



MINUTES - COMMITTEE OF THE WHOLE

April 1, 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

This meeting may be viewed on the City's webcast at www.victoria.ca
Meeting will recess for a lunch break between 12:30 p.m. and 1:15 p.m.

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew,
Councillor Thornton-Joe, Councillor Young

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

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, M. Betanzo - Senior Planner, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond - Committee Secretary, C. Kingsley - City Clerk

A. APPROVAL OF AGENDA

Moved By Councillor Andrew
Seconded By Councillor Alto

That the agenda be approved.

Amendment:

Moved by Councillor Dubow
Seconded by Councillor Andrew

That the Agenda of the September 19, 2019, Committee of the Whole meeting be amended as follows:

Consent Agenda:

E.3 2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

F.4 901 Gordon Street: Seed and Stone Cannabis Store Referral

H.1 Council Member Motion: Advocacy for Protection of Fairy Creek and Other At-Risk Old-Growth Forests

CARRIED UNANIMOUSLY

Amendment:

Moved by Mayor Helps

Seconded by Councillor Alto

That item H.2. be postponed pending a report back from staff.

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

OPPOSED (1): Councillor Andrew

CARRIED (8 to 1)

On the main motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following items be approved without further debate:

CARRIED UNANIMOUSLY

Motion arising:

Moved by Councillor Isitt

Seconded by Councillor Dubow

That item H.1. be moved to the Agenda of the April 1, 2021 Daytime Council Meeting

CARRIED UNANIMOUSLY

E.3 2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Permit Application for the property located at 2747 Asquith Street in

order to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one).

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. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 1. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.4 901 Gordon Street: Seed and Stone Cannabis Store Referral

Committee received a report dated March 17, 2021 from the City Clerk regarding an application by Seed and Stone at 901 Gordon Street to obtain a provincial cannabis retail store license.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB):

The Council of the City of Victoria supports the application of Seed and Stone at 901 Gordon Street to receive a provincial cannabis retail store license with the following comments:

 - a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Seed and Stone at 901 Gordon 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 702 notices and received 2 responses. The City did not receive correspondence from the Downtown Residents Association. 1 respondent supports the application, and 1 respondent opposes the application.
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

E. LAND USE MATTERS

E.1 780-798 Fort Street & 1106-1126 Blanshard Street: Rezoning Application No. 00745, Development Permit with Variances Application No. 000580, Heritage Designation Application No. 000196 (Downtown)

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a proposal to rezone the properties located at 780-798 Fort Street and 1106-1108 Blanshard Street, to allow for a 20-storey hotel with office and ground floor commercial uses, as a bonus density condition based on the heritage designation and secured rental tenure on the adjoining property at 1114–1126 Blanshard Street.

Committee discussed the following:

- *Heritage aspects of the existing and proposed signs*
- *Interior features can receive a heritage designation but should be accessible to public*
- *The ADP recommendations and staff confirmed they were addressed*
- *The right of first refusal and protections for current tenants*
- *Density transfers and how the current proposal distributes density to ensure no additions to the Montrose Building and keeps massing away from St. Andrews Church*
- *The impact of the west frontage variance proposal on a potential future building at the adjacent parcel*
- *The proposal meets current and projected demand for parking*
- *That the applicant has committed to no evictions*

Moved By Councillor Andrew

Seconded By Councillor Young

Rezoning Application No. 00745

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, subject to minor plan amendments to correct the public realm details, and 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 the satisfaction of City Staff, to:
 - a. Secure 21 residential units as rental for 60 years;
 - b. Restrict the stratification of units at 780-798 Fort Street and 1106-1126 Blanshard Street;
 - c. Secure public realm improvements as indicated on the plans dated November 20, 2020;
 - d. Secure the historic rehabilitation of the ground floor storefronts to preserve the original transoms, and restore the altered transoms and bulkheads, as can be accommodated without displacing existing

- commercial tenants, in accordance with the heritage conservation plan, dated March 2021;
- e. Secure a sewer attention.
 2. Confirmation of the communication with existing tenants within the Montrose Apartments, outlining the commitments made to not evict tenants as part of the proposed renovations and, in instances where this cannot be avoided, tenant assistant commitments identified, to the satisfaction of the Director of Sustainable Planning and Community Development.
 3. 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. building encroachments adjacent to Blanshard Street and View Street for the existing Montrose Apartments;
 - b. anchor-pinning in the City right-of-way.

Development Permit with Variances

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. 00745, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street, in accordance with:

1. Plans date stamped November 18, 2020 with minor plan revisions to address Advisory Design panel comments, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 60 metres to 66 metres for Development Area A
 - ii. reduce the west side yard setback from 6 metres to 2.65 metres, for portions of the building 17.5 metres above average grade for Development Area A.
3. The Development Permit lapsing two years from the date of this resolution.”

Heritage Designation Application No. 000196

That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

“That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.”

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

4. That Council direct staff to explore, with the applicant, the possibility of securing significant internal heritage features and unit lay outs, within the Heritage Designation, as well as securing the installation of thermal windows when replaced.

CARRIED UNANIMOUSLY

Amendment:

Moved by Councillor Loveday

Seconded by Councillor Dubow

That Council request that the applicant consider instituting vacancy control to help secure the affordability of the housing units and disincentivize renovations.

E.1 Closed Item at 10:39 - Legal Advice - Community Charter Section 90(1)(i)

Moved By Councillor Isitt

Seconded By Councillor Dubow

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)(i) receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

The open meeting reconvened at 10:44 a.m.

On the amendment:

FOR (5): Councillor Isitt, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Young

CARRIED (5 to 4)

On the main motion as amended:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, subject to minor plan amendments to correct the public realm details, and 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 the satisfaction of City Staff, to:
 - a. Secure 21 residential units as rental for 60 years;
 - b. Restrict the stratification of units at 780-798 Fort Street and 1106-1126 Blanshard Street;
 - c. Secure public realm improvements as indicated on the plans dated November 20, 2020;
 - d. Secure the historic rehabilitation of the ground floor storefronts to preserve the original transoms, and restore the altered transoms and bulkheads, as can be accommodated without displacing existing commercial tenants, in accordance with the heritage conservation plan, dated March 2021;
 - e. Secure a sewer attention.
2. Confirmation of the communication with existing tenants within the Montrose Apartments, outlining the commitments made to not evict tenants as part of the proposed renovations and, in instances where this cannot be avoided, tenant assistant commitments identified, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. 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. building encroachments adjacent to Blanshard Street and View Street for the existing Montrose Apartments;
 - b. anchor-pinning in the City right-of-way.
4. That Council direct staff to explore, with the applicant, the possibility of securing significant internal heritage features and unit lay outs, within the Heritage Designation, as well as securing the installation of thermal windows when replaced.
5. That Council request that the applicant consider instituting vacancy control to help secure the affordability of the housing units and disincentivize renovations.

Development Permit with Variances

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. 00745, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street, in accordance with:

4. Plans date stamped November 18, 2020 with minor plan revisions to address Advisory Design panel comments, to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 60 metres to 66 metres for Development Area A
 - ii. reduce the west side yard setback from 6 metres to 2.65 metres, for portions of the building 17.5 metres above average grade for Development Area A.
6. The Development Permit lapsing two years from the date of this resolution.”

Heritage Designation Application No. 000196

That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

“That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.”

IN FAVOUR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, Councillor Potts, Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

E.2 545 Manchester Road and 520 Dunedin Street: Development Variance Permit No. 00256 (Burnside)

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Application for the property located at 545 Manchester Road and 520 Dunedin Street in order to increase the fence height from 1.2m (4ft) to 1.83m (6ft) in the front yard along Manchester Road.

Committee discussed the following:

- *Would a similar height be allowed if it were cedars as opposed to a fence.*

Moved By Councillor Andrew

That Council decline Development Variance Permit Application No. 00256 for the properties located at 545 Manchester Road and 520 Dunedin Street.

Failed to proceed due to no seconder

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

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. 00256 for 545 Manchester Road and 520 Dunedin Street in accordance with:

1. Plans date stamped February 1, 2021.
2. Development meeting all *Fence Bylaw* requirements, except for the following variance:
 - i. increase the height of fence from 1.2m to 1.83m.
3. The Development Permit lapsing two years from the date of this resolution.”

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

OPPOSED (4): Councillor Andrew, Councillor Isitt, Councillor Potts, Councillor Dubow

CARRIED (5 to 4)

F. STAFF REPORTS

F.1 Strategic Plan Actions - Public Hearing-Only Council Meetings and Video Submissions to Public Hearings

Committee received a report dated February 26, 2021 from the City Clerk and Director of Sustainable Planning and Community Development regarding the introduction of the legislative framework to permanently implement action items which have both been implemented on a temporary basis due to the pandemic and to discuss the experiences during the time they have been utilized.

Committee discussed the following:

- *If the Ministerial Order were to end the recommendations could be implemented via bylaws*
- *Time limits are specified in the Council Procedures Bylaw*
- *Prior to the pandemic video or electronic submissions were not permitted except to accommodate accessibility, the current policies are broadly addressing equity*
- *The rationale for splitting Requests to Address Council when there are more than six requests*
- *Live video participation from the public could be a possibility and could be decided in Governance Review*
- *Concerns with holding Daytime Council where substantive decisions are made when many people are working*
- *That the legislation states anyone who believes that they have an interest in a property has a right to participate in a public hearing*
- *If the Ministerial Order expired tomorrow, Council could pass procedure bylaws to retain the current participation methods*

Moved By Mayor Helps
Seconded By Councillor Thornton-Joe

That Council direct staff to:

1. Bring forward amendments to the Council Procedures Bylaw to:
 - a. formally establish daytime Council meetings to follow Committee of the Whole meetings and the order of business for them.
 - b. establish the Order of Business for evening Council meetings to include Public Hearings, Opportunities for Public Comment and Request to Address Council and Question Period.
2. Approve amendments to the Public Hearing Speaking Policy and Request to Address Council Policy to permit pre-recorded audio and video submissions and telephone participation.

Amendment:

Moved by Councillor Thornton-Joe

That the question period be removed from Evening Council meetings

Failed to proceed due to no seconder

Amendment:

Moved by Councillor Isitt

3. That Council direct staff to report back with amended policies and procedures governing public hearings and opportunities for public comment of land use and development applications, based on the following:
 - 1) That written submissions will be considered from individuals who have a residential or financial interest in the application.
 - 2) That live telephone submissions will be considered from individuals who have a residential or financial interest in the application.
 - 3) That live video submissions will be considered from individuals who have a residential or financial interest in the application, to take effect at such time as the city has technology available to accommodate live video submissions.
 - 4) That recorded submissions will be discontinued, the exception for people with disabilities.

Failed to proceed due to no seconder

Amendment:

Moved by Councillor Isitt
Seconded by Councillor Thornton-Joe

3. Report back on options to limit participation in public hearings and opportunities for public comment to individuals who have a bona fide residential or financial interest in the matter.

FOR (1): Councillor Isitt

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

DEFEATED

Motion to refer:

Moved by Councillor Isitt

Seconded by Councillor Andrew

That this matter be referred to the Governance Review

CARRIED UNANIMOUSLY

Motion arising:

Moved by Councillor Isitt

Seconded by Councillor Young

That Council request that staff restore the inclusion of Committee of the Whole reports and the reading of bylaws on the agenda of ordinary evening Council Meetings as soon as practicable.

FOR (5): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe

CARRIED (5 to 4)

Committee recessed at 12:32 p.m. and reconvened 1:15 p.m. Councillor Potts was not present when the meeting reconvened.

Motion arising:

Moved by Councillor Dubow

Seconded by Councillor Isitt

That as part of the Governance Review, that Council consider live video submissions from members of the public.

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

OPPOSED (1): Councillor Andrew

CARRIED (7 to 1)

Councillor Potts returned to the meeting at 1:18 p.m.

F.2 Strategic Plan Actions - Lobbyist Registry Considerations

Committee received a report dated March 15, 2021 from the City Clerk regarding options for creating a lobbyist registry within legal authority granted to municipalities by the Province of British Columbia and considers alternative methods to strengthen accountability and transparency in local governance.

Committee discussed the following:

- *Unknowns around authority for a Lobbyist Registry*
- *Lack of resources to move forward right now but support to refer*

Moved By Mayor Helps

Seconded By Councillor Alto

That Council refer considerations for creating a lobbyist registry to the Governance Review to evaluate additional methods to strengthen accountability and transparency in local governance.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (2): Councillor Young, Councillor Andrew

CARRIED (7 to 2)

F.3 Governance Review

Committee received a report dated March 16, 2021 from the City Clerk regarding the next steps required to move forward with the Governance Review process.

Committee discussed the following:

- *The need for a Governance Review given it has been a decade since the last one*
- *The scope of the Governance Review is malleable depending on the direction of Council, budget can adjust the scope*

Moved By Mayor Helps

Seconded By Councillor Andrew

That Council direct staff to initiate the procurement process for selecting consultant services for a Governance Review and report back to Council with the workplan once the consultant is selected.

CARRIED UNANIMOUSLY

F.5 Proposed Donation: Swim Platform in Gorge Waterway

Committee received a report dated March 15, 2021 from the Director of Parks, Recreation and Facilities regarding a proposed donation of a swim platform in the Gorge Waterway Park District.

Council discussed the following:

- *Accessibility in the Gorge and of the platform*
- *The City would be in a position to issue a tax receipt for the donation*
- *The City could enter negotiations with the applicant to donate the tax*

Moved By Councillor Dubow

Seconded By Councillor Isitt

That Council approve receipt of the donation of the swim platform from Aryze Developments Ltd, and direct staff to:

1. Complete a donation agreement with Aryze Developments Ltd, with terms satisfactory to the Director of Parks, Recreation and Facilities, and Chief Financial Officer; and in a form satisfactory to the City Solicitor;
2. Include the cost of maintaining the platform in the draft 2022 Financial Plan.

Amendment:

Moved by Councillor Dubow

That the applicant report back with options on moving the platform closer to the dock.

Failed to proceed due to no seconder

Moved by Councillor Andrew

Seconded by Councillor Alto

That the meeting be extended until 2:15 pm

CARRIED UNANIMOUSLY

Amendment:

Moved by Councillor Isitt

Seconded by Councillor Dubow

To discuss options with the donor related to the issuance of a tax receipt and potential recovery of some of the tax savings towards the cost of upgrades, maintenance, and/or replacement of the asset.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council approve receipt of the donation of the swim platform from Aryze Developments Ltd, and direct staff to:

1. Complete a donation agreement with Aryze Developments Ltd, with terms satisfactory to the Director of Parks, Recreation and Facilities, and Chief Financial Officer; and in a form satisfactory to the City Solicitor;
2. Include the cost of maintaining the platform in the draft 2022 Financial Plan.
3. To discuss options with the donor related to the issuance of a tax receipt and potential recovery of some of the tax savings towards the cost of upgrades, maintenance, and/or replacement of the asset.

CARRIED UNANIMOUSLY

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the Committee of the Whole Meeting be adjourned at 2:09 pm

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR