



MINUTES - COMMITTEE OF THE WHOLE

March 11, 2021, 9:00 A.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT,
625 FISGARD STREET, VICTORIA, B.C.

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 Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, 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, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Betanzo - Senior Planner, P. Bellefontaine - Director of Engineering & Public Works, J. O'Reilly - Planner, M. Betanzo - Planner, C. Wain - Planner, P. Rantucci - Head of Strategic Real Estate, S. Perkins - Manager of Bylaw Services, C. Moffatt - Assistant City Solicitor, R. Tooke - Manager of Sustainability, Assets and Support Services, P. Mcfarlane - Manager of Real Estate Development, M. Heiser - Council Secretary

A. Moment of Silence to Commemorate the Start of COVID-19

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved.

Amendment:

Moved By Councillor Alto
Seconded By Councillor Loveday

That the agenda of the March 11, 2021 Committee of the Whole meeting be amended as follows:

Consent Agenda:

- D.1 Minutes from the meeting held February 4, 2021**
- G.2 161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)**
- G.3 540 Dallas Road: Development Variance Permit Application No. 00251 (James Bay)**
- G.4 123/125 Government Street: Development Variance Permit Application No. 00252 (James Bay)**
- G.5 506 and 514 Government Street: Request to Modify Covenants CA3641378 and CA3641382 (James Bay)**
- H.1 Fire Prevention and Regulation Bylaw and False Alarms Bylaw Update**

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

Councillor Potts joined the meeting at 9:05 am.

C. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the following items be approved without further debate.

CARRIED UNANIMOUSLY

D. READING OF MINUTES

- D.1 Minutes from the meeting held February 4, 2021**

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the Committee of the Whole meeting held February 4, 2021 be adopted.

CARRIED UNANIMOUSLY

G.2 161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

Committee received a report dated February 25, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit Application for 161-167 Robertson Street in order to allow an additional 73m² of floor area within the basement level of the existing single-family dwelling and recommending that 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. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

G.3 540 Dallas Road: Development Variance Permit Application No. 00251 (James Bay)

Committee received a report dated February 26, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit Application for 540 Dallas Road is order to add a small addition to the rear of the existing seniors residential building for an enclosed walkway and recommending that is 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. 00251 for 540 Dallas Road in accordance with:

1. Plans date stamped November 12, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the maximum site coverage from 40.0% to 44.15%;
 - ii. reduce the minimum open site space from 60.0% to 46.7%.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

G.4 123/125 Government Street: Development Variance Permit Application No. 00252 (James Bay)

Committee received a report dated February 26, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit Application for 123/125 Government Street in order to reduce the parking requirement from two stalls to one and to reduce the required setback from a window on the lower level and recommending that 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. 00252 for 123/125 Government Street in accordance with:

1. Plans date stamped October 2, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the required parking from two stalls to one stall;
 - ii. Reduce the setback requirement for a lower storey window on the side elevation (south) from 3.0 m to 2.4 m.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

G.5 506 and 514 Government Street: Request to Modify Covenants CA3641378 and CA3641382 (James Bay)

Committee received a report dated February 26, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Request to Modify Covenants for 506 and 514 Government Street in order to remove clauses requiring restoration of a pair of two-storey heritage registered buildings.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council authorize City Legal staff to modify Covenants CA3641378 and CA3641382 to remove clauses concerning the heritage restoration of 506 and 514 Government Street.

CARRIED UNANIMOUSLY

H.1 Fire Prevention and Regulation Bylaw and False Alarms Bylaw Update

Committee received a report dated February 15, 2021 from the Fire Chief regarding the proposed amendments to Fire Prevention and Regulation Bylaw and False Alarms Bylaw Update intended to address identified omissions from the present bylaws and provide additional clarity to the regulatory intent of the amended legislation.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council:

1. Direct staff to bring forward amendments, as outlined in this report, to the Fire Prevention and Regulation Bylaw No. 14-100, including consolidation of Smoke Alarm Bylaw 92-108 and,
2. Direct staff to bring forward amendments, as outlined in this report, to the False Alarms Bylaw No. 10-073.

CARRIED UNANIMOUSLY

G. LAND USE MATTERS

G.1 749-767 Douglas Street: Rezoning Application No. 00746, Associated OCP Amendment, and Development Permit with Variances Application No. 000155 (Downtown)

Committee received a report dated February 25, 2021 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application, OCP Amendment, and Development Permit with Variances Application for 749-767 Douglas Street in order to construct an office building with ground floor commercial uses and recommending that it be referred back to staff to work with the applicant.

Committee discussed the following:

- *Potential referral to the Heritage Advisory Committee*
- *Previous discussions on scale and massing*
- *Reduction of density*
- *Sustainability features*
- *Bird friendly design concerns*
- *Improvements to the public realm*
- *Evaluation of building form and character and the policies in place*
- *Correspondence received from the Downtown Residents Association*
- *Economic benefits of this project*

Committee recessed at 10:35 a.m. and reconvened at 10:41 a.m.

Moved By Councillor Isitt
Seconded By Councillor Dubow

Rezoning Application No.00746 and Associated Official Community Plan Amendment

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back approximately 10m from the west property line; and
2. That Council waive the requirement for additional CALUC consultation that may result from changes made to the proposal in response to the issues identified in this report.

Development Permit with Variances Application No. 000155

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and to introduce the following refinements:

Building Massing, Design, Form and Character:

- a. reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back approximately 10m from the west property line
- b. increase the proposal's consistency with design guidelines in this heritage conservation area pertaining to form, character, exterior design and finishes, particularly with respect to the flat façade and cladding material
- c. commit to meeting Step 3 BC Building Code requirements.

Landscaping and Public Realm:

- a. extend the Humboldt Street Plaza to Penwill Street
- b. increase the statutory right-of-way width on Douglas street to include the seating and weather protection at the building face
- c. include a statutory right-of-way to secure the through block access path proposed along the eastern property boundary
- d. remove the exterior digital display screen
- e. provide street trees on Douglas Street
- f. introduce a water/play element as well as additional trees in the south plaza
- g. resolve outstanding site servicing, tree preservation and tree replacement issues.

Transportation Demand Management:

- a. require a minimum of 94 BC Transit EcoPasses for a three-year period.
2. That Council waive the requirement for additional CALUC consultation that may result from changes made to the proposal in response to the issues identified in this report.

Committee discussed the following:

- *Agreement relating to disposition of land*
- *Crosswalk specifics and public amenity*

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

Rezoning Application No.00746 and Associated Official Community Plan Amendment

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back approximately 10m from the west property line; and
2. That Council waive the requirement for additional CALUC consultation that may result from changes made to the proposal in response to the issues identified in this report.
3. **To refer the application to the Heritage Advisory Committee for comments regarding the massing, height, density, and design of the building in relation to the heritage conservation area.**

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

DEFEATED (4 to 5)

Amendment:

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by **considering reduction of density ~~setting the building back approximately 10m from the west property line~~**; and

Amendment to the amendment:

Moved By Councillor Isitt
Seconded By Councillor Young

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by **setting the building back approximately 10m from the west property line and/or considering reduction of density**; and

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

CARRIED (5 to 4)

On the amendment:

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from

Douglas Street by **setting the building back approximately 10m from the west property line and/or considering reduction of density**; and

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

DEFEATED (4 to 5)

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

~~2. That Council waive the requirement for additional CALUC consultation that may result from changes made to the proposal in response to the issues identified in this report. That the staff work with the application to bring the application more in line with existing heritage and OCP and Downtown Core plan policies.~~

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

DEFEATED (4 to 5)

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

2. That Council waive the requirement for additional CALUC consultation **if there are no substantive changes to the proposal that may result from changes made to the proposal in response to the issues identified in this report."**

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

CARRIED (6 to 3)

Amendment:

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back **approximately 10m further** from the west property line and/or-considering reduction of density; and

CARRIED UNANIMOUSLY

On the main motion as amended:

Rezoning Application No.00746 and Associated Official Community Plan Amendment

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back further from the west property line and/or-considering reduction of density; and
2. That Council waive the requirement for additional CALUC consultation if there are no substantive changes to the proposal.

Development Permit with Variances Application No. 000155

1. That Council refer application No. 00746 for the property located at 749-767 Douglas Street back to staff to work with the applicant to undertake a land lift analysis and to introduce the following refinements:

Building Massing, Design, Form and Character:

- a. reduce the infringement into View 5: Olympic Mountains from Douglas Street by setting the building back approximately 10m from the west property line
- b. increase the proposal's consistency with design guidelines in this heritage conservation area pertaining to form, character, exterior design and finishes, particularly with respect to the flat façade and cladding material
- c. commit to meeting Step 3 BC Building Code requirements.

Landscaping and Public Realm:

- a. extend the Humboldt Street Plaza to Penwill Street
- b. increase the statutory right-of-way width on Douglas street to include the seating and weather protection at the building face
- c. include a statutory right-of-way to secure the through block access path proposed along the eastern property boundary
- d. remove the exterior digital display screen
- e. provide street trees on Douglas Street
- f. introduce a water/play element as well as additional trees in the south plaza
- g. resolve outstanding site servicing, tree preservation and tree replacement issues.

Transportation Demand Management:

- a. require a minimum of 94 BC Transit EcoPasses for a three-year period.
2. That Council waive the requirement for additional CALUC consultation that may result from changes made to the proposal in response to the issues identified in this report.”

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

DEFEATED (3 to 6)

Moved By Mayor Helps

Seconded By Councillor Andrew

Rezoning Application No.00746 and Associated Official Community Plan Amendment

1. Council, having put their minds to the OCP Amendment considerations outlined in Alternate Motion 1 of the staff report dated February 25, 2021 and that subject to resolution of outstanding site servicing, tree preservation and tree replacement issues, the removal of the digital screen and that subject to extending the Humboldt Street Plaza Street to Penwill Street and adding a water/play feature to the satisfaction of City staff, 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(s) that would authorize the proposed development outlined in Rezoning Application No.00746 for 749-767 Douglas Street, 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:
 - a. Preparation of legal agreements, executed by the applicant, in a form to the satisfaction of the City Solicitor to secure:
 - i. a statutory right-of-way along Humboldt Street to accommodate public vehicle turn-around movements;
 - ii. off-site public furniture maintenance agreement to secure the ongoing maintenance of unique street furniture over a period of ten years;
 - iii. a statutory right-of-way along Douglas street to include the seating and weather protection and the building face;
 - iv. a statutory right-of-way to secure the through block access path proposed along the eastern property boundary;
 - v. public realm improvements as indicated on the plans dated December 4, 2020 and the extension of the Humboldt Street Plaza to Penwill Street along with a water / play feature;
 - vi. sustainability and active transportation features identified in the staff report and as committed to by the applicant, including provision of a minimum of 94 BC Transit EcoPasses for a three-year period;
 - vii. a commitment to achieve Step Code 3 of the British Columbia Building Code.
 - viii. a commitment to ensuring community use space in the building.
2. 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.
3. 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.
4. 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.

5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. 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.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
9. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. anchor-pinning in the City Right-Of-Way.

Development Permit with Variances Application No. 000155

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.00746, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000155 for 749-767 Douglas Street, in accordance with:

1. Plans date stamped December 4, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the interior south west setback from 4.5m to 0m;
 - ii. Reduce the interior south east side yard setback from 4.5m to 4.0m
 - iii. Increase the height to 53m;
 - iv. Relax the requirement for a 1:5 setback ratio from Douglas Street and Humboldt Street
 - v. Reduce the required number of vehicle parking stalls from 221 to 127.
3. The Development Permit lapsing two years from the date of this resolution.”

Amendment:

Moved By Councillor Andrew

Seconded By Mayor Helps

10. Review for crime prevention through environmental design (CPTED).

FOR (2): Councillor Andrew, Councillor Young

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

DEFEATED (2 to 7)

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Alto

10. That Council request the applicant provide detailed explanation of how they are planning to ensure bird-friendly design;

11. That Council request that the application lower the North facing sign to mitigate intrusion into the Douglas Street view corridor.

CARRIED UNANIMOUSLY

On the main motion as amended:

Rezoning Application No. 00746 and Associated OCP Amendment.

1. Council, having put their minds to the OCP Amendment considerations outlined in Alternate Motion 1 of the staff report dated February 25 2021 and that subject to resolution of outstanding site servicing, tree preservation and tree replacement issues, the removal of the digital screen and that subject to extending the Humboldt Street Plaza Street to Penwill Street and adding a water/play feature to the satisfaction of City staff, 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(s) that would authorize the proposed development outlined in Rezoning Application No.00746 for 749-767 Douglas Street, 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:
 - a. Preparation of legal agreements, executed by the applicant, in a form to the satisfaction of the City Solicitor to secure:
 - i. a statutory right-of-way along Humboldt Street to accommodate public vehicle turn-around movements;
 - ii. off-site public furniture maintenance agreement to secure the ongoing maintenance of unique street furniture over a period of ten years;
 - iii. a statutory right-of-way along Douglas street to include the seating and weather protection and the building face;
 - iv. a statutory right-of-way to secure the through block access path proposed along the eastern property boundary;
 - v. public realm improvements as indicated on the plans dated December 4, 2020 and the extension of the Humboldt Street Plaza to Penwill Street along with a water / play feature;
 - vi. sustainability and active transportation features identified in the staff report and as committed to by the applicant, including provision of a minimum of 94 BC Transit EcoPasses for a three-year period;
 - vii. a commitment to achieve Step Code 3 of the British Columbia Building Code.
 - viii. A commitment to ensuring community use space in the building.
2. 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.

3. 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.
4. 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.
5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. 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.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
9. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - i. anchor-pinning in the City Right-Of-Way.
10. That Council request the applicant provide detailed explanation of how they are planning to ensure bird-friendly design;
11. That Council request that the application lower the north facing sign to mitigate intrusion into the Douglas Street view corridor.

Development Permit with Variances Application No. 000155

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.00746, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000155 for 749-767 Douglas Street, in accordance with:

1. Plans date stamped December 4, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the interior south west setback from 4.5m to 0m;
 - ii. Reduce the interior south east side yard setback from 4.5m to 4.0m

- iii. Increase the height to 53m;
 - iv. Relax the requirement for a 1:5 setback ratio from Douglas Street and Humboldt Street
 - v. Reduce the required number of vehicle parking stalls from 221 to 127.
3. The Development Permit lapsing two years from the date of this resolution.”

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts

OPPOSED (4): Councillor Isitt, Councillor Dubow, Councillor Thornton-Joe, Councillor Young

CARRIED (5 to 4)

Committee recessed at 12:28 p.m. and reconvened at 1:17 p.m.

H. STAFF REPORTS

H.2 Curbside Yard Waste Collection

Committee received a report dated March 5, 2021 from the Director of Engineering and Public Works regarding Curbside Yard Waste Collection.

Motion to go into a closed Committee of the Whole meeting at 1:45 p.m.

Moved By Councillor Isitt

Seconded By Councillor Loveday

MOTION TO CLOSE THE MARCH 11, 2021 COMMITTEE OF THE WHOLE 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)(c) labour relations or other employee relations.

CARRIED UNANIMOUSLY

Employee Relations – Community Charter Section 90(1)(c)

Committee discussed an employee relations matter.

The conversation was recorded and kept confidential.

The open Committee of the Whole meeting reconvened at 2:13 p.m.

Motion to postpone

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That the matter be postponed to the Daytime Council meeting.

CARRIED UNANIMOUSLY

J. NEW BUSINESS

Motion to extend:

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the Committee of the Whole meeting be extended to 3:00 p.m.

CARRIED UNANIMOUSLY

J.1 Council Member Motion: Mental Health and Addiction Services

Committee received a Councillor Member Motion dated March 8, 2021 from Councillors Andrew and Thornton-Joe regarding Mental Health and Addiction Services.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

Council writes to Island Health, the BC Ministry of Health and the BC Solicitor General to request:

1. Island Health Security be given "Special Constable Status" to take custody of patients apprehended under the Mental Health Act on arrival at hospital.
2. Island Health no longer allows unescorted visits for those patients at risk and being treated for mental health and/or addiction.
3. Island Health finds alternative ways to return patients home following mandated mental health and/or addiction treatment.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Andrew

1. Island Health Security be given "Special Constable Status" to take custody of patients apprehended under the Mental Health Act on arrival at hospital, **subject to such security staff completing training equivalent to that provided to Victoria Police Department special constables, including trauma informed care training.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

2. **For those patients in custody**, Island Health no longer allows unescorted visits for those patients at risk and being treated for mental health and/or addiction.

Amendment to the amendment:

Moved By Councillor Isitt
Seconded By Mayor Helps

2. **For those patients in custody**, Island Health no longer allows unescorted visits ~~for those patients at risk and being treated for mental health and/or addiction.~~

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Andrew
Seconded By Councillor Alto

2. **For those patients in custody**, Island Health no longer allows patients in custody to leave the hospital unescorted visits.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday
Seconded By Councillor Alto

Council writes to Island Health, the BC Ministry of Health and the BC Solicitor General **to indicate that police are spending an inordinate amount of time in emergency rooms and** to request:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Potts
Seconded By Councillor Andrew

Council writes to Island Health, the BC Ministry of Health, **the Ministry of Mental Health and Addictions** and the BC Solicitor General to indicate that police are spending an inordinate amount of time in emergency rooms and to request:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Young
Seconded By Councillor Isitt

2. ~~For those patients in custody,~~ Island Health **assume responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody no longer allows patients in custody to leave the hospital unescorted.**

Amendment to the amendment:

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

2. ~~For those patients in custody,~~ Island Health **assume responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody as required no longer allows patients in custody to leave the hospital unescorted.**

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

On the main motion as amended:

Council writes to Island Health, the BC Ministry of Health, the Ministry of Mental Health and Addictions and the BC Solicitor General to indicate that police are spending an inordinate amount of time in emergency rooms and to request:

1. Island Health Security be given "Special Constable Status" to take custody of patients apprehended under the Mental Health Act on arrival at hospital, subject to such security staff completing training equivalent to that provided to Victoria Police Department special constables, including trauma informed care training.
2. Island Health assume responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody as required.
3. Island Health finds alternative ways to return patients home following mandated mental health and/or addiction treatment.

CARRIED UNANIMOUSLY

J.2 Council Member Motion: Streets and Traffic Bylaw

Committee received a Councillor Member Motion dated March 8, 2021 from Councillors Andrew and Thornton-Joe regarding over-night parking.

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

Council directs staff to report back on the implications of vehicles violating the bylaw and provide council with suggestions to manage the issue.

Committee discussed the following:

- *Number of vehicles last reported*
- *Origination of vehicles*
- *Wastewater and garbage disposal*
- *Risks associated with sheltering in vehicles*

Motion to extend:

Moved By Councillor Alto
Seconded By Councillor Andrew

That the Committee of the Whole meeting be extended to 3:30 p.m.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Loveday

Council directs staff to report back on the implications of vehicles violating the bylaw and provide council with suggestions to manage the issue, **in a manner consistent with the Provincial Health Officer's advice in the letter dated June 8, 2020 and in the BC Centre for Disease Control's accompanying *Response to Homeless Encampment Health Issues in the Context of COVID-19: Guidelines and Best Practices*, dated June 8, 2020, including the advice that:**

1. **"Local governments should consider short-term policy adjustments to the enforcement of local bylaws regarding overnight sheltering or camping in public parks or elsewhere, as well as overnight parking bylaws that prevent people from parking in vehicles or RVs overnight on public streets" (p. 6); and**
2. **"People experiencing homelessness have rights like all citizens, including privacy, safety, property, the right to live without threat, harassment, and fear of violence and the right to not be libeled. Public communications should be developed carefully to ensure that these rights are protected even as local governments seek to explain their objectives and approach." (p. 2)**

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

OPPOSED (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Young

CARRIED (6 to 3)

Amendment:

Moved By Councillor Dubow

That staff report back on the number and demographic of the population of people living in vehicles.

Failed to proceed due to no seconder

Motion to extend:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Committee of the Whole meeting be extended to 4:00 p.m.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Dubow

That the staff reach out to the residents of the vehicles and have consultation with them.

Failed to proceed due to no seconder

Motion to call the question on the matter:

Moved By Councillor Andrew

Seconded By Councillor Alto

That the question be called on the motion.

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

OPPOSED (1): Councillor Dubow

CARRIED (8 to 1)

On the main motion as amended:

Council directs staff to report back on the implications of vehicles violating the bylaw and provide council with suggestions to manage the issue, **in a manner consistent with the Provincial Health Officer's advice in the letter dated June 8, 2020 and in the BC Centre for Disease Control's accompanying *Response to Homeless Encampment Health Issues in the Context of COVID-19: Guidelines and Best Practices*, dated June 8, 2020, including the advice that:**

1. **"Local governments should consider short-term policy adjustments to the enforcement of local bylaws regarding overnight sheltering or camping in public**

parks or elsewhere, as well as overnight parking bylaws that prevent people from parking in vehicles or RVs overnight on public streets” (p. 6); and

2. “People experiencing homelessness have rights like all citizens, including privacy, safety, property, the right to live without threat, harassment, and fear of violence and the right to not be libeled. Public communications should be developed carefully to ensure that these rights are protected even as local governments seek to explain their objectives and approach.” (p. 2)

CARRIED UNANIMOUSLY

Motion to go into a closed Committee of the Whole meeting at 3:41 p.m.

Moved By Councillor Andrew

Seconded By Councillor Dubow

MOTION TO CLOSE THE MARCH 11, 2021 COMMITTEE OF THE WHOLE 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)(c) labour relations or other employee relations.

CARRIED UNANIMOUSLY

Employee Relations – Community Charter Section 90(1)(c)

Committee discussed an employee relations matter.

The conversation was recorded and kept confidential.

The open Committee of the Whole meeting reconvened at 3:52 p.m.

K. 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 4:24 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR