



Thursday, July 2, 2020

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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E. BYLAWS

E.1	<u>Bylaws for 359-369 Tyee Road (Dockside Green): Development Permit Application No. 000550</u>	69
	<ul style="list-style-type: none"> Consideration of adoption of: <ul style="list-style-type: none"> Housing Agreement (359, 363, & 369 Tyee Road) Bylaw (2020) No. 20-045 Housing Agreement (359, 363, & 369 Tyee Road) Bylaw (2020) No. 20-046 	

The purpose of the bylaws is to authorize an agreement for rental housing and an agreement to ensure that future strata bylaws cannot prohibit the rental of units.

***F. CLOSED MEETING**

MOTION TO CLOSE THE JULY 2, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonable be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality; and*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

G. APPROVAL OF CLOSED AGENDA

H. READING OF CLOSED MINUTES

I. UNFINISHED BUSINESS

J. CORRESPONDENCE

K. NEW BUSINESS

***K.1 Intergovernmental Relations - Community Charter Section 90(2)(b)**

Referred to the July 9, 2020 Closed Council Meeting

K.2 Appointment - Community Charter Section 90(1)(a)

K.3 Appointment - Community Charter Section 90(1)(a)

K.4 Appointment - Community Charter Section 90(1)(a)

K.5 Legal Advice/Litigation - Community Charter Section 90(1)(g) and (i)

*K.6 Law Enforcement - Community Charter Section 90(1)(f)

Addendum

K.7 Employee Relations - Community Charter Section 90(1)(c)

L. CONSIDERATION TO RISE & REPORT

M. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

May 14, 2020, 12:00 P.M.

Council Chambers, City Hall, 1 Centennial Square

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

PRESENT
ELECTRONICALLY: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager /
Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk ,
T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski -
City Solicitor, B. Eisenhauer - Head of Engagement, K. Hoese -
Director of Sustainable Planning and Community Development, C.
Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive
Operations, P. Martin - Council Secretary, A. Ferguson -
Committee Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto
Seconded By Councillor Dubow

That the agenda be approved as amended.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Loveday

That the agenda be amended by adding item H.1.b, the May 14, 2020 COTW Report.

CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

B. READING OF MINUTES

Moved By Councillor Alto

Seconded By Councillor Loveday

That the minutes from the special council meeting held April 20, 2020 be adopted.

CARRIED UNANIMOUSLY

C. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Loveday

Seconded By Councillor Dubow

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

C.1 Valentina Lawrence: Tent City on the Greenspace Outside My Front Door

The City Clerk read a written submission outlining concerns regarding the Tent City in Topaz Park.

C.2 Keith Cherry: Green and Just Recovery from Covid

Outlined why Council should support the motion, Moving Forward, Not Backward: A Regional Agenda for Caring, Low-Carbon Communities After Covid-19 proposal.

D. PROCLAMATIONS

D.1 “National Missing Children’s Month and Missing Children’s Day” - May 2020 and May 25, 2020

Moved By Councillor Dubow

Seconded By Councillor Alto

That the following proclamation be endorsed:

1. “National Missing Children’s Month and Missing Children’s Day” - May 2020 and May 25, 2020

CARRIED UNANIMOUSLY

D.2 “Falun Dafa Day” - May 13, 2020

Moved By Councillor Loveday

Seconded By Councillor Potts

That the following proclamation be endorsed:

1. “Falun Dafa Day” - May 13, 2020

CARRIED UNANIMOUSLY

D.3 “Do Something Good For Your Neighbour Day” - May 16, 2020

Moved By Councillor Dubow
Seconded By Councillor Loveday

That the following proclamation be endorsed:

1. “Do Something Good For Your Neighbour Day” - May 16, 2020

CARRIED UNANIMOUSLY

E. PUBLIC AND STATUTORY HEARINGS

E.1 650 Speed Avenue: Temporary Use Permit Application No. 00016

Leanne Taylor (Senior Planner): *Advised that the application is to convert the existing motel to supportive housing for two years, and that the standard practice of holding an opportunity for public comment in Council Chambers has been waived by Council for this application as it is not required by legislation.*

E.1.a Opportunity for Public Comment & Consideration of Approval

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council authorize the issuance of Temporary Use Permit Application No.00016 for 650 Speed Avenue in accordance with plans submitted to the Sustainable Planning and Community Development department, date stamped April 2, 2020, to permit the additional use of multiple dwelling, subject to the following conditions:

- i. No less than 15 parking spaces shall be provided for residents.
- ii. The planting beds in the front and rear yards shall be cleaned up and reinstated.
- iii. The Temporary Use Permit, if issued, expires two years from the date of this resolution.

Council discussed the following:

- *How the Victoria Cool Aid Society will be working to alleviate the immediate neighbours' concerns.*

CARRIED UNANIMOUSLY

G. UNFINISHED BUSINESS

G.1 1023 Tolmie Avenue: Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097

Moved By Councillor Alto
Seconded By Councillor Loveday

Rezoning Application No. 00672

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw

Amendment that would authorize the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue, 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 Variance Application No. 00097

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. 00097, if it is approved, consider the following motion: That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback on the south lot from 6.0m to 4.2m to the building and 3.0m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.0m to 3.5m;
 - iii. reduce the south side yard setback on the south lot from 2.4m to 1.5m for any portion of a dwelling used for habitable space and which has a habitable window; and
 - iv. reduce the south side yard setback on the north lot from 2.4m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

G.2 1700 Blanshard Street: Update Report - Development Permit with Variances Application No. 00106

Moved By Mayor Helps
Seconded By Councillor Alto

That Council consider the following revised motion:

"That Council authorize the issuance of Development Permit with Variance Application No.000106 for 1700 Blanshard Street, in accordance with:

1. Plans date stamped April 24, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the building setback above 10m from 12.35 to 4.8 metres, measured at the highest building elevation on Blanshard Street
 - ii. increase the balcony encroachment into the setback from 0.6 to 2.0 metres on Blanshard Street above the twentieth storey
 - iii. reduce the building setback above 10m from 2.26 to 0.5 metres, measured at the highest building elevation on Fisgard Street
 - iv. reduce the setback above 10m from 12.35 to 6.20 metres, above the fifteenth storey on Herald Street
 - v. increase the balcony encroachment into the setback from 0.6m to 2.8 metres on Herald Street above the twentieth storey
 - vi. reduce the number of on-site short-term bicycle stalls from thirty-one to sixteen.

- vii. Registration of a Statutory Right-of-Way on Blanshard Street to secure passage over the fronting sidewalk.
- 3. Registration of an Encroachment agreement for building canopies.
- 4. 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)

G.3 Letter from the Union of BC Municipalities (UBCM)

A letter dated March 27, 2020, regarding the Provincial responses to Council's 2019 resolutions.

Moved By Councillor Alto
Seconded By Councillor Dubow

That the correspondence dated March 27, 2020 from the Union of BC Municipalities be received for information.

CARRIED UNANIMOUSLY

G.4 Rise and Report

G.4.a From the February 20, 2020 Closed Council Meeting

Land - 750 and 752 Douglas Street - New Lease

That Council authorize the Mayor and City Clerk to execute a lease with Max Wright Real Estate (Incorporation No. BC0675428), dba (Sotheby's International Realty Canada) for two (2) adjoining retail units located at 750 and 752 Douglas Street, in a form satisfactory to the City Clerk and the City Solicitor, for a period of five (5) years commencing February 29, 2020 which terms will reflect a combined base rent of \$62,018.00 per annum for the first two (2) years rising to \$64,802.80 per annum for the remaining three (3) years, subject to the publication of the statutory notices required by the Community Charter.

G.4.b From the March 12, 2020 Closed Council Meeting

Appointment – External Grant Review Committee

That Council:

Appoint Chris Tilden to the External Grant Review Committee for a two-year cycle,

Appoint Alan Humphries and Serena Klaver to the External Plan Grant Review Committee for a one-year cycle.

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the May 7, 2020 COTW Meeting

H.1.a.a 2019 Financial Statements

Moved By Councillor Alto
Seconded By Councillor Loveday

That Council approve the 2019 Financial Statements.

CARRIED UNANIMOUSLY

H.1.a.b Downtown Victoria Business Association 2020 Budget

Moved By Councillor Thornton-Joe
Seconded By Councillor Dubow

That Council receive the presentation for information and approve the 2020 DVBA Budget.

CARRIED UNANIMOUSLY

H.1.a.c Council Member Motion - 2020 Financial Plan Review - COVID-19

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council amend the April 9, 2020 Financial Plan motion item (g) to:

That Council review and consider amendments to the 2020 budget at the August 6, 2020 Committee of the Whole meeting with specific attention to the tables on pages 7 and 9 of this report.

CARRIED UNANIMOUSLY

Mayor Helps withdrew from the meeting at 12:30 p.m. due to a potential pecuniary conflict of interest with the following item, as she lives in close proximity.

Councillor Loveday assumed the Chair in her absence.

H.1.a.d 1230 Grant Street, 1209, 1218, 1219, 1220, 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue: Rezoning Application No. 00715, Development Permit Application No. 00567 and Associated OCP Amendment (Fernwood)

Moved By Councillor Alto
Seconded By Councillor Potts

Rezoning Application No. 00715 and associated Official
Community Plan Amendment

1. That Council instruct the Director of Sustainable Planning and Community Development 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. 00715 for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, and change the OCP designation from Public Facilities, Institutions, Parks and Open Space and Traditional Residential to Urban Residential
2. 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 executed by the applicant in order to secure the following:
 - i. a housing agreement to ensure the residential rental units remain affordable or below market in perpetuity in accordance with the City's definition of affordability and below market in the *Victoria Housing Strategy 2016-2025* (Phase Two: 2019-2022)
 - ii. that the applicant provides a minimum of 14 three-bedroom, eight four-bedroom dwelling units, 15 accessible dwelling units in accordance with in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design, and private amenity space with a minimum floor area of 139m²
 - iii. a Statutory Right-of-Way of 3.928m on Grant Street and 1.90m on Vining Street be registered on title to the satisfaction of the Director of Engineering and Public Works
 - iv. a Statutory Right-of-Way of 10.85m along the proposed driveway at Grant Street be registered on title to the satisfaction of the Director of Engineering and Public Works
 - v. construction of a vehicle turnaround on Grant Street adjacent to the subject properties to the satisfaction of the Director of Engineering and Public Works
 - vi. construction of community gardens or contribution of cash in lieu equivalent to the installation of such gardens within the 145m² road closure area on the north side of North Park Street in consultation with the Fernwood Community Association and the Compost Education Centre and to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering and Public Works

- vii. construction of an 8m wide greenway on the Victoria High lands adjacent to the development site in accordance with the plans dated April 6, 2020 to the satisfaction of the Director of Parks, Recreation and Facilities and the Director of Sustainable Planning and Community Development
3. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered
 4. That the applicant provide a revised site plan and civil drawing showing a Grant Street turnaround to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities
 5. That Council consider who is affected by the proposed changes to the Official Community Plan and 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.
 6. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act and direct the Director of Sustainable Planning and Community Development to:
 - i. mail a notice of the proposed OCP Amendment to the affected persons; and
 - ii. post 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
 7. 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 because the proposed OCP amendment does not affect them
 8. That Council direct the Director of Engineering and Public Works to bring forward for Council's consideration, a report and bylaws for road closures and necessary restructuring on Vining St and North Park St to accommodate the project
 9. That Recommendations 1 to 8 be adopted on the condition that they create no legal rights for the applicant or any other person, no obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit Application No. 000567

That, subject to:

1. the preparation and execution of legal agreements to secure housing affordability, unit types, accessible dwelling units, and

amenity space, Statutory Right-of-Ways, and the construction of a greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and Direction of Engineering and Public Works.

2. revisions to the driveway and underground parkade entrance of the four-storey, multi-unit residential building on Grant Street to accommodate the Grant Street turnaround, to the satisfaction of the Director of Community Planning and Sustainable Development and Director of Engineering and Public Works.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000567 for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (6 to 1)

Mayor Helps returned to the meeting at 12:42 p.m. and assumed the Chair.

H.1.a.e601 Trutch Street: Rezoning Application No. 00678 and Heritage Alteration Permit with Variances Application No. 00012 (Fairfield)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council refer back to staff to discuss with applicant staff concerns, comments made by Council and the CALUC.

CARRIED UNANIMOUSLY

Council recessed the meeting at 12:43 p.m.

Council reconvened the meeting at 4:27 p.m.

Councillor Potts was not present at the time the meeting reconvened.

H.1.b Report from the May 14, 2020 COTW Meeting

H.1.b.a Victoria 3.0 - Recovery Reinvention Resilience - 2020-2041

Moved By Mayor Helps

Seconded By Councillor Dubow

That Council:

1. Adopt Victoria 3.0 – Recovery Reinvention Resilience – 2020-2041
2. Forward proposed 2021 actions to staff for consideration as part of the 2021 budget process.
3. That Council receives an annual report on the implementation of Victoria 3.0

CARRIED UNANIMOUSLY

H.1.b.b Open Air Recovery – Support for Restaurants and Cafes in Public Spaces

Moved By Councillor Loveday

Seconded By Councillor Alto

That Council direct staff to report back with options for flexible, innovative, and expedited permitting of patios in public spaces for restaurants and other establishments once public health restrictions have been loosened in order to promote economic recovery, taking into consideration accessibility impacts, needs for appropriate physical distancing, and ample room for pedestrians in high-traffic areas and livability for residents.

CARRIED UNANIMOUSLY

H.1.b.c Supporting the Recovery of the Arts and Culture Sector

Moved By Councillor Loveday

Seconded By Councillor Dubow

1. That Council move forward at this time with the previously approved 2020 Create Victoria actions related to the creation of a Cultural Infrastructure Grant fund, Cultural Spaces Roadmap, and the new staff position for implementing *Create Victoria*
2. That Council direct staff to report back with options for a special round of grants to:
 - a. Encourage events with alternative formats that build community and social connection while allowing for physical distancing;
 - b. Once restrictions are lifted, events to bring people back downtown, support arts and culture, and inject economic vibrancy back into the core and village centres.

3. That the City of Victoria provide a \$5000 grant to the Pro Art Alliance of Greater Victoria for the creation of a City of Victoria sponsored award at the annual Pro Art Regional Arts Awards, to be aligned with the objectives of Create Victoria, to be funded from the 2020 contingency budget.
4. Staff report back on equity and inclusion at the same time as the regular report back on *Create Victoria*.

CARRIED UNANIMOUSLY

H.1.b.d Increasing Physical Distancing for Pedestrians in Public Space

Moved By Councillor Alto

Seconded By Councillor Loveday

That Council direct staff to keep the physical distancing measures in place in village centres and other locations and report back to council with to further opportunities to allocate additional spaces for people to walk and roll safely in village centres and downtown in order to proactively prepare for increased pedestrian traffic as people begin to leave their homes.

CARRIED UNANIMOUSLY

Moved By Mayor Helps

Seconded By Councillor Loveday

Direct staff to pedestrianize Beacon Hill Park while opening parking lots at Heywood Rd, Circle Drive, and Nursery Rd. and the roads that serve as their closest access points for the duration of summer. Further that Council direct staff to seek input from accessibility organizations including the AWG if that body is available, and report back with that advice, and all other input received so council can consider whether to further extend the pedestrianized approach to the park.

Council discussed the following:

- *The desire for communication from members of the public.*

Moved By Councillor Loveday

Seconded By Councillor Alto

That Councillor Thornton-Joe be permitted to speak a second time.

CARRIED UNANIMOUSLY

Councillor Potts returned to the meeting at 4:32 p.m.

FOR (5): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young

OPPOSED (2): Councillor Alto, and Councillor Thornton-Joe

CARRIED (5 to 2)

H.1.b.e Extending Reduced Parking Fee Policy

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

1. Direct staff to extend the current parking fee policy, as approved April 9, 2020, through to June 15, 2020 with the option to extend, and
2. Direct staff to report back to Council on the impacts of that policy, at the June 11, 2020, meeting of Committee of the Whole.

CARRIED UNANIMOUSLY

H.1.b.f Commercial Loading Zones to Free Time Limited Zones

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council request staff to change some the Commercial Loading Zones in the City to be free time limited zones after 4 p.m. and on Sundays while leaving some spots for 3 minute passage zones or for use of seating areas for businesses if it can be achieved in a safe and accessible manner.

CARRIED UNANIMOUSLY

H.1.b.g Assistance with Recovery Phase for Business

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council request that staff create temporary bylaw amendments that would:

1. Allow businesses to display and sell their merchandise in front of their business
2. Allow tables and chairs outside restaurants, coffee shops, bakeries
3. Allow businesses to use areas of public spaces or squares adjacent to a business
4. Consider how larger City spaces could be shared by businesses

CARRIED UNANIMOUSLY

H.1.b.h COVID -19 Community Recovery Grants Program

Moved By Councillor Alto

Seconded By Councillor Dubow

1. That Council direct staff to, on an urgent basis, design and report back with options for an innovative, one time, time limited grant program that would allocate funds to organizations and/or individuals to support specific, measurable, actions to remedy a city-based business, organization, neighbourhood, or other entity directly affected by COVID-19, and in that report identify options for funding such a program and apply and report on a high level equity analysis and how those actions reflect the City's equity mandate.
2. Authorize up to \$500,000 from the 2020 contingency toward the Strategic Plan Grant Program.
3. Direct staff to initiate without delay a second intake for the Strategic Plan Grant Program for 2020, incorporating a new criterion in the evaluation of applications based on the degree to which applicants have experienced economic hardship arising from Covid-19.

CARRIED UNANIMOUSLY

H.1.b.i COVID Recovery: Housing Security

Moved By Councillor Potts

Seconded By Councillor Alto

1. That staff explore opportunities reprioritize, expedite, or amend actions within the Victoria Housing Strategy to address certain growing housing precarity within Victoria.
2. That, via council liaisons, staff solicit written recommendations from existing City Task Forces and Committees regarding potential actions to support housing security.

CARRIED UNANIMOUSLY

H.1.b.j COVID Recovery: Food security for low income tenants

Moved By Councillor Potts

Seconded By Councillor Alto

That the city work with local housing providers of subsidized, low income, and supportive housing to explore avenues and partnerships to allow residents to participate in City of Victoria food security and food growing programs where they live.

CARRIED UNANIMOUSLY

H.1.b.k Recovery Town Hall

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That Council direct staff to hold a digital townhall in late May or early June to share the City's proposed initiatives with the public and answers questions about proposed plans and initiatives.

CARRIED UNANIMOUSLY

H.1.b.l Capital Projects

Moved By Councillor Young

Seconded By Mayor Helps

Request staff to prepare a list of capital projects ready to go but not started or committed. These should range in cost from Crystal Pool through a second artificial turf field at Topaz to bridges on the David Foster pathway.

CARRIED UNANIMOUSLY

H.1.b.m Safe Indoor Sheltering Locations

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

Request the Province to establish a safe indoor sheltering locations throughout the region with supports with sufficient capacity to meet the need of all those who are unhoused as a pathway to safe, adequate, secure, permanent housing.

CARRIED UNANIMOUSLY

H.1.b.n Hospitality Industry

Moved By Councillor Young

Seconded By Councillor Alto

Advocate for federal and provincial programs that assist restaurants in designing physical layouts, cleaning, ventilation, and serving processes that would allow them to operate safely.

CARRIED UNANIMOUSLY

Moved By Councillor Young

Seconded By Councillor Alto

Respond quickly to requests by hospitality industry to changes in zoning, occupancy, etc. to allow for physical distancing.

CARRIED UNANIMOUSLY

H.1.b.o Pathway to Recovery for a Caring, Low Carbon Community

Moved By Councillor Dubow

Seconded By Councillor Isitt

That Council endorse in principle the Moving Forward, Not Backward policy statement and refer the report to the August 6, 2020 Committee of the Whole meeting to inform decisions relating to the 2020 and 2021 Financial Plans.

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)

H.1.b.p Food Security during COVID-19 Recovery

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council continue to support the shift toward more resilient food systems by:

1. Authorizing a grant to provide insurance to allow the Community Food Support Network hamper program to continue to operate from May 18, 2020 to August 31, 2020.

CARRIED UNANIMOUSLY

Moved By Councillor Dubow

Seconded By Councillor Isitt

That Council continue to support the shift toward more resilient food systems by:

1. Endorse the continuation of the Get Growing Victoria program during the Covid-19 recovery phase, including the distribution of food plants, gardening materials and educational resources for the winter 2020-2021 growing season.

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)

H.1.b.q Sustainable Transportation during COVID-19 Recovery

Moved By Councillor Dubow

Seconded By Councillor Potts

That Council endorse the following actions for sustainable transportation during Covid-19 recovery:

1. Request that the Mayor write, on behalf of Council, to the Victoria Regional Transit Commission, indicating the City of Victoria's support for the following priorities for public transit during Covid-19 recovery:
 - a. Retain the current fare-free public transit program during the pandemic, to ensure driver safety, economic relief for passengers and low-carbon transport.
 - b. Deploy the existing BC Transit fleet with maximum service hours for bus and handyDart to substantially improve service and equity, alongside fast-tracking the purchase of new buses and expansion of fleet maintenance facilities.
 - c. Implement transit priority including bus lanes on existing roads, to increase transit capacity, speed and reliability at peak periods.
2. Request that the Mayor write, on behalf of Council, to the Federal and Provincial Ministers of Transportation, indicating the City of Victoria's support for the following priorities for public transit during Covid-19 recovery:
 - a. Job-creation investment in a third fleet maintenance facility for the Victoria Regional Transit System, to allow for major service expansion and rapid transit.
 - b. Job-creation investment in the electrification and expansion of local, regional and national inter-city bus and rail networks, under public ownership, operation and control, including bus priority lanes, LRT and other modes.

Mayor Helps separated point 1.a to be voted upon separately.

Moved By Councillor Dubow

Seconded By Councillor Potts

That Council endorse the following actions for sustainable transportation during Covid-19 recovery:

1. Request that the Mayor write, on behalf of Council, to the Victoria Regional Transit Commission, indicating the City of Victoria's support for the following priorities for public transit during Covid-19 recovery:
 - a. Retain the current fare-free public transit program during the pandemic, to ensure driver safety, economic relief for passengers and low-carbon transport.

FOR (6): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (2): Mayor Helps, and Councillor Young

CARRIED (6 to 2)

Moved By Councillor Dubow

Seconded By Councillor Potts

That Council endorse the following actions for sustainable transportation during Covid-19 recovery:

1. Request that the Mayor write, on behalf of Council, to the Victoria Regional Transit Commission, indicating the City of Victoria's support for the following priorities for public transit during Covid-19 recovery:
 - b. Deploy the existing BC Transit fleet with maximum service hours for bus and handyDart to substantially improve service and equity, alongside fast-tracking the purchase of new buses and expansion of fleet maintenance facilities.
 - c. Implement transit priority including bus lanes on existing roads, to increase transit capacity, speed and reliability at peak periods.
2. Request that the Mayor write, on behalf of Council, to the Federal and Provincial Ministers of Transportation, indicating the City of Victoria's support for the following priorities for public transit during Covid-19 recovery:
 - a. Job-creation investment in a third fleet maintenance facility for the Victoria Regional Transit System, to allow for major service expansion and rapid transit.
 - b. Job-creation investment in the electrification and expansion of local, regional and national inter-city bus and rail networks, under public ownership, operation and control, including bus priority lanes, LRT and other modes.

CARRIED UNANIMOUSLY

H.1.c Council Member Motion - Continuation of Youth Bus Pass Program

Moved By Councillor Dubow

Seconded By Councillor Loveday

1. That Council reaffirms support for the Youth Bus Pass Program and directs staff to engage BC Transit and report back to Council on funding options for continuation of the program in the September 2020 – August 2021 period.
2. That Council reaffirms its commitment to the 2019 Strategic Plan action to explore extending the fare-free transit program to include Low-Income People and Senior Citizens.

CARRIED UNANIMOUSLY

N. CLOSED MEETING

Moved By Councillor Dubow
Seconded By Councillor Young

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and*
- *Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

CARRIED UNANIMOUSLY

O. APPROVAL OF CLOSED AGENDA

Moved By Councillor Potts
Seconded By Councillor Alto

That the closed agenda be approved.

CARRIED UNANIMOUSLY

P. READING OF CLOSED MINUTES

P.1 Minutes from the special closed meeting held April 20, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the special closed minutes from April 20, 2020 be adopted.

CARRIED UNANIMOUSLY

P.2 Minutes from the closed Committee of the Whole meeting held April 23, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the closed Committee of the Whole minutes from April 23, 2020 be adopted.

CARRIED UNANIMOUSLY

P.3 Minutes from the closed meeting held April 23, 2020

Moved By Councillor Alto

Seconded By Councillor Potts

That the closed minutes from April 23, 2020 be adopted.

CARRIED UNANIMOUSLY

S. NEW BUSINESS

S.1 Land/Intergovernmental negotiations - Community Charter Section 90(1)(e) and Section 90(2)(b)

Council discussed a land/intergovernmental negotiations item.

All staff except the City Manager were excused from the meeting at 5:32 p.m.

S.2 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

U. ADJOURNMENT

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 5:40 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

May 28, 2020, 12:00 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting
may be viewed on the City's webcast at www.victoria.ca.

PRESENT: Councillor Alto, Councillor Dubow, Councillor Isitt in the Chair (for a portion), Councillor Potts in the Chair (for a portion), Councillor Thornton-Joe, and Councillor Young

PRESENT ELECTRONICALLY: Councillor Loveday

ABSENT: Mayor Helps

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, P. Martin - Council Secretary

Councillor Isitt assumed the chair in the Mayor's absence.

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto

Seconded By Councillor Dubow

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

B. READING OF MINUTES

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following minutes be adopted:

1. Minutes from the meeting held April 23, 2020
2. Minutes from the daytime meeting held May 7, 2020

CARRIED UNANIMOUSLY

C. REQUESTS TO ADDRESS COUNCIL (Limit of 6)

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

C.1 Brenton Raby: RDCK Resolution 64/20 to UBCM - Cannabis Consumption Cafes

Presented to Council remotely via telephone and outlined why Council should support a resolution to support cannabis cafes.

C.2 Michael Wheatley: Parking Restrictions Around Gonzales Bay

The City Clerk read out a written submission that was provided by Michael Wheatley, who outlined for Council concerns relating to parking restrictions around Gonzales Bay.

C.3 Antonia Paquin: Moving Forward Not Backward

Presented to Council remotely via telephone and outlined support for the Council resolution, Moving Forward Not Backward, and the need for meaningful engagement.

C.4 Joshua Goldberg: The Situation for Homeless People in a Dual Public Health Emergency

Presented to Council remotely via telephone and outlined why Council should commit to aligning all Council actions regarding homeless people with recent guidance from the United Nations Special Rapporteur on the Right to Housing.

C.5 Lacey Mesley: The Situation for Homeless People in a Dual Public Health Emergency

Presented to Council remotely via telephone and outlined why Council should commit to aligning all Council actions regarding homeless people with recent guidance from the United Nations Special Rapporteur on the Right to Housing.

Council recessed at 12:36 p.m.

The meeting was reconvened at 2:05 p.m.

Councillor Isitt withdrew from the meeting at 2:05 p.m.

Councillor Potts assumed the chair in his and the Mayor's absence.

D. PROCLAMATIONS

D.1 "Honouring the National Day of the Republic of Azerbaijan" - May 28, 2020

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following proclamation be endorsed:

1. "Honouring the National Day of the Republic of Azerbaijan" - May 28, 2020

CARRIED UNANIMOUSLY

D.2 "National AccessAbility Week" - May 31, 2020

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following proclamation be endorsed:

1. "National AccessAbility Week" - May 31, 2020

CARRIED UNANIMOUSLY

E. PUBLIC AND STATUTORY HEARINGS

E.1 1700 Blanshard Street: Development Permit with Variance Application No. 00106

Development Permit with Variances Application No. 00106:

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1700 Blanshard Street, in Development Permit Area 2 (HC) Core Business, for purposes of constructing a twenty-three storey mixed-use residential building with ground floor commercial uses.

E.1.a Consideration of Approval

Miko Betanzo (Senior Planner): *Advised that the application is for a 23 storey residential building, with ground floor commercial and that the Opportunity for Public Comment had been waived by Council in response to the COVID-19 pandemic.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council authorize the issuance of Development Permit with Variance Application No.000106 for 1700 Blanshard Street, in accordance with:

1. Plans date stamped April 24, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the building setback above 10m from 12.35 to 4.8 metres, measured at the highest building elevation on Blanshard Street
 - ii. increase the balcony encroachment into the setback from 0.6 to 2.0 metres on Blanshard Street above the twentieth storey
 - iii. reduce the building setback above 10m from 2.26 to 0.5 metres, measured at the highest building elevation on Fisgard Street
 - iv. reduce the setback above 10m from 12.35 to 6.20 metres, above the fifteenth storey on Herald Street
 - v. increase the balcony encroachment into the setback from 0.6m to 2.8 metres on Herald Street above the twentieth storey

- vi. reduce the number of on-site short-term bicycle stalls from thirty-one to sixteen.
- 3. Registration of a Statutory Right-of-Way on Blanshard Street to secure passage over the fronting sidewalk.
- 4. Registration of an Encroachment agreement for building canopies.
- 5. The Development Permit lapsing two years from the date of this resolution.

Councillor Isitt joined the meeting electronically at 2:15 p.m.

Council discussed the following:

- *The requested height variances.*

FOR (5): Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (5 to 2)

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the April 23, 2020 COTW Meeting

H.1.a.a1023 Tolmie Avenue: Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097 (Hillside/Quadra)

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

Rezoning Application No. 00672

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue, 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. 00097

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. 00097, if it is approved, consider the following motion:

That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. reduce the front yard setback on the south lot from 6.0m to 4.2m to the building and 3.0m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.0m to 3.5m;
 - iii. reduce the south side yard setback on the south lot from 2.4m to 1.5m for any portion of a dwelling used for habitable space and which has a habitable window; and
 - iv. reduce the south side yard setback on the north lot from 2.4m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
3. The Development Permit lapsing two years from the date of this resolution.

FOR (6): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
 OPPOSED (1): Councillor Young

CARRIED (6 to 1)

H.1.a.b 1820 Government Street: Update on Application for a new Food Primary License with Entertainment Endorsement for January Gin Joint & Eatery (Downtown)

Acting Mayor Potts postponed consideration of this item, pending confirmation of information from staff.

H.1.b Report from the May 14, 2020 COTW Meeting

H.1.b.a 2003 Shakespeare Street: Development Variance Permit Application No. 00233 (Fernwood)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00233 for 2003 Shakespeare Street, in accordance with:

1. Plans date stamped April 9, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the north side yard setback of the Lot 1 (south lot) from 2.45m to 1.60m;
 - ii. reduce the lot width of the Lot 2 (north lot) from 15m to 14.33.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

**H.1.b.b 727-729 Johnson Street: Heritage Designation Application
No. 000153 (Downtown)**

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council approve the designation of the exterior of the property located at 727-729 Johnson Street, first constructed in 1910 and restored in 2019, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

**H.1.b.c 2558 Quadra Street: Revised Victoria Housing Reserve Fund
Grant (Forest Heights) (Hillside/Quadra)**

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council:

1. Reduce the grant, approved on March 21, 2019, from the Victoria Housing Reserve Fund to the Greater Victoria Housing Society for the Forest Heights project located at 2558 Quadra Street from \$440,000 to \$105,000 to reflect changes to the project, specifically a reduction in number of eligible units and level of affordability.
2. Confirm that all other terms and conditions of the grant approval continue to apply in accordance with the March 21, 2019 approval, except for levels of affordability of the proposed units.

CARRIED UNANIMOUSLY

H.1.b.d COVID-19 Update (Verbal)

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the City Manager's verbal report be received for information.

CARRIED UNANIMOUSLY

**H.1.b.e Public Hearings and Opportunities for Public Comment
during the COVID-19 Pandemic**

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council:

1. Authorize an amended process and move forward with public hearings and opportunities for public comment in accordance with the Ministerial Order M139 for receiving oral submissions during public hearings by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance while authorized by the provincial government.
2. Restore the public request to address Council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic.
3. Restore the holding of twice monthly evening council meetings with remote participation in Public Hearings and Opportunities for Public Comment, Request to Address Council and Question Period.
4. That staff proactively communicate opportunities for public participation in the City of Victoria public processes and information regarding all public hearings be sent to all CALUCs.
5. That staff provide a verbal progress report on public participation at the June 18 COTW meeting.

CARRIED UNANIMOUSLY

H.1.b.f My Great Neighbourhood Grant Program – New Category of Community Recovery & Resiliency

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council approves:

1. The new interim category of Community Recovery & Resiliency and the updated policy for the 2020 *My Great Neighbourhood Grant Program*
2. A rolling intake from June to December 2020, giving the City Manager the decision-making power to approve the grants following the usual staff review process and report back at the end of the year.
3. That the maximum allocated for recovery and resilience grants will be \$5000.

CARRIED UNANIMOUSLY

H.1.b.g Support Small Business, Arts and Culture, and the Visitor Economy Progress Report

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council received this report for information.

CARRIED UNANIMOUSLY

H.1.a.b 1820 Government Street: Update on Application for a new Food Primary License with Entertainment Endorsement for January Gin Joint & Eatery (Downtown)

Staff confirmed the motion included an amendment made during the Committee of the Whole meeting.

Moved By Councillor Alto
Seconded By Councillor Dubow

That Council receive this report for information.

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, as long as it meets the requirements of a food primary as written in the liquor control board policy, of the January Gin Joint & Eatery located at 1820 Government Street to have hours of operation from 9:00 am to 12:00 am Sunday through Wednesday and 9:00 am to 1:00 am Thursday through Saturday, an occupant load of 43 people and an entertainment endorsement.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community near the establishment was considered in relation to the request and assumptions are the noise impacts would be comparable in proportion to existing licence capacity in the vicinity.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports this new business and the long-term viability of the establishment.
- c. The views of residents were solicited via a mail out which included 474 letters to neighbouring property owners and occupants within 100 metres of the licensed location and a notice posted at the property. The City received one letter from the Downtown Residents Association opposing the application in response to the request.
- d. Council recommends the hours supported for the establishment be approved.

FOR (5): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 2)

H.1.c Report from the May 21, 2020 COTW Meeting

H.1.c.a404 Henry Street: Heritage Designation Application No. 000189 (Victoria West)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council approve the designation of the property located at 404 Henry Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

H.1.c.b 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and DPV No. 000527 - Advance for Consideration after Postponement (Fairfield)

Moved By Councillor Young
Seconded By Councillor Potts

That Council advance Rezoning Application No. 00634 and Development Permit with Variance Application No. 000527 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street for consideration, in accordance with the recommendation stated in the attached Committee of the Whole Report from the meeting of March 19, 2020.

FOR (5): Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (5 to 2)

H.1.c.c750 and 780 Summit Avenue: Development Permit with Variance Application No. 00136 (Burnside)

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That, subject to the proposed metal panels being reviewed and determined to be to the satisfaction of the Director of Sustainable Planning and Community Development, Council authorize the

issuance of Development Permit with Variance Application No. 00136 for 750 and 780 Summit Avenue, in accordance with:

1. Plans date stamped April 14, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. No provision of a loading space (Part 7.2, Section 9).
3. Provision of a short-term bike rack (6 spaces) in a location to the satisfaction of the Director of Engineering and Public Works.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

H.1.c.d 500, 504, and 506 Herald Street: Development Permit with Variance No. 00105 (Downtown)

Moved By Councillor Alto

Seconded By Councillor Young

That Council, after giving notice, extending the notification area to 100 metres, 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 Variance Application No. 00105 for 500, 504, and 506 Herald Street, in accordance with:

1. Plans date stamped April 16, 2020.
2. Development meeting all Zoning Bylaw 2018 requirements, except for the following variance:
 - a. allowing new construction and building features to be erected partly on one lot and partly on another lot (Administration, Part 1, Section 12).
3. Conditional upon:
 - a. the applicant providing security to replace two street trees (species to be determined by the Parks Department) on the frontage and to include grate, guard and structural soil to the satisfaction of the Director of Parks and Recreation; and
 - b. the applicant providing a financial contribution of \$1000 for two bicycle racks to be placed on Herald Street.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

H.1.c.e1035 Joan Crescent: Development Permit with Variance Application No. 00129 (Rockland)

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That the matter be referred back to staff to work with the applicant to ensure greater consistency with the spirit and letter of the duplex guidelines.

CARRIED UNANIMOUSLY

H.1.c.f COVID-19 Update (Verbal)

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the City Manager's report on the Covid-19 update be received for information.

CARRIED UNANIMOUSLY

H.1.c.g Downtown Core Area Plan Update

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council:

1. Direct staff to undertake an update of the Downtown Core Area Plan focused on enhancing liveability through improved building design considerations.
2. Direct staff to report back with proposed updates to the Downtown Core Area Plan and a related Official Community Plan Amendment Bylaw to update development permit area and heritage conservation area guidelines.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff that no referrals of the Official Community Plan Amendment Bylaw are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, provincial or federal governments, Township of Esquimalt, District of Saanich and the District of Oak Bay.
4. Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation with the project technical working group along with downtown property owners, residents, businesses, the development industry and heritage community on the proposed amendments to the Official Community Plan through a combination of printed materials and digital engagement tools such as an online open house and a project website.

CARRIED UNANIMOUSLY

H.1.c.h Temporary License of Occupation for DC Fast Charger at 1400 Blk of Store Street

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That Council, authorize the City to enter into a License of Occupation (Electric Vehicle Charging Stations) agreement, allowing BC Hydro Power Authority (BC Hydro) the use of a defined portion of land at 1400 Store Street to install, maintain and operate a publicly accessible Direct Current Fast Charge (DCFC), electric vehicle station as shown in Appendix A.

CARRIED UNANIMOUSLY

H.1.c.i Motor Vehicle Act Pilot Project

Moved By Councillor Alto

Seconded By Councillor Potts

That Council direct staff to:

1. Communicate with the Province of British Columbia that the City of Victoria will work collaboratively with other municipalities and the Capital Regional District to explore a proposal for the second call under the Motor Vehicle Act Pilot Program focused on reduced speed limits and new mobility devices.
2. Prepare the associated corporate resourcing requirements to participate in the Motor Vehicle Act Pilot Program for consideration by Council as a part of the 2021 Financial Planning process.
3. Request expansion of provincial road safety and active transportation grant funding programs to support municipal participation in the Motor Vehicle Act Pilot Program.

CARRIED UNANIMOUSLY

H.1.c.j Reallocation of Funding to Support 'Get Growing, Victoria!'

Moved By Councillor Potts

Seconded By Councillor Isitt

That Council approve the reallocation of \$30,000 from the 2020 Community Garden Coordinator Grant to provide direct awards grants to community organizations supporting distribution and education components of the Get Growing, Victoria! food production program.

CARRIED UNANIMOUSLY

H.1.d Report from the May 28, 2020 COTW Meeting

H.1.d.a Council Member Motion - Housing and Supports during Covid Phase 2

Moved By Councillor Loveday

Seconded By Councillor Potts

1. That Council requests that the Mayor write, on behalf of Council, to the Premier of British Columbia, copying Members of the Legislative Assembly representing constituencies in the Capital Region, reiterating the City of Victoria's request that the Government of British Columbia mobilize sufficient resources to offer housing with appropriate social care and health care to all unhoused people in the Province of British Columbia.
2. That Council directs City of Victoria staff to:
 - a. Resume booking hotel and motel rooms in the Capital Region without delay for people currently sheltering outdoors in the City of Victoria, working with partner organizations to offer housing with appropriate social care and health care services (and all supports and wraparound services that may be required), and with informed consent of people to be housed, drawing from unspent funds from \$300,000 in previously approved Covid-19 response funding, and that the City seek reimbursement from the Province for these expenditures.
 - b. Maintain access to hygiene for people currently sheltering outdoors, including handwashing facilities and washrooms in proximity to authorized outdoor sheltering locations on a 24-hour basis, drawing from unspent funds from previously approved Covid-19 response funding.
 - c. Maintain funding for shower facilities at Our Place, drawing from unspent funds from previously approved Covid-19 response.

"The Acting Mayor confirmed that items one and two would be voted on separately, as was done during the Committee of the Whole Meeting".

Moved By Councillor Loveday

Seconded By Councillor Potts

1. That Council requests that the Mayor write, on behalf of Council, to the Premier of British Columbia, copying Members of the Legislative Assembly representing constituencies in the Capital Region, reiterating the City of Victoria's request that the Government of British Columbia mobilize sufficient resources to offer housing with appropriate social care and health care to all unhoused people in the Province of British Columbia.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Potts

2. That Council directs City of Victoria staff to:
 - a. Resume booking hotel and motel rooms in the Capital Region without delay for people currently sheltering outdoors in the City of Victoria, working with partner organizations to offer housing with appropriate social care and health care services (and all supports and wraparound services that may be required), and with informed consent of people to be housed, drawing from unspent funds from \$300,000 in previously approved Covid-19 response funding, and that the City seek reimbursement from the Province for these expenditures.
 - b. Maintain access to hygiene for people currently sheltering outdoors, including handwashing facilities and washrooms in proximity to authorized outdoor sheltering locations on a 24-hour basis, drawing from unspent funds from previously approved Covid-19 response funding.
 - c. Maintain funding for shower facilities at Our Place, drawing from unspent funds from previously approved Covid-19 response.

FOR (6): Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (6 to 1)

H.1.d.b Council Member Motion - Advocacy for Paid Sick Leave for All

Moved By Councillor Loveday
Seconded By Councillor Isitt

WHEREAS British Columbia has entered Phase 2 of the province's Restart Plan allowing for the reopening of a broad range of businesses and services;

AND WHEREAS paid sick leave is an essential measure to protect public health and prevent disease transmission as the economy begins to reopen and contacts increase;

AND WHEREAS paid sick leave provides substantial benefits to the public, firms, and workers;

AND WHEREAS municipalities have fundamental powers to regulate, prohibit or impose requirements to protect public health;

AND WHEREAS the public health emergency is most effectively combatted with all levels of government working together;

THEREFORE BE IT RESOLVED THAT Victoria City Council request that the province implement amendments to the Employment Standards Act to introduce a minimum of 21 paid sick leave days for the duration of the Provincial State of Emergency with a legacy of at least 10 days of paid sick leave for workers in British Columbia in perpetuity.

AND BE IT FURTHER RESOLVED THAT Victoria City Council requests that the federal government increase the EI Premium Reduction Program for employers that offer paid sick leave or introduce a refundable corporate income tax credit to support firms in meeting their paid sick leave obligations for the duration of the current crisis.

AND BE IT FURTHER RESOLVED THAT Victoria City Council requests that, in the event that the federal government is unwilling to offer financial support for firms offering paid sick leave, the province implement a partially offsetting credit to the Employer's Health Tax or WorkSafeBC premiums for the duration of the current crisis.

CARRIED UNANIMOUSLY

J. BYLAWS

J.1 Bylaws for 3020 Douglas Street and 584 Burnside Road East: Rezoning Application No. 00676 and Development Permit with Variances Application No. 000542

Moved By Councillor Potts
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1223) No. 20-050

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Potts

That the following bylaw **be given first, second, and third readings:**

1. Housing Agreement (3020 Douglas Street and 584 Burnside Road East)
Bylaw (2020) No. 20-030
2. Housing Agreement (3020 Douglas Street and 584 Burnside Road East)
Bylaw (2020) No. 20-031

CARRIED UNANIMOUSLY

N. CLOSED MEETING

Moved By Councillor Dubow
Seconded By Councillor Young

MOTION TO CLOSE MAY 28, 2020 COUNCIL MEETING TO THE PUBLIC AT 2:42 P.M.

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality*
- *Section 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;*

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- *Section 90(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party*

CARRIED UNANIMOUSLY

O. APPROVAL OF AGENDA

Moved By Councillor Dubow
Seconded By Councillor Thornton-Joe

That the closed agenda be approved.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Dubow

That the minutes are placed on the consent agenda.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That T.4 Matter Under Another Enactment – Community Charter Section 90(1)(m) is placed on the consent agenda.

CARRIED UNANIMOUSLY

**On the main motion as amended:
CARRIED UNANIMOUSLY**

P. CONSENT AGENDA

Q.1 Minutes from the closed meeting held May 7, 2020

Moved By Councillor Dubow
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held May 7, 2020 are approved.

CARRIED UNANIMOUSLY

Q.2 Minutes from the closed Committee of the Whole meeting held May 7, 2020

Moved By Councillor Dubow
Seconded By Councillor Thornton-Joe

That the minutes from the closed Committee of the Whole held May 7, 2020 are approved.

CARRIED UNANIMOUSLY

T.4 Matter Under Another Enactment – Community Charter Section 90(1)(m)

Council received a report on a matter under another enactment.
The motion was recorded and kept confidential.

S. NEW BUSINESS

T.1 Land – Community Charter Section 90(1)(e)

Council received a report on a land matter.

The motion was recorded and kept confidential.

All staff except the Senior Leadership Team were excused from the meeting at 3:00 p.m.

T.2 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter

T.3 Intergovernmental Relations – Community Charter Section 90(2)(b)

Council received a report on an intergovernmental relations matter.

The discussion and motion were recorded and kept confidential.

All staff except the City Manager were excused from this portion of the meeting.

T.5 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

U. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Potts

That the meeting is adjourned at 6:00 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

June 11, 2020, 3:45 P.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Due to the COVID19 Pandemic, public access to City Hall is not permitted. This meeting
may be viewed on the City's webcast at www.victoria.ca**

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

PRESENT VIA ELECTRONIC PARTICIPATION: Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, M. Betanzo - Senior Planner, AK Ferguson - Committee Secretary, J. Paul - Assistant Director of Engineering, J. O'Reilly, Senior Planner

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Dubow

Seconded By Councillor Alto

that the agenda be approved as amended

Amendment:

Moved By Councillor Dubow

Seconded By Councillor Alto

That the motions from the June 11, 2020 Committee of the Whole meeting be added to the agenda at D.1.c.

CARRIED UNANIMOUSLY

C. PROCLAMATIONS

C.1 "World Refugee Day" - June 20, 2020

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

1. "World Refugee Day" - June 20, 2020

CARRIED UNANIMOUSLY

C.2 "International Medical Cannabis Day" - June 11, 2020

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

1. "International Medical Cannabis Day" - June 11, 2020

CARRIED UNANIMOUSLY

C.3 "World Refrigeration Day" - June 26, 2020

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the following proclamation be endorsed:

1. "World Refrigeration Day" - June 26, 2020

CARRIED UNANIMOUSLY

C.4 "Longest Day of Smiles" - June 20, 2020

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

1. "Longest Day of Smiles" - June 20, 2020

CARRIED UNANIMOUSLY

D. REPORTS OF COMMITTEES

D.1 Committee of the Whole

D.1.a Report from the May 28, 2020 COTW Meeting

**D.1.a.a 1475 Fort Street - Development Permit with Variance
Application No. 00120 (Rockland)**

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

Subject to the applicant undertaking a CALUC community meeting that includes mail notices to owners and occupiers within 50 metres of the subject property and subject to staff providing an update report to COTW along with a revised motion reflecting any changes to the proposal.

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure rental tenure of the dwelling units in perpetuity while allowing all or a portion of the dwelling units to be leased to a third party housing provider for non-market housing, to the satisfaction of the Director of Sustainable Planning and Community Development
- b. A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development
- c. A Section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street, to the satisfaction of the Director of Engineering and Public Works.
- d. An agreement to secure sixteen car share memberships, to the satisfaction of the Director of Engineering and Public Works.

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 Variance Application No. 00120 for 1475 Fort Street, in accordance with:

1. Plans date stamped April 8, 2020
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;

- iii. increase the building height from 12 metres to 14.39 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres
 - v. reduce the rear setback from 7.2 metres to 3.96 metres
 - vi. reduce the east side yard setback from 7.2 metres to 3.05 metres
 - vii. reduce the west side yard setback from 7.2 metres to 3.86 metres
 - viii. increase the site coverage from 40 percent to 47 percent
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard
3. The Development Permit lapsing two years from the date of this resolution.”

FOR (5): Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (3): Mayor Helps, Councillor Isitt, and Councillor Young

CARRIED (5 to 3)

D.1.a.b COVID-19 Update (Verbal)

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the report from the City Manager be received for information.

CARRIED UNANIMOUSLY

D.1.a.c Festival Investment Grant Report

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That Council direct staff to:

1. Report back with 2020 Festival Investment Grant recommendations based on organizations' programming intentions outlined in their grant applications
2. Require recipients to observe provincial health orders in their planning and delivery of cultural programming
3. Require recipients to submit final reports detailing how funds were used to pay artists, deliver cultural programming and engage audiences by December 31, 2020.

CARRIED UNANIMOUSLY

D.1.a.d Tree Preservation Bylaw Update

Moved By Councillor Alto
Seconded By Mayor Helps

That Council direct staff to prepare a new Tree Protection Bylaw generally consistent with this report in order to:

- a. Differentiate permit applicant types and requirements according to the complexity and magnitude of projects
- b. Clarify information required from applicants for tree removal permit applications
- c. Define tree retention and replacement requirements to maintain a stable or expanding tree canopy, consisting of new tree replacement ratios, tree planting standards, and tree density targets
- d. Update the requirements for security deposits and update tree permit application fees
- e. Require modification or relocation of proposed building footprints or structures within the zoning setbacks, to retain protected trees
- f. Establish transition provisions to apply the new bylaw in order to minimize impacts to existing applications
- g. Repeal the existing Tree Preservation Bylaw No. 05-106.

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

CARRIED (7 to 1)

D.1.b Report from the June 4, 2020 COTW Meeting

D.1.b.a Create Victoria Progress Report

Moved By Councillor Dubow
Seconded By Councillor Alto

That Council receive this report for information.

CARRIED UNANIMOUSLY

Councillor Isitt left the meeting at 3:56 pm.

D.1.b.b Curbside Fees for Parking Stands and Yellow Curb Use

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council:

1. Approve the suspension of Parking Stand fees for Horse Drawn Carriages for 2020
2. Approve the suspension of Parking Stand fees for Sightseeing vehicles for 2020.

CARRIED UNANIMOUSLY

D.1.c Report from the June 11, 2020 COTW Meeting

D.1.c.a Parks and Recreation COVID-19 Recovery Plan

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council approve the Parks and Recreation COVID-19 Recovery Plan (Attachment A), with implementation commencing on June 12, 2020.

CARRIED UNANIMOUSLY

D.1.c.b Proposed Adjustments to Parking Fees

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council:

1. Extend the reduced parking fees as follows:
 - a. Reduced rates in all parkades:
 - i. Daily rate - \$1 per hour with the 1st hour free
 - ii. Monthly rate - \$85
 - iii. Daily rate maximum of \$5 in all parkades excluding the Yates Street Parkade and Centennial Square Parkade, which would have a maximum of \$9 per day
 - b. Reduced on-street metered rates:
 - i. In the 90 minute zone- \$2 per hour, and reinstate the time limit to 90 minutes
 - ii. All other zones- \$1 per hour, with no time limits
 - c. Reduced parking lot rates - \$1 per hour with a \$5 daily maximum

- d. Suspend enforcement of unmetered time-limited zones, except for 30 minute zones
2. Direct staff to report back as soon as parking capacity becomes a challenge with proposed policy changes for Council's consideration.

CARRIED UNANIMOUSLY

D.1.c.c Council Member Motion - Welcoming Cities Task Force

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

1. That Council allocated \$40,000 from the Mayor and Council travel budget to the Welcoming Cities Initiative.
2. That Council direct staff to extend the application phase for three more weeks and promote the opportunity to submit applications.

CARRIED UNANIMOUSLY

E. BYLAWS

E.1 Bylaw for 11 Chown Place: Development Permit with Variances Application No. 00132

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be given first, second, and third readings:**

1. Housing Agreement (11 Chown Place) Bylaw (2020) No. 20-038

CARRIED UNANIMOUSLY

E.2 Bylaw for 1009 Southgate Street: Heritage Designation Application No. 000190

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Heritage Designation (1009 Southgate Street) Bylaw No. 20-073

CARRIED UNANIMOUSLY

F. CLOSED MEETING

Moved By Councillor Dubow
Seconded By Councillor Young

MOTION TO CLOSE THE JUNE 11, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality; and*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

K. NEW BUSINESS

K.1 Legal Advice – Community Charter Section 90(1)(i)

This item was referred to the June 25, 2020 meeting.

K.2 Litigation – Community Charter Section 90(1)(g)

Council received a report regarding a Litigation matter.

The discussion and motion were recorded and kept confidential.

All staff, except the City Manager, were excused from the meeting at 5:21 p.m.

K.3 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

M. ADJOURNMENT

Moved By Councillor Dubow
Seconded By Councillor Alto

That the Council meeting adjourn.

Time: 5:31 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

June 11, 2020, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

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may be viewed on the City's webcast at www.victoria.ca.

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Isitt,
Councillor Thornton-Joe, and Councillor Young

PRESENT
ELECTRONICALLY: Councillor Loveday and Councillor Potts,

ABSENT: Councillor Dubow

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, T. Soulliere -
Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor,
K. Hoese - Director of Sustainable Planning and Community
Development, C. Havelka - Deputy City Clerk, C. Mycroft -
Manager of Executive Operations, P. Martin - Council Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

E. PUBLIC AND STATUTORY HEARINGS

E.1 1301 Hillside Avenue: Rezoning Application No. 00636 and Development Permit with Variance Application No. 00074

Zoning Regulation Bylaw, Amendment Bylaw (No. 1215) No. 20-018:

To rezone the land known as 1301 Hillside Avenue from the C-SS Zone, Special
Service Station District, to the C1-CH Zone, Cook-Hillside Multiple Dwelling
District, to permit a six-storey residential building with live-work units on the
ground floor.

Development Permit Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1301 Hillside Avenue, in Development Permit Area 7A – Corridors, for the purposes of approving the exterior design and finishes as well as landscaping for the proposed mixed-use development.

E.1.a Public Hearing & Consideration of Approval

Michael Angrove (Senior Planner): *Advised that the application is to develop a new six-storey, multi-unit residential building with ground floor live-work units.*

Mayor Helps opened the public hearing at 6:41 p.m.

Adam Cooper (Applicant): Provided information regarding the application.

Council discussed the following:

- *Whether the land lift analysis has been redone following the changes to the application.*

Christopher Lockley (Empire Street) (Telephone): Expressed concerns with the application in regards to a potential increase in traffic in the neighbourhood.

Shelley Morris (Video): Expressed support for the application as it will enhance the neighbourhood.

Candace Bates (Vista Heights) (Video): Expressed support for the application due to the inclusion of affordable housing.

James Murray (Inverness Road) (Video): Expressed support for the application due to the inclusion of affordable housing.

Adam Kreek (Kings Road) (Video): Expressed support for the application as it will help to make the City more bike friendly.

Joanne Thibault (Resident) (Video): Expressed support for the application as it will be a good inclusion to the neighbourhood.

Peter Wood (Fisgard street) (Video): Expressed support for the application due to the inclusion of affordable housing and the need for work/live units.

John Luton (Phillipa Place) (Video): Expressed support for the application as it is a better use of an abandoned site as well as the inclusion of bicycle parking.

Isha Matous-Gibbs (Murray Avenue) (Video): Expressed support for the application due to the inclusion of affordable housing.

Arin Wright (Resident) (Video): Expressed support for the application due to the inclusion of affordable housing.

Georgette Morgen (Resident) (Video): Expressed support for the application due to the inclusion of affordable housing.

Rachel Bond (Resident) (Video): Expressed support for the application due to the inclusion of affordable housing.

James Macauley (Resident) (Video): Expressed support for the application due to the need for densification and the inclusion of affordable housing.

Eric Swanson (Center Road) (Video): Expressed support for the application due to the inclusion of affordable housing.

Emily Bond (Resident) (Video): Expressed support for the application due to the inclusion of affordable housing.

Mark Waterman (Telephone): Expressed concerns with the application due to the height, massing, and limited set-backs, as well as concerns with the potential increase in traffic in the neighbourhood

Chloe Bush (Cook Street) (Telephone): Expressed concerns with the application as it is not an appropriate application for this neighbourhood.

Council recessed from 8:04 p.m. to 8:09 p.m.

Diane Bakers (Lang Street) (Telephone): Expressed concerns with the application as there are no bike lanes near this site to support the proposed bike parking, the limited number of parking stalls, and the location of the new bus stop in relation to the sidewalk.

Council discussed the following:

- *The location of the new bus stop.*
- *The proposed location of new AAA bike lanes.*

Mayor Helps closed the public hearing at 8:18 p.m.

Moved By Mayor Helps

Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1215) No. 20-018

Council discussed the following:

- *The importance of the inclusion of affordable housing.*

- *That the traffic concerns are alleviated by the inclusion of a bus pass and the bike parking.*
- *Concern with the change in application from rental to condominium housing.*
- *That the location is appropriate for increased density.*

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
 OPPOSED (1): Councillor Isitt

CARRIED (6 to 1)

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaws **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1215) No. 20-018
2. Housing Agreement (1301 Hillside Avenue) Bylaw (2020) No. 20-019

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
 OPPOSED (1): Councillor Isitt

CARRIED (6 to 1)

Councillor Isitt requested that the above motion to adopt bylaws be recalled and that the bylaws be voted upon separately.

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaw **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1215) No. 20-018

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)

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaw **be adopted**:

1. Housing Agreement (1301 Hillside Avenue) Bylaw (2020) No. 20-019

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That Council authorize the issuance of Development Permit with Variances Application No. 00074 for 1301 Hillside Avenue in accordance with:

1. Plans date stamped January 20, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 1. reduce the number of residential vehicle parking stalls from 48 to 19;
 2. reduce the number of visitor vehicle parking stalls from 5 to 4;
 3. increase the site coverage from 40% to 75.5%; and
 4. reduce the open site space from 50% to 20.9%.
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 (1): Councillor Isitt

CARRIED (6 to 1)

Motion Arising:

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That staff be directed to undertake an evaluation of residential parking only on Basil Avenue, East of Higgins Street.

Amendment:

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the motion be amended as follows:

That staff be directed to undertake an evaluation of residential parking only on Basil Avenue, East of Higgins Street **and Vista Heights.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Young
Seconded By Councillor Alto

That the motion be amended as follows:

That staff be directed to undertake an evaluation of residential parking only on Basil Avenue, East of Higgins Street and Vista Heights, within six months of occupancy of the building.

CARRIED UNANIMOUSLY

On the main motion as amended:

That staff be directed to undertake an evaluation of residential parking only on Basil Avenue, East of Higgins Street and Vista Heights, within six months of occupancy of the building.

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

CARRIED (7 to 1)

E.2 3020 Douglas Street and 584 Burnside Road East: Rezoning Application No. 00676 and Development Permit with Variance Application No. 00542

Zoning Regulation Bylaw, Amendment Bylaw (No. 1223) No. 20-050:

To rezone the land known as 3020 Douglas Street and 584 Burnside Road East from the T-1 Zone, Limited Transient Accommodation District, to the CD-15 Zone, Crosstown District, to permit an approximately seven-storey, mixed-use building consisting of commercial and residential uses on proposed development area 1 and an approximately six-storey commercial building on proposed development area 2.

Development Permit Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 3020 Douglas Street and 584 Burnside Road East, in Development Permit Area 7A: Corridors – Burnside Road for the purposes of approving the exterior design and finishes for the proposed seven-storey, mixed-use building on proposed development area 1 as well as landscaping. In accordance with the definition of “storey” in the *Zoning Regulation Bylaw*, the proposed mixed-use building is considered seven storeys due to the design of the underground parkade, which projects slightly above grade. The proposed building appears and functions as a six-storey building.

E.2.a Public Hearing & Consideration of Approval:

Leanne Taylor (Senior Planner): *Advised that the application is to build a mixed-use development consisting of a mix of commercial and residential uses.*

Mayor Helps opened the public hearing at 8:49 p.m.

Deanna Bhandar (Applicant): Provided information regarding the application.

Council discussed the following:

- *How the pedestrian walkway may be included in the design plans as part of phase two.*
- *The breakdown of housing affordability included in the proposed building.*

Mary Chudley (Resident) (Telephone): Expressed support for the application.

Paul Swarson (Burnside Road East) (Telephone): Expressed concerns with the application due to the negative impacts the supportive housing has had on the neighbourhood.

Marco Marcavelli (Manchester Road) (Telephone): Expressed concerns with the application due to the negative impacts the cluster of supportive housing has had on the neighbourhood.

Sarah (Burnside Road East) (Telephone): Expressed support for the application as the various negative issues the neighbourhood is experiencing have not come from this site.

Gail Chong (Resident) (Telephone): Expressed concerns with the application due to the negative impacts the cluster of supportive housing has had on the neighbourhood.

Council recessed from 9:33 p.m. until 9:40 p.m.

Mayor Helps closed the public hearing at 9:43 p.m.

Moved By Councillor Isitt

Seconded By Councillor Potts

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1223) No. 20-050

Council discussed the following:

- *The need for decomodified and supportive housing in the City.*
- *That the inclusion of many supports and programs included with this development will have a positive impact on those involved in the building.*
- *The support received by the community association.*
- *That the application is in support of the City's neighbourhood plan.*

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Young

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1223) No. 20-050

2. Housing Agreement (3020 Douglas Street and 584 Burnside Road East) Bylaw (2020) No. 20-030
3. Housing Agreement (3020 Douglas Street and 584 Burnside Road East) Bylaw (2020) No. 20-031

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Potts

That Council authorize the issuance of Development Permit with Variance Application No. 000542 for 3020 Douglas Street and 584 Burnside Road East in accordance with:

1. Plans date stamped March 9, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height of the building from 17m to 23.93m; and
 - ii. locate 54 long-term bicycle parking spaces on parking level 2.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

N. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Council meeting adjourn.

TIME: 10:00 pm

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

June 18, 2020, 12:00 P.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Zworski - City Solicitor, P. Bellefontaine – Acting Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Heiser - Committee Secretary, A. James - Head of Strategic Operations

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda be approved.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda of the June 18, 2020 Council meeting be amended as follows:

D. REPORTS OF COMMITTEES

D.1 Committee of the Whole

D.1.b Report from the May 21, 2020 Committee of the Whole

D.1.b.a Council Member Motion: Council Endorsement of Letter to Federal Minister re Emergency Income Support

D.1.b.b Council Member Motion: Meeting with Island Health

CARRIED UNANIMOUSLY

**On the main motion as amended:
CARRIED UNANIMOUSLY**

C. PROCLAMATIONS

C.1 International Women in Engineering Day - June 23, 2020

Moved By Councillor Potts
Seconded By Councillor Alto

That the following proclamation be endorsed:

1. "International Women in Engineering Day" - June 23, 2020

CARRIED UNANIMOUSLY

D. REPORTS OF COMMITTEES

D.1 Committee of the Whole

D.1.a Report from the June 11, 2020 COTW Meeting

**D.1.a.a Greater Victoria Harbour Authority Member
Representative Appointment**

Moved By Councillor Isitt
Seconded By Councillor Loveday

That Council request that the Mayor write to the Greater Victoria Harbour Authority indicating that Council's proposed appointee for 2021, Councillor Dubow, will remain as Council's appointee.

CARRIED UNANIMOUSLY

**D.1.a.b 1314 and 1318 Wharf Street - Rezoning Application
No.00701 and Heritage Alteration Permit with Variances
No. 00236 (Downtown)**

Councillor Loveday withdrew from the meeting at 11:33 a.m. and returned at 11:35 a.m.

Committee discussed the following:

- *Community feedback received*
- *Applications for this property that have come forward to Council*
- *Feedback received from the Heritage Advisory Panel*

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That Council refer the application back to staff with the direction that the application adheres more to the heritage and old town guidelines.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Young

That the option regarding the potential sale of the land of June 30 be extended to December 31, 2020

Motion to refer:

Moved By Councillor Loveday
Seconded By Mayor Helps

That this amendment be referred to the in-camera portion of the meeting.

CARRIED UNANIMOUSLY

On the main motion:

That Council refer the application back to staff with the direction that the application adheres more to the heritage and old town guidelines.

FOR (5): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young

OPPOSED (3): Mayor Helps, Councillor Alto, Councillor Potts

CARRIED (5 to 3)

D.1.a.c Victoria Police Triannual Update - Period 1

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council receive the report for information.

CARRIED UNANIMOUSLY

Councillor Loveday left the meeting at 12:06 p.m. due to a non-pecuniary conflict of interest with the following item, as his partner represents several of the tenants.

D.1.a.d 1601-1609 Douglas Street (Fairfield Hotel) Housing Grant (Downtown)

Council discussed the following:

- *The property's private home ownership*
- *Current operations and supports*
- *Plan for re-homing existing tenants*

Moved By Councillor Alto

Seconded By Mayor Helps

That Council:

1. Instruct the Director of Sustainable Planning and Community Development to notify Pacifica that:
 - a. Pacifica is required to repay its dispersed housing grant of \$250,000, pro-rated to the amount remaining on September 15, 2019 (\$162,500), in accordance with the Grant Agreement dated December 17, 2017;
 - b. No further funds will be provided under the existing Housing Grant Agreement due to Pacifica terminating operations of the Fairfield Hotel;
 - c. Any funds remaining in Pacifica's accounts will be converted to an extraordinary circumstances grant, and no further funds will be provided for the Fairfield Hotel.
2. Instruct the City Solicitor to:
 - a. Prepare a new extraordinary circumstances grant agreement from the 2020 contingency budget in an amount equivalent to the housing grant returned to the City (\$162,500), to allow Pacifica to spend the balance remaining (\$162,500 less operating funds spent since September 2019) to:
 - i. Operate the hotel until such time as all tenants requesting to be relocated have moved from the building;
 - ii. rehouse any tenant requesting to move from the Fairfield Hotel;
 - b. Include in this agreement the following provisions:
 - i. This shall be a one-time only grant for extraordinary circumstances;
 - ii. This grant agreement covers a conversion of funds remaining from those dispersed in December 2017 and no cash payment shall be issued to Pacifica;
 - iii. Any further requests for funding should be directed to appropriate funding bodies such as BC Housing;
 - iv. The grant is provided to cover such costs as:
 1. Operational costs at the Fairfield Hotel until such time as Pacifica ceases operation at the building;
 2. Relocation costs, including moving costs, furnishing, household goods and food for

- tenants currently residing at the Fairfield Hotel;
- 3. Temporary rental supplements for tenants moving to new self contained housing units;
- v. A project budget shall be provided;
- vi. Any funding deficits will not be covered by the City under any circumstances;
- vii. A final report will be required, including the provision of audited financial statements, no later than June 15, 2021;
- viii. Any grant funds indicated on these financial statements as not spent or earmarked for rental supplements by June 15, 2021 shall be repaid to the City by September 15, 2021;
- 3. Direct staff to release all funds held in trust for the Fairfield Hotel back into the Victoria Housing Fund for use in other affordable housing projects.

FOR (5): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, Councillor Young, Councillor Potts

OPPOSED (2): Councillor Dubow, Councillor Isitt

CARRIED (5 to 2)

Councillor Loveday returned to the meeting at 12:15 p.m.

D.1.a.e CALUC Community Meetings during COVID-19 Pandemic

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw and any necessary Council resolutions to enable posting of development application plans on the Development Tracker while maintaining current notification requirements, as a substitute for the current Community Association Land Use Committee Community Meeting in response to the COVID-19 pandemic.

CARRIED UNANIMOUSLY

D.1.a.f COVID-19 Update (Verbal)

Moved By Councillor Dubow

Seconded By Councillor Potts

That Council receive the verbal update from the City Manager for information.

CARRIED UNANIMOUSLY

D.1.a.g Council Member Motion - Late Items for the Agendas

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council direct staff to bring forward amendments to the Council Procedures Bylaw so that:

1. Council member motions must be submitted Monday at 11am to be included in the current week's agenda.
2. Any late motions submitted after this time will be put into a new section of the agenda called "Late Items".
3. At the beginning of COTW meeting Council will vote on each late item to decide whether it will be included in the meeting. To have a motion added will require a majority vote of members present at the meeting.

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Loveday

1. Council member motions must be submitted by Monday by 11am to be included in the current week's agenda **under items of new business.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

4. Late item motion reports must include rationale as to time sensitivity.

CARRIED UNANIMOUSLY

On the main motion as amended:

Councillor Loveday requested that the numbered items within the motion be voted on separately.

That Council direct staff to bring forward amendments to the Council Procedures Bylaw so that:

1. Council member motions must be submitted by Monday by 11am to be included in the current week's agenda under items of new business.

CARRIED UNANIMOUSLY

2. Any late motions submitted after this time will be put into a new section of the agenda called "Late Items".

CARRIED UNANIMOUSLY

3. At the beginning of COTW meeting Council will vote on each late item to decide whether it will be included in the meeting. To have a motion added will require a majority vote of members present at the meeting.

FOR (4): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Thornton-Joe

OPPOSED (4): Councillor Isitt, Councillor Loveday, Councillor Young, Councillor Potts

DEFEATED (4 to 4)

4. Late item motion reports must include rationale as to time sensitivity.

CARRIED UNANIMOUSLY

D.1.b Report from the June 18, 2020 COTW Meeting

D.1.b.a Council Member Motion: Council Endorsement of Letter to Federal Minister re Emergency Income Support

Moved By Councillor Alto

Seconded By Councillor Potts

That Council endorse the attached letter to federal Minister Maryam Monsef, and that the Mayor write a further letter to Minister Monsef to advise her of that endorsement, with a copy to PEERS Victoria.

CARRIED UNANIMOUSLY

D.1.b.b Council Member Motion: Meeting with Island Health

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the Mayor invite the CEO of Island Health and other representatives of Island Health to attend a Closed session of COTW for an opportunity to discuss mutual areas of interests and concerns.

CARRIED UNANIMOUSLY

E. CLOSED MEETING

Moved By Councillor Potts
Seconded By Councillor Loveday

MOTION TO CLOSE THE JUNE 18, 2020 COUNCIL MEETING TO THE PUBLIC
That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:
Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(g) litigation or potential litigation affecting the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

J. NEW BUSINESS

J.1 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

J.2 Legal Advice/Litigation - Community Charter Section 90(1)(g) and 90(1)(i)

Council discussed a legal/litigation matter.

The motion was recorded and kept confidential.

J.3 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

J.4 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The motion was recorded and kept confidential.

J.5 Land - Community Charter Section 90(1)(e)

Council discussed a land matter.

The motion was recorded and kept confidential

J.6 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

The motion was recorded and kept confidential.

Council recessed at 3:25 p.m. and reconvened at 3:30 p.m.

J.7 Litigation - Community Charter Section 90(1)(g)

Council discussed a litigation matter.

Councillor Isitt withdrew from the meeting at 4:55 p.m.

The motion was recorded and kept confidential.

All staff except the City Manager withdrew from the meeting at 5:17 p.m.

J.8 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

L. ADJOURNMENT

Moved By Councillor Potts

Seconded By Councillor Dubow

That the Closed Council Meeting be adjourned at 5:30 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JUNE 11, 2020

For the Council meeting of July 2, 2020, the Committee recommends the following:

- K.1 Council Member Motion - Late Items for the Agendas**
That this matter be reviewed as part of the governance review.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JUNE 25, 2020

For the Council meeting of July 2, 2020, the Committee recommends the following:

F.2 1023 Tolmie - Update Report for Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097 for 1023 Tolmie Avenue (Hillside-Quadra)

Rezoning Application No. 00672

That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set for the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue.

Development Permit with Variances No. 00097

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. 00627, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped April 6, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback on the south lot from 6.0m to 4.2m to the building and 3.0m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.0m to 3.5m;
 - iii. reduce the south side yard setback on the south lot from 2.4m to 1.5m for any portion of a dwelling used for habitable space and which has a habitable window; and
 - iv. reduce the south side yard setback on the north lot from 2.4m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
3. The Development Permit lapsing two years from the date of this resolution.

D.1 BC Housing's Affordable Homeownership Program Memorandum of Understanding

That Council authorize the Mayor and City Clerk to execute a memorandum of understanding (“MOU”) with BC Housing, on the terms satisfactory to the City’s Director of Sustainable Planning and Community Development, and in the form satisfactory to the City Solicitor, to guide the City of Victoria’s participation in BC Housing’s Affordable Home Ownership (“AHO”) Program, generally in accordance with the following terms and conditions:

- a. that contributions by BC Housing in the form of below market construction financing, from the City in the form of extra density, parking and other zoning relaxations, and from the developer in the form of in-kind community amenity contributions, will be pooled to reduce the cost of home ownership to eligible participants;
- b. that for all AHO Program participants, homes will be sold to eligible purchasers at fair market value, but a portion of the purchase price (between 10% - 20%) will be covered by a 25 year interest free mortgage in favour of BC Housing (known as the second mortgage);
- c. that eligible purchasers must meet a number of eligibility criteria, principal among which is that their household income cannot exceed the 75th income percentile for families with children for units with two or more bedrooms, and for families without

- children for units with less than two bedrooms, as determined by BC Housing from time to time;
- d. that the second mortgage will not be repayable until the owner defaults on any mortgage registered against title, until there is a change of ownership to a non-qualifying buyer, or to a qualified buyer (through registration discharge of the existing mortgage and a new second mortgage on title of the new qualified buyer), or if the unit ceases to be the owner's principal residence during the first five years of ownership or the 25 year term ends;
 - e. that when that mortgage is repayable, a percentage (between 10% - 20%) of the sale price equivalent to the percentage of the vendor's original purchase price secured by that mortgage will be payable to BC Housing;
 - f. that once each year all such second mortgage proceeds collected by BC Housing will be transferred to the Victoria Housing Reserve Fund, less 2% to cover its administration costs; and
 - g. that this MOU is non-binding and nothing in the MOU is to be construed as limiting Council, the City, or any City official in exercising their discretion with regard to any rezoning, permitting or subdivision of lands.

D.2 First Triannual Accountability Report 2020

That Council receive this report for information.

E.1 Sheltering in Place

That Council reaffirms the existing direction, consistent with advice of Public Health Officials to reduce the risk of transmission of COVID-19, of sheltering-in-place through deferred enforcement of the 7am-7pm bylaw provision in locations where overnight sheltering is permitted until advice is received from the Provincial Health Officer or Island Health Medical Officer that updates or changes the direction from the June 8th guidance from the BC Centre for Disease Control, "Responses to Homeless Encampment Health Issues in the Context of COVID-19"

Direct staff to report back July 9 on access to basic needs such as clean water, hygiene, sanitation and basic services.

The City Manager report back if more budget is required for staffing in relation to sheltering in parks.

F.1 1010 Fort Street - Update for Rezoning Application No. 00643 (Harris-Green)

That Council decline Rezoning Application No. 00643 for the property located at 1010 Fort Street.

That Council decline Development Permit with Variances Application No. 00079 for the property located at 1010 Fort Street.

F.3 2558 Quadra Street - Update to the Housing Agreement for Rezoning Application No. 00707

That Council amend condition #2 in the March 12, 2020 Council resolution for the Rezoning Application No. 00707 at 2558 Quadra Street so that it reads:

1. Preparation and execution of a Housing Agreement for a term of 60 years to secure the building as rental, on terms to the satisfaction of the Director of Sustainable Planning and Community Development.

G.2 Everyday Creativity Grant Program

That Council:

1. Approves the new one-time Everyday Creativity Grant Program and Guidelines.
2. Approves a rolling intake until December 31, 2020 and authorizes the City Manager to approve the grants following the staff review process.
3. Direct staff to report back at the end of the year on grant allocations and evaluation of the grant program.

G.3 Ministerial Order M192 - Open Meetings Public Attendance

That Council, pursuant to Ministerial Order M192 of the Minister of Public Safety and Solicitor General, passed June 17, 2020, authorize that until there are changes to the restrictions on gatherings and social distancing requirements, all open meetings of Council, including Committee of the Whole shall be conducted without members of the public present in council chambers. That openness, transparency, accessibility and accountability of these meetings are ensured subject to the provision of:

1. Full live-stream webcasting and archived meetings on the City's website, including closed captioning services for all open meetings.
2. Public participation by electronic means for request to address council and question period for regular meetings of council.
3. Remote participation for opportunities for public comment and public hearings through:
 - a. Written submissions
 - b. Pre-recorded video submissions
 - c. Pre-registered speakers list (remote participation)
 - d. Real-time call-in during the hearing

I.1 Council Member Motion - Financial Contribution toward the City of New Westminister's Legal Costs

That Council authorize staff to offer an expenditure of \$5,000 from the 2020 contingency as a contribution toward the City of New Westminister's legal costs of defending an appeal in relation to the *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 2, 2020

For the Council meeting of July 2, 2020, the Committee recommends the following:

G.5 Appointment of Bylaw Officers

That Council approve the appointment of Tina Lockhart, Anna Kebaien, and Tyrus Sleightholme

1. As a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061); and
2. As a Business Licence Inspector for the City of Victoria

G.6 Appointment of an Animal Control Officer

1. That Tyson Taylor be appointed as
 - a. "Animal Control Officer" pursuant to section 49(1) of the Community Charter, and
 - b. That his appointment be rescinded upon termination of his employment by Victoria Animal Control Services Ltd.
2. That this motion be forwarded to the July 2nd, 2020 Council Meeting for ratification.

G.3 Proposed Capital Regional District Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 4304

That Council consent to the adoption of Capital Regional District Bylaw 4304, "Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020"

I.1 Increase Arts in Public Places Committee Membership

To amend the Terms of Reference for number of members to a minimum of 5 and a maximum of 7.

HOUSING AGREEMENT (359, 363 & 369 TYEE ROAD) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 359, 363 & 369 Tyee Road, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (359, 363 & 369 TYEE ROAD) BYLAW (2020)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Bosa Development (Dockside Holdings) Ltd., Inc. No. BC1141408 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 359, 363 & 369, Victoria, BC, legally described as:
PID: NPA
Lot 1, District Lot 119, Esquimalt District, Plan EPP 96817

READ A FIRST TIME the	25th	day of	June	2020
READ A SECOND TIME the	25th	day of	June	2020
READ A THIRD TIME the	25th	day of	June	2020
ADOPTED on the		day of		2020

CITY CLERK

MAYOR

HOUSING AGREEMENT

(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

BOSA DEVELOPMENT (DOCKSIDE HOLDINGS) LTD. (Inc. No. BC1141408)

1300 - 2025 Willingdon Avenue
Burnaby, BC
V5C 0J3

(the "Owner")

AND:

ROYAL BANK OF CANADA

200 Bay Street, 12th Floor South Tower
Toronto, Ontario
M5J 2W7

(the "Existing Chargeholder")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein;
- B. Under section 483 of the *Local Government Act* (British Columbia) (the "**Local Government Act**") the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, legally described as:

Parcel Identifier: NPA
Lot 1
District Lot 119
Esquimalt District
Plan EPP96817

(the "Lands").

{251506-503018-01324009;7}

- D. The Owner has applied for the issuance of Development Permit Application No. 00550 in order to re-develop the Lands;
- E. The Owner intends to construct a purpose build rental building on the Rental Parcel; and
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

- (a) "**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;
- (b) "**Development**" means the proposed residential development to be constructed on the Rental Parcel, which is anticipated to include approximately 144 Dwelling Units;
- (c) "**Director**" has the meaning ascribed to the term in section 4.1;
- (d) "**Discharge**" has the meaning ascribed to the term in section 8.2;
- (e) "**Dwelling Units**" means any or all, as the context may require, of the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" has a corresponding meaning;
- (f) "**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;
- (g) "**Land Title Office**" means the Land Title Office located in the City of Victoria;
- (h) "**Non-owner**" means a person other than a Related Person or the Owner;
- (i) "**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development, including a strata lot if the Lands or any portion thereof are subdivided by a Strata Plan, and is thereby bound by this Agreement, as referred to in section 8.3;
- (j) "**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:
 - i. a corporation or society:

{251506-503018-01324009;7}

- ii. an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - iii. an Immediate Family of a person to whom paragraph 1.1(k) applies, or
 - iv. an individual, an Immediate Family of the registered or beneficial owner;
- (k) **"Rental Parcel"** means the parcel or parcels to be formed upon the subdivision of those portions of the Lands located approximately within the area shown as "A1-3" on the site plan attached as Schedule A hereto;
- (l) **"Strata Corporation"** means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act* (British Columbia), a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.
- (m) **"Strata Plan"** means a strata plan filed in respect of the Lands or any subdivided portion thereof pursuant to the *Strata Property Act*, S.B.C. 1998, c. 43;
- (n) **"Subdivided Parcel"** has the meaning ascribed to such term in section 8.1; and
- (o) **"Tenancy Agreement"** means a tenancy agreement made pursuant to, or regulated by, the *Residential Tenancy Act* (British Columbia) or any successor legislation.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing for a period of twenty-five (25) years commencing on the date the first occupancy permit for the Development is issued, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a Strata Plan for or in respect of the Lands or a building on the Lands if the strata bylaws of the Strata Corporation prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.3 For greater certainty and notwithstanding anything contained herein to the contrary, the parties agree that the Owner may take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, including, without limitation, passing a bylaw

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applicable to a Strata Corporation formed in respect of the Lands, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for any type of short-term or hotel-type commercial accommodation or any other similar commercial use.

4.0 REPORTING

- 4.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development (the "**Director**"), within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be reasonably requested by the Director from time to time.

- 4.2 The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

- 4.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 LIABILITY

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

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7.0 SUBDIVISION

7.1 Subdivision Generally. If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to sections 7.2 and 7.3:

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

7.2 Subdivision by Strata Plan. If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the Owner will cause the strata corporation or the strata corporations created by the deposit of a Strata Plan to be obliged to perform and observe the Owner's applicable covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan,

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore each strata lot owner and/or the strata corporation, responsible to perform and observe the Owner's covenants in this Agreement.

7.3 Release of Notice. For certainty, if the Lands are subdivided and any parcel or parcels created as a result of such subdivision do not contain the Development (collectively, the "Subdivided Parcel"), the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 5.1) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of the Notice from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration. Following the release of the Notice from title to the Subdivided Parcel, this Agreement will be read and applied so that the obligations and restrictions contained herein will apply only to those portions of the Lands containing the Development and the obligations and restrictions contained herein will be deemed not to apply to any other portions of the Lands

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8.0 PRIORITY AGREEMENT

- 8.1** The Existing Chargeholder, as the registered holder of a charge by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office, under numbers CA6516264 and CA6516265, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the Local Government Act, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

9.0 GENERAL PROVISIONS

- 9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile (if a fax number is provided) or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

Bosa Development (Dockside Holdings) Ltd.
1300 - 2025 Willingdon Avenue
Burnaby, BC
V5C 0J3

Attention: Dan Diebolt
Email: DDiebolt@thinkbosa.com

or upon registration of a Strata Plan, to the Strata Corporation and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

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- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

9.2 TIME. Time is of the essence of this Agreement.

9.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

9.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

9.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

9.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

9.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

9.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement

9.9 CUMULATIVE REMEDIES. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

9.10 ENTIRE AGREEMENT. This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

9.11 FURTHER ASSURANCES. Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

9.12 AMENDMENT. This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

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- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 9.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

[Signature page follows.]

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

_____)
 MAYOR Lisa Helps)

_____)
 CITY CLERK Chris Coates)

Date signed: _____)

BOSA DEVELOPMENT (DOCKSIDE)
HOLDINGS) LTD.)

by its authorized signatory(ies):)

_____)
 Print Name: RYAN BOSA)

_____)
 Print Name: _____)

Date signed: _____)

ROYAL BANK OF CANADA)
 by its authorized signatory(ies):)

_____)
 Print Name: _____)

_____)
 Print Name: _____)

Date signed: _____)

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

_____)
 MAYOR Lisa Helps)

_____)
 CITY CLERK Chris Coates)

Date signed: _____)

BOSA DEVELOPMENT (DOCKSIDE)
HOLDINGS) LTD.)

by its authorized signatory(ies):)

_____)
 Print Name: _____)

_____)
 Print Name: _____)

Date signed: _____)

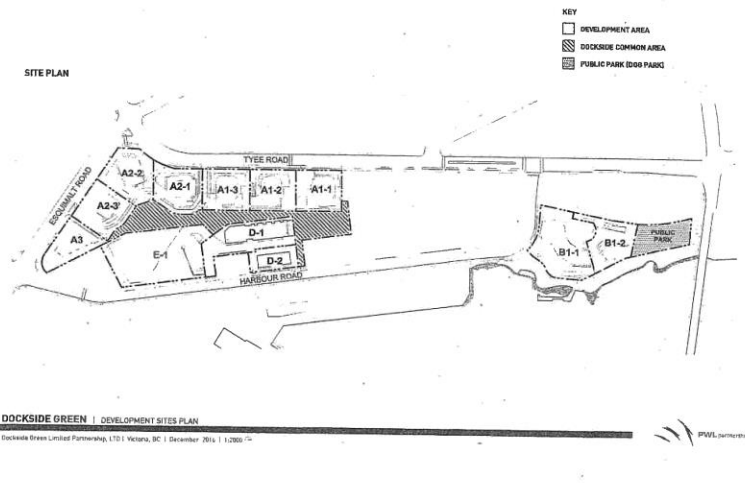
ROYAL BANK OF CANADA)
 by its authorized signatory(ies):)

_____)
 Print Name: _____)
 WARREN DA SILVA
 Associate Director)

_____)
 Print Name: _____)

Date signed: _____)

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**SCHEDULE A
SITE PLAN**

HOUSING AGREEMENT (359, 363 & 369 TYEE ROAD) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure that future strata bylaws cannot prohibit the rental of units for the lands known as 359, 363 & 369 Tyee Road, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (359, 363 & 369 TYEE ROAD) BYLAW (2020)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Bosa Development (Dockside Holdings) Ltd., Inc. No. BC1141408 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 359, 363 & 369, Victoria, BC, legally described as:
PID: NPA
Lot 1, District Lot 119, Esquimalt District, Plan EPP 96817

READ A FIRST TIME the	25th	day of	June	2020
READ A SECOND TIME the	25th	day of	June	2020
READ A THIRD TIME the	25th	day of	June	2020
ADOPTED on the		day of		2020

CITY CLERK

MAYOR

HOUSING AGREEMENT(Pursuant to section 483 of the *Local Government Act*)**BETWEEN:****THE CORPORATION OF THE CITY OF VICTORIA**

#1 Centennial Square

Victoria, B.C.

V8W 1P6

(the "**City**")**AND:****BOSA DEVELOPMENT (DOCKSIDE HOLDINGS) LTD.** (Inc. No. BC1141408)

1300 - 2025 Willingdon Avenue

Burnaby, BC

V5C 0J3

(the "**Owner**")**AND:****ROYAL BANK OF CANADA**

200 Bay Street, 12th Floor South Tower

Toronto, Ontario

M5J 2W7

(the "**Existing Chargeholder**")**WHEREAS**

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein;
- B. Under section 483 of the *Local Government Act* (British Columbia) (the "**Local Government Act**") the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, legally described as:

Parcel Identifier: NPA

Lot 1

District Lot 119

Esquimalt District

Plan EPP96817

(the "**Lands**").

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- D. The Owner has applied for the issuance of Development Permit Application No. 00550 in order to re-develop the Lands;
- E. Certain of the buildings to be constructed upon portions of the Market Parcel may be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation(s) formed upon such stratification, but the intent of this housing agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units) and
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

- a. "**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;
- b. "**Development**" means the proposed residential development to be constructed on the Market Parcel, which is anticipated to include approximately 221 Dwelling Units;
- c. "**Director**" has the meaning ascribed to the term in section 3.1;
- d. "**Dwelling Units**" means any or all, as the context may require, of the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" has a corresponding meaning;
- e. "**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;
- f. "**Land Title Office**" means the Land Title Office located in the City of Victoria;
- g. "**Market Parcel**" means the parcel or parcels to be formed upon the subdivision of those portions of the Lands located approximately within the areas shown as "A1-1" and "A1-2" on the site plan attached as Schedule A hereto;
- h. "**Non-owner**" means a person other than a Related Person or the Owner;
- i. "**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development, including a strata lot if the Lands or any portion thereof are subdivided by a Strata Plan, and is thereby bound by this Agreement;

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- j. **"Related Person"** includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:
 - (i) a corporation or society;
 - (ii) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society;
 - (iii) an Immediate Family of a person to whom paragraph 1.1(k) applies, or
 - (iv) an individual, an Immediate Family of the registered or beneficial owner;
- k. **"Strata Corporation"** means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act* (British Columbia), a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation;
- l. **"Strata Plan"** means a strata plan filed in respect of the Lands or any subdivided portion thereof pursuant to the *Strata Property Act*, S.B.C. 1998, c. 43;
- m. **"Subdivided Parcel"** has the meaning ascribed to such term in section 7.1; and
- n. **"Tenancy Agreement"** means a tenancy agreement made pursuant to, or regulated by, the *Residential Tenancy Act* (British Columbia) or any successor legislation.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a Strata Plan for or in respect of the Lands or a building on the Lands if the strata bylaws of the Strata Corporation prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For greater certainty and notwithstanding anything contained herein to the contrary, the parties agree that the Owner may take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, including, without limitation, passing a bylaw applicable to a Strata Corporation formed in respect of the Lands, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for any type of short-term or hotel-type commercial accommodation or any other similar commercial use.

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- 2.4 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development (the "**Director**"), within thirty (30) days of the Director's written request, a report in writing confirming:

- (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
- (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.

- 3.2 The Owner covenants and agrees:

- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.

- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

- 4.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

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6.0 Subdivision

6.1 Subdivision Generally. If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to sections 6.2 and 6.3:

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

6.2 Subdivision by Strata Plan. If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the Owner will cause the strata corporation or the strata corporations created by the deposit of a Strata Plan to be obliged to perform and observe the Owner's applicable covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan,

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore each strata lot owner and/or the strata corporation, responsible to perform and observe the Owner's covenants in this Agreement.

6.3 Release of Notice. For certainty, if the Lands are subdivided and any parcel or parcels created as a result of such subdivision do not contain the Development (collectively, the "**Subdivided Parcel**"), the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 4.0) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of the Notice from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration. Following the release of the Notice from title to the Subdivided Parcel, this Agreement will be read and applied so that the obligations and restrictions contained herein will apply only to those portions of the Lands containing the Development and the obligations and restrictions

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contained herein will be deemed not to apply to any other portions of the Lands

8.0 Priority Agreement

- 8.1 The Existing Chargeholder, as the registered holder of a charge by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office, under numbers CA6516264 and CA6516265, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the Local Government Act, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

9.0 General Provisions

- 9.1 **Notice.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile (if a fax number is provided) or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

Bosa Development (Dockside Holdings) Ltd.
1300 - 2025 Willingdon Avenue
Burnaby, BC
V5C 0J3

Attention: Dan Diebolt
Email: DDiebolt@thinkbosa.com

or upon registration of a Strata Plan, to the applicable Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

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If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

9.2 Time. Time is of the essence of this Agreement.

9.3 Binding Effect. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

9.4 Waiver. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

9.5 Headings. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

9.6 Language. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

9.7 Legislation. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

9.8 Equitable Remedies. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

9.9 Cumulative Remedies. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

9.10 Entire Agreement. This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

9.11 Further Assurances. Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

- 9.12 Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 No Derogation From Statutory Authority.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 Severability.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 Counterparts.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 9.18 Effective Date.** This Agreement is effective as of the date of the signature of the last party to sign.

[Signature page follows.]

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

_____)
 MAYOR _____)

_____)
 CITY CLERK _____)

Date signed: _____)

BOSA DEVELOPMENT (DOCKSIDE)
HOLDINGS) LTD.)

by its authorized signatory(ies):)

_____)
 _____)
 Print Name: Ryan Bosa _____)

_____)
 Print Name: _____)

Date signed: _____)

ROYAL BANK OF CANADA)
 by its authorized signatory(ies):)

_____)
 Print Name: _____)

_____)
 Print Name: _____)

Date signed: _____)

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)
)
)
_____)
MAYOR _____))
)
_____)
CITY CLERK _____))
)
Date signed: _____)

BOSA DEVELOPMENT (DOCKSIDE HOLDINGS) LTD.


by its authorized signatory(ies):

Print Name: _____

Print Name: _____

Date signed: _____

ROYAL BANK OF CANADA
by its authorized signatory(ies):



Print Name: _____

WARREN DA SILVA
Associate Director

Print Name: _____

Date signed: _____

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