



Thursday, June 4, 2020

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

Special Council Meeting

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](http://www.victoria.ca)

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*Addendum: New Item*

\*D.1 Committee of the Whole

- \*D.1.a Report from the June 4, 2020 Special Committee of the Whole

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## E.      BYLAWS

### \*E.1      Vehicles for Hire Bylaw

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*Addendum: Added Bylaw*

*Pending Approval at Committee of the Whole*

**A report recommending:**

- 1st, 2nd and 3rd readings of:
  - Vehicles for Hire Bylaw, Amendment Bylaw (No. 21), No. 20-071
- Consideration of adoption of
  - Vehicles for Hire Bylaw, Amendment Bylaw (No. 21), No. 20-071

### \*E.2      Business Recovery from Pandemic Bylaw

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*Addendum: New Item*

*Pending Approval at Committee of the Whole*

**A report recommending:**

- 1st, 2nd and 3rd readings of:
  - Business Recovery from Pandemic Bylaw, No. 20-072
- Consideration of adoption of
  - Business Recovery from Pandemic Bylaw, No. 20-072

## F.      ADJOURNMENT

**SPECIAL COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD JUNE 4, 2020**

For the Special Council meeting of June 4, 2020, the Committee recommends the following:

**F.1 COVID-19 Recovery Motions Report Back**

**Appendix A – H.1.c. Supporting the Recovery of the Arts and Culture Sector:**

That Council:

- Direct staff to shift funding allocated for the Cultural Infrastructure and Cultural Space Roadmap towards a one-time only Everyday Creativity Grant program during COVID pandemic.
- Direct staff to report back on the Everyday Creativity Grant program criteria and process by end of June 2020.
- That funding for the cultural spaces grant program and at spaces roadmap be allocated as part of the 2021 budget.

**Appendix B – H.1.h. COVID -19 Community Recovery Grants Program**

That Council authorize:

1. An increase in the funding for the My Great Neighbourhood COVID-19 grant stream by \$100,000 funded from 2020 contingencies.
2. A rolling intake from June to December 2020, giving the City Manager the decision-making power to approve the grants following an internal staff review.
3. A grant threshold up to \$5000 per grant application to best support as many city-based business, organization, neighbourhood, or other entity directly affected by COVID-19.
4. An increase in the funding for the current intake of the Strategic Plan Grants by \$100,000 and that the Canada Day Special Duty policing, first 3 officers for special events, coordinated implementation of Pandora Task Force, Protocol and reconciliation dialogues totaling \$310,000 to be repurposed for the strategic plan grants second intake and the remaining amount would come from the 2020 contingency.

Direct staff to undertake a second round of Strategic Plan grants of up to \$250,000 with an exclusive focus on recovery projects,

- that Council review the applications;
- that the due date is July 15, 2020; and,
- that funds are dispersed as soon as is practicable.

### **Appendix C – H.1.i. COVID Recovery Housing Security**

That Council endorse the following Victoria Housing Strategy priorities in 2020 to improve housing security as part of COVID-19 recovery:

1. Advance and support the rapid supply of affordable and supportive housing in the neighbourhoods throughout the city, with government partners and non-profit housing providers;
2. Bring forward an expanded Rental Property Standards of Maintenance Bylaw for consideration;
3. Develop a Rental Property Licensing Bylaw to prevent renovations and demovictions;
4. Explore the creation of a non-profit administered rent bank on a pilot basis.

### **Appendix D – H.1.I. Capital Projects**

That Council receive the following for information.

That Council direct staff to share all of these projects with the Federal Ministry of Infrastructure and Communities and find out which ones are most likely to be funded and report back to Council with a prioritized list based on the Ministry's feedback.

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

That Council endorse the proposed program described in Appendix E - H.1.b. *Open Air Recovery – Support for Restaurants and Cafes in Public Spaces*.

### **Appendix E - H.1.d. Increasing Physical Distancing for Pedestrians in Public Space**

That Council endorse the proposed programs to provide additional space for physical distancing for pedestrians.

### **Appendix E – H.1.g. Assistance with Recovery Phase for Business and H.1.n Hospitality Industry**

That Council adopt the proposed *Business Recovery from Pandemic Bylaw* that would:

- Temporarily delegate all Development Permits and Heritage Alteration Permits proposing outdoor commercial use, with or without parking variances, to staff subject to the applicant providing the City with an irrevocable undertaking to remove any construction or alteration authorized by the Permit within six months and to restore the property to its current conditions.

- Waive fees for all delegated Development Permits and Heritage Alteration Permits proposing outdoor commercial use, with or without parking variances.

#### **Appendix E - H.1.f. Commercial Loading Zones to Free Time Limited Zones**

That Council endorse the approach to commercial loading zones described below within the context of broader demands for these zones plus potential for use to support Covid19 recovery efforts.

#### **Appendix E - Liquor Licensing changes resulting from the COVID-19 pandemic**

That Council direct staff to inform the General Manager of the Liquor and Cannabis Regulation Branch in writing that Council pre-approves all liquor primary and manufacturer establishments in the City of Victoria who may apply for expanded liquor service area before October 31, 2020.

#### **Appendix E - H.1.g. Assistance with Recovery Phase for Business – Business Recovery from Pandemic Bylaw No. 20-72**

For section 8(3) to add, immediately after the words “in subsection (1)”, the words “and the property owner”.

That the following be forwarded to the daytime special council meeting:

1. That Council give first second and third readings to Business Recovery from Pandemic Bylaw 20-072.
2. That Council reconsider and adopt Business Recovery from Pandemic Bylaw No. 20-072.

**VEHICLES FOR HIRE BYLAW, AMENDMENT BYLAW (NO. 21)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the Vehicles for Hire Bylaw relative to Sightseeing Vehicle Parking Stands.

Under its statutory powers, the Council of the Corporation of the City of Victoria, in open meeting assembled, enacts the following provisions:

1 This Bylaw may be cited as the "Vehicles for Hire Bylaw, Amendment Bylaw (No. 21)."

2 Bylaw No. 03-60, the Vehicles for Hire Bylaw, is amended as follows:

**Interim Provisions**

(a) By suspending for the year 2020 only, the applicability of:

**Number of pedicab licences**

Sections 12 (2) and (3).

**Selection Process for pedicab licenses**

Section 13 in its entirety.

**Number of horsedrawn vehicle licenses**

Section 19 (2) and (3).

**Selection Process for horsedrawn vehicle licenses**

Section 20.

(b) By amending section 16 to include a new sub section 4 as follows:

**Stopping, standing and parking**

16 (4) For the year 2020 only, a rickshaw or pedicab shall be exempt from paying the fees established in section 16 (3) of this Bylaw.

The provisions of section 2(a) and (b) of this amendment bylaw shall terminate on December 31, 2020.

(c) By deleting section 31 in its entirety and replacing it with the following:

**Sightseeing Vehicle Parking Stand and rental fees**

31 Council may by resolution, allocate the Parking Stands identified in Schedule D of this Bylaw, and establish the annual fee payable for the stand allocation”.

(d) That Schedule D to Vehicles for Hire Bylaw No. 03-60 be deleted in its entirety and replaced with Schedule A attached to this Bylaw.

READ A FIRST TIME the day of 2020

READ A SECOND TIME the day of 2020

READ A THIRD TIME the day of 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR

**Schedule A to Bylaw 20-071**

**Schedule D**

**Motor Sightseeing Vehicle Parking Stands**

<u>Parking Stands</u>
<p><b>Parking Stand 1</b></p> <p>The east side of Government Street, a distance of 21.4 m measured northerly from a point 68.4 m north of the north property line of Belleville Street</p>
<p><b>Parking Stand 2</b></p> <p>The east side of Government Street, a distance of 21.4 m measured northerly from a point 39.5 m north of the north property line of Belleville Street</p>
<p><b>Parking Stand 3</b></p> <p>The north side of Belleville Street, a distance of 14 m measured westerly from a point 45.3 m west of the northerly lateral extension of the west property line of Menzies Street</p>
<p><b>Parking Stand 4</b></p> <p>The north side of Belleville Street, a distance of 14 m measured westerly from a point 63.5 m west of the northerly lateral extension of the west property line of Menzies Street</p>



## **BUSINESS RECOVERY FROM PANDEMIC BYLAW**

### **A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to facilitate the economic recovery of the City while protecting the community's health and well-being by enabling businesses to operate in accordance with public health advisories regarding physical distancing by temporarily utilizing streets and other private or public outdoor spaces for commercial purposes.

Under its statutory powers, including sections 8(3), 35(11), 36, 38, 154(1) of the *Community Charter* and sections 488-491 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

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#### **Title**

- 1 This Bylaw may be cited as "BUSINESS RECOVERY FROM PANDEMIC BYLAW NO, 20-072'.

#### **Definitions**

- 2 In this Bylaw,

"business"

means any person holding a valid licence under the Business Licence Bylaw;

"City"

means the Corporation of the City of Victoria;

“culturally sensitive area”

has the same meaning as in the Parks Regulation Bylaw;

“Director of Engineering”

means the person employed by the City as the Director of Engineering and Public Works and includes a person acting in their absence;

“Director of Parks”

means the person employed by the City as the Director of Parks, Recreation and Facilities and includes a person acting in their absence;

“Director of Planning”

means the person employed by the City as the Director of Sustainable Planning and Community Development and includes a person acting in their absence;

“environmentally sensitive area”

has the same meaning as in the Parks Regulation Bylaw;

“mobile vendor”

has the same meaning as in the Street Vendors Bylaw;

“outdoor commercial use”

means any space or temporary structure used for business activity outside of a permanent building or other structure and includes restaurant patios, outdoor displays, and customer service or wait areas;

“park”

has the same meaning as in the Parks Regulation Bylaw;

“public health authority”

includes a health officer as defined in the Public Health Act;

“street”

has the same meaning as in the Streets and Traffic Bylaw;

“zoning bylaw”

means the Zoning Regulation Bylaw or the Zoning Bylaw 2018 as applicable.

### **Application and paramountcy**

- 3 (1) This Bylaw applies notwithstanding any provision of the following:
- (a) Business Licence Bylaw;
  - (b) Land Use Procedure Bylaw;
  - (c) Parks and Recreation Fees Bylaw;
  - (d) Parks Regulation Bylaw,
  - (e) Sidewalk Cafés Regulation Bylaw,
  - (f) Streets and Traffic Bylaw, and
  - (g) Street Vendors Bylaw.
- (2) For certainty, if a provision of this Bylaw conflicts with any other City bylaw except a zoning bylaw, this Bylaw prevails.

### **Outdoor commercial use on a street**

- 4 (1) The Director of Engineering is authorized to temporarily restrict or prohibit all or some types of traffic on a street or portion of a street to facilitate outdoor commercial use and may cause temporary barriers, structures, or other installations to be constructed for that purpose.
- (2) A business shall not use a street for outdoor commercial use without first obtaining a permit from the Director of Engineering.
- (3) The Director of Engineering may issue a permit for an outdoor commercial use by a business of a street or a portion of a street if, in their opinion, the proposed outdoor commercial use would
- (a) facilitate physical distancing as recommended by a public health authority;
  - (b) relate to a commercial operation in a property adjoining the street or portion of the street; and
  - (c) not unduly obstruct or interfere with a fire hydrant, fire lane or exit, or another safety feature or requirement of an adjoining property.
- (4) The Director of Engineering must not issue a permit for an outdoor commercial use on a street unless the proposed use is authorized under the applicable zoning bylaw.
- (5) The permit shall identify the street or portion of the street subject to it and may include conditions, as determined by the Director of Engineering, regarding:
- (a) temporary structures or other objects that may be placed or otherwise constructed on the street or portion of the street by the permit holder;

- (b) temporary signs, stickers, or other markings that may be placed on the street by the permit holder;
  - (c) times when the street or portion of the street may be occupied for an outdoor commercial use;
  - (d) the duration of the permit; and
  - (e) uses or activities that are allowed under the permit.
- (6) A holder of a permit issued under this section (the “licensee”) obtains a licence of occupation for the portion of the street identified in the permit on the following terms and conditions:
- (a) the licensee
    - (i) assumes all risks, known and unknown, in relation to the outdoor commercial use and the portion of the street occupied by them and agrees to release and forever discharge the City, its elected and appointed officials, employees, servants, contractors and agents from any and all claims, causes of action, suits, costs and expenses whatsoever, which it or its directors, officers, employees or agents may now or at any time have with respect to, related to, or arising out of the outdoor commercial use on the street;
    - (ii) agrees to indemnify and save harmless the City, its elected and appointed officials, employees, servants, contractors and agents from and against any and all claims, causes of action, suits, damages, losses (including pure economic loss), costs and expenses which the City, its elected or appointed officials, employees, servants, contractors and agents may suffer or sustain as a result of, connected to, or arising out of the grant of this licence or by reason of or arising out of, failure of the licensee to comply with the terms and conditions of the permit or this Bylaw;
    - (iii) must not cause or permit water, or refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate within the licence area;
    - (iv) must not allow the licenced area to become or remain unsightly;
  - (b) all structures or objects placed in the licenced area by the licensee must be removed on the expiry of the licence;
  - (c) the outdoor commercial use of the licenced area must cease on the expiry of the licence;
  - (d) during the term of the licence, the licensee must, at their own expense, obtain and maintain in force commercial general liability insurance, in the minimum amount of \$2 million per occurrence with the City added as an additional insured, together with a cross liability clause, and the City must be provided with proof of such coverage at the request of the Director of Engineering;

- (e) the licensee must not damage or permanently encumber or alter the street;
- (f) the licence expires on the earlier of:
  - (i) the expiry or cancellation of the permit, or
  - (ii) the repeal of this Bylaw.
- (7) Notwithstanding subsections (3)(b) and (4), the Director of Engineering may issue a permit for outdoor commercial use of a portion of a street by a mobile vendor provided that the perimeter of the licence area is more than 200 metres from any business that provides the same or similar services or products as the mobile vendor.
- (8) Subsection (2) does not apply to an outdoor commercial use that was in existence at the time this section came into force and was authorized under another City bylaw.
- (9) The permit holder must display the permit in a conspicuous place at, or near to, the outdoor commercial use authorized by the permit.

#### **Outdoor commercial use in a park**

- 5 (1) A business shall not use a park for outdoor commercial use without first obtaining a permit from the Director of Parks.
- (2) The Director of Parks may issue a permit for an outdoor commercial use by a business in a park or a portion of a park if, in their opinion, the proposed outdoor commercial use would
  - (a) facilitate physical distancing as recommended by a public health authority;
  - (b) relate to a commercial use in a property adjoining the park or portion of the park;
  - (c) not unduly obstruct or interfere with a playground or an outdoor sports facility; and
  - (d) not be located in an environmentally or culturally sensitive area.
- (3) The Director of Parks must not issue a permit for an outdoor commercial use in Beacon Hill Park or any other park where such use would be contrary to the terms of a trust or condition of a land grant.
- (4) The permit shall identify the park or portion of the park subject to it and may include conditions, as determined by the Director of Parks, regarding:
  - (a) temporary structures that may be placed or otherwise constructed in the park or portion of the park by the permit holder;
  - (b) temporary signs, stickers, or other markings that may be placed in the park by the permit holder;

- (c) times when the park or portion of the park may be occupied for an outdoor commercial use;
  - (d) the duration of the permit; and
  - (e) uses or activities that are allowed under the permit.
- (5) A holder of a permit issued under this section (the “licensee”) obtains a licence of occupation for the portion of the park identified in the permit on the following terms and conditions:
- (a) the licensee
    - (i) assumes all risks, known and unknown, in relation to the outdoor commercial use and the portion of the park occupied by them and agrees to release and forever discharge the City, its elected and appointed officials, employees, servants, contractors and agents from any and all claims, causes of action, suits, costs and expenses whatsoever, which it or its directors, officers, employees or agents may now or at any time have with respect to, related to, or arising out of the outdoor commercial use in the park;
    - (ii) agrees to indemnify and save harmless the City, its elected and appointed officials, employees, servants, contractors and agents from and against any and all claims, causes of action, suits, damages, losses (including pure economic loss), costs and expenses which the City, its elected or appointed officials, employees, servants, contractors and agents may suffer or sustain as a result of, connected to, or arising out of the grant of this licence or by reason of or arising out of, failure of the licensee to comply with the terms and conditions of the permit or this Bylaw;
    - (iii) must not cause or permit water, or refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate within the licence area;
    - (iv) must not allow the licenced area to become or remain unsightly;
  - (b) all structures or objects placed in the licenced area by the licensee must be removed on the expiry of the licence;
  - (c) the outdoor commercial use of the licenced area must cease on the expiry of the licence;
  - (d) during the term of the licence, the licensee must, at their own expense, obtain and maintain in force commercial general liability insurance, in the minimum amount of \$2 million per occurrence with the City added as an additional insured, together with a cross liability clause, and the City must be provided with proof of such coverage at the request of the Director of Parks;
  - (e) the licensee must not damage any tree or shrub, or permanently encumber or alter the park;

- (f) the licence expires on the earlier of:
    - (i) the expiry or cancellation of the permit, or
    - (ii) the repeal of this Bylaw.
- (6) Notwithstanding subsection (2)(b) the Director of Parks may issue a permit for outdoor commercial use of a portion of a park by a mobile vendor.
- (7) Subsection (1) does not apply to an outdoor commercial use that was in existence at the time this section came into force and was authorized under another City bylaw.
- (8) The permit holder must display the permit in a conspicuous place at, or near to, the outdoor commercial use authorized by the permit.

### **Permit cancellation**

- 6 Section 13 of the Sidewalk Cafés Regulation Bylaw applies, with all the necessary changes, to a permit issued under section 4 or 5 as if the outdoor commercial use was a sidewalk café or a parklet.

### **Noise**

- 7 The holder of a permit for an outdoor commercial use must comply with the provisions of the Noise Bylaw.

### **Delegation to expedite outdoor commercial uses on private property**

- 8
  - (1) Subject to subsection (3), the Director of Planning is delegated the power to issue a development permit or a heritage alteration permit in all development permit areas and heritage conservation areas if the permit relates to the construction of, addition to, or alteration of a building or other structure to facilitate an outdoor commercial use.
  - (2) As part of a permit issued under subsection (1), the Director of Planning may authorize a parking variance.
  - (3) An applicant for a permit referred to in subsection (1) must provide the City with an irrevocable undertaking to remove any construction or alteration authorized by the permit within six months and to restore the property to its current conditions.

### **No fee for outdoor commercial use**

- 9
  - (1) No fee is payable for a permit issued under section 4 or 5.
  - (2) No fee is payable for an application to which section 8 applies.

## Council reconsideration

- 10 If an application for a permit under section 4, 5, or 8 is refused, or if the applicant objects to a proposed condition of the permit or approval, the applicant may request that Council reconsider the decision by submitting a written request for reconsideration to the City Clerk within 14 days of the delegate's decision.

### **No City representation and an indemnity by permit holder**

- 11      (1)      The issuance of a permit under this Bylaw does not constitute in any way a representation, warranty, or assurance that the area covered by the permit is suitable for the outdoor commercial use or the intended purpose of the business applying for the permit.
- (2)      The holder of a permit issued under this Bylaw shall be solely responsible for the outdoor commercial use authorized by the permit and shall indemnify and hold harmless the City and its elected and appointed officials, employees, contractors and agents from any claim of loss or damages, including personal injury and pure economic loss, by any person for any reason connected with the issuance of the permit or the outdoor commercial use authorized by the permit.

## Repeal

- 12 This Bylaw is repealed.

## Commencement and Repeal Dates

- 13 (1) This Bylaw, except section 12, comes into force on adoption.
- (2) Section 12 comes into force on October 31, 2020.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

CITY CLERK

MAYOR