



MINUTES - COMMITTEE OF THE WHOLE

July 25, 2019, 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 in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Collins, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Dubow

ABSENT FOR A PORTION OF THE MEETING: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, A. Johnston - Planner, J. Handy - Senior Planner, R. Morhart - Manager, Permits & Inspections, A. James - Head of Strategic Operations, M. Heiser - Committee Secretary

A. APPROVAL OF AGENDA

That the agenda be approved.

Moved By Councillor Alto

Seconded By Councillor Loveday

That the agenda be approved.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Loveday

That the Agenda of the July 25, 2019, Committee of the Whole meeting be amended as follows:

Consent Agenda:

- C.1 Minutes from the meeting held April 4, 2019**
- C.2 Minutes from the meeting held July 2, 2019**
- C.3 Minutes from the meeting held July 11, 2019**
- E.4 1175 Douglas Street - Development Permit with Variance Application No. 00225 (Downtown)**
- F.2 Appointment of Bylaw Officer**

CARRIED UNANIMOUSLY

Main Motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

That the following items be approved without further debate

C.1 Minutes from the meeting held April 4, 2019

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the meeting held April 4, 2019 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held July 2, 2019

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the meeting held July 2, 2019 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the meeting held July 11, 2019

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the meeting held July 11, 2019 be adopted.

CARRIED UNANIMOUSLY

E.4 1175 Douglas Street - Development Permit with Variance Application No. 00225 (Downtown)

Committee received a report dated June 7, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Development Permit with Variance application No. 00225 for 1175 Douglas Street in order to replace signage at street level on both the north and west elevations and recommending it move forward to an opportunity for public comment.

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. 00225 for 1175 Douglas Street, in accordance with:

1. Plans date stamped May 22, 2019
2. The following variance to the Sign Bylaw
 - i. Vary the cumulative size allowance for the north elevation from 16.37 m² to 38.26 m².
 - ii. Vary the cumulative size allowance for the west elevation from 11.19 m² to 23.68 m².

CARRIED UNANIMOUSLY

F.2 Appointment of Bylaw Officer

Committee received a report dated July 15, 2019 from the City Clerk a report regarding the proposed resolution of Council to appointment Mr. Francoise Schearer to the role of Bylaw Officer.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council approve the appointment of Francoise Schearer:

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

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 1002 Pandora Avenue - Rezoning Application No. 00696 (Airspace Parcel Subdivision) (North Park)

Committee received a report dated July 11, 2019 from the Acting Director, Sustainable Planning and Community Development regarding the proposed rezoning application for 1002 Pandora Avenue to facilitate the creation of an air space subdivision for an existing building and recommending it move forward to a public hearing.

Committee discussed:

- *The pros and cons for this project*
- *The reason the applicant requires an Airspace Parcel Subdivision*

Moved By Councillor Loveday

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. 00696 for 1002 Pandora Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

E.2 208/210, 220, 230, and 240/242 Wilson Street - Rezoning Application No. 00686 & Development Permit with Variance Application No. 00111 (Victoria West)

Committee received a report dated July 11, 2019 from the Acting Director, Sustainable Planning and Community Development regarding the proposed Rezoning application No. 00686 and Development Permit with Variance application No. 00111 for 208/210, 220, 230, and 240/242 Wilson Street in order to construct a two-storey, townhouse development, with approximately 34 strata dwelling units and recommending that it move forward to a public hearing.

Committee discussed:

- *Accessibility within the development*
- *Townhouse zoning*
- *Tenant displacement*
- *Bylaw protected trees and replacement trees*

Moved By Councillor Collins

Seconded By Mayor Helps

Rezoning Application No. 00686:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00686 for 208/210, 220, 230 and 240/242 Wilson 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:

- i. An executed legal agreement between the owner and the Capital Regional District, in a form to the satisfaction of the City Solicitor, to secure three two-

bedroom strata dwelling units for ownership as below-market housing (offered for sale at 15% below market rate, in perpetuity).

- ii. An executed legal agreement in a form to the satisfaction of the City Solicitor, to ensure no restrictions are placed on the rental of all dwelling units, with the exception of the three below-market dwelling units, in perpetuity.
- iii. Registration of a statutory right-of-way of 1.38m along the Alston Street frontage, with terms and in a form to the satisfaction of the Director of Engineering and the City Solicitor.
- iv. Registration of a legal agreement on the property's title, with terms and in a form to the satisfaction of the Director of Engineering and the City Solicitor, to secure Transportation Demand Management measures that include:
 - a. provision of one car share vehicle;
 - b. a dedicated on-site car share parking space with access to electric vehicle charging;
 - c. one car share membership for each dwelling unit;
 - d. six on-site bicycles that are part of a bike share program;
 - e. five long term bike parking spaces in addition to what is required by the *Zoning Regulation Bylaw*, and
 - f. 14 short term bike parking spaces in addition to what is required by the *Zoning Regulation Bylaw*.

Development Permit with Variance Application No. 00111:

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. 00686, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00111 for 208/210, 220, 230 and 240/242 Wilson Street in accordance with:

1. Plans date stamped May 16, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the west (interior lot line) setback from 4m to 2.5m;
 - ii. reduce the number of parking stalls (non-visitor) from 37 to 23.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Isitt joined the meeting at 9:36 a.m.

E.3 1811 Oak Bay Avenue - Development Permit with Variance Application No. 00060 (Gonzales)

Committee received a report dated July 11, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Development Permit with Variance application No. 00060 for 1811 Oak Bay Avenue to construct a five-storey building with approximately 14 multiple dwelling units and recommending that it move forward to an opportunity for public comment.

Committee discussed:

- *The statutory right of ways for neighbouring properties*
- *A tree shared between properties*
- *The development's parking*

Motion to go into a Closed Committee of the Whole Meeting at 10:05 a.m.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council close the Committee of the Whole meeting for the following reason: Community Charter Section 90(1)(i) – Legal Advice.

CARRIED UNANIMOUSLY

The open meeting reconvened at 10:21 a.m.

Moved By Councillor Potts

Seconded By Councillor Isitt

That the applicant be invited to address Council regarding a pertinent question.

CARRIED UNANIMOUSLY

The applicant responded to Committee's inquiry regarding the price of parking sites within the development and elaborated on the methodology used to calculate this cost.

Moved By Mayor Helps

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 dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development

- b. a Section 219 covenant to secure a Statutory Right-of-Way of 3.35m along the Oak Bay Avenue frontage 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. 00060 for 1811 Oak Bay Avenue, in accordance with:

1. Plans date stamped April 5, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum lot size for multiple dwelling use from 920.0m² to 799m²;
 - ii. increase the maximum site coverage from 32 percent to 74.5 percent;
 - iii. reduce the minimum open site space from 60 percent to 23.4 percent;
 - iv. reduce the minimum front setback (east) from 12m to 2.63m (to privacy screen) and 3.58m (to building);
 - v. reduce the minimum rear setback (west) from 8.41m to 4.32m (to building) and 0.0m (to parkade structure);
 - vi. reduce the minimum side setback (north) from 8.41m to 1.99m;
 - vii. reduce the minimum side setback (south) from 8.41m to 3.12m (to building) and 0.0m (to parkade structure).
3. Development Permit lapsing two years from the date of this resolution."

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

4. **That the applicant write a letter to the neighbourhood CALUC notifying a change from rental to strata."**

FOR (7): Councillor Alto, Councillor Collins, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Mayor Helps

CARRIED (7 to 1)

Main Motion as amended:

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 dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development
- b. a Section 219 covenant to secure a Statutory Right-of-Way of 3.35m along the Oak Bay Avenue frontage 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. 00060 for 1811 Oak Bay Avenue, in accordance with:

1. Plans date stamped April 5, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum lot size for multiple dwelling use from 920.0m² to 799m²;
 - ii. increase the maximum site coverage from 32 percent to 74.5 percent;
 - iii. reduce the minimum open site space from 60 percent to 23.4 percent;
 - iv. reduce the minimum front setback (east) from 12m to 2.63m (to privacy screen) and 3.58m (to building);
 - v. reduce the minimum rear setback (west) from 8.41m to 4.32m (to building) and 0.0m (to parkade structure);
 - vi. reduce the minimum side setback (north) from 8.41m to 1.99m;
 - vii. reduce the minimum side setback (south) from 8.41m to 3.12m (to building) and 0.0m (to parkade structure).
3. Development Permit lapsing two years from the date of this resolution.
4. That the applicant write a letter to the neighbourhood CALUC notifying a change from rental to strata."

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

OPPOSED (2): Councillor Isitt and Councillor Young

CARRIED (6 to 2)

Committee recessed at 11:00 a.m. and reconvened at 11:06 a.m.

F. STAFF REPORTS

F.1 Victoria Reconciliation Dialogues Project Update

Committee received a report dated July 17, 2019 from the Head of Strategic Operations providing an update on the Victoria Reconciliation Dialogue series, a 2019 strategic plan item.

Committee discussed:

- *Economic reconciliation*
- *The possibility of an additional dialogue topic*
- *Youth involvement*

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

That Council receive the report for information.

CARRIED UNANIMOUSLY

G. NEW BUSINESS

H.1 Council Member Motion - Councillor Unpaid Leave

Committee received a Council Member Motion dated July 12, 2019, from Councillor Collins regarding the proposed unpaid leave for Councillor Collins from August 9, 2019, to October 25, 2019, due to her role as NDP Candidate in the upcoming federal election.

Moved By Councillor Loveday

Seconded By Councillor Alto

That Council approve a leave of absence without pay for Councillor Collins starting on August 9th, 2019 and ending on October 25th, 2019.

CARRIED UNANIMOUSLY

Motion Arising:

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That Council appoint Councillor Alto as the liaison to the James Bay Neighbourhood Association.

CARRIED UNANIMOUSLY

H.2 Council Member Motion - City Family Process Improvements

Committee received a Council Member Motion dated July 17, 2019 from Mayor Helps regarding the proposed motion clarifying the City Family process.

Moved By Mayor Helps

Seconded By Councillor Alto

1. That all Council resolutions regarding the City Family be replaced with the following:
 - a. Victoria City Council recognizes the existence of the “City Family” – a gathering of members from the City of Victoria, the Esquimalt Nation, the Songhees Nation and urban Indigenous Peoples.
 - b. At this time, the City requests that Mayor Lisa Helps, Councillor Marianne Alto, Councillor Ben Isitt, Councillor Charlayne Thornton-Joe, Director Thomas Soulliere, and Manager Colleen Mycroft participate as members of the City Family.
 - c. In accordance with the Indigenous custom of gift giving, the City’s Director of Finance is authorized to pay the following honoraria to Indigenous members of the City Family:
 - i. \$200 for each meeting that is four hours or less;
 - ii. \$400 for each meeting that is more than four hours.Funding to be from the Witness Reconciliation budget.
 - d. A standing invitation is extended to the Indigenous members of the City Family to attend Victoria City Council meetings and provide a summary of City Family gatherings as deemed appropriate by them.
2. That Council direct the City Solicitor to bring forward amendments to the City’s *Council Procedure Bylaw*, and consequential amendments to any other City bylaws as he considers necessary, to give Council procedural flexibility as part of the reconciliation process, provided that no City business is conducted and no decisions made when alternative procedures are in effect; and
3. That Council request the Mayor to write to the Ministers of Reconciliation and Indigenous Relations and the Minister of Municipal Affairs and Housing and request that the Province consider amending the *Community Charter* to expressly authorize local governments to engage in reconciliation dialogue with the First Nations and utilize, when appropriate, Indigenous practices as part of that process.

Committee discussed how the recommendation relates to the Community Charter.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

- c. In accordance with the Indigenous custom of gift giving, the City's Director of Finance is authorized to pay the following honoraria to Indigenous members of the City Family **excluding Council members and staff:**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

In accordance with the Indigenous custom of gift giving, the City's Director of Finance is authorized to pay the following honoraria to **appointees of the Songhees and Esquimalt peoples** to ~~Indigenous members of~~ the City Family

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

- a. Victoria City Council recognizes the existence of the "City Family" – a gathering of members from the City of Victoria, the Esquimalt Nation, the Songhees Nation and urban Indigenous Peoples. **This refers to people appointed by the Songhees and Esquimalt to the City Family.**

FOR (1): Councillor Young

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe and Councillor Isitt

DEFEATED (1 to 7)

Amendment:

Moved By Councillor Isitt

In accordance with the Indigenous custom of gift giving, the City's Director of Finance is authorized to pay the following honoraria to **appointees of the Songhees and Esquimalt peoples** to ~~Indigenous members of~~ the City Family **excluding Council members and staff:**

Failed to proceed due to no seconder

Main Motion as amended:

1. That all Council resolutions regarding the City Family be replaced with the following:
 - a. Victoria City Council recognizes the existence of the “City Family” – a gathering of members from the City of Victoria, the Esquimalt Nation, the Songhees Nation and urban Indigenous Peoples.
 - b. At this time, the City requests that Mayor Lisa Helps, Councillor Marianne Alto, Councillor Ben Isitt, Councillor Charlayne Thornton-Joe, Director Thomas Soulliere, and Manager Colleen Mycroft participate as members of the City Family.
 - c. In accordance with the Indigenous custom of gift giving, the City's Director of Finance is authorized to pay the following honoraria to appointees of the Songhees and Esquimalt peoples to the City Family:
 - i. \$200 for each meeting that is four hours or less;
 - ii. \$400 for each meeting that is more than four hours.Funding to be from the Witness Reconciliation budget.
 - d. A standing invitation is extended to the Indigenous members of the City Family to attend Victoria City Council meetings and provide a summary of City Family gatherings as deemed appropriate by them.
2. That Council direct the City Solicitor to bring forward amendments to the City's *Council Procedure Bylaw*, and consequential amendments to any other City bylaws as he considers necessary, to give Council procedural flexibility as part of the reconciliation process, provided that no City business is conducted and no decisions made when alternative procedures are in effect; and
3. That Council request the Mayor to write to the Ministers of Reconciliation and Indigenous Relations and the Minister of Municipal Affairs and Housing and request that the Province consider amending the *Community Charter* to expressly authorize local governments to engage in reconciliation dialogue with the First Nations and utilize, when appropriate, Indigenous practices as part of that process.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe and Councillor Isitt

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

H.3 Council Member Motion - Establishment of City of Victoria Seniors' Task Force

Committee received a Council member Motion dated July 24, 2019 from Councillor Isitt regarding the proposed Terms of Reference for the City of Victoria Seniors' Task Force and Staff direction for nominees' appointment.

Committee discussed:

- *Diversity on the Task Force*
- *The attached terms of reference*

Moved By Councillor Isitt

Seconded By Councillor Potts

That Council:

1. Adopt the attached Terms of the Reference for the City of Victoria Seniors' Task Force.
2. Direct staff to engage the community organizations identified in the Terms of Reference, inviting nominees for Council's consideration for appointment to the Task Force by September 5, 2019.

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Collins

3. **Appoint and alternative liaison to the Seniors' Task Force.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

1. Adopt the attached Terms of the Reference for the City of Victoria Seniors' Task Force, **with the following amendments:**
 - a. **Add Victoria Immigrant and Refugee Centre Society with 1 nominee**

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

3. **Direct staff to ensure that the call for nominees is sent to ethno-cultural organizations in the city who work with or represent racialized minorities and organizations that work with low income seniors.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Pots

Seconded By Councillor Isitt

1. Adopt the attached Terms of the Reference for the City of Victoria Seniors' Task Force, with the following amendments:
 - a. Add Victoria Immigrant and Refugee Centre Society with 1 nominee
 - b. An additional member from the Our Place Senior Group.**

Amendment to the amendment:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

1. Adopt the attached Terms of the Reference for the City of Victoria Seniors' Task Force, with the following amendments:
 - a. Add Victoria Immigrant and Refugee Centre Society with 1 nominee
 - b. An additional member from the Our Place Senior Group**
 - c. A member proposed by the Aboriginal Coalition to End Homelessness and the Victoria Native Friendship Centre.**

CARRIED UNANIMOUSLY

On the Amendment:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Mayor Helps

- 5. Staff will act as a resource to the committee as appropriate as directed by the City Manager.**

CARRIED UNANIMOUSLY

Main Motion as amended:

That Council:

1. Adopt the attached Terms of the Reference for the City of Victoria Seniors' Task Force, with the following amendments:
 - a. Add Victoria Immigrant and Refugee Centre Society with 1 nominee
 - b. An additional member from the Our Place Senior Group.

- c. A member proposed by the Aboriginal Coalition to End Homelessness and the Victoria Native Friendship Centre.
2. Direct staff to engage the community organizations identified in the Terms of Reference, inviting nominees for Council's consideration for appointment to the Task Force by September 5, 2019.
3. Direct staff to ensure that the call for nominees is sent to ethno-cultural organizations in the city who work with or represent racialized minorities and organizations that work with low income seniors.
4. Appoint and alternative liaison to the Seniors' Task Force.
5. Staff will act as a resource to the committee as appropriate as directed by the City Manager.

CARRIED UNANIMOUSLY

Motion Arising:

Moved By Councillor Isitt

Seconded By Councillor Collins

That Council appoint Councillor Young as the liaison to the Seniors' Task Force.

CARRIED UNANIMOUSLY

H. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Committee of the Whole Meeting be adjourned at 12:12 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR