



MINUTES - VICTORIA CITY COUNCIL

October 21, 2021, 11:08 A.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 Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, D. Atkinson - Acting Fire Chief, J. Jensen - Head of Human Resources, 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, L. Van Den Dolder - Assistant City Solicitor, J. Biem – Assistant City Solicitor, D. Newman – Assistant Director of Facilities and Construction Management, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, G. Milne - Head of Strategic Operations, M. Sandhu - Head of Service Innovation & Improvement, J. Paul - Assistant Director of Engineering, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond – Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved

Moved By Councillor Potts
Seconded By Councillor Alto

To add the item “Reconsideration of a portion of Council Motion on Rental Business Licensing Bylaw” to the agenda

Councillor Isitt withdrew from the meeting at 11:09 a.m. due to a non-pecuniary conflict of interest with the next item as he is articling with a lawyer who is associated with this item.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

Councillor Isitt returned to the meeting at 11:10 a.m.

C. READING OF MINUTES

C.1 Minutes from the Evening Council Meeting October 14, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the Evening Council Meeting held October 14, 2021 be adopted.

CARRIED UNANIMOUSLY

D. UNFINISHED BUSINESS

Councillor Isitt withdrew from the meeting at 11:11 a.m. due to a non-pecuniary conflict of interest with the next item as he is articling with a lawyer who is associated with this item.

Motion to reconsider this matter:

Moved By Councillor Potts
Seconded By Councillor Alto

CARRIED UNANIMOUSLY

Reconsideration of a portion of Council Motion on Rental Business Licensing Bylaw

1.
 - a. (That Council suspend development of a Rental Business Licensing Bylaw given changes to the provincial Residential Tenancy Act (RTA) designed to prevent evictions carried out to renovate or repair a rental unit that came into effect on July 1, 2021
 - b. Report back to Council in 3 months on the effectiveness of the provincial legislation in preventing evictions.
2. That Council advocate to the Province to allow local governments to have the authority to require tenant protections such as the application of the City's Tenant Assistance Policy at the issuance of Building Permits and Development Permits where tenant relocation is required.

That Council direct the Director of Sustainable Planning and Community Development to:

3. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of 2022 on its efficacy and whether future City initiatives to further enhance protections for tenants are needed;
4. Facilitate public awareness and access to information regarding RTA requirements on repair and renovations of rental housing;
5. Undertake tenant capacity-building and outreach activities regarding RTA requirements on repair and renovations of rental housing.
6. That this matter be referred to the Renters' Advisory Committee.

On the number 1.a:

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young
OPPOSED (3): Councillor Dubow, Councillor Loveday, Councillor Potts

CARRIED (5 to 3)

On the number 1.b:

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the October 7, 2021 COTW Meeting

F.1.a.a 2740 Bridge Street and 450 Hillside Avenue: Rezoning Application No. 00779 (Burnside)

Councillor Isitt returned to the meeting at 11:13 a.m.

Moved By Councillor Thornton-Joe
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. 00779 for 2740 Bridge Street and 450 Hillside Avenue, 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 following legal agreement, to the satisfaction of the City Solicitor and Director of Engineering and Public Works:
 1. a Statutory Right-of-Way of 1.7m on Bridge Street.

CARRIED UNANIMOUSLY

F.1.a.b Accessibility Framework and Accessibility Advisory Committee Annual Update

Moved By Councillor Isitt
Seconded By Councillor Loveday

That Council receive the report for information.

1. That Council endorse the proposed wheelchair/inclusion rodeo to be led by AAC, encourage Council members to participate in the rodeo, and direct staff to support the AAC in hosting and promoting the wheelchair/inclusion rodeo.
2. That sponsors and grants be sought and if necessary, that Council allocate up to \$2000 from the 2021 contingency towards the wheelchair/inclusion rodeo.

CARRIED UNANIMOUSLY

F.1.a.c 2021 External Audit Plan

Moved By Councillor Thornton-Joe
Seconded By Councillor Dubow

That Council receive this report for information.

CARRIED UNANIMOUSLY

F.1.a.d Canadian Mental Health Association - City of Victoria Community-Led Mobile Crisis Team

Moved By Councillor Potts
Seconded By Councillor Andrew

That Council receive the presentation for information.

CARRIED UNANIMOUSLY

F.1.a.e 2727 Hamilton: Development Permit with Variances Application No. 00160 (Oaklands)

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 Permit with Variances Application No. 00160 for 2727 Hamilton Road, in accordance with:

1. Plans date stamped August 18, 2021.

2. Development meeting all Zoning Regulation Bylaw requirements, except the following variances to the R1-S2 Zone, Restricted Small Lot (Two Storey) District:
 - i. reduce the front yard setback from 6.00m to 3.14m
 - ii. reduce the side yard setback (north) from 1.50m to 0.50m (heat pump only).
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.1.a.f 848 and 836 Yates Street: Development Permit with Variances Application No. 00179 for 848 Yates and Heritage Alteration Permit with Variance Application No. 00024 for 836 Yates (Downtown)

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

Development Permit with Variances Application No. 00179 for 848 Yates Street

That this item be referred to the December 2, 2021 COTW meeting and direct staff to meet with both applicants for 836 Yates Street and 848 Yates Street together to continue to address heritage concerns and the provision of a combined public walkway between their two properties.

Heritage Alteration Permit with Variance Application No. 00024 for 836 Yates Street

That this item be referred to the December 2, 2021 COTW meeting and direct staff to meet with both applicants for 836 Yates Street and 848 Yates Street together to continue to address heritage concerns and the provision of a combined public walkway between their two properties.

CARRIED UNANIMOUSLY

F.1.a.g Cultural Infrastructure Grants

Moved By Councillor Dubow
Seconded By Councillor Loveday

That Council:

1. Receive this staff report for information with details of grant recipients and program evaluation for the 2021 Cultural Infrastructure Grant Program.
2. Consider approving ongoing funding to the Cultural Infrastructure Grant Program for \$250,000 annually from new

- assessed revenue as part of the 2022 Financial Planning process.
3. Approve the revised Cultural Infrastructure Grant Program guidelines.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaws for 780-798 Fort Street and 1106-1126 Blanshard Street: Rezoning Application No. 00745, Development Permit with Variances Application No. 000580, and Heritage Designation Application No. 000196

Motion to postpone:

Moved By Councillor Isitt
Seconded By Councillor Potts

That the item be postponed until when M. Betanzo is available to answer a question.

CARRIED UNANIMOUSLY

Motion to lift from table:

Moved By Councillor Isitt
Seconded By Councillor Alto

That this item be lifted from the table for consideration

CARRIED UNANIMOUSLY

Council discussed the following:

- *That staff are in the process of updating the City's policies around setbacks between towers*
- *The tenant assistance plan that has been set by the developer*
- *The design changes being proposed to improve the streetscape on Fort Street*

Motion to speak again:

Moved by Councillor Loveday
Seconded By Councillor Alto

That Councillor Isitt be permitted to speak again

CARRIED UNANIMOUSLY

Motion arising:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council:

1. Refer the following motion for consideration at the November 4, 2021 Committee of the Whole meeting:
“That Council direct staff to report on the implications of aligning the City’s Tenant Assistance Policy with the provisions reflected in the Rezoning Application / Heritage Designation Approval for 780-798 Fort Street / 1106-1126 Blanshard Street.”
2. Direct staff to include the letter from Merchant House Capital dated July 15, 2021 in the Oct. 28 COTW agenda package, outlining the rental protection provisions.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Alto

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 11) No. 21-083
2. Heritage Designation (1114-1126 Blanshard Street) Bylaw No. 21-085

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Andrew

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

1. Housing Agreement (1114 Blanshard Street) Bylaw (2021) No. 21-084

CARRIED UNANIMOUSLY

G.2 Bylaw for 3150 Somerset Street: Rezoning Application No. 00743 and Development Permit Application No. 000592

Moved By Councillor Loveday
Seconded By Councillor Alto

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1261) No. 21-087

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

G.3 Bylaw for Victoria Subdivision and Development Servicing Bylaw Amendment Bylaw (No. 4)

Moved By Councillor Alto
Seconded By Councillor Young

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

- Victoria Subdivision and Development Servicing Bylaw, Amendment Bylaw (No. 4)

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Moved By Councillor Andrew
Seconded By Councillor Potts

MOTION TO CLOSE THE OCTOBER 21, 2021 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)(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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Section 90(1)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the

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;

CARRIED UNANIMOUSLY

I. READING OF CLOSED MINUTES

I.1 Minutes from the closed confidential meeting held September 23, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the minutes from the closed confidential meeting held September 23, 2021 be adopted.

CARRIED UNANIMOUSLY

J. UNFINISHED BUSINESS

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

Council discussed an appointment matter.

The motion was recorded and kept confidential.

K. NEW BUSINESS

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

Council discussed an appointment matter.

The motion was recorded and kept confidential.

K.2 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

The motion was recorded and kept confidential.

L. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Potts

That the Council meeting be adjourned at 3:10 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR