



MINUTES - SPECIAL VICTORIA CITY COUNCIL

March 18, 2021, 6:30 P.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 Young

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

PRESENT ELECTRONICALLY AND IN PERSON: Councillor Thornton-Joe

STAFF PRESENT: J. Jenkyns - City Manager, P. Bruce - Fire Chief, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, L. Taylor - Senior Planner, C. Kingsley - City Clerk, M. Betanzo - Senior Planner, R. Carroll - Manager of Real Estate, R. Tooke - manager of Sustainability, Assets and Support Services, S. Perkins - Manager of Bylaw Services, M. Heiser - Council Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto
Seconded By Councillor Andrew

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

E. PUBLIC AND STATUTORY HEARINGS

Councillor Thornton-Joe withdrew from the meeting at 6:33 p.m. due to a potential non-pecuniary conflict of interest as she has been asked to sit on the Board of the Greater Victoria Coalition to End Homelessness.

Councillor Dubow joined the meeting at 6:35 p.m.

E.1 940 Caledonia Avenue & 953 and 963 Green Street: Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591

Temporary Use Permit Application No. 00017

Council is considering a Temporary Use Permit for temporary housing proposal at Royal Athletic Park. Variances are required for placement of buildings over property lines, setbacks and parking variance.

Development Permit Application No. 000591

Council is considering a Development Permit application for a temporary housing proposal at Royal Athletic Park.

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

Leanne Taylor (Senior Planner): Advised that the application is to permit temporary purpose built transition housing built from shipping containers.

Mayor Helps opened the opportunity for public comment at 6:38 p.m.

Franc D'Ambrosio (Applicant): Provided information regarding the application.

Gene Hardy (Green Street): Expressed concerns with the application due to concerns with support and security functions.

Property Owner (Green Street): Expressed concerns with the application due to security, tenant concerns, and suspicious activity.

Council recessed from 7:04 p.m. until 7:10 p.m. to provide an opportunity for members of the public to call to speak live.

Rosemary Sleight (North Park): Expressed concerns with the application due to safety and development location.

Hailey Mcleod (North Park): Expressed support for the development due to the affordable housing opportunity.

No further persons called in to speak to the proposed Temporary Use Permit Application and Development Permit with Variances Application.

Council discussed the following:

- *Subsidies to make rent affordable*
- *Transitions to more permanent housing solutions*
- *Process for an extension of the Temporary Use Permit*
- *Proposed support for resident's health and security*
- *Length of proposed Temporary Use Permit*

Mayor Helps closed the opportunity for public comment at 7:59 p.m.

Moved By Councillor Potts

Seconded By Councillor Andrew

Temporary Use Permit Application No. 00017

- A. That Council authorize the issuance of Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:
1. Plans date stamped February 11, 2021.
 2. The Temporary Use Permit lapsing 18 months from the date of this resolution.

Amendment:

Moved By Councillor Andrew

Seconded By Councillor Young

B. That Our Place Society will create with the North Park Neighbourhood Association a community inclusion program addressing the concerns of the community and the service provider.

CARRIED UNANIMOUSLY

Council discussed the following:

- *A new housing type to implement in the City*
- *Involvement of the North Park Neighbourhood Association*
- *Dignified transitional home aspects*

On the main motion as amended:

Temporary Use Permit Application No. 00017

- A. That Council authorize the issuance of Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:
1. Plans date stamped February 11, 2021.
 2. The Temporary Use Permit lapsing 18 months from the date of this resolution.
- B. That Our Place Society will create with the North Park Neighbourhood Association a community inclusion program addressing the concerns of the community and the service provider.

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Andrew

Development Permit with Variances Application No. 000591

That Council authorize the issuance of Development Permit with Variance Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street in accordance with:

- a. Plans date stamped February 11, 2021.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. relaxation to all of the impacted lots for setback requirements;
 - ii. relaxation to permit buildings over property lines;
 - iii. relaxation to permit more than one building on a lot;
 - iv. reduce the required number of parking spaces from five to nil.
- c. The Development Permit lapsing 18 months from the date of this resolution.

CARRIED UNANIMOUSLY

Council recessed at 8:16 p.m. and reconvened at 8:23 p.m.

Councillor Thornton-Joe joined the meeting at 8:23 p.m.

F. REPORTS OF COMMITTEE

F.1 Report from the March 11, 2021 COTW Meeting

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

Motion to go into a Closed Council meeting at 8:25 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

MOTION TO CLOSE THE MARCH 18, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

- Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Land/Legal Advice - Community Charter Sections 90(1)(e) and 90(1)(i)

Council discussed a land/legal advice matter.

The conversation was recorded and kept confidential.

The open Council meeting reconvened at 8:41 p.m.

Motion to lift the matter from the table:

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That this matter be lifted to the table.

CARRIED UNANIMOUSLY

Motion to refer:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That this matter be referred to staff to work with the applicant to address concerns related to density, height and massing.

Amendment:

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That this matter be referred to staff to work with the applicant to address concerns related to density, height and massing **and its relationship to the heritage conservative area, and report back to the Committee of the Whole.**

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 motion to refer as amended:

That this matter be referred to staff to work with the applicant to address concerns related to density, height and massing and its relationship to the heritage conservative area, and report back to the Committee of the Whole.

Council discussed the following:

- *Correspondence received regarding land use and design*

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)

On the main motion:

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.
10. 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.
11. That council request the applicant provide detailed explanation of how they are planning to ensure bird-friendly design;
12. 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:
 - a. Reduce the interior south west setback from 4.5m to 0m;
 - b. Reduce the interior south east side yard setback from 4.5m to 4.0m
 - c. Increase the height to 53m;
 - d. Relax the requirement for a 1:5 setback ratio from Douglas Street and Humboldt Street

- e. 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 Potts
Councillor Loveday

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

CARRIED (5 to 4)

F.1.b Curbside Yard Waste Collection

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council direct staff to:

1. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable curbside comingled organics (kitchen scraps and yard waste) collection.
2. Initiate service changes and user outreach to transition from backyard to curbside garbage and comingled organics collection.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Isitt

- ~~1. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable curbside comingled organics (kitchen scraps and yard waste) collection.~~
- ~~2. Initiate service changes and user outreach to transition from backyard to curbside garbage and comingled organics collection.~~
1. That Council direct staff to initiate a 6-month pilot project of comingled organics and consult with residents regarding their preferred level of service;
2. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable comingled organics (kitchen scraps and yard waste) collection;
3. Initiate service changes and user outreach to allow comingled organics collection.

Council discussed the following:

- Resident engagement
- Implications to land fill waste
- Processing of organic material

FOR (3): Councillor Isitt, Councillor Dubow, Councillor Loveday

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, Councillor Young

DEFATED (3 to 6)

On the main motion:

That Council direct staff to:

1. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable curbside comingled organics (kitchen scraps and yard waste) collection.
2. Initiate service changes and user outreach to transition from backyard to curbside garbage and comingled organics collection.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, Councillor Young, Councillor Loveday

OPPOSED (2): Councillor Isitt, Councillor Dubow

CARRIED (7 to 2)

F.2 Report from the March 18, 2021 COTW Meeting

F.2.a Council Member Motion: Support for an Arts Hub Pilot Project

Moved By Councillor Andrew

Seconded By Councillor Loveday

1. That Council supports Theatre SKAM's proposal to operate an "Arts Hub" pilot project primarily focused on the performing arts.
2. And that Council grant \$40,000 in one time funding from the City's contingency budget and \$20,000 in annual funding for a period of 5 years from new assessed revenue, to achieve the City's goals of setting up an Arts Hub in downtown Victoria, and to help make Theatre SKAM's proposal financially viable.
3. That Council receive a written report annually.
4. Include in the annual report the benefits to BIPOC, LGBTQIA+ and visual/cultural minority groups and people with disabilities who received funding

CARRIED UNANIMOUSLY

G. Short Term Rental Appeal

G.1 1044 Belmont Avenue - Short Term Rental Appeal

Council received a report dated March 3, 2021 from the City Clerk regarding the Short Term Business License Appeal for 1044 Belmont Avenue. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- *Clear evidence of a self-contained unit in advertisement*

- *Unit in contravention of the bylaw as presented*
- *Zoning permissions for land use*
- *Personal circumstances of the landowners*

Motion to adjourn the hearing:

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

That Council adjourn the hearing subject to receiving information as to the prior use of the property with respect to it being a regular Bed and Breakfast.

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

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

H. BYLAWS

H.1 Bylaw for Parks Amendment

Moved By Mayor Helps

Seconded By Councillor Andrew

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw No. 20-114

Council discussed the following:

- *Completion date for housing in development*
- *Clarity on transition period in April*
- *Provincial Heath Officer advice*

Motion to postpone:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That consideration of this matter be postponed until the Council meeting of April 8, 2021 to receive information from BC Housing regarding indoor housing options.

FOR (4): Councillor Isitt, Councillor Dubow, Councillor Potts, Councillor Loveday

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

DEFEATED (4 to 5)

On the main motion:

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw No. 20-114

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, Councillor Young, Councillor Loveday

OPPOSED (2): Councillor Isitt, Councillor Dubow

CARRIED (7 to 2)

H.2 Bylaw for Tree Protection

Moved By Mayor Helps

Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Tree Protection Bylaw No. 21-035

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

OPPOSED (2): Councillor Andrew, Councillor Young

CARRIED (7 to 2)

I. CLOSED MEETING

Moved By Councillor Potts

Seconded By Councillor Andrew

MOTION TO CLOSE THE MARCH 18, 2021 COUNCIL MEETING TO THE PUBLIC
That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(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.*

CARRIED UNANIMOUSLY

J. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Andrew

That the closed agenda be approved.

CARRIED UNANIMOUSLY

K. NEW BUSINESS

K.1 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal advice matter.

The motion was recorded and kept confidential.

K.2 Legal Advice/Litigation - Community Charter Section 90(1)(i) and 90(1)(g)

Council discussed a legal advice/litigation matter.

The motion was recorded and kept confidential.

L. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 9:53 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR