MINUTES - VICTORIA CITY COUNCIL

October 22, 2020, 6:30 P.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.

PRESENT:	Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Young
PRESENT ELECTRONICALLY:	Councillor Loveday, Councillor Thornton-Joe
PRESENT ELECTRONICALLY FOR A PORTION OF THE MEETING:	Councillor Potts
STAFF PRESENT:	J. Jenkyns - City Manager, C. Coates - City Clerk , T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, A. Johnston - Planner, M. Angrove - Planner, P. Bellefontaine - Director of Engineering & Public Works, C. Tunis – Planner, P. Martin - Council Secretary

B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Dubow
Seconded By Councillor Alto

That the agenda be approved as amended.

Amendment:

Moved By Councillor Alto
Seconded By Councillor Dubow

That a Closed portion of the meeting be added to the agenda for Intergovernmental Relations.

CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Dubow
Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Aaron Childs: Sheltering in Central Park
Outlined why Council should follow the example of the City of Vancouver and immediately act to house people sheltering in Central Park, as was done by Vancouver for Strathcona Park.

D.2 Jon A. Sigurdson: Pacifica Housing Not Moving All of Us
Outlined concerns to Council regarding Pacifica Housing.

D.5 Heather Rock: Tent Encampments
Outlined why Council should work with the Provincial Government, support agencies, and non-profits to move un-sheltered people indoors immediately.

D.3 Laura Lee: Homelessness - An Emergency Response and Four Stage Solution
Outlined why Council should call upon the emergency response resources of the Canadian Reserve and/or the national Disaster Assistance Response Team to initiate a four stage solution to provide a path from homelessness to independent, healthy living.

F. PUBLIC AND STATUTORY HEARINGS

Councillor Potts withdrew from the meeting at 6:59 p.m. due to a pecuniary conflict of interest with the following item, as she lives in close proximity to the property.

F.1 330-336 Michigan Street: Development Permit with Variances Application No. 00122

Development Permit with Variances Application:
The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 330, 332, 334 & 336 Michigan Street, in Development Permit Area 16: General Form and Character, for purposes of demolishing the three existing three-storey multi-unit residential buildings and constructing two new four-storey multi-unit residential buildings along Michigan Street.

F.1.a Opportunity for Public Comment & Consideration of Approval

Councillor Isitt withdrew from the meeting at 7:00 p.m. due to a non-pecuniary conflict of interest with the current item, as his father lives in close proximity to the application.

Michael Angrove (Senior Planner): *Advised that the application is to redevelop the site for affordable housing units.*

Mayor Helps opened the opportunity for public comment at 7:01 p.m.

David Screech, Rob Whetter, Chris Windjack, and Kimberly Lemon (Applicants): Provided information regarding the application.

Marika Albert (Resident): Expressed support for the application due to the need for affordable housing in Victoria.

Council recessed from 7:21 p.m. until 7:26 p.m. to provide an opportunity for members of the public to call to speak live.

No additional persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 7:26 p.m.

Moved By Councillor Alto
Seconded By Councillor Dubow

That Council authorize the issuance of Development Permit with Variance Application No. 00122 for 330-336 Michigan Street, in accordance with:

1. Plans date stamped January 21, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. increase the site coverage from 40% to 43.5%
   ii. reduce the open site space from 60% to 55.5%
   iii. reduce the setback from the street boundary (Michigan Street) from 10.5m to 5.5m
   iv. reduce the rear yard setback from 7.38m to 5.78m
   v. reduce the east side yard setback from 7.38m to 6.0m
   vi. reduce the west side yard setback from 7.38m to 6.39m to the building face and 5.82m to the balcony.
3. Registration on the property's title of a Statutory Right-of-Way of 2.44m off Superior Street, to the satisfaction of the Director of Engineering.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Dubow

That the following bylaw **be adopted:**

1. Housing Agreement (330, 332, 334, & 336 Michigan Street) Bylaw (2020) No. 20-084

CARRIED UNANIMOUSLY

Councillor Potts returned to the meeting at 7:29 p.m.

F.2 1802 Cook Street and 1056 North Park Street: Temporary Use Permit Application No. 00015

Temporary Use Permit Application No. 00015
The Council of the City of Victoria will consider issuing a Temporary Use Permit for the land known as 1802-1806 Cook Street & 1056 North Park Street, in Development Permit Area 5: Large Urban Villages, for the purposes of temporarily permitting the distribution of cannabis as an ancillary use to a harm reduction service.

F.2.a Opportunity for Public Comment & Consideration of Approval

Michael Angrove (Senior Planner): *Advised that the application is to allow for a Health Service use with the provision of cannabis on-site.*

Mayor Helps opened the opportunity for public comment at 7:27 p.m.

Mark Wilson (Applicant): Provided information regarding the application.

Council recessed from 7:41 p.m. until 7:46 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Council discussed the following:

- *Measures the applicant will take to ensure the service does not affect neighbouring businesses.*

Mayor Helps closed the opportunity for public comment at 7:42 p.m.

Moved By Councillor Alto
Seconded By Councillor Potts

That Council authorize the issuance of Temporary Use Permit Application No. 00015 for 1802 Cook Street & 1056 North Park Street, in accordance with:

1. Plans date stamped February 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements
3. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service
4. The Temporary Use Permit lapsing three years from the date of this resolution.

Council discussed the following:

- *The importance of the inclusion of the on-site health service.*
- *Concerns with the lack of support by neighbouring businesses.*

Amendment:

Moved By Mayor Helps
Seconded By Councillor Dubow

That point four of the motion be amended as follows:

4. The Temporary Use Permit lapsing **one year ~~three years~~** from the date of this resolution.

Council discussed the following:

- *What the renewal process timeline would be for the applicant.*

Amendment to the amendment:

Moved By Councillor Dubow
Seconded By Mayor Helps

That the amendment be amended as follows:

4. The Temporary Use Permit lapsing **18 months** **~~one year~~** **~~three years~~** from the date of this resolution.

Council discussed the following:

- *The importance of the right length of time to provide meaningful experience for a review.*
- *That the 18 month amendment would allow a potential renewal to be considered by this Council.*

CARRIED UNANIMOUSLY

On the amendment, as amended:
That Council authorize the issuance of Temporary Use Permit Application No. 00015 for 1802 Cook Street & 1056 North Park Street, in accordance with:

1. Plans date stamped February 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements
3. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service
4. The Temporary Use Permit lapsing **18 months** from the date of this resolution.

FOR (5): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
OPPOSED (2): Councillor Dubow, and Councillor Loveday

DRAFT

CARRIED (5 to 2)

On the main motion as amended:
That Council authorize the issuance of Temporary Use Permit Application No. 00015 for 1802 Cook Street & 1056 North Park Street, in accordance with:

1. Plans date stamped February 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements
3. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service
4. The Temporary Use Permit lapsing 18 months from the date of this resolution.

CARRIED UNANIMOUSLY

Council recessed from 8:16 p.m. until 8:18 p.m.

F.3 Next Generation House Conversion Regulations

Zoning Regulation Bylaw, Amendment Bylaw (No. 1231) No. 20-077:
To amend the Zoning Regulation Bylaw:
(a) to amend the Zoning Regulation Bylaw by amending Schedule C – Off-Street Parking with new off-street parking provisions for house conversions; and
(b) to replace Schedule G – House Conversions with new house conversion regulations.

F.3.a Public Hearing & Consideration of Approval:

Mayor Helps opened the public hearing at 8:19 p.m.

Chloe Tunis (Planner): *Advised that the application is to amend the Zoning Regulation Bylaw to add a new off-street parking provisions for house conversions to Schedule C – Off-Street Parking, and replace Schedule G – House Conversion Regulations with new house conversion regulations in order to yield additional opportunities for house conversions in the City.*

Council *recessed from 8:25 p.m. until 8:30 p.m. to provide an opportunity for members of the public to call to speak live.*

No persons called in to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 8:30 p.m.

Councillor Isitt returned to the meeting at 8:30 p.m.

Moved By Mayor Helps
Seconded By Councillor Alto

That the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1231) No. 20-077

Council discussed the following:
- *The importance of these new regulations to create more housing.*
- *That house conversions are the most sensitive type of infill.*

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

CARRIED (7 to 1)

Moved By Councillor Alto
Seconded By Councillor Dubow

That the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1231) No. 20-077

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

CARRIED (7 to 1)

F.4 334 Dallas Road: Rezoning Application No. 00674 and Development Permit with Variances Application No. 00101

Zoning Regulation Bylaw Amendment Bylaw (No. 1229) No. 20-068:
To rezone the land known as 334 Dallas Road from the R-2 Zone, Two Family Dwelling District, to the R-98 Zone, Dallas Road Multiple Dwelling District, to permit the construction of a three-unit multiple family dwelling.

Development Permit Application with Variances:
The Council of the City of Victoria will also consider issuing a development permit with variances for the land known as 334 Dallas Road, in Development Permit Area 16, for the purposes of approving the exterior design and finishes and landscaping for the development of the land for a three unit multiple family dwelling.

F.4.a Public Hearing & Consideration of Approval

Chloe Tunis (Planner): *Advised that the application is for a new triplex building.*

Mayor Helps opened the public hearing at 8:41 p.m.

Ron McNeil (Applicant): Provided information regarding the application.

Council recessed from 8:49 p.m. until 8:54 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Mayor Helps closed the public hearing at 8:54 p.m.

Moved By Councillor Young
Seconded By Councillor Alto

That the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1229) No. 20-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1229) No. 20-068
2. Housing Agreement (334 Dallas Road) Bylaw (2020) No. 20-069

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Potts

That Council authorize the issuance of Development Permit with Variance Application No. 00101 for 334 Dallas Road, in accordance with:
1. Plans date stamped August 26, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. increase the maximum height for a dwelling to 7.92 m
   ii. increase the maximum height for an accessory building to 3.96 m
   iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls
   iv. reduce the rear yard open site space from 33% to 13%.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.5 736 Princess Avenue: Rezoning Application No. 00602 and Development Permit with Variances Application No. 00065

Zoning Regulation Bylaw, Amendment Bylaw (No. 1238) No. 20-106:
To rezone the land known as 736 Princess Avenue from the M-1 Zone, Limited Light Industrial District to the P-CR Zone, Princess Commercial Residential District, to permit a six-storey, mixed-use building consisting of commercial and residential uses, including 28 affordable rental dwelling units of supportive transitional housing.

Development Permit Application:
The Council of the City of Victoria will also consider issuing a development permit for the land known as 736 Princess Avenue, in Development Permit Area 7A: Corridors – Douglas Street and Blanshard Street for the purposes of approving the exterior design and finishes for the six-storey, mixed-use building as well as landscaping.

F.5.a Public Hearing & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to increase the density and construct a six-storey, mixed-use building consisting of commercial and residential uses.*

Mayor Helps opened the public hearing at 9:04 p.m.

Stephanie Hartwig, Hank Matias, Larry Cecco, Eddie Williams, and Manj Toor (Applicants): Provided information regarding the application.

Doug Thompson (Princess Avenue): Expressed concerns with the application due to the non-conforming building and potential negative impact it will have on the neighbourhood, including issues with parking.

Council recessed from 9:24 p.m. until 9:31 p.m. to provide an opportunity for members of the public to call to speak live.

No additional persons called in to speak to the proposed application.

Mayor Helps closed the public hearing at 9:32 p.m.

Moved By Mayor Helps
Seconded By Councillor Isitt

That the following bylaw **be given third reading:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1238) No. 20-106

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Dubow

That the following bylaw **be adopted:**
1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1238) No. 20-106
2. Housing Agreement (736 Princess Avenue) Bylaw (2020) No. 20-107

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Isitt

That Council authorize the issuance of Development Permit with Variance Application No. 00065 for 736 Princess Avenue, in accordance with:

1. Plans date stamped June 18, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
   i. reduce the required number of residential parking spaces from 14 to 0;
   ii. reduce the required number of commercial parking spaces from 17 to 8;
   iii. reduce the required number of visitor parking spaces from 3 to 0;
   iv. reduce the required number of long-term residential bicycle parking spaces from 28 to 7;
   v. reduce the required number of short-term residential bicycle parking spaces from six to 0;
3. The applicant identifies the location of the PMT station on the site plan, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.6 801 Bank Street: Development Variance Permit Application No. 00248

Development Variance Permit Application:
The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 801 Bank Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: allowing siting within a side yard, increasing the maximum height and increasing the maximum floor area for two temporary modular classrooms, a gym tent and associated power station.

F.6.a Opportunity for Public Comment & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to place two temporary modular classroom buildings and one temporary gym building during the COVID-19 pandemic.*

Mayor Helps opened the opportunity for public comment at 9:40 p.m.

Chad Holtum (Applicant): Provided information regarding the application.

John Myles (Richardson Street): Expressed concerns with the application and requested that agreements be made to ensure the temporary permits are removed at the end of the pandemic.

Shirley Edwards (Nordell Avenue): Expressed concerns with the application due to the number of temporary buildings.

Caleb Small (Gonzales Resident): Expressed concerns with the application due to the consistent expansion of the school that will negatively affect his home.

Peter Nadler (Brighton Avenue): Expressed concerns with the application due to the relocation of modular buildings as well as concerns on the intent of the application.

Shelly Aubrey-Young (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Deepa Singhal: Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Rod Windjack (Madison Street): Expressed concerns with the application as the addition of portables do not fit in with the COVID-19 safety plan set out by the province as well as concerns with the increased traffic that has accompanied the school's growth.

Janine Grace (Madison Street): Expressed concerns with the application as the temporary modular buildings are unnecessary to fit the province's COVID-19 safety plan.

Lynn Phillips (Resident): Expressed concerns with the application due to the potential intention behind moving the modular buildings and requested that agreements be put in place to address the temporary nature of the buildings.

Rob Simon (Madison Street): Expressed concerns with the application due to the lack of support by the neighbourhood and lack of follow through with traffic calming measures.

Martha Riley (Resident): Expressed concerns with the application due to the continuous expansion in the neighbourhood.

Jodie Carrow (Puncture Square): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Maureen Candy (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Eva Driving (Beach Drive): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Ashley Sangha (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Clyde Wallace (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Sarah Kay (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

DRAFT

Chris Vincent (Laurent Place): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Motion to extend meeting:

Moved By Mayor Helps
Seconded By Councillor Isitt

That the meeting be extended until 11:30 p.m.

CARRIED UNANIMOUSLY

Kim Northcott (Resident): Expressed support for the application due to the need for safe classroom spaces during the pandemic.

Council recessed from 11:05 p.m. until 11:12 p.m. to provide an opportunity for members of the public to call to speak live.

No additional persons called in to speak to the proposed application.

Council discussed the following:

- *What Council is legally allowed to consider in relation to this application.*
- *Comparisons between the current and past applications.*

Mayor Helps closed the opportunity for public comment at 11:19 p.m.

Moved By Mayor Helps
Seconded By Councillor Young

That Council authorize the issuance of Development Variance Permit Application No. 00248 for 801 Bank Street, in accordance with:

1. Plans date stamped September 10, 2020.
2. 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^2 to 75.8m^2
   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^2 to 404.4m^2
   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^2 to 226.6m^2
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

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

Council discussed the following:

- *The supportability of the application due to the temporary nature of the modular buildings.*
- *The lack of support by the neighbourhood.*

Motion to extend meeting:

Moved By Councillor Alto
Seconded By Councillor Potts

That the meeting be extended until 11:35 p.m.

CARRIED UNANIMOUSLY

Council discussed the following:

- *The importance of providing the school's students and teachers options to physically distant during the pandemic.*
- *The hope for a repair in the relationship between the school and the neighbourhood.*

On the motion:
CARRIED UNANIMOUSLY

O. CLOSED MEETING

Moved By Mayor Helps
Seconded By Councillor Dubow

MOTION TO CLOSE THE OCTOBER 22, 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(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

All staff, except the City Manager, were excused from the meeting at 11:35 p.m.

P. NEW BUSINESS

P.1 Intergovernmental Relations - Community Charter Section 90(2)(b)

Council discussed an Intergovernmental Relations matter.

The discussion was kept confidential.

Q. ADJOURNMENT

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That the Council meeting adjourn.
TIME: 11:45 p.m.

CARRIED UNANIMOUSLY

CITY CLERK MAYOR

DRAFT