Councillor Isitt
Seconded By Mayor Helps

That Council rescind **third reading** of:
1. Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Mayor Helps

That Council **amend** the following bylaw, by replacing 60 cm in Section 2 (c) of the bylaw with 30 cm:

1. Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

Council discussed the following:

- *The need to preserve bylaws in relation to the climate emergency.*
- *Whether this amendment will discourage residents from planting trees.*
- *That the amendment will place the City in line with neighbouring municipality's regulations.*
- *Whether this amendment would be better considered in phase two.*

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Moved By Councillor Isitt
Seconded By Councillor Alto

That Council **amend** the bylaw, by adding paragraph E to Section 2, as follows:

By striking out “60 cm” and replacing it with “30 cm” in paragraphs E, F, and G of the definition of protected tree.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Moved By Councillor Isitt
Seconded By Councillor Dubow

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

1. Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Moved By Mayor Helps
Seconded By Councillor Alto

That Council direct staff to bring the bylaw forward for adoption at the November 14, 2019 Council meeting with a report on the implications and options of adopting the bylaw.

CARRIED UNANIMOUSLY

H. UNFINISHED BUSINESS

H.1 Rise and Report

H.1.a From the March 21, 2019 Closed Council Meeting:

Land – 706/708 Douglas Street New Lease
Authorizes the Mayor and City Clerk to execute a lease on behalf of Council, in a form satisfactory to the City Clerk, with Tae Kwang Holdings Ltd. and guarantor Woo Hyun Shim for premises at 706/708 Douglas Street for a period of two (2) years commencing April 6, 2019 at a base rent of $44,706.00 per annum increasing to $45,831.60 in Year 2, subject to the publication of the statutory notices required by the Community Charter.

H.1.b From the May 23, 2019 Closed Council Meeting:

Land/Legal - Laurel Point: Authority to Execute Agreement to Purchase
Authorizes the Mayor and City Clerk to execute on behalf of the City the Agreement of Purchase and Sale, and related agreements in support of the Agreement of Purchase and Sale, subject to approval of their form by the City Solicitor and the publication of any statutory notices.

H.1.c From the June 6, 2019 Closed Council Meeting:

Appointment to the Advisory Design Panel – Landscape Architect
Authorizes the appointment of Brad Forth to the Advisory Design Panel (ADP) for the term ending June 30, 2020.

H.1.d From the June 13, 2019 Closed Council Meeting:

Land – Old Spaghetti Factory Lease Renewal
Authorizes the Mayor and City Clerk to execute a lease renewal agreement on behalf of Council, in a form satisfactory to the City Clerk and the City Solicitor, for premises at 703 Douglas Street with the Old Spaghetti Factory (Victoria) Ltd. for a period of 5 years commencing July 1, 2019 at a base rate of $179,950.00, generally in accordance with the Fifth Lease Renewal terms, subject to the publication of the statutory notices required by the Community Charter.

H.1.e From the July 18, 2019 Closed Council Meeting:

Land – Licence of Occupation Selkirk Waterway
Authorizes the Mayor and City Clerk, subject to all agreements being in a form satisfactory to the City Clerk and the City Solicitor, to execute:

1. An Application for Tenure over Provincial Crown Land; and
2. A License of Occupation Agreement with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for access and public use of the Community Pier, Pierhead and Pavilion over a portion of the Selkirk Waterway in a form satisfactory to the City Clerk, for a period often (10) years commencing August 1, 2019, with the following terms:
   a. a Replacement Fee of $200, plus GST payable to the Province; and
   b. rent for the entire term will be $1.00; and
   c. that the City maintain a general liability insurance policy in good standing.

H.1.f From the August 1, 2019 Closed Council Meeting:

Land – Lease Assignment 726 Johnson Update

1. That Council authorize the Mayor and City Clerk to execute a lease assignment agreement with Keun Ho Kim (dba Sockeye Sushi) and Socrates Diamant (dba The Vicious Poodle) for the premises at 726 Johnson Street, in a form satisfactory to the City Clerk and the City Solicitor and amend the lease to reflect the following terms:
   a. a five (5) year lease commencing September 1, 2019 at a base rent of $52,900 per annum for Year 1 and 2, and increasing 4.5% to $55,280.50 in Year 3, 4 and 5;
   b. an option for an additional five (5) years, with an eighteen (18) month demolition clause in the favour of the City;
   c. a two (2) month no-rent fixturing period for tenant improvements.
2. Authorizes the Mayor and City Clerk to execute on behalf of the City a patio licence with Socrates Diamant (dba The Vicious Poodle) at the premises at 726 Johnson Street that conforms to all rules and regulations regarding sidewalk cafe licenses, in a form satisfactory to the City Clerk and the City Solicitor for a period of one (1) year with 4 options for one (1) additional year, commencing September 1, 2019 at a base rate equivalent to the annual rate for sidewalk cafe set by City bylaw No. 16-038.

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the October 3, 2019 COTW Meeting

I.1.a.a 1210 Haultain Street: Rezoning Application No. 00688 and Development Permit with Variances Application No.00113 (Oaklands)

Moved By Councillor Alto
Seconded By Councillor Potts

Rezoning Application No. 00688
That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed

development outlined in Rezoning Application No. 00688 for 1210 Haultain 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. 00113
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. 00688, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00113 for 1210 Haultain Street, in accordance with:

1. Plans date stamped August 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. reduce the minimum lot width from 15m to 14.47m;
   ii. increase the number of storeys from 1.5 with a basement to 2 with a basement;
   iii. reduce the minimum side yard (west) setback from 3m to 2.8m;
   iv. reduce the minimum side yard (east) setback from 1.50m to 1.26m; and
   v. reduce the minimum combined side yard setback from 4.5m to 4.06m.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

I.1.a.b 120 Douglas Street: Heritage Alteration Permit No. 00019 (James Bay)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

"That Council authorize the issuance of Heritage Alteration Permit Application No. 00019 for 120 Douglas Street, in accordance with:

1. Plans date stamped July 5, 2019.
2. Council consent to changes to the Beacon Hill School Land Use Contract Bylaw No. 78-12 as per the plans identified above.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

I.1.a.c 2020 Committee and Council Meeting Schedule

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council approve the 2020 Committee of the Whole and Council meeting schedule attached to this report and make available to the public as required under Section 127 of the *Community Charter.*

Amendment:

Moved By Mayor Helps
Seconded By Councillor Loveday

That the schedule be amended to include the addition of the scheduled Town Halls once a quarter on February 20, May 21, September 10, and November 19.

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps
Seconded By Councillor Alto

That the schedule be amended by removing the June 4, 2019 meeting.

CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

I.1.a.d 1309 and 1315 Cook Street, 1100-1120 Yates Street, and 1109-1115 Johnson Street: Rezoning Application No. 00681 and Development Permit with Variances Application No. 00104 (Fernwood)

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

Rezoning Application No. 00681
That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00681 for 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street, that first and second reading of the Zoning

Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

a. Preparation and execution of the appropriate legal agreements in order to secure the following:
    i. that future strata corporations could not pass bylaws that would prohibit or restrict the rental of units to non-owners, in the 13 storey building, to the satisfaction of the Director of Sustainable Planning and Community Development;
    ii. 104 dwelling units sold at 10% below-market value under BC Housing's Affordable Home Ownership Program and ensure the unit types include 12 studios, 55 one bedroom, 35 two-bedroom and 2 three-bedroom dwelling units of to the satisfaction of the Director of Sustainable Planning and Community Development;
    iii. a daycare with a minimum floor area of $362m^2$ is provided in the thirteen-storey building for a minimum of ten years to the satisfaction of the Director of Sustainable Planning and Community Development;
    iv. a Statutory Right-of-Way of 2.45m on Johnson Street to the satisfaction of the Director of Engineering and Public Works;
    v. construction of a bus shelter on Johnson Street to the satisfaction of BC Transit and the Director of Engineering and Public Works;
    vi. construction of a traffic bulb on the northeast corner of Cook and Yates Street to the satisfaction of the Director of Engineering and Public Works;
    vii. undergrounding the BC Hydro lines and associated infrastructure along the Yates Street frontage and that the applicant cover the City's portion of the cost under BC Hydro's Beautification Program to the satisfaction of the Director of Engineering and Public Work;
    viii. purchase of two car share vehicles with assigned parking spaces on-site, 217 car share memberships (one per dwelling unit), an on-site bike share program consisting of ten electric bicycles, 48 electric charging stations in the long-term bicycle storage rooms, and 15 commercial parking spaces assigned to residential visitors after business hours and on weekends to the satisfaction of the Director of Engineering and Public Work; and
    ix. that the applicant enter a reciprocal access agreement to allow pedestrians and vehicles to cross Parcel C in order to access the underground parkade on Parcel A and B.
b. That the applicant explore opportunities to retain the Horse Chestnut tree on the Cook Street boulevard as part of the overall project to the satisfaction of the Director of Parks, Recreation and Facilities.
c. That the City enter into an agreement with BC Housing and the applicant to ensure that 10% of the current fair market value of each unit sold under BC Housing's Affordable Home Ownership Program (secured as a second mortgage and

registered on title) is allocated to the City at the time of resale of a dwelling unit and that the amenity contributions are secured in the City's Affordable Housing Reserve Fund to the satisfaction of the Director of Sustainable Planning and Community Development.

d. That Council determine, pursuant to Section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
e. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
f. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
g. That Council give first reading to the Official Community Plan Amendment Bylaw.
h. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
i. That Council give second reading to the Official Community Plan Amendment Bylaw.
j. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

<u>Development Permit with Variances Application No. 00104</u>
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. 00681, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00104 for 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street, in accordance with:

1. Plans date stamped September 12, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   a. increase the height of the building on Parcel A from 40m to 42.76m for a rooftop structural wall projection; and
   b. reduce the long-term commercial bicycle parking spaces from 5 to 0.
3. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (6 to 2)

I.1.a.e Request to Amend Section 219 Covenant for 189 Dallas Road (Ogden Point) (James Bay)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council accept the request to amend the Section 219 Covenant to allow the temporary building to remain in place until November 8, 2022, and direct staff to amend the Section 219 Covenant to reflect the new timeline, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

CARRIED UNANIMOUSLY

I.1.a.f Looking Back, Thinking Ahead: Lessons Learned from Victoria's Local Area Planning Program

Moved By Councillor Alto
Seconded By Councillor Isitt

That Council receive the report *Looking Back, Thinking Ahead: Lessons Learned from Victoria's Local Area Planning Program* for information.

CARRIED UNANIMOUSLY

I.1.a.g Application for a Change to Hours of Licence Service for the Union Club of British Columbia, Liquor Primary License at 805 Gordon Street (Downtown)

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

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 the Union Club of British Columbia located at 805 Gordon Street to adjust opening hours from 11:00 a.m. to 9:00 a.m. daily with no change to existing closing hours of 1:00 a.m. Monday through Saturday and 12:00 a.m. Sunday, or the existing occupant load of 759 persons.

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are the noise impacts would be proportional in comparison to existing licence capacity and associated noise levels in the vicinity. The request, if approved affects only opening hours and the adjustment is not likely to cause impacts.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports operational flexibility for the establishment to host a variety of special events.
3. The views of residents were solicited via a mail out which included 534 letters to neighbouring property owners and occupants within 100 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application including one from the Downtown Residents Association.
4. Council recommends the requested change to the license be approved.

CARRIED UNANIMOUSLY

I.1.a.h Fare Free Youth Bus Pass Program - Update and Considerations

Moved By Councillor Isitt
Seconded By Councillor Dubow

That Council:

1. Negotiate a reduced fare for a Victoria Youth bus pass pilot program via upcoming Victoria Regional Transit Commission (VRTC) meetings, at the rate of less than $11.50 per month, paid by the City of Victoria with a duration of up to 1 year, beginning in November 2019.

2. That Council reiterates its support for fair free public transit for people under 19 being delivered regionally.
3. Direct staff to introduce an interim monthly youth bus pass program as outlined in this report, at the rate defined via the VRTC negotiated amount for Victoria youth applicants 18 and under, as soon as possible in 2019.
4. Refer the longer term, steady-state youth bus pass resource requirements to the 2020 Financial Planning process, in order to:
   a. Develop a steady-state bus pass program to be implemented by August 31, 2020 to coincide with the start of the next academic year.
   b. Reduce administrative costs and requirements to the City, BC Transit and school district and other educational partners.

CARRIED UNANIMOUSLY

I.1.a.i Local Government Support for Urgent and Life Saving Resolutions in a Public Health Emergency

Moved By Councillor Potts
Seconded By Councillor Loveday

1. That Council write the Province to express strong support of the following resolutions and request the Province of British Columbia's timely and favourable consideration:

   (B171) Safer Drug Supply to Save Lives;
   Whereas It has been two years since BC declared a public-health emergency due to increased overdoses, yet the death toll for those consuming substances continues to rise due to an unpredictable and highly-toxic drug supply;

   And whereas people with opioid use disorder, a chronic relapsing medical condition, are at high risk of overdose-related harms including death and an estimated 42,200 people inject toxic substances in British Columbia, it is not possible for the treatment system to rapidly increase services fast enough to manage this number of people as "patients" within a medical treatment model given the many challenges in achieving and retaining the people on opioid use disorder treatment, people at risk of overdose in British Columbia do not have access to a safer alternative to the unpredictable, highly-toxic drug supply;

   Therefore be it resolved that in an effort to save lives and reduce harm due to an unpredictable and highly-toxic drug supply, and as part of a holistic response to the public-health emergency, including prevention, treatment, and recovery, that the Province of British Columbia work with local

communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions, and the Ministry of Health ensure that people at risk of overdose harm have access to safer alternatives.

(B172) Observed Inhalation Sites for Overdose Prevention.
Whereas British Columbia is currently experiencing an unprecedented public health emergency due to an unpredictable and highly-toxic drug supply, and smoking or inhalation is the second most common mode of consumption among all people who have died from a suspected illicit drug overdose and the most common mode of consumption among men and those between the ages of 15 and 29;And whereas observed consumption services (i.e. supervised consumption services and overdose prevention services) are evidence-based harm reduction approaches shown to reduce overdose-related harm, and there is not adequate access to observed consumption services that provide space for inhalation where communities are facing crisis;

Therefore be it resolved that to ensure that people at risk of overdose across BC have access to observed consumption services that provide space for inhalation, that the Province of British Columbia fund and work through local communities, Health Authorities across the Province, the Ministry of Mental Health and Addictions and the Ministry of Health to provide these services as part of a holistic response to the public-health emergency, including prevention, treatment, and recovery.

2. And That Council write the UBCM executive expressing the City of Victoria's concern that these urgent and potentially life-saving advocacy resolutions were not considered at the UBCM Convention and requesting the UBCM executive's timely and favourable consideration of resolutions (B171) and (B172).

3. And That Council write to all UBCM member local governments requesting their endorsement of these resolutions and asking municipalities to write the Provincial Government to share their support.

Motion Arising:
That Council forward the City of Victoria's motions titled "Observed Inhalation Sites for Overdose Prevention" and "A Safer Drug Supply to Save Lives" to the Victoria Esquimalt Police Board and request their favourable consideration of the resolutions.

CARRIED UNANIMOUSLY

I.1.b Report from the October 10, 2019 COTW Meeting

I.1.b.a Request for Boulevard Removal from the Taxed Boulevard Program

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council approve the removal of the following boulevard from the Taxed Boulevard Program effective for the 2020 tax year:

1. South side of Richardson Street between Harbinger Avenue and Cornwall Street.

CARRIED UNANIMOUSLY

I.1.b.b Appointment - Bylaw Officer

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That Council approve the appointment of Shannon Perkins:

1. As a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061);
2. As a Business License Inspector for the City of Victoria; and,
3. A Building Inspector for the purposes for Section 57 of the Community Charter.

CARRIED UNANIMOUSLY

I.1.b.c Postponed Motion - Fare Free Youth Bus Program - Update and Considerations

Moved By Councillor Loveday
Seconded By Councillor Alto

Petition to BC Transit through the Victoria Regional Transit Commission (VRTC) to introduce the required Smart Bus capabilities to enable online pass allocation, single, digital tap payment systems, and data capture, for our regional transit system, and reiterate the City of Victoria's support for the introduction of fare-free public transit for the Capital Region.

CARRIED UNANIMOUSLY

I.1.b.d 570 Yates Street: Liquor Primary License Application No. 000294, Leopold's Tavern (Downtown)

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

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 Leopold's Tavern located at 570 Yates Street having hours of operation from 9:00 am to 12:00 am daily with a total occupant load of 120 people (100 interior and 20 exterior, sidewalk cafe seats).

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 12:00 am Sunday through Thursday and 1:00 am on Friday and Saturday, which is not fully supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
3. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received five letters in response to the notification that went to 899 owners and occupants and all were opposed to the application which included one letter from the Downtown Residents Association.
4. Council recommends the license be approved conditional on amending the closing hours to 12:00 am daily.

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That the motion be amended as follows:

1. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 12:00 am Sunday through Thursday and 1:00 am on Friday and Saturday, which is not fully supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment. **That the sidewalk cafe have a closing time of 10 p.m.**

Amendment to the amendment:

Moved By Councillor Young
Seconded By Councillor Loveday

That the amendment be amended as follows:

1. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 12:00 am Sunday through Thursday and 1:00 am on Friday and Saturday, which is not fully supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment. **In return for a voluntary 10:00 p.m. closure of the patio, that Council agree to a 1:00 a.m. closing time for the indoor site.** ~~**That the sidewalk cafe have a closing time of 10 p.m.**~~

FOR (5): Mayor Helps, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Young
OPPOSED (3): Councillor Alto, Councillor Isitt, and Councillor Thornton-Joe

CARRIED (5 to 3)

Amendment to the amendment:

Moved By Mayor Helps
Seconded By Councillor Isitt

That the amendment be amended as follows:

1. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 12:00 am Sunday through Thursday and 1:00 am on Friday and Saturday, which is not fully supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment. **However, Council recommends to the province that the patio must close at 10:00 pm, if the operator wants to remain open to 1:00 a.m. on Fridays and Saturdays.** ~~**In return for a voluntary 10:00 p.m. closure of the patio, that Council agree to a 1:00 a.m. closing time for the indoor site.**~~

CARRIED UNANIMOUSLY

On the amendment:
CARRIED UNANIMOUSLY

On the main motion as amended:

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 Leopold's Tavern located at 570 Yates Street having hours of operation from 9:00 am to 12:00 am daily with a total occupant load of 120 people (100 interior and 20 exterior, sidewalk cafe seats).

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 12:00 am Sunday through Thursday and 1:00 am on Friday and Saturday, which is not fully supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment. However, Council recommends to the province that the patio must close at 10:00 pm, if the operator wants to remain open to 1:00 a.m. on Fridays and Saturdays.
2. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
3. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received five letters in response to the notification that went to 899 owners and occupants and all were opposed to the application which included one letter from the Downtown Residents Association.
4. Council recommends the license be approved conditional on amending the closing hours to 12:00 am daily.

CARRIED UNANIMOUSLY

I.1.b.e Canada Day Report

Moved By Councillor Thornton-Joe
Seconded By Councillor Dubow

That Council direct staff to:

1. Maintain the City's current approach for the Canada Day celebrations and increase the special event operations budget by $107,000 in the 2020 financial planning process to account

for new police charges previously covered through the Police Board budget.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

I.1.b.f Council Member Motion - Affordable Artist Housing in the City of Victoria

Moved By Councillor Loveday
Seconded By Councillor Isitt

1. That Council direct staff to align the Create Victoria Masterplan with the Victoria Housing Strategy to include the creation of housing for artists as a goal of the Victoria Housing Strategy.
2. And that Council direct staff to consider ways to encourage the creation of affordable housing through the implementation of existing policies including the inclusionary housing policy, housing reserve fund, and other relevant policies.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (7 to 1)

K. BYLAWS

K.1 Bylaws for 208-242 Wilson Street: Rezoning Application No. 00686 and Development Permit with Variances Application No. 00111

Moved By Councillor Loveday
Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1204) No. 19-089

CARRIED UNANIMOUSLY

Moved By Councillor Potts
Seconded By Councillor Alto

That the following bylaw **be given first, second, and third readings:**
1. Housing Agreement (208-242 Wilson Street) Bylaw (2019) No. 19-101

CARRIED UNANIMOUSLY

K.2 **Bylaws for 1025-1031 Johnson Street and 1050 Yates Street: Official Community Plan Amendment and Rezoning Application No. 00660**

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**
1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 31) No. 19-032
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1184) No. 19-033
3. Phased Development Agreement Bylaw No. 19-108, 2019

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Isitt

That the following bylaw **be given first, second, and third readings:**
1. Housing Agreement (1025-1031 Johnson Street and 1050 Yates Street) Bylaw (2019) No. 19-106
2. Housing Agreement (1025-1031 Johnson Street and 1050 Yates Street) Bylaw (2019) No. 19-107

CARRIED UNANIMOUSLY

K.3 **Bylaw for 2708 Graham Street and 1050-1054 Hillside Avenue: Development Permit with Variances Application No. 00043**

Moved By Councillor Isitt
Seconded By Councillor Potts

That the following bylaw **be given first, second, and third readings:**
1. Housing Agreement (2708 Graham Street & 1050-1054 Hillside Avenue) Bylaw (2019) No. 19-039

CARRIED UNANIMOUSLY

K.4 **Bylaw for 2220 Cook Street: Rezoning Application No. 00648 and Development Permit with Variances Application No. 00107**

Moved By Councillor Alto
Seconded By Councillor Young

That Council rescind **second reading** of:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That Council **amend** Schedule 2 of:
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaw **be given second reading, as amended:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

K.5 Bylaw for Permissive Tax Exemptions

Moved By Councillor Alto
Seconded By Councillor Isitt

That the following bylaw **be adopted:**
1. Tax Exemption (Permissive) Bylaw, 2020-2022 No. 19-093

CARRIED UNANIMOUSLY

N. QUESTION PERIOD

A question period was held.

O. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Dubow

That the Council meeting adjourn.
TIME: 9:05 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR