MINUTES - VICTORIA CITY COUNCIL

February 4, 2021, 1:49 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 Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
PRESENT ELECTRONICALLY:	Councillor Dubow, Councillor Isitt
STAFF PRESENT:	J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk , P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Sandhu - Head of Service Innovation & Improvement, M. Fedyczkowska - Legislation & Policy Analyst, P. Bellefontaine - Director of Engineering & Public Works, P. Rantucci – Head of Strategic Real Estate, C. Moffatt – Assistant City Solicitor, M Heiser - Committee Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

E. UNFINISHED BUSINESS

E.1 Rise and Report

E.1.a From the Closed Meeting held January 7, 2021

Employee Relations - IAFF Collective Bargaining Update

1. That Council approve ratification of the tentative agreement set out in the Memorandum of Settlement dated December 11, 2020 between the bargaining representatives of the City of Victoria and the International Association of Fire Fighters (IAFF) Local 230.

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the January 28, 2021 COTW Meeting

F.1.a.a 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736 (James Bay)

Moved By Councillor Young
Seconded By Councillor Potts

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, 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. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
    ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
    iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
    iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
    v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
    vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Andrew withdrew from the meeting at 1:51 p.m. due to a potential non-pecuniary conflict of interest with the following item as his partner works for a competing business.

F.1.a.b 1140 Government Street: Application for a Structural Change to increase the Occupant Load for the Churchill's Liquor Primary License (Downtown)

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of The Churchill located at 1140 Government Street to increase the occupant load from 90 to 144 people with no change to hours of operation which are 11:00 am to 1:00 am Monday to Saturday and 11:00 am to 12:00 am Sunday.
   Providing the following comments on the prescribed considerations:
   a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are that the noise impacts would be negligible as the increased occupant load affects interior space only and the establishment has a reputation of responsible operation. The requested hours of operation in conjunction with the proposed occupant load are not expected to result in negative impacts to the community.
   b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
   c. The views of residents were solicited via a mail-out which included 587 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice was posted at the property. The City did not receive any correspondence in reply to the public notification.
   d. Council recommends the license endorsements be approved.

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

CARRIED (7 to 1)

Councillor Andrew returned to the meeting at 1:54 p.m.

F.1.a.c Parks Regulation Bylaw Amendments - Mitigating the Impacts of Sheltering – Maps

Moved By Mayor Helps
Seconded By Councillor Loveday

That Council receive the map for information.

CARRIED UNANIMOUSLY

F.1.a.d 1475 Fort Street: Update on Development Permit with Variances Application No. 00120 (Rockland)

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

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

"That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street, in accordance with:

1. Plans date stamped October 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    i. reduce the vehicle parking from 45 stalls to 26 stalls;
    ii. reduce the visitor parking from 3 stalls to 2 stalls;
    iii. increase the building height from 12 metres to 12.92 metres;
    iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
    v. reduce the rear setback from 6.46 metres to 3.96 metres;
    vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);

vii. reduce the west side yard setback from 6.46 metres to 3.86 metres(balconies) and 5.75 metres (building);
viii. increase the site coverage from 40 percent to 47 percent;
ix. allow for an accessory structure to be located in the front yard rather than the rear yard.

3. Final plans generally in accordance with the plans date stamped October 19, 2020 with the following revisions:
   i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
   ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution."

Motion to refer:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That this matter be referred to staff to work with the applicant to address concerns around privacy and tree removal.

Council discussed the following:
- *Input recent received from the public*
- *Rental applications in the city*

FOR (4): Councillor Thornton-Joe, Councillor Dubow, Councillor Isitt, Councillor Young
OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Loveday

DEFEATED (4 to 5)

On the main motion:

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Potts, Councillor Loveday
OPPOSED (3): Councillor Thornton-Joe, Councillor Isitt, Councillor Young

CARRIED (6 to 3)

F.1.a.e 496 and 498 Cecelia Road and 3130 Jutland Road: Rezoning Application No. 00655 and OCP amendment and Development Permit Application No. 000532 (Burnside)

Moved By Councillor Alto
Seconded By Councillor Andrew

Rezoning application no. 000532

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00655 for 496 and 498 Cecelia Road and 3130 Jutland Road and 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:
    a. Preparation and execution of the appropriate legal agreements to secure the following:
        i. that the 88 dwelling units would remain below-market rental for 60 years in accordance with BC Housing's Community Housing Fund program requirements to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor;
        ii. that a minimum of 26 two-bedroom and 20 three-bedroom dwelling units are provided in the development to the satisfaction of the Director of Sustainable Planning and Community Development;
        iii. provide a daycare on-site for a minimum of 15 years to the satisfaction of the Director of Sustainable Planning and Community Development;
        iv. construction and maintenance of a 1290m² plaza in accordance with the landscape plans dated December 11, 2020 to the satisfaction of the Director of Sustainable Planning and Community Development;
        v. public access of the plaza area to the satisfaction of the Director of Sustainable Planning and Community Development;
        vi. construction of a new traffic signal at the corner of Cecelia and Jutland Road in accordance with the conceptual plan dated December 11, 2020 to the satisfaction of the Director of Engineering and Public Works.
        vii. i. Statutory Right-of-Way on 496 and 498 Cecelia Road to allow for a portion of the sidewalk to be on site to mitigate impacts on an existing London Plane tree.
    b. That the applicant provide road dedication of 1.38m on Cecelia Road for boulevard and sidewalk improvements at the time of subdivision to the satisfaction of the Director of Engineering and Public Works.
    c. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on

the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

d. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
e. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
f. That Council give first reading to the Official Community Plan Amendment Bylaw.
g. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
h. That Council give second reading to the Official Community Plan Amendment Bylaw.
i. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit Application No. 000532

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. 00655, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000532 for 496 and 498 Cecelia Road and 3130 Jutland Road, in accordance with:

1. Plans date stamped December 17, 2020.
2. The applicant provide further details on how the fibre cement panels are fastened to the building to the satisfaction of the Director of Sustainable Planning and Community Development.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F.1.a.f 1035 Joan Crescent: Update on Development Permit with Variance Application No. 00129 (Rockland)

Moved By Councillor Young
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 Permit with Variance Application No. 00129 for 1035 Joan Crescent, in accordance with:

1. Plans date stamped September 29, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
   i. reduce the front yard setback from 10.50 metres to 3.22 metres.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Isitt withdrew from the meeting at 2:11 p.m. due to a potential non-pecuniary conflict of interest with the following item as he serves as Director of a Society that is considering applying for a grant under the following program.

Councillor Thornton-Joe withdrew from the meeting at 2:11 p.m. due to a potential non-pecuniary conflict of interest with the following item as she serves on a Board that is considering applying for a grant under the following program.

F.1.a.g My Great Neighbourhood Grant 2020 Program Summary

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council approves the following:

1. Continue accepting applications for the interim category of *Community Recovery & Resiliency* to be funded from the regular funding stream
2. Continue with a rolling intake giving the City Manager the decision-making power to approve the grants following the internal adjudication process, and
3. Accept proposed language changes to the grant policy
4. Direct staff to return to Council with current information on existing Arts and Culture grant policies.

CARRIED UNANIMOUSLY

Councilor Isitt and Councillor Thornton-Joe returned to the meeting at 2:14 p.m.

F.1.a.h 2020 Everyday Creativity Grant Update

Moved By Councillor Loveday
Seconded By Councillor Potts

That Council receive this report for information.

CARRIED UNANIMOUSLY

F.1.b Report from the February 4, 2021 COTW Meeting

F.1.b.a Council Member Motion: Celebrating the Lunar New Year

Moved By Councillor Thornton-Joe
Seconded By Mayor Helps

That Mayor and Council encourage citizens in the City of Victoria and throughout the Region, to help celebrate the Lunar New Year and the Year of the Ox by decorating their doorways and windows with Lunar New Year decorations and red decorations from now until the end of February and that on Friday, February 12th, 2021 that we wear red to bring good luck and good health to all our communities.

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Andrew

That the Closed Council Meeting be adjourned at 2:21 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR