



MINUTES - VICTORIA CITY COUNCIL

October 1, 2020, 1:57 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 Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Dubow

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, 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, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, A. James - Head of Strategic Operations, P. Bellefontaine - Director of Engineering & Public Works, C. Moffat – Assistant City Solicitor, P. Bruce – Fire Chief, P. Rantucci – Head of Strategic Real Estate, M. Heiser - Committee Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the agenda be approved.

Amendment:

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following items be added to the October 1, 2020 Council Agenda:

D.4 “Fire Prevention Week” – October 4 to 10, 2020

F.1.b Report from the October 1, 2020 COTW Agenda

CARRIED UNANIMOUSLY

**Main motion as amended:
CARRIED UNANIMOUSLY**

C. READING OF MINUTES

Moved By Councillor Alto
Seconded By Councillor Potts

That the following minutes be adopted:

1. Minutes from the Special Council Meeting held September 14, 2020
2. Minutes from the daytime meeting held September 17, 2020

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "International Day of Older Persons" - October 1, 2020

Moved By Councillor Potts
Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:
"International Day of Older Persons" - October 1, 2020

CARRIED UNANIMOUSLY

D.2 "Wrongful Conviction Day" - October 2, 2020

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:
"Wrongful Conviction Day" - October 2, 2020

CARRIED UNANIMOUSLY

D.3 "Small Business Month" - October 2020

Moved By Councillor Alto
Seconded By Councillor Loveday

That the following proclamation be endorsed:
"Small Business Month" - October 2020

CARRIED UNANIMOUSLY

D.4 "Fire Prevention Week" – October 4 to 10, 2020

Moved By Councillor Loveday
Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:
" Fire Prevention Week" – October 4 to 10, 2020

CARRIED UNANIMOUSLY

E. UNFINISHED BUSINESS

E.1 Letter from the Minister of Tourism, Arts, and Culture

Council received a letter of response dated September 18, 2020, from the Minister of Tourism, Arts, and Culture regarding the recent proposal from the Tourism Industry Association of BC for stimulus funding.

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council receive the letter from the Minister of Tourism, Arts, and Culture dated September 18, 2020 for information.

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEES

F.1 Committee of the Whole

F.1.a Report from the September 17, 2020 COTW Meeting

F.1.a.a 777 Douglas Street: Development Permit Application No.000561 (Downtown)

Moved By Councillor Alto
Seconded By Councillor Potts

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

F.1.a.b 2639 Fifth Street: Development Variance Permit No. 00244 (Hillside/Quadra)

Moved By Councillor Alto
Seconded By Councillor Potts

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.1.a.c Advocacy to Expand the Extreme Weather Response to Non-winter Extreme Weather Events

Moved By Councillor Loveday
Seconded By Councillor Potts

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

F.1.a.d 848 Yates Street: Development Permit Application (DDP No. 00529) (Downtown)

Moved By Councillor Isitt
Seconded By Councillor Young

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.

FOR (4): Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young
OPPOSED (3): Mayor Helps, Councillor Alto, Councillor Thornton-Joe
CARRIED (4 to 3)

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

Moved By Councillor Isitt
Seconded By Councillor Alto

That Council:

1. Receive the Village and Corridor Planning Early Engagement Summary Report.
2. Direct staff to develop policy recommendations to inform potential 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 Mayor Helps

Seconded By Councillor Alto

5. **Direct staff to build into the consultation going forward information about child care coverage in the neighborhoods and solicit ideas to address the shortages.**

CARRIED UNANIMOUSLY

Main motion as amended:

That Council:

1. Receive the Village and Corridor Planning Early Engagement Summary Report.
2. Direct staff to develop policy recommendations to inform potential 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.
5. Direct staff to build into the consultation going forward information about child care coverage in the neighborhoods and solicit ideas to address the shortages.

CARRIED UNANIMOUSLY

F.1.a.f Council Member Motion: Selkirk Water Floating Swimming Platform

Moved By Councillor Isitt

Seconded By Councillor Potts

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.

CARRIED UNANIMOUSLY

F.1.a.g 1314 and 1318 Wharf Street: Update Report on Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Northern Junk) (Downtown)

Moved By Councillor Alto

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 and minor plan corrections, to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.
2. 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.
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. 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.

9. Heritage Alteration Permit lapsing two years from the date of this resolution”

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

OPPOSED (1): Councillor Isitt,

CARRIED (6 to 1)

F.2.a Report from the October 1, 2020 COTW Meeting

F.2.a.a. By-Election Report Back

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council:

1. Appoint Chris Coates as Chief Election Officer.
2. Appoint Sonia Santarossa, Christine Havelka and Monika Fedyczkowska as Deputy Chief Election Officers.
3. Authorize the Chief Election Officer to send a formal request to the Ministry of Municipal Affairs for a Ministerial Order to facilitate a by-election during the pandemic including legislative changes to respond to enhanced mail ballot voting, reduced touch points and other pandemic related matters that may be required.
4. Approve a budget addition of up to \$350,000 from the Financial Stability Reserve for the by-election.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for 2021-2022 Permissive Tax Exemptions

Moved By Councillor Alto

Seconded By Councillor Isitt

That the following bylaw **be adopted**:

1. Tax Exemption (Permissive) Bylaw, 2021-2022 No. 20-085

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Motion to go into a closed Council meeting at 2:13 p.m.:

Moved By Councillor Young

Seconded By Councillor Loveday

MOTION TO CLOSE THE OCTOBER 1, 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

H.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 2:23 p.m.

Motion to go into a closed Council meeting at 2:26 p.m.:

MOTION TO CLOSE THE OCTOBER 1, 2020 COUNCIL MEETING TO THE PUBLIC
That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

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

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(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(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

I. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Potts

That the closed agenda be approved.

Amendment:

Moved By Councillor Alto
Seconded By Councillor Potts

That the agenda of the October 1, 2020 Closed Council meeting be amended as follows:

Consent Agenda:

B.1 Minutes from the closed Committee of the Whole meeting held September 3, 2020

B.2 Minutes from the closed Council meeting held September 3, 2020

B.3 Minutes from the closed Committee of the Whole meeting held September 17, 2020

B.4 Minutes from the closed Council meeting held September 17, 2020

CARRIED UNANIMOUSLY

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

J. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the following items be approved without further debate.

CARRIED UNANIMOUSLY

J.1 Minutes from the closed Committee of the Whole meeting held September 3, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the closed Committee of the Whole meeting held September 3, 2020 be adopted.

CARRIED UNANIMOUSLY

J.2 Minutes from the closed Council meeting held September 3, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the closed Council meeting held September 3, 2020 be adopted.

CARRIED UNANIMOUSLY

J.3 Minutes from the closed Committee of the Whole meeting held September 17, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the closed Committee of the Whole meeting held September 17, 2020 be adopted.

CARRIED UNANIMOUSLY

J.4 Minutes from the closed Council meeting held September 17, 2020

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the closed Council meeting held September 17, 2020 be adopted.

CARRIED UNANIMOUSLY

Councillor Isitt withdrew from the meeting at 2:28 p.m.

M. NEW BUSINESS

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

Council discussed an intergovernmental relations matter.

The motion was recorded and kept confidential.

M.1 Appointment – Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The motion was recorded and kept confidential.

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

Council discussed an intergovernmental relations matter.

The motion was recorded and kept confidential.

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

Council discussed an intergovernmental relations matter.

The conversation was recorded and kept confidential.

Councillor Potts withdrew from the meeting at 3:28 p.m.

M.6 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal matter.

The conversation was recorded and kept confidential.

Councillor Potts returned to the meeting at 3:30 p.m.

Councillor Isitt returned to the meeting at 3:31 p.m.

M.7 Legal Advice – Community Charter Section 90(1)(i)

Council discussed a legal matter.

Councillor Loveday withdrew from the meeting at 3:50 p.m. and returned at 3:51 p.m.

The motion was recorded and kept confidential.

Council recessed at 3:54 p.m. reconvened at 3:58 p.m.

M.5 Litigation – Community Charter Section 90(1)(g)

Council discussed a litigation matter.

The conversation was recorded and kept confidential.

All staff except the City Manager withdrew from the meeting at 4:35 p.m.

M.8 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

0. ADHOURNMENT

Moved By Councillor Alto

Seconded By Councillor Isitt

That the Closed Council Meeting be adjourned at 4:45 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR