



MINUTES - VICTORIA CITY COUNCIL

November 12, 2020, 3:07 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 Dubow, Councillor Loveday (joined at 3:30 p.m.), Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary

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 Thornton-Joe

That the Committee of the Whole Report from November 12, 2020 be added to the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held October 15, 2020

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the daytime meeting held October 15, 2020 be adopted.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Rising Economy Week" - November 16 - 20, 2020

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following proclamation be endorsed:

- Rising Economy Week - November 16 - 20, 2020

CARRIED UNANIMOUSLY

D.2 "Day of Awareness for Survivors of Financial Abuse and Economic Injustice" - November 26, 2020

Moved By Councillor Alto

Seconded By Councillor Potts

That the following proclamation be endorsed:

- Day of Awareness for Survivors of Financial Abuse and Economic Injustice - November 26, 2020

CARRIED UNANIMOUSLY

D.3 "Orange Days: End Violence Against Women and Girls" – November 25, 2020 to December 10, 2020

Council discussed:

- *Whether it is possible to light up the fountain or City Hall in orange.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following proclamation be endorsed:

- Orange Days: End Violence Against Women and Girls - November 25, 2020 to December 10, 2020

CARRIED UNANIMOUSLY

D.4 "World Diabetes Day" – November 14, 2020

Moved By Councillor Thornton-Joe

Seconded By Councillor Dubow

That the following proclamation be endorsed:

- World Diabetes Day - November 14, 2020

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the November 5, 2020 COTW Meeting

**F.1.a.a 611 and 629 Speed Avenue -Development Variance Permit
No. 00243 (Burnside)**

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. 00243 for 611 and 629 Speed Avenue, in accordance with:

1. Plans date stamped October 14, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the site area of proposed strata lot 1 from 5340m² to 2112m²;
 - ii. reduce the site area of proposed strata lot 2 from 5340m² to 3237m²;
 - iii. reduce the required number of residential parking spaces from 65 to 16 for strata lot 1;
 - iv. reduce the required number of visitor parking spaces from 7 to 4 for strata lot 1.
3. The applicant must provide two car share vehicles, two designated car share parking spaces with energized electrical outlets each capable of 240 volts and 30 amps, 100 car share memberships and usage credits in Phase 1, 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.b 1002 Vancouver Street: Development Permit with Variance
Application No. 00154 (Fairfield)**

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with a Variance Application No. 00154 for 1002 Vancouver Street, in accordance with:

- Plans date stamped August 19, 2020.
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.65 metres to 0.3 metres
 - ii. reduce the minimum parking requirement from 31 spaces to 10 spaces *Development Variance Permit Application No. 00195 reduced the parking requirement from 21 spaces to 12 parking spaces
- The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.1.a.c Equity Workshop - Update, Community Profile, Next Steps

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council receive this report for information.

CARRIED UNANIMOUSLY

F.1.a.d 1133 Fort Street: Rezoning Application No. 00727 (Fairfield)

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00727 for 1133 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

F.1.a.e 1628 Edgeware Road: Rezoning Application No. 00726 and Development Permit with Variances Application No. 00138 (Oaklands)

Moved By Councillor Potts
Seconded By Councillor Alto

Rezoning Application No. 00726

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00726 for 1628 Edgeware Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- Preparation and execution of a legal agreement to secure operational details including staffing and services offered, to the satisfaction of the Director of Sustainable Planning and Community Development.
- Preparation and execution of a statutory right-of-way of 1.18m along the rear lane, to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00138

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. 00726, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00138 for 1628 Edgeware Road, in accordance with:

1. Plans date stamped October 5, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 7.5m to 6.75m
 - ii. reduce the rear yard setback from 9.14m to 8.3m
 - iii. reduce the combined side yard setbacks from 4.5m to 3.04m
 - iv. increase the site coverage from 40% to 41.4%
 - v. reduce the required vehicle parking from 6 stalls to 1 stall.
3. Registration of legal agreements on the property's title to secure the operation of the rest home facility, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Final plans to be generally in accordance with plans date stamped October 5, 2020.
5. The Development Permit lapsing two years from the date of this resolution."

FOR (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, and Councillor Young

OPPOSED (1): Councillor Thornton-Joe

CARRIED (5 to 1)

F.1.a.f 1834 Stanley Avenue: Work Without Permit - Bylaw File #156641

Moved By Councillor Potts

Seconded By Councillor Young

1. That the Council direct the City Clerk to file a notice in the Land Title Office in relation to a property located at 1834 Stanley Avenue, legally described as *SECTION 75 VICTORIA PLAN VIP206 PARCEL B, E PT LOTS 14/15/16 HERITAGE DESIGNATION* indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

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

OPPOSED (1): Councillor Alto

CARRIED (5 to 1)

F.1.a.g 2021-2025 Draft Financial Plan

Moved By Councillor Potts

Seconded By Councillor Dubow

That Council receive this report for information and give further consideration on November 30, 2020.

CARRIED UNANIMOUSLY

F.1.a.h Council Member Motion: Extended Hours for Showers and Washrooms

Councillor Thornton-Joe advised she is still waiting for BC Housing and Island Health. She noted that Our Place will proceed with the initiative as there is a fundraising effort available.

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the City continue to provide funding to Our Place through Emergency Management BC for shower services and to seek funding from Island Health and BC Housing to extend services to provide showers from 8am to 9pm daily.

That staff report back to Council should Emergency Management BC indicate that it intends to withdraw its funding.

CARRIED UNANIMOUSLY

F.1.a.i Council Member Motion: Access to Transit

Moved By Councillor Potts

Seconded By Councillor Dubow

- That the City of Victoria allocate up to \$2812.50 per month to the Community Social Planning Councils BC Transit Ticket Assistance Program, from the financial stability reserve, for the provision of transit fare for persons sheltering outdoors.
- That the City of Victoria work with the Coalition to End Homelessness, the Community Social Planning Council, and existing distributors to determine a distribution plan for transit fare.
- That this funding allocation be reviewed in 3 months time.

CARRIED UNANIMOUSLY

F.1.b Report from the November 12, 2020 COTW Meeting

F.1.b.a Implications of Sheltering Set-backs from Private Property Boundaries Adjacent to Parks and Open Spaces

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council direct staff to prepare a bylaw amendment for first reading, introducing a set back provision of 4 metres between a shelter erected in accordance with 16A of the Parks Regulation Bylaw, and adjacent private property.

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

OPPOSED (1): Councillor Alto

CARRIED (5 to 1)

F.1.b.b 1908, 1916, and 1920 Oak Bay Avenue - Update to Rezoning Application No. 00694 and Development Permit with Variances Application No. 000551

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

Rezoning Application No. 00694

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the

proposed development outlined in Rezoning Application No. 00694 for 1908, 1916, and 1920 Oak Bay Avenue, 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. ensure that a future strata cannot restrict the rental of units to non-owners, 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. \$25,000 towards the construction of a crosswalk
 - ii. one car share membership per dwelling unit
 - iii. one car share membership per commercial unit
 - iv. one hundred dollars in car share usage credits per membership
 - v. electric vehicle conduits for all underground parking stalls
 - vi. four electric vehicle charging stations
 - vii. 24 electric bike charging stations
 - viii. one bicycle repair station;
 - c. secure a Statutory Right-of-Way of 3.35 meters along the Oak Bay Avenue to the satisfaction of the Director of Engineering and Public Works; and
 - d. to secure the following, to the satisfaction of the Director of Engineering and Public Works:
 - i. public realm improvements to Oak Bay Avenue and Redfern Street; and
 - ii. removal and disposal of existing storm drain main along the frontage in its current alignment, including excavation, backfill above the spring line of the new pipe, and surface restoration.

Development Permit with Variances Application No. 000551

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. 00694, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue, in accordance with:

1. Plans date stamped September 29, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front setback (south) for the upper storeys from 6.00m to 2.30m;

- ii. reduce the rear setback (north) from 6.00m to 5.30m;
 - iii. reduce the interior lot line setback (west) for the second and third storeys from 2.40m to 1.00m;
 - iv. reduce the interior lot line setback (west) for the second storeys from 2.40m to 0.15m for planter boxes;
 - v. reduce the flanking street setback (east) from 2.40m to 0.35m;
 - vi. reduce the number of commercial vehicle parking spaces from 26 to 10;
 - vii. reduce the number of residential vehicle parking spaces from 44 to 43;
 - viii. increase the distance between entrances and the short term bicycle parking from 15m to 48.1m;
 - ix. increase the number of storeys from 4 to 5;
 - x. increase the height from 15m to 17.68m.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.1.b.c Sheltering Impacts Within the Downtown Victoria Business Association

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council receive this report for information and add Centennial Square to the list of prohibited spaces for camping with this provision to expire at the same time as those in section 16B of the Parks Regulation Bylaw.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Alto

That Council receive this report for information and add Centennial Square to the list of prohibited spaces for camping with this provision to expire at the same time as those in section 16B of the Parks Regulation Bylaw **and that Council direct staff to bring back for Council's consideration this section in early March 2021**

FOR (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Potts

CARRIED (4 to 2)

On the main motion as amended:

That Council receive this report for information and add Centennial Square to the list of prohibited spaces for camping with this provision to expire at the same time as those in section 16B of the Parks Regulation Bylaw and that Council direct staff to bring back for Council's consideration this section in early March 2021.

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

OPPOSED (1): Councillor Dubow

CARRIED (5 to 1)

F.1.b.d Council Member Motion: Immediate Temporary and Long-Term Housing Solutions for People Sheltering in City Parks and repealing Temporary Adjustments to the Parks Regulation Bylaw

Moved By Mayor Helps
Seconded By Councillor Alto

1. That Council direct staff to work with a private land owner or use city-owned land for the construction of temporary tiny home clusters of no more than 30 units beginning with one pilot project in Q1 of 2021 subject to the availability of one year of operating funding from BC Housing.
2. That Council allocate a portion of the City's federal-provincial restart money to help fund solutions that will move people indoors.
3. That the City request the Province immediately open Oak Bay Lodge to people 55 years and older who are currently living in City parks and/or shelters until the vacant building is demolished for redevelopment.
4. That the City indicate to the Province that it supports the use of the two sites recently purchased by the Province on Yates Street and Meares Street for affordable, supportive housing and encourages the Province to begin construction of modular housing on those sites as soon as possible, respecting the City's design guidelines.
5. That the City of Victoria works with the Province and other partners to offer housing or indoor shelter with a path to permanent housing for everyone currently sheltering in City parks by March 31st 2021 and directs staff to bring forward amendments to the Parks Regulation Bylaw so that the temporary measures including 24/7 camping expire on March 31st 2021. Final adoption of these amendments are to be scheduled once it is clear that adequate housing and shelter space will be made available by the March 31st deadline.

6. That the City supports partner agencies in engaging people currently sheltering in City parks to determine their housing and support needs, to inform the operation of shelter and housing facilities and ensure access to safe and adequate housing for all.

Councillor Young requested that the motion be voted on separately.

Moved By Mayor Helps
Seconded By Councillor Alto

1. That Council direct staff to work with a private land owner or use city-owned land for the construction of temporary tiny home clusters of no more than 30 units beginning with one pilot project in Q1 of 2021 subject to the availability of one year of operating funding from BC Housing.

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

OPPOSED (1): Councillor Young

CARRIED (5 to 1)

Moved By Mayor Helps
Seconded By Councillor Alto

2. That Council allocate a portion of the City's federal-provincial restart money to help fund solutions that will move people indoors.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Alto

3. That the City request the Province immediately open Oak Bay Lodge to people 55 years and older who are currently living in City parks and/or shelters until the vacant building is demolished for redevelopment.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Alto

4. That the City indicate to the Province that it supports the use of the two sites recently purchased by the Province on Yates Street and Meares Street for affordable, supportive housing and encourages the Province to begin construction of modular housing on those sites as soon as possible, respecting the City's design guidelines.

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

OPPOSED (1): Councillor Young

CARRIED (5 to 1)

Moved By Mayor Helps
Seconded By Councillor Alto

5. That the City of Victoria works with the Province and other partners to offer housing or indoor shelter with a path to permanent housing for everyone currently sheltering in City parks by March 31st 2021 and directs staff to bring forward amendments to the Parks Regulation Bylaw so that the temporary measures including 24/7 camping expire on March 31st 2021. Final adoption of these amendments are to be scheduled once it is clear that adequate housing and shelter space will be made available by the March 31st deadline.

FOR (4): Mayor Helps, Councillor Alto, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (2): Councillor Dubow, and Councillor Young

CARRIED (4 to 2)

Moved By Mayor Helps
Seconded By Councillor Alto

6. That the City supports partner agencies in engaging people currently sheltering in City parks to determine their housing and support needs, to inform the operation of shelter and housing facilities and ensure access to safe and adequate housing for all

CARRIED UNANIMOUSLY

F.1.b.e Council Member Motion: Funding for Sanctuary Youth Centre

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That staff report back on availability of funding to provide \$27,490 to fund the Sanctuary Youth Drop In for an additional 3 hours on days that they are currently open and to provide funds for a day shelter in the event of extreme weather.

Councillor Loveday joined the meeting at 3:30 pm.

Amendment:
Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

~~That staff report back on availability of funding to provide~~
\$27,490 **be allocated from the Financial Stability Reserve** to fund the Sanctuary Youth Drop In for an additional 3 hours on days that they are currently open and to provide funds for a day shelter in the event of extreme weather.

CARRIED UNANIMOUSLY

On the main motion as amended:

That \$27,490 be allocated from the Financial Stability Reserve to fund the Sanctuary Youth Drop In for an additional 3 hours on days that they are currently open and to provide funds for a day shelter in the event of extreme weather.

CARRIED UNANIMOUSLY

F.1.b.f Grant Program for Emergency Social Services

Moved By Councillor Young

Seconded By Councillor Alto

1. That Council allocate up to \$100,000 from the federal-provincial restart funding to initiate a one-time grant program to deliver mobile hygiene and other social services.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for 324/328 Cook Street and 1044, 1048, and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variance Application No. 000527

Moved By Councillor Young

Seconded By Councillor Alto

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 20-081 (Amendment No. 1233), and give first, second and third readings of Housing Agreement (324 Cook Street) Bylaw No. 20-082.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Short Term Rental Business Licence Appeal Hearings

H.1.a Short Term Rental Appeal Hearing: 7-290 Superior Street

Council received a report dated November 5, 2020 from the City Clerk regarding the Short Term Business License Appeal for 7-290 Superior Street.

Councillor Potts recused herself from the meeting at 3:41 p.m. due to a pecuniary conflict of interest as her house is in close proximity to the residence in question.

The City Clerk outlined the process of compiling the information that comes before Council.

The Mayor outlined the process for the hearing before Council.

Council discussed:

- 1. The owner advertising the suite as a self-contained suite, which goes against our bylaw.*
- 2. It was noted that there is no cooking stove or fridge, and therefore making it unsuitable for the rental market.*

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council allow the reconsideration request of Jessica Tatlow and direct issuance of the 2020 short-term business licence for the premises at 7 - 290 Superior Street.

FOR (4): Mayor Helps, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Alto, and Councillor Dubow

CARRIED (4 to 2)

Councillor Potts rejoined the meeting at 4:05 pm.

H.1.b Short Term Rental Appeal Hearing: 42 Moss Street

Council received a report dated November 5, 2020 from the City Clerk regarding the Short Term Business License Appeal for 42 Moss Street.

The City Clerk outlined the process of compiling the information that comes before Council.

The Mayor outlined the process for the hearing before Council.

Council discussed:

- 1. That the property is clearly advertised as a functioning two-bedroom suite.*

Moved By Councillor Loveday

Seconded By Councillor Potts

That Council deny the reconsideration request of Birute Curran and uphold the Licence Inspectors decision to deny a short-term rental business licence for premises at 42 Moss Street.

CARRIED UNANIMOUSLY

I. CLOSED MEETING

Moved By Councillor Potts

Seconded By Councillor Young

MOTION TO CLOSE THE NOVEMBER 12, 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)(c) labour relations or other employee relations;

Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and

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

K. READING OF CLOSED MINUTES

N. NEW BUSINESS

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

This item was deferred.

N.2 Legal Advice - Community Charter Section 90(1)(i)

Council discussed a Legal Advice matter.

The motion was recorded and kept confidential.

N.3 Law Enforcement - Community Charter Section 90(1)(f)

Council discussed a Law Enforcement matter.

The motion was recorded and kept confidential.

All staff, except the City Manager, were excused at 3:42 p.m.

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

Council discussed an Employee Relations matter.

P. ADJOURNMENT

Moved By Councillor Loveday
Seconded By Councillor Potts

That the Council meeting adjourn.

Time: 4:07. p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR