



MINUTES - VICTORIA CITY COUNCIL

December 10, 2020, 2:10 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 Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

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. Hoeser - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, P. Bellefontaine - Director of Engineering & Public Works, D. Newman – Assistant Director of Facilities and Construction Management, C. Moffatt – Assistant City Solicitor, K. Moore – Head of Business and Community Relations, 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 Thornton-Joe

That the agenda be approved.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following item be added to the agenda:

F.1.b Report from the December 10, 2020 COTW Meeting

F.1.b.a Horse Drawn Carriage and Pedicab Licence Renewals – COVID-19

CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

E. **UNFINISHED BUSINESS**

E.1 **Rise and Report**

E.1.a **From the Closed Council Meeting held May 28, 2020**

That Council authorize a rise and report noting previous closed meeting direction resulting from discussions about wages for employees.

“That Council eliminate a remuneration increase for the Mayor and Council for 2021”.

E.2 **Reconsideration of Council Motion for 324/328 Cook Street and 1044, 1048, and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 00527**

Council received a Council Member Motion dated December 7, 2020 from Mayor Helps requesting reconsideration of a matter that was heard at the November 26, 2020 Council meeting.

Moved By Mayor Helps
Seconded By Councillor Young

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to convene a new public hearing that follows all the regular public hearing requirements (advertising, mailout, etc.).

Council discussed the following:

- *Housing affordability*
- *Neighbourhood support regarding proposed height*

Amendment:

Moved By Mayor Helps
Seconded By Councillor Alto

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to **work with the applicant to try to secure a larger contribution to the housing trust fund** ~~convene a new public hearing that follows all the regular public hearing requirements (advertising, mailout, etc).~~

Amendment to the amendment:

Moved By Councillor Potts
Seconded By Mayor Helps

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to **work with the applicant to try to address affordability in the project secure a larger contribution to the housing trust fund convene a new public hearing that follows all the regular public hearing requirements (advertising, mailout, etc).**

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to **work with the applicant to try to address affordability in the project and report back to the Committee of the Whole.**

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1233) No. 20-081 and direct staff to work with the applicant to try to address affordability in the project and report back to the Committee of the Whole.

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

OPPOSED (2): Councillor Dubow, Councillor Isitt

CARRIED (6 to 2)

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the December 3, 2020 COTW Meeting

F.1.a.a 2536 Richmond Road: Heritage Designation Application No. 000193 (North Jubilee)

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council approve the designation of the heritage-registered property located at 2536 Richmond Road, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

F.1.a.b 540 William Street: Fence Bylaw Variance Request (Victoria West)

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

That Council approve the request for fence with a height of 3.05 m for the property located at 549 William Street, as shown in the submitted drawings in Appendix A of this report.

CARRIED UNANIMOUSLY

F.1.a.c Capital Regional District Housing Needs Assessment for the City of Victoria

Moved By Councillor Alto
Seconded By Councillor Potts

That Council:

1. Receive the Capital Regional District Housing Needs Assessment City of Victoria, October 2020 report for information, in accordance with Section 585.31 (1) of the Local Government Act, which requires that all local governments to complete housing needs reports by April 2022 and every five years thereafter.
2. Direct staff to publish the report on the City's website in compliance with regulatory requirements for the report to be publicly and freely accessible.
3. That Council refer this matter to the December 10 Committee of the Whole meeting to consider actions within municipal authority to respond to information contained in the report and to consider advocacy to other levels of government.

CARRIED UNANIMOUSLY

F.1.a.d 2440 and 2448 Richmond Road: Rezoning Application No. 00722 and Development Permit with Variances Application No. 00159 (North Jubilee)

Moved By Councillor Alto
Seconded By Councillor Young

Rezoning Application No. 00722

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00722 for 2440 and 2448 Richmond Road, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements to:
 - a. Secure all units as rental housing in perpetuity and that one unit shall be adaptable, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
 - i. one car share membership per dwelling unit;
 - ii. \$100 in car share usage credits per membership;
 - iii. pedestrian curb extension (bulb-out) at the intersection of Richmond Road and Adanac Street;
 - iv. 4 electric bike charging stations in each building;
 - v. one bicycle repair station in each building.
 - c. Secure a statutory right-of-way of 4.89 meters along the Richmond Road to the satisfaction of the Director of Engineering and Public Works.
 - d. Secure reciprocal access over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Sustainable Planning and Community Development.
 - e. Secure an easement for the storm drain line on private property over 2448 Richmond Road in favour of 2440 Richmond Road to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00159

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. 00722, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00159 for 2440 and 2448 Richmond Road, in accordance with:

1. Plans date stamped October 22, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - 2440 Richmond Road
 - i. reduce the number of residential vehicle parking stalls from 9 to 7;
 - ii. reduce the side setback (south) from 4.00m to 3.22m;
 - iii. reduce the side setback (north) from 4.00m to 1.70m.
 - 2448 Richmond Road

- i. reduce the number of residential vehicle parking stalls from 9 to 7;
 - ii. reduce the side setback (south) from 4.00m to 1.70m;
 - iii. reduce the side setback on a flanking street (north) from 6.00m to 3.01m.
3. Revisions to the landscape plan planting list and categories to accurately determine percentage of pollinator, food-bearing and native species; and to revisions to the ground floor entry doors to create a more welcoming streetscape, 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.1.a.e Report Back: Get Growing, Victoria!

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council received the following report for information.
That Council direct staff to report back on options for increasing the cultivation of food plants and pollinators on municipal land in 2021.

CARRIED UNANIMOUSLY

Councillor Isitt withdrew from the meeting at 2:33 p.m. due to a potential non-pecuniary conflict of interest with the following two items Director of a Society that received an in-kind contribution from a company associated with the applicant.

F.1.a.f Local Government Recommendation for Trees Cannabis at 1545 Fort Street

Moved By Councillor Loveday

Seconded By Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch: The Council of the City of Victoria supports the application of Trees Cannabis at 1545 Fort Street to receive a provincial cannabis retail store license with the following comments:
 - a. The Council recommends that the LCRB issue a license to Trees Cannabis at 1545 Fort Street.
 - b. City staff did not raise any concerns about this referral in terms of community impacts.
 - c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 394 notices and received 20 letters in response, including a petition sent by the applicant with 21 persons in support for the application.

The City did not receive correspondence from the Rockland Neighbourhood Association.

Respondents opposed to issuing a license identified the following issues: the business operated before legalization, impact on residential parking, traffic, pedestrian safety, storefront maintenance after ceased operations, loitering, smoking, odour, graffiti, sale to minors, impact on neighbouring businesses, potential for turnover.

- d. The Council wishes the Province to make its own deliberations about the fact that this operation remained in operation until August 1, 2019.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Loveday, Councillor Young

OPPOSED (1): Councillor Thornton-Joe

CARRIED (6 to 1)

F.1.a.g Local Government Recommendation for Trees Cannabis at 103-230 Cook Street

Moved By Councillor Loveday

Seconded By Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch: The Council of the City of Victoria supports the application of Trees Cannabis at 103 – 230 Cook Street to receive a provincial cannabis retail store license with the following comments:
 - a. The Council recommends that the LCRB issue a license to Trees Cannabis at 103 – 230 Cook Street.
 - b. City staff did not raise any concerns about this referral in terms of community impacts.
 - c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 496 notices and received 10 letters in response. The City did not receive correspondence from the Fairfield – Gonzales Community Association. Respondents did not raise any concerns about this application.
 - d. The Council wishes the Province to make its own deliberations about the fact that this operation remained open following legalization.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

CARRIED UNANIMOUSLY

Councillor Isitt returned to the meeting at 2:34 p.m.

F.1.a.h Council Member Motion: Extension of Council Committee Appointments to the End of January 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council extend Council committee and neighbourhood liaison appointments to the end of January 2021, and determine appointments for 2021-2022 at the January 14 Committee of the Whole meeting.

CARRIED UNANIMOUSLY

F.1.b Report from the December 10, 2020 COTW Meeting

F.1.b.a Horse Drawn Carriage and Pedicab Licence Renewals COVID-19

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council direct staff to bring forward the Bylaw to the December 10, 2020 daytime meeting for Council to consider the following motion:

1. Give first, second and third readings the Vehicles for Hire Amendment (No. 21) Bylaw No. 20-126.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for Vehicles for Hire Bylaw Amendment

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

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

1. Vehicles for Hire Bylaw, Amendment Bylaw (No. 22) No. 20-126

CARRIED UNANIMOUSLY

G.2 Bylaws for Parks Regulation Amendment Bylaw

Moved By Mayor Helps
Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw, Amendment Bylaw (No. 11) No. 20-113

FOR (5): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Thornton-Joe, Councillor Young

OPPOSED (3): Councillor Isitt, Councillor Dubow, Councillor Potts

CARRIED (5 to 3)

Moved By Councillor Thornton-Joe
Seconded By Mayor Helps

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw, Amendment Bylaw (No. 12) Amendment Bylaw No. 20-124

CARRIED UNANIMOUSLY

G.3 Bylaws for Utility Fees

G.3.a Bylaw for Sanitary Sewer and Stormwater Utilities

Moved By Councillor Young
Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 8) 20-108

CARRIED UNANIMOUSLY

G.3.b Bylaw for Waterworks Utilities

Moved By Councillor Young
Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Waterworks Bylaw Amendment Bylaw (No. 15) 20-109

CARRIED UNANIMOUSLY

G.4 Bylaw for 1133 Fort Street: Rezoning Application No. 00727

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1239) No. 20-118

CARRIED UNANIMOUSLY

G.5 901 Gordon Street: Rezoning Application No. 00743

Moved By Councillor Alto
Seconded By Councillor Young

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 7) No. 20-117

CARRIED UNANIMOUSLY

G.6 Bylaw for 1150 Douglas Street: Rezoning Application No. 00748

Moved By Mayor Helps
Seconded By Councillor Young

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 8) No. 20-125

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Short Term Rental Business License Appeals

H.1.a Short Term Rental Business License Appeal for 2605 Belmont Street

Council received a report dated December 3, 2020 from the City Clerk regarding the Short Term Business License Appeal for 2605 Belmont Avenue. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- *Shared living and kitchen space*

Motion to postpone:

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council postpone consideration of this item upon receipt of further information from staff.

CARRIED UNANIMOUSLY

H.1.b Short Term Rental Business License Appeal for 95 Wellington Avenue

Council received a report dated December 2, 2020 from the City Clerk regarding the Short Term Business License Appeal for 95 Wellington Avenue. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- *Private space on the property*
- *Private entrance and entry*

Moved By Councillor Young

Seconded By Councillor Alto

That Council deny the reconsideration request and uphold the Licence Inspectors decision to deny a short-term rental business licence for premises at 95 Wellington Avenue.

CARRIED UNANIMOUSLY

H.1.a Short Term Rental Business License Appeal for 2605 Belmont Street

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That this matter be lifted to the table.

CARRIED UNANIMOUSLY

Council discussed the following:

- *No inspection due to beginning of the pandemic*
- *Use of space and occupation*
- *Rental potential of the suite*

Moved By Councillor Potts

Seconded By Councillor Thornton-Joe

That Council allow the reconsideration request of Celine Stubel and direct issuance of a 2020 short-term business licence for premises at 2605 Belmont Avenue.

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

OPPOSED (2): Councillor Isitt, Councillor Dubow

CARRIED (6 to 2)

H.1.c Short Term Rental Business License Appeal for 905 Fairfield Road

Council received a report dated December 2, 2020 from the City Clerk regarding the Short Term Business License Appeal for 906 Fairfield Road. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- Upholding of inspector's findings
- How the unit presents as a home
- Potential conversion of unit and utilities

Moved By Councillor Potts
Seconded By Mayor Helps

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove.

Councillor Dubow withdrew from the meeting at 3:20 p.m.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Thornton-Joe

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove **and that the matter be adjourned until the report back is received.**

CARRIED UNANIMOUSLY

On the main motion as amended:

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove and that the matter be adjourned until the report back is received.

CARRIED UNANIMOUSLY

I. CORRESPONDENCE

I.1 Letter from the Corporation of District of Saanich

Council received a letter dated November 24, 2020 from the Corporation of the District of Saanich regarding Support for Recognizing September 30 as National Day of Truth and Reconciliation.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the correspondence dated November 24, 2020 from the Corporation of the District of Saanich be received for information.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Alto

That the correspondence dated November 24, 2020 from the Corporation of the District of Saanich be received for information, **and that Council and write to the Federal Minister of Indigenous Services, copying the British Columbia Ministry of Indigenous Relation and Reconciliation, to encourage making September 30 a statutory holiday marking a national day of remembrance of residential school Survivors of Canada.**

CARRIED UNANIMOUSLY

On the main motion as amended:

That the correspondence dated November 24, 2020 from the Corporation of the District of Saanich be received for information, and that Council and write to the Federal Minister of Indigenous Services, copying the British Columbia Ministry of Indigenous Relation and Reconciliation, to encourage making September 30 a statutory holiday marking a national day of remembrance of residential school Survivors of Canada.

CARRIED UNANIMOUSLY

J. CLOSED MEETING

MOTION TO CLOSE THE DECEMBER 10, 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)(d) the security of the property of the municipality;*
- *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)(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.*

K. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the closed agenda be approved.

CARRIED UNANIMOUSLY

O. NEW BUSINESS

O.1 Potential New Municipal Service / Security of Property / Employee Relations - Community Charter Sections 90(1)(k), 90(1)d), and 90(1)(c)

Council discussed a potential new municipal service, security of property, and employee relations matter.

The motion was recorded and kept confidential.

O.2 Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The motion was recorded and kept confidential.

O.3 Litigation/Legal Advice - Community Charter Sections 90(1)(g) and 90(1)(i)

Council discussed a litigation and legal advice matter.

The motion was recorded and kept confidential.

O.4 Employee Relations - Community Charter Section 90(1)(c)

Council discussed and employee relations matter.

Q. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the Closed Council Meeting be adjourned at 5:06 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR