



## MINUTES - COMMITTEE OF THE WHOLE

September 17, 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  
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)**

**PRESENT:** Councillor Young in the Chair, Mayor Helps (joined at 11:57 a.m.),  
Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor  
Potts, Councillor Thornton-Joe.

**ABSENT:** Councillor Dubow

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

### **A. APPROVAL OF AGENDA**

That the agenda be approved.

**Amendment:**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

Consent Agenda:

- E.1 - 777 Douglas Street: Development Permit Application No. 000561 (Downtown)
- E.2 - 2639 Fifth Street: Development Variance Permit No. 00244 (Hillside/Quadra)
- F.2 - Proclamation - Respiratory Therapy Week
- H.3 - Advocacy to Expand the Extreme Weather Response to Non-winter Extreme Weather Events

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

E.5 - 1314 and 1318 Wharf Street: Update Report on Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Northern Junk) (Downtown) be moved to the end of the agenda.

**CARRIED UNANIMOUSLY**

**B. CONSENT AGENDA**

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That the following items be approved without further debate:

**CARRIED UNANIMOUSLY**

**E.1 777 Douglas Street: Development Permit Application No. 000561 (Downtown)**

Committee received a report dated August 31, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Development Permit Application for 777 Douglas Street in order to conduct exterior renovations to an existing building and the addition of a balcony area.

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council authorize the issuance of development permit application No.000561 for 777 Douglas Street, in accordance with:

1. Plans date stamped July 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**E.2 2639 Fifth Street: Development Variance Permit No. 00244 (Hillside/Quadra)**

Committee received a report dated September 3, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit for 2639 Fifth Street in order to remove two covered vehicle parking stalls to construct one new residential unit.

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

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. 00244 for 2639 Fifth Street, in accordance with:

1. Plans date stamped June 8, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the residential vehicle parking requirement from 61 stalls to 50 stalls.
3. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**

**F.2 Proclamation - Respiratory Therapy Week**

Committee received a report dated September 9, 2020 from the City Clerk regarding the proclamation for Respiratory Therapy Week, October 25 to 31, 2020.

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That the *Respiratory Therapy Week* be forwarded to the October 8, 2020 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**H.3 Advocacy to Expand the Extreme Weather Response to Non-winter Extreme Weather Events**

Committee received a Council Member Motion dated September 14, 2020 from Councillor Loveday and Councillor Potts regarding advocating to the Minister of Municipal Affairs and Housing and BC Housing to extend the Extreme Weather Response to non-winter extreme weather events to provide 24-hour access to shelter and other necessary services.

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council request the Mayor write to the Minister of Housing and Municipal Affairs and BC Housing, advocating for the Extreme Weather Response to be expanded to open shelters and provide other necessary services during non-winter extreme weather events including when poor air quality presents a health risk.

**CARRIED UNANIMOUSLY**

**D. UNFINISHED BUSINESS**

**D.1 Council Member Motion: Rodenticides in the City of Victoria (Verbal)**

Committee received verbal report from the Director of Engineering and Public Works who advised that anticoagulants are used in the sewers and the Director of Parks, Recreation and Facilities confirmed that anticoagulant rodent traps are used in and around City buildings and they could transition away from using them.

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That Council:

1. Adopts the policy of introducing a complete ban on use of anticoagulant rodenticides on all City of Victoria owned properties, with immediate effect.

2. Directs staff to communicate this policy direction to residents and businesses, including information on the harmful impacts of anticoagulant rodenticides and the availability of more ecologically sustainable alternatives.
3. Requests that the Mayor write, on behalf of Council, to the provincial Minister of Environment, requesting that the Province of British Columbia introduce a province-wide ban on the use of anticoagulant rodenticides, to increase protection for wildlife species.
4. to incorporate humane practices in regards to pest control in all City of Victoria properties

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That this matter been forwarded to today's daytime Council meeting.

**CARRIED UNANIMOUSLY**

**E. LAND USE MATTERS**

**E.3 848 Yates Street: Development Permit Application (DDP No. 00529) (Downtown)**

Committee received a report dated August 3, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Development Permit Application for 848 Yates Street recommending to decline the application and proposing modifications of the design of the through-block walkway and the terms of the statutory right-of-way.

*Committee discussed:*

- *Would staff be inclined to revisit the application with the applicant.*
- *The possibility of addressing the security of the walkway should the application be referred back to staff.*
- *The difference between declining the application and referring it back to staff to work with the applicant.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council decline Development Permit No. 00529 for 848 Yates Street and proposed modifications to the through-block walkway and terms of the statutory right-of-way.

**Motion to Refer:**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That this matter be referred back to staff for additional engagement with the applicant and neighbouring properties.

FOR (3): Councillor Alto, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Young

**DEFEATED (3 to 3)**

**On the motion:**

FOR (4): Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young

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

**CARRIED (4 to 2)**

**E.4 801 Bank Street: Development Variance Permit No. 00248 (Glenlyon Norfolk School) (Gonzales)**

Committee received a report dated September 10, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit application for 801 Bank Street in order to place two modular classroom structures, a pre-fabricated gym tent, and a power station at Glenlyon Norfolk School, with a legal agreement stating that the buildings would be removed within five years.

*Committee discussed:*

- *Reason for the five year legal agreement and it not being less.*
- *The possibility of moving the student drop off to address neighbourhood concerns.*
- *Concerns with the trust between the neighbourhood and the school needing to be addressed*
- *The My Great Neighbourhood Grant for traffic alterations*

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

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. 00248 for 801 Bank Street, in accordance with:

- a. Plans date stamped September 10, 2020.

- b. Development meeting all *Zoning Regulation Bylaw, Schedule F, Accessory Building Regulations* requirements, except for the following variances:

Modular Classroom (1 storey):

- i. Locate the building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m<sup>2</sup> to 75.8m<sup>2</sup>
- iii. Increase the maximum height from 3.50m to 3.88m

Modular Classroom (2 storey):

- i. Locate a building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m<sup>2</sup> to 404.4m<sup>2</sup>
- iii. Increase the maximum height from 3.50m to 7.15m

Pre-fabricated Gym:

- i. Locate the building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m<sup>2</sup> to 226.6m<sup>2</sup>
- iii. Increase the maximum height from 3.50m to 6.38m

Temporary Power Panel:

- i. Locate the building in the side yard instead of rear yard

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

- 2. That recommendations be forwarded to the September 17, 2020 daytime Council Meeting so that an opportunity for public comment can be scheduled in October.
- 3. That prior to scheduling an Opportunity for Public Comment the City receive more information regarding on-site and off-site trees, including an Arborist Report and Tree Preservation Plan, and revised plans showing anchoring and base preparation for the proposed buildings to the satisfaction of the Director of Parks, Recreation and Facilities.
- 4. That issuance of the Development Variance Permit be subject to a legal agreement securing the removal of the buildings within three years from the date of Council approval, to the satisfaction of the Director of Sustainable Planning and Community Development.

**Amendment:**

**Moved By** Councillor Isitt

That should this development permit with variance be approved by Council, that Council direct staff to implement a one-year pilot closure of Madison Street to through traffic without delay

**MOTION FAILED TO PROCEED DUE TO NO SECONDER**

**Amendment:**

**Moved By** Councillor Young

**Seconded By** Councillor Thornton-Joe

That any future proposals for rezoning or variances on the site will address the issues of access and drop off at the campus.

FOR (4): Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (2): Councillor Alto, and Councillor Young

**CARRIED (4 to 2)**

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council direct staff to report back at the Opportunity for Public Comment on options for implementing traffic calming in the vicinity of Glenlyon Norfolk School.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

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

OPPOSED (1): Councillor Isitt

**CARRIED (5 to 1)**

**F. STAFF REPORTS**

**F.1 Village and Corridor Planning: Summary of Early Engagement, Next Steps and Required Consultation**

Committee received a report dated August 26, 2020 from the Director of Sustainable Planning and Community Development regarding the results of early engagement for Village and Corridor planning, use of Neighbourhood Planning grants, and anticipated next steps.

Committee discussed:

- *Whether this matter should be put on hold until the first or second quarter of 2021 due to COVID.*
- *Ways the public can participate in workshops and open houses during the time of COVID.*

*Committee recessed at 11:04 a.m. and returned at 11:09 a.m.*

Committee discussed:

- *Concerns with #3 and #4 of the motion being premature.*

**CLOSED MEETING AT 11:19 A.M.**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED UNANIMOUSLY**

**Legal Advice – Community Charter Section 90(1)(i)**

*Committee discussed Legal Advice. The discussion was recorded and kept confidential.*

*The open Committee of the Whole meeting reconvened at 11:30 a.m.*

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That Council:

1. Receive the Village and Corridor Planning Early Engagement Summary Report.
2. Direct staff to prepare Official Community Plan (OCP) amendment bylaws following consultation, and in accordance with feedback received. This may include amendments to the following sections of the OCP:
  - a. Section 6: Land Management and Development and related maps and policies;
  - b. Section 21: Neighbourhood Directions;
  - c. Appendix A: Development Permit Areas, considering new or updated development permit areas and guidelines.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the proposed Official Community Plan Amendment Bylaw to the Esquimalt Nation, Songhees Nation, the Greater Victoria School District, the Capital Regional District Board, the Province, and the District of Saanich; and that no referrals are necessary to Island Health, the federal government, the Township of Esquimalt, and the District of Oak Bay.
4. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to undertake consultation with those affected through a combination of printed materials and digital engagement tools including:



- a. Workshops with stakeholders and Local Area Planning Working Group members;
- b. An online open house process presenting policy options and concepts;
- c. A mailing to residents, businesses and owners within the Hillside-Quadra, North Park and Fernwood neighbourhoods;
- d. Referral to the Advisory Design Panel;
- e. A second Open House process presenting proposed Neighbourhood Plans, OCP and Zoning Bylaw Amendments.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council:

1. Receive the Village and Corridor Planning Early Engagement Summary Report.
2. Direct staff to **develop policy recommendations to inform potential** ~~prepare~~ Official Community Plan (OCP) amendment bylaws following consultation, and in accordance with feedback received. This may include amendments to the following sections of the OCP:
  - a. Section 6: Land Management and Development and related maps and policies;
  - b. Section 21: Neighbourhood Directions;
  - c. Appendix A: Development Permit Areas, considering new or updated development permit areas and guidelines.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the proposed Official Community Plan Amendment Bylaw to the Esquimalt Nation, Songhees Nation, the Greater Victoria School District, the Capital Regional District Board, the Province, and the District of Saanich; and that no referrals are necessary to Island Health, the federal government, the Township of Esquimalt, and the District of Oak Bay.
4. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to undertake consultation with those affected through a combination of printed materials and digital engagement tools including:
  - a. Workshops with stakeholders and Local Area Planning Working Group members;
  - b. An online open house process presenting policy options and concepts;
  - c. A mailing to residents, businesses and owners within the Hillside-Quadra, North Park and Fernwood neighbourhoods;
  - d. Referral to the Advisory Design Panel;
  - e. A second Open House process presenting proposed Neighbourhood Plans, OCP and Zoning Bylaw Amendments.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

*Mayor Helps joined the meeting and assumed the Chair at 11:57 a.m.*

### **F.3    By-election**

Committee received a report dated September 14, 2020 from the City Clerk regarding the restart of the by-election to fill the vacant position on Council.

*Committee discussed:*

- *Possibility of having the City of Victoria By-election at the same time as a potential Provincial election.*
- *The possibility of having the by-election Fall 2020 instead of 2021*
- *How cold and flu season, along with COVID, could affect the date of the By-election.*
- *Ensuring that the Accessibility Working Group motion will be taken into account when planning for the By-election.*

*Committee recessed at 12:26 p.m. and returned at 1:00 p.m.*

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Loveday

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.
3. **That Council request that Elections BC share any information with respect to safety plans for particular voting locations, plexiglass dividers and any other relevant or available infrastructure that will assist the City of Victoria in carrying out a By-election.**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.
3. That Council request that Elections BC share any information with respect to safety plans for particular voting locations, plexiglass dividers and any other relevant or available infrastructure that will assist the City of Victoria in carrying out a By-election.
4. **Direct staff to work towards a December 12, 2020 election date subject to advice from the Provincial Public Health Officer and/or sufficient information and safety plans to ensure participation and public safety.**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.
3. That Council request that Elections BC share any information with respect to safety plans for particular voting locations, plexiglass dividers and any other relevant or available infrastructure that will assist the City of Victoria in carrying out a By-election
4. **Direct staff to report back on the feasibility of work towards a December 12, 2020 election date subject to advice from the Provincial Public Health Officer and/or sufficient information and safety plans to ensure participation and public safety.**

FOR (2): Councillor Alto, and Councillor Potts

OPPOSED (5): Mayor Helps, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

**DEFEATED (2 to 5)**

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.
3. That Council request that Elections BC share any information with respect to safety plans for particular voting locations, plexiglass dividers and any other relevant or available infrastructure that will assist the City of Victoria in carrying out a By-election
4. Direct staff to work towards a December 12, 2020 election date subject to advice from the Provincial Public Health Officer and/or sufficient information and safety plans to ensure participation and public safety.
5. **That Council direct staff to engage with Elections BC and report back on the possibility of holding the by-election concurrently with a Provincial election including opportunities for safety improvements, cost savings, and expediting the City of Victoria's by-election timeline.**

**CARRIED UNANIMOUSLY**

**on the main motion as amended:**

**CARRIED UNANIMOUSLY**

## **H. NEW BUSINESS**

### **H.1 Council Member Motion: Selkirk Water Floating Swimming Platform**

Committee received a Council Member Motion dated September 11, 2020 from Councillor Isitt and Councillor Loveday regarding the proposed support of the ongoing use of the floating swimming platform in the Selkirk Water.

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council directs staff to write to Transport Canada, indicating that the City of Victoria supports the ongoing use of the floating swimming platform in the Selkirk Water for recreational use and enjoyment by the public, and believes this use is compatible with other uses of the Selkirk Water, including navigation.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council directs staff to write to Transport Canada, indicating that the City of Victoria supports the ongoing use of the floating swimming platform in the Selkirk Water for recreational use and enjoyment by the public, and believes this use is compatible with other uses of the Selkirk Water, including navigation.

**That Council direct staff to report back on the suitability of the existing location and recommendations, with a view towards minimizing the impact on the marine ecology.**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Isitt

That Council directs staff to write to Transport Canada, indicating that the City of Victoria supports the ongoing use of the floating swimming platform in the Selkirk Water for recreational use and enjoyment by the public, and believes this use is compatible with other uses of the Selkirk Water, including navigation.

**That Council direct staff to report back on the suitability of the existing location and recommendations, with view towards minimizing the impact on the marine ecology, as well as public health concerns.**

FOR (1): Councillor Thornton-Joe

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Young

**DEFEATED (1 to 6)**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**H.2 Council Member Motion: Extending the "Open Air Recovery - Support for Restaurants and Cafes in Public Spaces" Program**

*Councillor Isitt recused himself due to a non-pecuniary conflict of interest at 1:36 p.m. as he is a Director of a business that has applied to the program.*

Committee received a Council Member Motion dated September 12, 2020 from Councillor Loveday and Mayor Helps regarding the proposed support for the extension of allowing patios in public spaces.

**Moved By** Councillor Loveday

**Seconded By** Mayor Helps

1. That Council endorse in principal the extension of the Open Air Recovery – Support for Restaurants and Cafes in Public Spaces expanded and expedited patio initiative pending receipt of a report from City Staff detailing feedback from businesses and residents.
2. That Council request that the Mayor write to the Premier of British Columbia, MLAs representing local ridings, and the BC Liquor and Cannabis Regulation Branch to advocate for an extension of the temporary authorization of licensed service areas.

**CARRIED UNANIMOUSLY**

*Councillor Isitt returned to the meeting at 1:37 p.m.*

**Moved By** Mayor Helps  
**Seconded By** Councillor Loveday

That items F.3 and H.2 be forwarded to the daytime Council meeting

**CARRIED UNANIMOUSLY**

**E.5    1314 and 1318 Wharf Street: Update Report on Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Northern Junk) (Downtown)**

Committee received an update report dated September 3, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed revisions to the Rezoning and Heritage Alteration Permit Applications for 1314 and 1318 Wharf Street.

*Committee discussed:*

- *Where the location of the Pad Mounted Transformer (PMT) would be*

**Moved By** Mayor Helps  
**Seconded By** Councillor Potts

**Rezoning Application No. 00701**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00701 for 1314 and 1318 Wharf 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. Plan revisions to include frontage works and building access consistent with the City's Subdivision and Development Servicing Standards, revised long term bike parking spaces to meet the requirements set out in Schedule C of the Zoning Regulation Bylaw, revised Harbour Pathway width to 5m and minor plan corrections, to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.
2. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.
3. Preparation of the following agreements, registered on title by the applicant, to the satisfaction of City staff:
  - a. Statutory right-of-way for public access over the area dedicated to the Harbour Pathway and the internal alley between the two heritage buildings, to the satisfaction of City staff;
  - b. Housing Agreement to secure 47 residential rental units as rental in perpetuity, to the satisfaction of the City Solicitor;

- c. Section 219 Covenant to secure off-site tree replacement at a four to one ratio with a cash in lieu contribution with values set per the Tree Preservation Bylaw (Bylaw No. 05-106) for public realm improvements, and a cash in lieu contribution for offsite short term bicycle parking; and
  - d. A legal agreement to ensure that building amendments would be made along the north property line to comply with building code requirements should a building be proposed for the property located at 1324 Wharf Street.
4. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
    - a. building encroachments; and
    - b. anchor-pinning in the City right-of-way.

### **Heritage Alteration Permit with Variances No. 00236**

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. 00701, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00236 for 1314 and 1318 Wharf Street, in accordance with:

1. Plans date stamped August 10, 2020.
2. The Conservation Plan for the Caire and Grancini Warehouse at 1314 Wharf Street, date stamped October 22, 2019.
3. The Conservation Plan for the Fraser Warehouse at 1316-1318 Wharf Street, date stamped October 22, 2019.
4. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. Reduce the required short term bicycle parking spaces from 10 to 0; and
  - b. Increase the maximum permitted height from 8 metres to 21 metres.
5. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
6. The applicant provide details regarding their intended process for commissioning a story wall for the north elevation of the building, including an artist selection process, scope and content, and an explanation for how their project will consider the Indigenous cultural heritage of the waterfront public realm, to the satisfaction of the Director of Sustainable Planning and Community Development.
7. The applicant providing a lighting plan for the heritage buildings, to the satisfaction of the Director of Sustainable Planning and Community Development.
8. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.
9. Heritage Alteration Permit lapsing two years from the date of this resolution”

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

**Rezoning Application No. 00701**

~~2. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.~~ **That Council authorize the placement of Pad Mounted Transformer (PMT) on public property and work with the applicant to ensure the addition of the PMT is incorporated as an enhancement to the public realm to the satisfaction of the Director of Sustainable Planning and Community Development.**

**Heritage Alteration Permit with Variances No. 00236**

~~8. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.~~ **That Council authorize the placement of Pad Mounted Transformer (PMT) on public property and work with the applicant to ensure the addition of the PMT is incorporated as an enhancement to the public realm to the satisfaction of the Director of Sustainable Planning and Community Development.**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

**Rezoning Application No. 00701**

~~2. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.~~ **That Council authorize the placement of Pad Mounted Transformer (PMT) on public property and work with the applicant to ensure the addition of the PMT is incorporated as an enhancement to the public realm with all associated expenses being born by the applicant to the satisfaction of the Director of Sustainable Planning and Community Development.**

**Heritage Alteration Permit with Variances No. 00236**

~~8. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the~~



~~Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.~~ **That Council authorize the placement of Pad Mounted Transformer (PMT) on public property and work with the applicant to ensure the addition of the PMT is incorporated as an enhancement to the public realm with all associated expenses being born by the applicant to the satisfaction of the Director of Sustainable Planning and Community Development.**

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

OPPOSED (1): Councillor Isitt

**CARRIED (6 to 1)**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

**Rezoning Application No. 00701**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00701 for 1314 and 1318 Wharf 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. Plan revisions to include frontage works and building access consistent with the City's Subdivision and Development Servicing Standards, revised long term bike parking spaces to meet the requirements set out in Schedule C of the Zoning Regulation Bylaw, ~~revised Harbour Pathway width to 5m~~ and minor plan corrections, to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Potts

**Seconded By** Councillor Alto

That the meeting be extended until 2:30 p.m.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

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

OPPOSED (2): Councillor Isitt, and Councillor Young

**CARRIED (5 to 2)**

**I. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the Committee of the Whole Meeting be adjourned at 2:28 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR