



## REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, September 10, 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](http://www.victoria.ca)

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\*D.2.b Appointment - Bylaw Officer

## E. BYLAWS

\*E.1 Bylaw for Amendment to the Officers Bylaw

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A report recommending:

- 1st, 2nd, and 3rd readings of:
  - Officers Bylaw (Amendment No. 2) Bylaw No. 20-101

The purpose of this bylaw is to amend the bylaw that established Officer Positions for the City of Victoria.

\*E.2 Bylaw for Amendment to the Parks Regulation Bylaw

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### Addendum

A report recommending:

- 1st, 2nd, and 3rd readings of:
  - Parks Regulation Bylaw, Amendment Bylaw (No. 10) No. 20-102

The purpose of the bylaw is to amend the Parks Regulation Bylaw to temporarily allow for daytime sheltering in City parks by persons experiencing homelessness and to better regulate such sheltering activity, as well as to permanently expand the list of parks and locations where sheltering activity is not permitted at any time.

\*E.3 Bylaw for 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065, and 1075 Tolmie Avenue: Repeal of Housing Agreement Bylaw No. 14-044 and Discharge of Notice

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## Addendum

- **Consideration of adoption of:**
  - Housing Agreement Bylaw No. 20-093 Repeal Bylaw (2020)

The purpose of the bylaw is to authorize the repeal of a housing agreement bylaw for the lands known as 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue and 3197 and 3199 Fifth Street, Victoria, BC.

### **F. CLOSED MEETING**

#### **MOTION TO CLOSE THE SEPTEMBER 10, 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.*

### **G. APPROVAL OF CLOSED AGENDA**

### **H. READING OF CLOSED MINUTES**

### **I. REPORTS OF COMMITTEES**

#### **I.1 Report from the September 3, 2020 Closed Committee of the Whole meeting**

### **J. UNFINISHED BUSINESS**

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

### **K. CORRESPONDENCE**

### **L. NEW BUSINESS**

#### **L.1 Legal Advice - Community Charter Section 90(1)(i)**

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

L.3     Employee Relations - Community Charter Section 90(1)(c)

M.     CONSIDERATION TO RISE & REPORT

N.     ADJOURNMENT



## MINUTES - VICTORIA CITY COUNCIL

August 6, 2020, 4:35 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**

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

PRESENT ELECTRONICALLY: Councillor Loveday

PRESENT FOR A PORTION OF THE MEETING: Councillor Isitt

STAFF: J. Jenkyns - City Manager, C. Coates - City Clerk , P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, B. Eisenhauer - Head of Engagement, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, P. Rantucci - Head of Strategic Real Estate, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, A. James - Head of Strategic Operations, L. Van Den Dolder – Assistant City Solicitor, D. Newman – Assistant Director of Facilities and Construction Management, S. Webb – Manager of Sustainable Transportation Planning and Development , N. Sidhu – Assistant Director of Parks and Recreation, S Perkins – Manager of Bylaw Services, M. Heiser - Committee Secretary

### **A. CONVENE COUNCIL MEETING**

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Alto  
**Seconded By** Councillor Young

That the agenda be approved.

**Motion to go into a closed Council meeting at 4:36 p.m.:**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

**MOTION TO CLOSE THE AUGUST 6, 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)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

## **CARRIED UNANIMOUSLY**

### **B.1 Consideration of a Closed meeting – Community Charter Section 90(1)(n)**

Council considered a part of a council meeting that may be closed to the public.

*Councillor Isitt withdrew from the meeting at 4:57 p.m.*

The motion was recorded and kept confidential.

*The open Council meeting reconvened at 5:04 p.m.*

#### **Amendment:**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the agenda of the August 6, 2020 Council meeting be amended as follows:

## **F. REPORTS OF COMMITTEES**

### **F.1 Committee of the Whole**

#### **F.1.b Report from the August 6, 2020 Committee of the Whole**

##### **F.1.b.a. 2020 Budget Update and Review of Deferred Items**

**F.1.b.b.1118 Princess Avenue: Development Variance Permit  
Application No. 000246 (George Jay Elementary  
School) (Fernwood)**

**F.1.b.c. 1050-1058 Pandora Avenue & 1508-1518 Cook Street:  
Update Report - Rezoning Application No. 00695, HD  
Application No. 000188 and Heritage Alteration Permit  
Application No. 00016 (Wellburn's Site)(North Park)**

**F.1.b.d. 202 Raynor Avenue: Rezoning Application No. 00724  
and Heritage Alteration Permit with Variance  
Application No. 00021 (Victoria West)**

**F.1.b.e. 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055,  
1065 and 1075 Tolmie Avenue: Repeal of Housing**

**Agreement Bylaw No. 14-044 and Discharge of Notice of Housing Agreement from title (Hillside-Quadra)**

**F.1.b.f. 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue: Update to the Housing Agreement for Rezoning Application No. 00715 (Fernwood)**

**F.1.b.g. Save-on-Foods Memorial Arena Capital Upgrades**

**F.1.b.h. Accessibility Framework and Policy**

**F.1.b.i. Council Member Motion: Recognizing the Extraordinary Contribution of Accessibility Working Group Volunteer Members**

**F.1.b.j. Council Member Motion: Recovery Stimulus Package for BC's Tourism and Hospitality Sector**

**F.1.b.k. Council Member Motion: Coordinated Assessment and Access Policy Group Recommendations**

**F.1.b.l. Council Member Motion: Expediting Land Use and Permitting Applications for Schools During Covid19**

**CARRIED UNANIMOUSLY**

**C. READING OF MINUTES**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the following minutes be adopted:

1. Minutes from the daytime meeting held July 9, 2020
2. Minutes from the evening meeting held July 9, 2020
3. Minutes from the daytime meeting held July 16, 2020

**CARRIED UNANIMOUSLY**

**D. PROCLAMATIONS**

**D.1 "National Polycystic Kidney Disease Awareness Day" - September 4, 2020**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Dubow

That the following proclamation be endorsed:

"National Polycystic Kidney Disease Awareness Day" - September 4, 2020

**CARRIED UNANIMOUSLY**

**D.2 "Mitochondrial Disease Awareness Week" - September 13 to 19, 2020**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the following proclamation be endorsed:  
"Mitochondrial Disease Awareness Week" – September 13 to 19, 2020

**CARRIED UNANIMOUSLY**

**D.3 "International Overdose Awareness Day" - August 31, 2020**

**Moved By** Councillor Potts  
**Seconded By** Councillor Alto

That the following proclamation be endorsed:  
"International Overdose Awareness Day" – August 31, 2020

**CARRIED UNANIMOUSLY**

**E. UNFINISHED BUSINESS**

**E.1 Proposed Adjustments to Parking Fees**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Potts

That Council:  
4. Reinstate regular on-street metered rates and time limits as per map in Appendix A.

**CARRIED UNANIMOUSLY**

**F. REPORTS OF COMMITTEES**

**F.1 Committee of the Whole**

**F.1.a Report from the July 23, 2020 COTW Meeting**

**F.1.a.a 956 Heywood Avenue - Development Permit with Variances  
Application No. 00126 (Fairfield)**

**Moved By** Councillor Potts  
**Seconded By** Councillor Alto

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 ensure a future strata cannot restrict the rental of units, to the satisfaction of the Director of Sustainable Planning and Community Development; and



- b. A Section 219 Covenant to secure a car-share membership for each unit, 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 Variances Application No. 00126 for 956 Heywood Avenue, in accordance with:

1. Plans date stamped May 26, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the vehicle parking from 9 stalls to 6 stalls and visitor parking from 1stall to zero stalls;
  - ii. increase the height from 12m to 12.98m (main roof) and 14.81m (roof access);
  - iii. reduce the front setback from 10.50 metres to 6.63 metres;
  - iv. reduce the rear setback from 7.71 metres to 1.52 metres;
  - v. reduce the side setbacks from 7.71 metres to 1.37 metres (building) and 0.93m(window screens);
  - vi. increase the site coverage from 30 percent to 64 percent.
3. Registration of legal agreements on the property's title to secure the car share memberships, to the satisfaction of the Director of Engineering and Public Works.
4. Final plans to be generally in accordance with plans date stamped May 26, 2020.
5. The Development Permit lapsing two years from the date of this resolution."

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

**CARRIED (5 to 2)**

**F.1.a.b 1908, 1916, 1920 Oak Bay Avenue - Rezoning Application No. 00694 and Development Permit with Variance Application No. 000551 (South Jubilee)**

**Moved By** Councillor Potts

**Seconded By** Councillor Young

**Rezoning Application No. 00694**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00694 for 1908, 1916, and 1920 Oak Bay Avenue, 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:

1. Consult with the community through the South Jubilee CALUC in accordance with the Land Use Procedures Bylaw requirements (which has updated procedures during the

- COVID-19 pandemic) to seek feedback on the potential of adding a storey for rooftop access for common outdoor amenity space.
2. Revisions to plans to add a rooftop amenity space, if deemed feasible, to the satisfaction of the Director of Sustainable Planning and Community Development.
  3. Preparation and execution of legal agreements to:
    - a. ensure that a future strata cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development;
    - b. secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
      - i. \$25,000 towards the construction of a crosswalk
      - ii. one car share membership per dwelling unit
      - iii. one car share membership per commercial unit
      - iv. one hundred dollars in car share usage credits per membership
      - v. electric vehicle readiness for all underground parking stalls
      - vi. four electric vehicle charging stations
      - vii. 24 electric bike charging stations
      - viii. one bicycle repair station;
    - c. secure a Statutory Right-of-Way of 3.35 meters along the Oak Bay Avenue to the satisfaction of the Director of Engineering and Public Works; and
    - d. to secure the following, to the satisfaction of the Director of Engineering and Public Works:
      - i. public realm improvements to Oak Bay Avenue and Redfern Street; and
      - ii. removal and disposal of existing storm drain main along the frontage in its current alignment, including excavation, backfill above the spring line of the new pipe, and surface restoration.

**Development Permit with Variance Application No. 000551**

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. 00694, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue, in accordance with:

1. Plans date stamped July 6, 2020
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the front setback (south) for the upper storeys from 6.00 m to 2.34 m;
  - ii. reduce the rear setback (north) from 6.00 m to 5.32 m;
  - iii. reduce the interior lot line setback (west) from 2.40 m to 0.15 m;

- iv. reduce the flanking street setback (east) from 2.40 m to 0.72 m;
  - v. reduce the number of commercial vehicle parking spaces from 26 to 10;
  - vi. reduce the number of residential vehicle parking spaces from 44 to 43;
  - vii. increase the distance between entrances and the short term bicycle parking from 15 m to 48.1 m;
  - viii. increase the number of storeys from 4 to 5;
  - ix. increase the height from 14.98 m to 18.00 m.
3. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**F.1.a.c 3020 Douglas Street and 584 Burnside Road - Victoria Housing Reserve Fund Application (Burnside)**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Potts

That Council approve a grant from the Victoria Housing Reserve Fund to the Victoria Cool Aid Society in the amount of \$450,000 to assist in the construction of the 154-unit Crosstown affordable housing project at 3020 Douglas Street and 584 Burnside Road East, subject to the following conditions:

1. The execution of a Housing Fund Grant Agreement in a form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor; with terms for the eligible use of the grant, reporting requirements, repayment, indemnification, and communication protocols;
2. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines;
3. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City; and
4. \$225,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$225,000 shall be payable to the applicant once the City has issued all required occupancy permits for the project.

**CARRIED UNANIMOUSLY**

**F.1.a.e City Hall West HVAC Replacement Operational Impacts - Verbal**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That this report be received for information.

**CARRIED UNANIMOUSLY**

**F.1.b Report from the August 6, 2020 Committee of the Whole**

**F.1.b.a. 2020 Budget Update and Review of Deferred Items**

**Moved By** Councillor Dubow

**Seconded By** Councillor Alto

That Council, for 2020, direct staff to:

1. Use any unspent expense budgets towards the expected operating budget revenue shortfall and additional pandemic related costs
2. Use funding from initiatives in Appendix A funded by 2019 surplus, that are not initiated by Council today, towards the expected operating budget revenue shortfall and additional pandemic related costs
3. Use funding from any initiatives in Appendix A funded by new property tax revenue, less any amounts expended in 2020, towards the expected operating budget revenue shortfall and additional pandemic related costs
4. Use up to \$11.64 million of the budgeted property tax funding for the capital budget to offset the remaining deficit (adjusted down by any unconditional grant amount received from the Province of BC)
5. (a) That Council reaffirm authorization for the formation of the Equity, Diversity and Inclusion Office.  
(b) That Council authorize funding to hire an Equity, Diversity and Inclusion Officer, with particular expertise in Social Planning and sufficient authority within the organization to effectively advance Equity, Diversity and Inclusion.  
(c) That Council authorize funding to hire an Accessibility Coordinator within the Equity, Diversity and Inclusion Office, with appropriate expertise and sufficient authority within the organization to effectively advance Accessibility in City infrastructure, facilities, programs and operations.  
(d) That Council direct staff to report back at the next Budget meeting in October on additional resource requirements for the Equity, Diversity and Inclusion Office.
6. Direct staff to bring forward items proposed in 2020 to be funded in the 2019 surplus, as supplementary items for Council's consideration in the 2021 budget.
7. That Topaz Park - Southern Park Enhancements be considered in the 2020 budget.
8. That the deferral amount of \$400,000 for the parks public washroom be allocated in 2020.
9. That all the remaining items of the 2020 capital projects including consideration of public secure bike parking be included in the 2021 budget.

*Councillor Young requested that numbered items 5 and 7 be voted on separately.*

That Council, for 2020, direct staff to:

1. Use any unspent expense budgets towards the expected operating budget revenue shortfall and additional pandemic related costs
2. Use funding from initiatives in Appendix A funded by 2019 surplus, that are not initiated by Council today, towards the expected operating budget revenue shortfall and additional pandemic related costs
3. Use funding from any initiatives in Appendix A funded by new property tax revenue, less any amounts expended in 2020, towards the expected operating budget revenue shortfall and additional pandemic related costs
4. Use up to \$11.64 million of the budgeted property tax funding for the capital budget to offset the remaining deficit (adjusted down by any unconditional grant amount received from the Province of BC)
6. Direct staff to bring forward items proposed in 2020 to be funded in the 2019 surplus, as supplementary items for Council's consideration in the 2021 budget.
8. That the deferral amount of \$400,000 for the parks public washroom be allocated in 2020.
9. That all the remaining items of the 2020 capital projects including consideration of public secure bike parking be included in the 2021 budget.

**CARRIED UNANIMOUSLY**

5.
  - (a) That Council reaffirm authorization for the formation of the Equity, Diversity and Inclusion Office.
  - (b) That Council authorize funding to hire an Equity, Diversity and Inclusion Officer, with particular expertise in Social Planning and sufficient authority within the organization to effectively advance Equity, Diversity and Inclusion.
  - (c) That Council authorize funding to hire an Accessibility Coordinator within the Equity, Diversity and Inclusion Office, with appropriate expertise and sufficient authority within the organization to effectively advance Accessibility in City infrastructure, facilities, programs and operations.
  - (d) That Council direct staff to report back at the next Budget meeting in October on additional resource requirements for the Equity, Diversity and Inclusion Office.

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

OPPOSED (2): Mayor Helps, Councillor Young

**CARRIED (5 to 2)**

7. That Topaz Park - Southern Park Enhancements be considered in the 2020 budget.

**Amendment:**

**Moved By** Mayr Helps

**Seconded By** Councillor Alto

7. That Topaz Park - Southern Park Enhancements be considered in the 2020 budget **in the amount of \$3.8 million.**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

7. That Topaz Park - Southern Park Enhancements be considered in the 2020 budget in the amount of \$3.8 million.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (6 to 1)**

**F.1.b.b.1118 Princess Avenue: Development Variance Permit  
Application No. 000246 (George Jay Elementary School)  
(Fernwood)**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

1. 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. 00246 for 1118 Princess Avenue, in accordance with:
  - a. Plans date stamped July 15, 2020.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. Allow the building to be constructed over a property line
    - ii. Reduce the side yard setback from 1.85m to 0.0m (West - Lot 16)
    - iii. Reduce the side yard setback from 1.85m to 0.0m (East Lot 17).
  - c. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**

**F.1.b.c. 1050-1058 Pandora Avenue & 1508-1518 Cook Street:  
Update Report - Rezoning Application No. 00695, HD  
Application No. 000188 and Heritage Alteration Permit  
Application No. 00016 (Wellburn's Site)(North Park)**

**Moved By** Councillor Young  
**Seconded By** Councillor Alto

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the appropriate legal agreements in order to secure the following:
  - a. all dwelling units remain rental in perpetuity;
  - b. a Statutory Right-of-Way of 3.083m along Cook Street, to the satisfaction of the Director of Engineering and Public Works;
  - c. pay for the construction an asphalt pathway in Franklin Green Park to connect the proposed 3m wide pathway at the northwest corner of the site to an existing park pathway to the west to the satisfaction of the Director of Parks, Recreation and Facilities;
  - d. provide a bus shelter on Cook Street in accordance with the site plan dated November 22, 2019, to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development;
  - e. provide two car share vehicles, two assigned car share parking spaces on-site, 118 car share memberships, a \$100 of driving credits for each resident, and 40 electric bicycle charging stations (110V wall outlets) in the underground parkade, to the satisfaction of the Director of Engineering and Public Works;
  - f. purchase 100 transit passes through BC Transit's EcoPass program to the satisfaction of the Director of Engineering and Public Works;
  - g. permit the proposed mews to access Franklin Green Park for fire exit purposes;
  - h. maintain unrestricted public access to the mews from Cook Street and Franklin Green Park from 8AM-8PM each day;
  - i. provide a community amenity contribution in the amount of \$24,000.00 toward the Tree Reserve Fund for tree planting purposes and enhancing the city's urban forest; and
  - j. provide a community amenity contribution in the amount of \$17,800.00 toward the Local Amenity Reserve Fund for the construction of two accessible asphalt pathways within Franklin Green Park linking Cook Street and the

development to the existing pathways in the park and for the purchase and installation of a drinking fountain for the park to the satisfaction of the Director of Parks, Recreation and Facilities.

- k. design, supply and installation of the 'New Town District' framework along both frontages, including furnishings, materials and pedestrian lights, as laid out in the City's Downtown Public Realm Plan and Streetscape Standards document to the satisfaction of the Director of Engineering and Public Works.
2. Council authorizing street-level projecting canopies and cornices over the City Right-of-Way on 1050-1058 Pandora Avenue and 1508-1518 Cook Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
3. That staff be directed to work with the applicant to achieve some street trees or form of greenery in the public realm on Cook Street as part of this development.

**Heritage Alteration Permit Application No. 00016**

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. 00695, if it is approved, consider the following motions:

1. "That Council authorize the issuance of Heritage Alteration Permit Application No. 00016 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, in accordance with:
  - a. The Plans, date stamped July 15, 2020
  - b. The Conservation Plan for the Parkway Apartments, date stamped July 16, 2019.
  - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Heritage Alteration Permit lapsing two years from the date of this resolution.
2. That Council approve the designation of the heritage-registered property located at 1050-1058 Pandora Avenue and 1508-1516 Cook Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, consistent with the plans dated July 15, 2020."

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

OPPOSED (1): Councillor Dubow

**CARRIED (6 to 1)**

**F.1.b.d. 202 Raynor Avenue: Rezoning Application No. 00724 and Heritage Alteration Permit with Variance Application No. 00021 (Victoria West)**



**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Potts

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00724 for 202 Raynor 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. 00137**

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. 00724, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00137 for 202 Raynor Avenue, in accordance with:

1. Plans date stamped June 9, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Reduce the front yard setback from 6.00m to 3.49m.
3. The Development Permit lapsing two years from the date of this resolution.”

**Heritage Alteration Permit with Variance Application No. 00021**

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. 00724, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with a Variance Application No. 00021 for 202 Raynor Avenue, in accordance with:

1. Plans, date stamped June 9, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - i. To reduce the required rear yard setback from 6 metres to 3 metres.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit with Variance lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**F.1.b.e. 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue: Repeal of Housing Agreement Bylaw No. 14-044 and Discharge of Notice of Housing Agreement from title (Hillside-Quadra)**

**Moved By** Councillor Dubow  
**Seconded By** Councillor Alto

That Council instruct staff to prepare the necessary documentation to repeal Housing Agreement Bylaw No. 14-044 and discharge the related Notice of Housing Agreement registered under number CA7712239 on title to the following properties: 3197 and 3199 Fifth Street, 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue, legally known and described, respectively as:

PID: 030-827-108

Legal Description: Lot 3 Section 4 Victoria District Plan EPP89848

PID: 030-827-094

Legal Description: Lot 2 Section 4 Victoria District Plan EPP89848

PID: 030-827-086

Legal Description: Lot 1 Section 4 Victoria District Plan EPP89848

PID: 030-827-116

Legal Description: Lot 4 Section 4 Victoria District Plan EPP89848

PID: 030-827-124

Legal Description: Lot 5 Section 4 Victoria District Plan EPP89848

PID: 030-827-132

Legal Description: Lot 6 Section 4 Victoria District Plan EPP89848

PID: 030-827-141

Legal Description: Lot 7 Section 4 Victoria District Plan EPP89848

PID: 030-827-159

Legal Description: Lot 8 Section 4 Victoria District Plan EPP89848

**CARRIED UNANIMOUSLY**

*Mayor Helps withdrew from the meeting at 5:19 p.m. due to a potential pecuniary conflict of interest with the following item, as she lives in close proximity.*

*Councillor Thornton-Joe assumes the Chair in her absence.*

**F.1.b.f. 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue: Update to the Housing Agreement for Rezoning Application No. 00715 (Fernwood)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That Council amend condition #2.a.i in the May 14, 2020 Council resolution for the 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 so that it reads:

- i. a housing agreement to ensure the residential rental units remain affordable or below-market for sixty (60) years in accordance with the City's definition of affordability and

below-market in the Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022).

**CARRIED UNANIMOUSLY**

*Mayor Helps returned to the meeting at 5:20 p.m. and assumed the Chair.*

**F.1.b.g. Save-on-Foods Memorial Arena Capital Upgrades**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Potts

That Council amend the 2020 Financial Plan to allocate \$280,000 for the repair of dehumidifiers and installation of handrails in the Save-On-Foods Memorial Centre, to be funded through the *Multi-Purpose Equipment and Infrastructure Reserve Fund*.

**CARRIED UNANIMOUSLY**

**F.1.b.h. Accessibility Framework and Policy**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Potts

1. That Council endorse the Accessibility Framework and forward the Framework and the following suite of recommendations to a meeting in September for adoption to allow the AWG more time to consider the framework and comment on this motion.
2. That Council request staff report back with terms of reference for a new accessibility advisory committee, allowing for some continuity of membership, to provide ongoing advice to the City of Victoria as the Accessibility Framework is implemented.
3. That Council approve the Accessibility Policy as an interim policy and direct staff to report back with a strengthened policy including more specificity and guidelines to help determine appropriate courses of action and definitions.
4. That Council direct staff to modify the Short-term Action Plan to include measurable outcomes including the year each issue is to be addressed and accomplished.
5. That Council direct staff to report back in September with information on adding the AWG's recommended additions to the Short-Term Action Plan.
6. Direct staff to report back on the accessibility lens as it relates to the future equity lens and on potential tools to assist with balancing competing rights and interests.

**CARRIED UNANIMOUSLY**

**F.1.b.i. Council Member Motion: Recognizing the Extraordinary Contribution of Accessibility Working Group Volunteer Members**

**Moved By** Councillor Loveday

**Seconded By** Councillor Dubow

That Council, by way of this motion, recognize the extraordinary contribution of AWG volunteers and request that the Mayor write letters to AWG members thanking them for their efforts to help the City of Victoria identify and eliminate barriers and make Victoria accessible for all.

**CARRIED UNANIMOUSLY**

**F.1.b.j. Council Member Motion: Recovery Stimulus Package for BC's Tourism and Hospitality Sector**

**Moved By** Councillor Potts

**Seconded By** Councillor Thornton-Joe

That City of Victoria endorse the Tourism Industry Association of BC (TIABC)'s Tourism Rescue Proposal and that Council request the Mayor write the Premier of British Columbia, Minister of Tourism, Arts and Culture, and MLAs representing the ridings in the CRD advocating that the Province of British Columbia provide initial investment support of \$680 million (short/medium term) and additional stimulus funding (medium/long term) to help mitigate the unprecedented impacts of COVID-19 on the B.C. tourism and hospitality industry and its workforce.

**CARRIED UNANIMOUSLY**

**F.1.b.k. Council Member Motion: Coordinated Assessment and Access Policy Group Recommendations**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council requests that the Coordinated Assessment and Access Policy Group adjust its criteria for prioritizing people for housing based on the recently released 2020 Point in Time Count results including continuing to prioritize Indigenous people at the rate at which they are experiencing homelessness, broadening the age priority to reflect the most recent Point in Time Count data and prioritizing people who have lived in the region for one year or more.

**CARRIED UNANIMOUSLY**

**F.1.b.I. Council Member Motion: Expediting Land Use and Permitting Applications for Schools During Covid19**

**Moved By** Councillor Loveday

**Seconded By** Councillor Dubow

That Council direct staff to expedite land use and permitting application processes for schools applying to place portables on school properties to accommodate the physical distancing needs of students during Covid19 while providing the regular opportunity for public input through staff bringing a report to a public meeting.

**CARRIED UNANIMOUSLY**

**G. BYLAWS**

**G.1 Bylaw for 1400 Quadra Street and 851 Johnson Street: Rezoning Application No. 00738**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 6) No. 20-078

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

**CARRIED (5 to 2)**

**G.2 Bylaw for 404 Henry Street: Heritage Designation Application No. 000189**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Alto

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

1. Heritage Designation (404 Henry Street) Bylaw No. 20-074

**CARRIED UNANIMOUSLY**

**G.3 Bylaws for 2558 Quadra Street: Rezoning Application No. 00707 and Development Permit with Variances Application No. 00141**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1225) No. 20-054

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Dubow  
**Seconded By** Councillor Alto

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

1. Housing Agreement (2558 Quadra Street) Bylaw (2020) No. 20-055

**CARRIED UNANIMOUSLY**

**G.4 Bylaw for Council Procedures Bylaw Amendment Bylaw**

**Moved By** Councillor Alto  
**Seconded By** Councillor Thornton-Joe

That the following bylaw **be adopted:**

1. Council Procedures Bylaw Amendment (No. 1) Bylaw No. 20-083

**CARRIED UNANIMOUSLY**

**H. UNFINISHED BUSINESS**

**H.1 Rise and Report**

**H.1.a From the July 2, 2020 Closed Council Meeting**

Appointments to the Advisory Design Panel

That Council:

Appoint nine candidates to the Advisory Design Panel (ADP) each for an 18-month term from July 1, 2020 to December 31, 2021;

Joseph Kardum  
Devon Skinner  
Marilyn Palmer  
Sean Partlow  
Brad Forth  
Benjamin Smith  
Mathew Jardine  
Trish Piwowar  
Ruth Dollinger

**H.1.b From the July 2, 2020 Closed Council Meeting**

Appointments to the Heritage Advisory Panel

That Council:

Appoint ten candidates to the Heritage Advisory Panel (HAP) each for an 18-month term from July 1, 2020 to December 31, 2021:

Douglas Campbell  
Graham Walker  
Pam Madoff  
Steve Barber  
Shari Khadem  
Aaron Usatch  
James Kerr

Avery Bonner  
Helen Edwards  
Kirby Delaney

#### **H.1.c From the July 2, 2020 Closed Council Meeting**

##### Appointments to the Arts in Public Places Committee

That Council:

Appoint seven candidates to the Arts in Public Places Committee (AIPPC) each for an 18-month term from July 1, 2020 to December 31, 2021:

Lynda Gammon  
Silvia Bonet  
Toby Lawrence  
Elizabeth Matheson  
Kim Dhillon  
Laura Gildner  
Matty Cervantes

#### **H.1.d From the July 9, 2020 Closed Council Meeting**

##### Appointments to the Victoria Family Court and Youth Justice Committee

That Council:

1. Appoint Kari Sloane to the Victoria Family Court and Youth Justice Committee for a term ending June 30, 2021.

#### **H.1.e From the July 9, 2020 Closed Council Meeting**

##### Appointment to the Board of Variance

That Council:

Appoint Rus Collins and Rosa Munzer candidates to the Board of Variance (BOV) each for a 3-year term from July 1, 2020 to July 1, 2023.

### **I. CLOSED MEETING**

**Moved By** Councillor Potts

**Seconded By** Councillor Dubow

#### **MOTION TO CLOSE THE AUGUST 6, 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)(f) law enforcement, if the council considers that disclosure could reasonably 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;
- 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.

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

- Section 90(2)(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**

**J. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Alto

**Seconded By** Councillor Dubow

That the closed agenda be approved.

**Amendment:**

**Moved By** Councillor Dubow

**Seconded By** Councillor Alto

That the following items be moved to the evening Closed Council meeting:

**N.1 Municipal Service - Community Charter Section 90(1)(k)**

**N.3 Employee Relations - Community Charter Section 90(1)(c)**

**N.4 Intergovernmental Relations – Community Charter Section 90(2)(b)**

**N.6 Employee Relations – Community Charter Section 90(1)(c)**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**K. READING OF CLOSED MINUTES**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the following minutes be adopted:

- Minutes from the closed meeting held July 9, 2020



- Minutes from the closed Committee of the Whole meeting held July 9, 2020
- Minutes from the closed meeting held July 16, 2020

**CARRIED UNANIMOUSLY**

*Councillor Isitt returned to the meeting at 5:30 p.m.*

**N. NEW BUSINESS**

**N.2 Land - Community Charter Section 90(1)(e)**

Council discussed a land matter.

The motion was recorded and kept confidential.

**N.5 Law Enforcement/Litigation – Community Charter Section 90(1)(f) and 90(1)(g)**

Council discussed a law enforcement/litigation matter.

The motion was recorded and kept confidential.

**P. ADJOURNMENT**

**Moved By** Councillor Alto

**Seconded By** Councillor Young

That the Closed Council Meeting be adjourned at 6:10 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR



## MINUTES - SPECIAL VICTORIA CITY COUNCIL

August 27, 2020, 9:00 A.M.

Council Chambers, City Hall, 1 Centennial Square

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

PRESENT: Mayor Helps, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY AND IN PERSON: Councillor Loveday

PRESENT ELECTRONICALLY FOR A PORTION OF THE MEETING: Councillor Potts

ABSENT: Councillor Alto

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, T. Zworski - City Solicitor, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, P. Rantucci - Head of Strategic Real Estate, C. Mycroft - Manager of Executive Operations, P. Martin - Council Secretary, C. Moffatt - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, A. James - Head of Strategic Operations, P. Bellefontaine - Director of Engineering & Public Works, M. Heiser - Committee Secretary

### A. CLOSED MEETING

**Motion to go into a closed Council meeting at 9:03 a.m.:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Young

MOTION TO CLOSE THE AUGUST 27, 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)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2)*

**CARRIED UNANIMOUSLY**

**B. CLOSED – NEW BUSINESS**

**B.1 Consideration of a Closed Meeting – Community Charter Section 90(1)(n)**

Council considered a part of a Council meeting that may be closed to the public.

The conversation was recorded and kept confidential.

*The open Council meeting reconvened at 9:22 a.m.*

**C. APPROVAL OF AGENDA**

**Moved By** Councillor Isitt

**Seconded By** Councillor Thornton-Joe

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**K. CLOSED MEETING**

**Moved By** Councillor Dubow

**Seconded By** Councillor Loveday

**MOTION TO CLOSE THE AUGUST 27, 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)(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.*

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Loveday

That the following reasons to convene a closed meeting be added:

*Section 90(1)(d) the security of the property of the municipality;  
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.*

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**MOTION TO CLOSE THE AUGUST 27, 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)(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.*

*Section 90(1)(d) the security of the property of the municipality; and*

*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.*

**CARRIED UNANIMOUSLY**

**L. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

That the closed agenda be approved.

**CARRIED UNANIMOUSLY**

**M. NEW BUSINESS**

**M.1 Security of Property / Land / Potential Litigation / Legal Advice -  
Community Charter Section 90(1) (d), (e), (g), and (i)**

Council discussed matters as they relate to the following items: security of property, land, potential litigation, and legal advice.

*Councillor Loveday withdrew from the meeting at 9:50 a.m. and returned at 9:51 a.m.*

*Councillor Potts left the meeting at 10:28 a.m.*

*Councillor Young withdrew from the meeting at 10:47 a.m. and returned at 10:50 a.m.*

*Councillor Loveday withdrew from the meeting at 10:52 a.m. and returned at 10:54 a.m.*

The conversation was recorded and kept confidential.

**O. ADJOURNMENT**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Young

That the Closed Council Meeting be adjourned at 11:23 a.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD SEPTEMBER 3, 2020**

For the Council meeting of September 10, 2020, the Committee recommends the following:

**F.3 2800 Bridge Street - Development Permit with Variance Application No. 00139 (Burnside)**

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. 00139 for 2800 Bridge Street, in accordance with:

1. Plans date stamped June 18, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - a. increase the height of a raw materials receiving and storage facility (silo) from 15m to 31.83m.
3. Registration of a legal agreement on the property's title to restrict the illumination levels and hours of operation (to midnight) of the light installation on the north elevation of the raw materials receiving and storage facility (silo), to the satisfaction of the Director of Community Planning and Sustainable Development.
4. The Development Permit lapsing two years from the date of this resolution.”

**F.4 Victoria Housing Reserve Fund Application Update: 11 Chown Place (Burnside)**

That Council revise the Victoria Housing Reserve Fund (VHRF) grant approved on January 9, 2020 for a 58-unit housing project at 11 Chown Place by rescinding Section 3 of the original motion and replacing it with a revised Section 3 to require that the grant is subject to:

3. The execution of a Housing Agreement, in the form satisfactory to the City Solicitor, to secure 35 new (one bedroom) units to be dedicated for seniors (55+) for a period of 60 years as follows:
  - a. 11 units for very low income level;
  - b. 13 units for low income level;
  - c. 11 units for median income level.

**D.1 Victoria Police Q2 Report**

That Council receive this report for information.

**E.1 Council Member Motion: Newspaper Boxes in Downtown**

That this motion be postponed indefinitely:

*“That Council request that staff ask the companies to remove newspaper boxes from city-owned property and if they do not, that staff remove the boxes off of public property.”*

**F.1 1802 Cook Street and 1056 North Park Street - Temporary Use Permit Application No. 00015 (North Park)**

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 Temporary Use Permit Application No. 00015 for 1802 Cook Street & 1056 North Park Street, in accordance with:

- i. Plans date stamped February 19, 2020

- ii. Development meeting all Zoning Regulation Bylaw requirements
- iii. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service
- iv. The Temporary Use Permit lapsing three years from the date of this resolution.”

**F.2 43, 45 and 55 Gorge Road East and 2827, 2829, and 2831 Irma Street - Update on Rezoning Application No. 00720 (Burnside)**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00720 for 43, 45 and 55 Gorge Road East and 2827, 2829 and 2831 Irma Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and that a Public Hearing date be set once the following conditions are met:

1. 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 rental in perpetuity;
  - ii. statutory right-of-ways of 4.82m on Grant Street and 1.38m on Irma Street be registered on title to the satisfaction of the Director of Engineering and Public Works;
  - iii. construction of a public plaza on the corner of Gorge Road East and Irma Street to the satisfaction of the Director of Community Planning and Sustainable Development and Director of Engineering and Public Works;
  - iv. purchase of two car share vehicles with assigned parking spaces on-site, 121 car share memberships for the life of the building along with \$100 usage credit for each membership and 6 commercial parking spaces assigned to residential visitors after business hours and on weekends to the satisfaction of the Director of Community Planning and Sustainable Development; and
  - v. preparation of the appropriate legal agreement to ensure the appropriate construction methodology would not impact the health of the Garry Oak trees to be retained.
2. The applicant confirms that all the current tenants have reviewed the Tenant Assistance Plan and had an opportunity to identify their individual needs and that the applicant update the Tenant Assistance Plan accordingly to the satisfaction of the Director of Community Planning and Sustainable Development.
3. An amenity contribution of \$17,500.00 towards the Local Amenities Reserve Fund for the installation of traffic calming devices along Irma and Lotus Streets to the satisfaction of the Director of Engineering and Public Works is secured in the zone.

**F.5 Tenant Assistance Policy - Renters Advisory Committee Amendment for Moving Costs**

That Council direct staff to:

1. Amend the Tenant Assistance Policy Item 4.2 as follows:

**4.2 Moving Expenses and Assistance**

One of two options should be provided to displaced tenants, at the discretion of the landlord:

- i. An insured moving company may be hired by the applicant, with all arrangements and costs covered within Greater Victoria; or
- ii. Flat rate compensation (based on unit size) provided to the tenant at the rate of:

\$500 for bachelor and one-bedroom households

\$750 for two-bedroom households

\$1,000 for three or more bedroom households.

When a tenant is exercising the Right of First Refusal (Section 4.4), moving expenses should be provided for both the move out and return to the building.

Tenants may request moving compensation different than that proposed by the Landlord per item 6.0: Tenants Requiring Additional Assistance.

2. Review the flat rate compensation amounts at regular intervals to ensure that they are adjusted for inflation and reflective of the market rates for moving costs.

**G.1 Motion Arising from the Report: City Response on Sheltering During the Pandemic**

Request that BC Housing use of the Save on Foods Memorial Centre until December 31, 2020 for temporary housing with supports.

**I.4 Council Member Motion: Approving Attendance at UBCM 2020**

That Council approve the attendance and associated registration expenditure of \$367.50 each for Councillors Alto, Dubow, Isitt, Loveday, Potts and Young and Mayor Helps to attend the Union of BC Municipalities convention taking place virtually from September 22-24, 2020.



**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD SEPTEMBER 10, 2020**

For the Council meeting of September 10, 2020, the Committee recommends the following:

**D.1     Postponed Council Member Motion: Additional Policing Resources to Support Public Safety**

That Council allocate up to \$94,528 from the Financial Stability Reserve\* to provide additional policing resources in the City of Victoria for the remainder of 2020, and that Council receive monthly reports on the deployment and its success.

\*The proposed revenue source is the financial stability reserve, as the 2020 Contingency was used for COVID related expenses. Some of these expenses may be recoverable through federal-provincial funding for municipalities.

**F.3     Appointment - Bylaw Officer**

That Council approve the appointment of Samuel Tschritter:

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



## Council Report

For the meeting of September 10, 2020

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**To:** Council **Date:** September 4, 2020  
**From:** Chris Coates, City Clerk  
**Subject:** Officers Bylaw (Amendment No. 2) Bylaw No. 20-101

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### RECOMMENDATION

That Council give three readings to Officers Bylaw (Amendment No. 2) No. 20-101

### EXECUTIVE SUMMARY

Attached as Appendix A, for Council's consideration, is a copy of a proposed amendment to the Officers Bylaw. The proposed amendment removes the position of Director of Engineering and Public Works. The previous amendment in 2019 removed the position of the Director of Sustainable Planning and Community Development from the Bylaw.

At the September 20, 2018 Committee of the Whole meeting, Council received the report attached as Appendix B that proposed a re-write of the City Employees Bylaw, removing employment conditions from the Bylaw and enacting them through Council Policy. That new Officers Bylaw was adopted October 4, 2018 and is attached as Appendix C for information.

The Report also noted an approach to reduce the number of Officers of the City upon a position becoming vacant with the ultimate objective of reducing the City Officers complement to just the Statutory Officers required under the Community Charter. This reflects a modernized, best practice approach.

Respectfully submitted.

Handwritten signature of Chris Coates.

Chris Coates  
City Clerk

Handwritten signature of Susanne Thompson.

Susanne Thompson  
Deputy City Manager/CFO

Report accepted and recommended by the City Manager:

Handwritten signature of Jocelyn Denton.

**Date:** September 3, 2020

### List of Attachments:

Appendix A: Officers Bylaw (Amendment No. 2) No. 20-101  
Appendix B: September 2018 Committee of the Whole Report  
Appendix C: Officers Bylaw No. 18-106

NO. 20-101  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Bylaw that  
Establishes Officer Positions for the City of Victoria

Under its statutory powers, including sections 146-150 of the *Community Charter*, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as "OFFICERS BYLAW (AMENDMENT NO. 2) No. 20-101".
2. That Officers Bylaw No. 18-106 be amended by deleting section 4 in its entirety and replacing it with the following:

“4 (1) The people holding the following positions are *officers* of the City:

- (a) Director of Parks, Recreation and Facilities;
- (b) City Solicitor;
- (c) Fire Chief; and,
- (d) Head of Human Resources

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 the                      day of                      2020.

CITY CLERK

MAYOR



## Committee of the Whole Report

For the Meeting of September 20, 2018

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**To:** Committee of the Whole **Date:** August 31, 2018  
**From:** Jodi Jensen, Head of Human Resources  
 Chris Coates, City Clerk  
**Subject:** City Employees Bylaw

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### RECOMMENDATION

That Council:

1. Direct staff to bring forward the new Officers Bylaw to the September 20, 2018 Council Meeting for introductory readings.
2. Subject to the adoption of the Officers Bylaw the following Policies be approved:
  - a. *Terms and Conditions of Employment – Officers and Exempt Employees*
  - b. *Compensation – Officers and Exempt Employees*

### EXECUTIVE SUMMARY

The City Employees Bylaw establishes officer positions and duties, delegates authority to the City Manager on certain employee relations matters, and sets out general terms and conditions of employment for all exempt employees. The Bylaw has not undergone a comprehensive review since its adoption in 1978.

This report recommends modernizing the framework governing the employment of exempt employees, consistent with best practices, by replacing the City Employees Bylaw (Appendix A) with a new Officers Bylaw (Appendix B) and Council Policies. The recommendations will not result in any substantive changes to existing terms and conditions of employment for exempt employees.

The new Officers Bylaw establishes officer positions and duties, consistent with the requirements of the *Community Charter*, and authorities delegated to the City Manager. All general terms and conditions of employment currently set out in the City Employees Bylaw are re-established in Council Policy: *Terms and Conditions of Employment – Officers and Exempt Employees* (Appendix C); and the terms related to compensation are re-established in a separate Council Policy: *Compensation – Officers and Exempt Employees* (Appendix D).

### PURPOSE

The purpose of this report is to seek Council's approval to modernize the City's framework establishing terms and conditions of employment for all exempt employees by repealing the City

Employees Bylaw, introducing a new Officers Bylaw, and moving employment related matters into two new Council policies.

## BACKGROUND

The City Employees Bylaw (the Bylaw) was enacted in 1978 and has not undergone comprehensive review since that date. The last revision to the Bylaw was in 2003 and consisted of changes to position titles; there have been numerous subsequent changes to titles.

In its current form, the Bylaw exceeds what is required under the *Community Charter* and includes information that is outdated and in some cases, redundant.

## ISSUES & ANALYSIS

### Officer Positions

Sections 146 – 149 of the *Community Charter* direct municipalities to create specific officer positions for which the powers, duties and functions must be established by bylaw. These positions are referred to as statutory officers and are: Chief Administrative Officer (City Manager), Corporate Officer (City Clerk) and Financial Officer (Director of Finance). The current City Employees Bylaw also identifies all Director positions, as they were defined in 2003, as officers. The result is that with each corporate re-organization or title change, the Bylaw becomes out of date if not amended by Council.

The Officers Bylaw drafted for Council consideration defines both statutory officers and officers, reflecting the current composition of officers. If adopted, staff will automatically bring forward future amendments to the Officers Bylaw to remove non-statutory officer positions when they become vacant. Over time, the result will be an Officers Bylaw that defines only statutory officers.

### Employment related provisions

Municipalities outline terms and conditions of employment for exempt employees in one of 3 ways: a bylaw, a policy or an employment agreement. Many municipalities are moving towards template employment agreements which reference broader policies. Policies establishing general terms and conditions of employment including compensation makes the information easier to navigate and understand for current and prospective employees, who frequently require assistance in interpreting the relevant terms. Prospective employees are provided a copy of the City Employees Bylaw with their offer of employment. Having terms and conditions established by Council policy enables the City to be more agile and efficient in responding to or reflecting changes in employment legislation and market conditions for attracting and retaining talent.

### Proposed policy changes

Upon review of all of the detailed practices currently in place, the following changes have been incorporated into the proposed Council Policies: *Terms and Conditions of Employment – Officers and Exempt Employees* and *Compensation – Officers and Exempt Employees*.

- Under the City's Supplementary Employment Insurance Benefit Plan, employees on maternity leave receive top up payments to their Employment Insurance benefits to a maximum of 100% of their previous gross weekly earnings, for a maximum of 17 weeks.

This benefit was not in place at the time the City Employees Bylaw was initially adopted in 1978 and was not captured by later amendments.

- In the first, partial year of employment, the City Employees Bylaw specifies that vacation and sick leave entitlements are to be prorated based on the number of calendar months (or partial months) worked during the calendar year. In the *Terms and Conditions* policy, entitlements are prorated based on the number of weeks worked during the calendar year to reflect alignment with the current bi-weekly pay schedule. In addition, eligibility for prorated sick leave entitlements during the first 3 months of employment has been changed to reflect current Employment Insurance program requirements.
- The Compensation policy clarifies that the entitlement in each year to receive an amount equivalent to 2% of annual salary or an additional 5 days of paid vacation is also to be prorated based on the number of weeks worked during the calendar year.

## OPTIONS & IMPACTS

### *Accessibility Impact Statement*

The recommendations do not include any specific, direct accessibility impacts.

### *2015 – 2018 Strategic Plan*

The recommendations support Objective 1, Innovate and Lead: Support the City Manager in developing an organizational culture of collaboration, continuous learning and employee empowerment.

### *Impacts to Financial Plan*

The recommendations do not have any impact on the financial plan.

## CONCLUSIONS

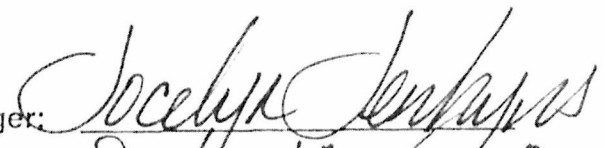
Council may consider that the recommendations will update the framework governing the employment of exempt employees, consistent with best practices, while enhancing the administration and adaptability of these policies.

Respectfully submitted,

  
Jodi Jensen  
Head of Human Resources

  
Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:

  
Date: Sept. 14, 2018

## List of Attachments

Appendix A: City Employees Bylaw

Appendix B: Officers Bylaw

Appendix C: Council Policy: *Terms and Conditions of Employment – Officers and Exempt Employees*

Appendix D: Council Policy: *Compensation – Officers and Exempt Employees*

## Appendix C

### NO. 18-106 A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish Officer Positions for the City of Victoria

Under its statutory powers, including sections 146-150 of the *Community Charter*, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as "OFFICERS BYLAW No. 18-106".
2. In this Bylaw  
  
    "*statutory officer*" means a person who is designated as a *statutory officer* under section 3 of this Bylaw and in accordance with the Community Charter;  
  
    "*officer*" means a person designated as an officer under section 4 of this Bylaw and in accordance with the Community Charter.
3. (1) The people holding the following positions are *statutory officers* of the City:
  - (a) City Manager;
  - (b) City Clerk; and,
  - (c) Director of Finance.
- (2) The person holding the office of City Manager is assigned the powers, duties, and functions of chief administration, including the powers, duties, and functions set out in section 147 of the Community Charter and in Bylaw No. 3470, the Municipal Manager Bylaw, 1949;
- (3) The person holding the office of City Clerk is assigned the powers, duties, and functions of corporate administration, including the powers, duties, and functions set out in section 148 of the Community Charter; and,
- (4) The person holding the office of Director of Finance is assigned the powers, duties, and functions of financial administration, including the powers, duties, and functions set out in section 149 of the Community Charter.

4. (1) The people holding the following positions are *officers* of the City:
- (a) Director of Sustainable Planning and Community Development;
  - (b) Director of Engineering and Public Works;
  - (c) Director of Parks, Recreation and Facilities;
  - (d) City Solicitor;
  - (e) Fire Chief; and,
  - (f) Head of Human Resources.
- (2) *Officers* must perform all duties prescribed by bylaw or other enactment, and all duties assigned from time to time by Council or the City Manager.
5. (1) Without limiting the powers, duties, and functions of the City Manager as set out in section 3(2) of this Bylaw, Council hereby expressly delegates to the City Manager, the following:
- (a) The authority to hire and, where applicable, appoint an employee, other than a *Statutory Officer*;
  - (b) The authority to suspend an employee, other than a *Statutory Officer*, with or without pay; and,
  - (c) The authority to terminate the employment of an employee, other than a *Statutory Officer* or *Officer*, for cause without notice, or without cause on reasonable notice or pay in lieu thereof.
6. Bylaw No.01-24, the City Employees' Bylaw is hereby repealed.

READ A FIRST TIME the	<b>20<sup>th</sup></b>	day of	<b>September</b>	2018.
READ A SECOND TIME the	<b>20<sup>th</sup></b>	day of	<b>September</b>	2018.
READ A THIRD TIME the	<b>20<sup>th</sup></b>	day of	<b>September</b>	2018.
ADOPTED the	<b>4<sup>th</sup></b>	day of	<b>October</b>	2018.

**"CHRIS COATES"**  
CITY CLERK

**"LISA HELPS"**  
MAYOR





## **Council Report**

### **For the Meeting of September 10, 2020**

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**To:** Council **Date:** September 8, 2020  
**From:** Tom Zworski, City Solicitor  
**Subject:** Parks Regulation Bylaw Amendment Bylaw

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### **RECOMMENDATION**

That Council give three readings to Bylaw No. 20-102: Parks Regulation Bylaw Amendment Bylaw (No. 10).

### **EXECUTIVE SUMMARY**

On September 3, 2020, Council passed the following motion:

1. Direct the City Solicitor to prepare amendments to the Parks Regulation Bylaw, to the satisfaction of the Director of Parks, Recreation and Facilities, which include
  - a. the following temporary adjustments;
    - i. no prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
    - ii. Limitation on maximum size of a shelter (limit footprint of sheltering site);
    - iii. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
    - iv. Restrictions on possession of open flame appliances and combustible materials;
    - v. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools; and
    - vi. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency; and
  - b. the following permanent adjustment;
    - i. Adding community gardens and horticultural areas to the list of areas where sheltering is not permitted; and
    - ii. Adding Summit Park, Moss Rocks Park, MacDonald Park, South Park, Robert Porter Park, David Spencer Park, to the list of parks where sheltering is prohibited.

The attached bylaw implements those directions. In addition, in the course of the preparation of the bylaw, a further change was identified as necessary. The current section 16A(2)(b)(xi) prohibits sheltering only in areas that have been designated for an event or activity under a "a permit", which arguably does not include leases, licences, or other arrangements. This appears to be inconsistent

with the original intent of the bylaw and could potentially lead to conflicts where events are authorized under licences or otherwise. Therefore, the proposed bylaw includes an amendment that would extend the scope of this clause (now renumbered as (16A(2)(b)(xvii)) to cover not only events or activities under "a permit" but also under "a lease, licence, or other agreement authorized by Council". If Council does not wish to include this additional amendment, the appropriate process would be to give the proposed bylaw first reading and then amend section 2(a) of the bylaw by replacing the proposed clause (xvii) with the following:

"(xvii) any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw."

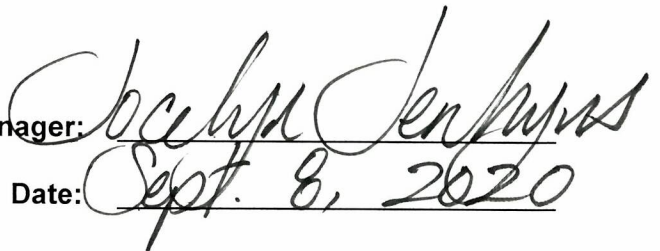
This, except for the clause number, is the language currently in the Parks Regulation Bylaw.

Respectfully submitted,



Tom Zworski  
City Solicitor

Report accepted and recommended by the City Manager:

  
Date: Sept. 8, 2020

**PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 10)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to amend the Parks Regulation Bylaw to temporarily allow for daytime sheltering in City parks by persons experiencing homelessness and to better regulate such sheltering activity, as well as to permanently expand the list of parks and locations where sheltering activity is not permitted at any time.

Under its statutory powers, including sections 8(3)(b) and (h), 62, and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 10)”.

**Amendment**

- 2 The Parks Regulation Bylaw No. 07-059 is amended by
- (a) deleting paragraphs (x) and (xi) in section 16A(2)(b) and inserting the following as new paragraphs (x) through (xvii):
    - “(x) Summit Park,
    - (xi) Moss Rocks Park,
    - (xii) MacDonald Park,
    - (xiii) South Park,
    - (xiv) Robert Porter Park,
    - (xv) David Spencer Park,
    - (xvi) an environmentally or culturally sensitive area, community garden, or horticultural area, or
    - (xvii) any area within a park that has been designated for an event or activity under
      - (A) a valid and subsisting permit issued under the authority of this Bylaw, or
      - (B) a lease, licence, or other agreement authorized by Council.”
  - (b) adding, immediately after section 16A, the following as a new section 16B:

**“Sheltering during Pandemic**

- 16B (1) Despite section 16A(2)(a), a homeless person may place, erect, maintain, or use a shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or any other rigid or non-rigid material, in a park at any time, provided that they comply with subsections (2) and (3).
- (2) A person must not place, erect, maintain or use a shelter in a park at any time
- (a) in any area listed in section 16A(2)(b),
  - (b) within 4 metres of any area listed in section 16A(2)(b),
  - (c) within 4 metres of any other shelter that is placed, erected, maintained or used in accordance with section 16A or this section,
  - (d) within 50 metres of a school as defined in the *School Act*, or
  - (e) that, including all associated objects or possessions, exceeds 9 square metres in size.
- (3) A person must not keep, store, or use in a park
- (a) a barbeque, stove, heater, or any other open flame appliance, or
  - (b) a propane tank, gasoline container, or any other flammable gas or liquid."

## Repeal of Pandemic Related Provision

3      Section 16B of the Parks Regulation Bylaw is repealed.

## Commencement

- 4       (1)       This bylaw, except section 3, comes into force on adoption.
- (2)       Section 3 comes into force 30 days after the expiry or cancellation of the last extension of the provincial state of emergency declared on March 18, 2020 pursuant to the *Emergency Program Act*.

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

NO. 20-093

**HOUSING AGREEMENT BYLAW NO. 14-044 REPEAL BYLAW**  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize the repeal of a housing agreement bylaw for the lands known as 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue and 3197 and 3199 Fifth Street, 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 BYLAW NO. 20-093 REPEAL BYLAW (2020)".

**Repeal**

- 2 Bylaw No. 14-044, the Housing Agreement (1025-1075 Tolmie Avenue) Bylaw is repealed and the agreement authorized by that bylaw is terminated.

READ A FIRST TIME the                      **3<sup>rd</sup>**       day of                      **September**                      2020

READ A SECOND TIME the                      **3<sup>rd</sup>**       day of                      **September**                      2020

READ A THIRD TIME the                      **3<sup>rd</sup>**       day of                      **September**                      2020

ADOPTED on the    day of    2020

CITY CLERK

MAYOR