



MINUTES - COMMITTEE OF THE WHOLE

July 29, 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 Dubow (9:07 a.m.), Councillor Isitt (9:15 a.m.), Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, 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, J. Biem – Assistant City Solicitor, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, L. Taylor - Senior Planner, S. Webb - Manager of Transportation, N. Sidhu - Assistant Director of Parks, Recreation & Facilities, P. Bellefontaine - Director of Engineering & Public Works, M. Mclean – Community Planner, G. Diamond – Council and Committee Secretary

A. APPROVAL OF AGENDA

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That the agenda be approved.

Amendment:

Moved by Councillor Loveday

Seconded by Councillor Alto

Consent Agenda:

- F.5 – Proclamation: Commemoration of the Bicentennial of the Independence of the Republic of Peru Day – July 28, 2021
- H.3 – Council Member Motion: Bank Street School

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following items be approved without further debate

CARRIED UNANIMOUSLY

F.5 Proclamation: Commemoration of the Bicentennial of the Independence of the Republic of Peru Day – July 28, 2021

Committee received a report dated July 26, 2021 from the City Clerk report regarding the proclamation for the Commemoration of the Bicentennial of the Independence of the Republic of Peru Day, July 28, 2021

Moved By Councillor Loveday
Seconded By Councillor Alto

That the Commemoration of the Bicentennial of the Independence of the Republic of Peru Day Proclamation be forwarded to the July 29, 2021 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

H.3 Council Member Motion: Bank Street School

Committee received a Council Member Motion dated July 26, 2021 from Councillor Thornton-Joe and Councillor Alto regarding a request that the Mayor ask SD61 to meet with the South Jubilee Neighbourhood Association Board to discuss the future of and answer questions regarding Bank School.

Moved By Councillor Loveday
Seconded By Councillor Alto

That Mayor ask SD61 to meet with the South Jubilee Neighbourhood Association Board to discuss the future of and answer questions regarding Bank School.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the meeting held July 8, 2021

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That the minutes from the COTW meeting held July 8, 2021 be adopted.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 953 Balmoral - Requests from BC Housing to Terminate Housing Agreement, cancel Development Permit with Variance, and Discharge Legal Agreements Registered on the Title of 953 Balmoral Road (North Park)

Committee received a report dated July 15, 2021 from the Director of Sustainable Planning and Community Development regarding information, analysis and recommendations in response to a request from BC Housing to remove a number of encumbrances from title at 953 Balmoral Road.

Councillor Dubow joined the meeting at 9:07 a.m.

Councillor Isitt joined the meeting at 9:15 a.m.

Motion to go into a closed Committee of the Whole meeting at 9:10 a.m.

MOTION TO CLOSE THE JULY 29, 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(2) 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(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party

CARRIED UNANIMOUSLY

Closed Meeting - Intergovernmental Relations – Community Charter Section 90(2)(b)

Committee discussed an intergovernmental relations matter.

The conversation was recorded and kept confidential.

The open Committee of the Whole meeting reconvened at 9:26 a.m.

Moved By Councillor Dubow

Seconded By Councillor Young

That Council:

1. Decline the request to terminate the Housing Agreement for 953 Balmoral Road.
2. Authorize the City Solicitor to discharge the existing Car Share Covenant and associated Statutory Right-of-Way (CA7872359 and CA7872361) from the title of 953 Balmoral Road.
3. Approve the cancellation of Development Permit with Variance No. 000506.
4. Direct staff to prepare the legal agreements to secure a Statutory Right-of-Way of 1.22m along the frontage of 959 Balmoral Road.

FOR (1): Councillor Young

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

DEFEATED (8 to 1)

Alternate Motion:

Moved By Councillor Alto

Seconded by Councillor Dubow

That Council:

1. Instruct the City Solicitor to bring forward a bylaw that would authorize termination of the Housing Agreement for 953 Balmoral Road.
2. Authorize the City Solicitor discharge the existing Car Share Covenant and associated Statutory Right-of-Way (CA7872359 and CA7872361) from the title of 953 Balmoral Road.
3. Cancel Development Permit with Variance No. 000506.
4. Direct staff to prepare the legal agreements to secure a Statutory Right-of-Way of 1.22m along the frontage of 959 Balmoral Road.

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

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

F. STAFF REPORTS

F.1 Missing Middle Housing Initiative

Committee received a report dated July 16, 2021 from the Director of Sustainable Planning and Community Development regarding potential zoning approaches for a menu of missing middle housing options which respond to existing City

policies, input gathered through early engagement, and insight from analysis of existing conditions, architectural testing, and economic analysis.

Moved By Mayor Helps

Seconded By Councillor Alto

1. That Council direct staff to:
 - a. Undertake broad consultation regarding policy and regulatory options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.
 - b. Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:
 - i. Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.
 - ii. Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.
 - iii. Support up to 1.1:1 Floor Space Ratio (FSR).
 - c. Consider consultation under section 475(2)(b) of the Local Government Act and direct staff to refer the Official Community Plan Amendment Bylaw to the Capital Regional District Board, School District 61, Township of Esquimalt, District of Saanich, the District of Oak Bay, the Songhees Nation, the Esquimalt Nation, Island Health, the Province of BC, and the Federal Government.
 - d. Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation on the proposed amendments to the Official Community Plan 2012 in accordance with the consultation plan in Attachment A.
 - e. Report back to Council with details of the feedback received, estimation of resource impacts, and seek instructions for drafting bylaw amendments.
2. That Council forward consideration of this motion to the August 5, 2021 Council meeting.

Committee discussed the following:

- *This form of housing would fit in lower density neighbourhoods*
- *Missing Middle housing can target smaller builders who normally wouldn't develop land.*
- *Provides an opportunity for intergenerational housing*
- *Concern that this suite of policies could make the city less affordable*
- *Affordability is captured in a suite of recent Council motions*
- *How this impacts the Housing Conversion Bylaws*
- *Eliminating parking requirements could present challenges*

Amendment:

Moved by Councillor Isitt

Seconded by Councillor Dubow

Undertake broad consultation regarding policy and regulatory options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report **focused on expanding security of tenure for equity-seeking groups through the creation of net new affordable rental, co-operative and ownership housing units.**

Committee recessed at 11:09 a.m. and reconvened at 11:17 a.m.

Amendment to the amendment:

Moved by Councillor Loveday

Seconded by Councillor Isitt

That this amendment be number 1.f

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved by Councillor Loveday

Seconded by Councillor Dubow

~~“, focused on expanding security of tenure for equity-seeking groups through the creation of net new affordable rental, co-operative and ownership housing units.”~~

Continue to focus on finding innovated approaches to create new rental affordable rental and cooperative and ownership housing units.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Amendment to add a number 1.g:

Moved by Councillor Isitt

Seconded by Councillor Loveday

That staff report back on options for amending the housing conversion regulations to remove barriers for the creation of four-plexes on residential lots.

FOR (2): Councillor Dubow, Councillor Isitt

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

DEFEATED (7 to 2)

On the main motion as amended:

1. That Council direct staff to:

- a. Undertake broad consultation regarding policy and regulatory **and delegated process** options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.
 - b. Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:
 - i. Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.
 - ii. Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.
 - iii. Support up to 1.1:1 Floor Space Ratio (FSR).
 - c. Consider consultation under section 475(2)(b) of the Local Government Act and direct staff to refer the Official Community Plan Amendment Bylaw to the Capital Regional District Board, School District 61, Township of Esquimalt, District of Saanich, the District of Oak Bay, the Songhees Nation, the Esquimalt Nation, Island Health, the Province of BC, and the Federal Government.
 - d. Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation on the proposed amendments to the Official Community Plan 2012 in accordance with the consultation plan in Attachment A.
 - e. Report back to Council with details of the feedback received, estimation of resource impacts, and seek instructions for drafting bylaw amendments.
 - f. Continue to focus on finding innovated approaches to create new rental affordable rental and cooperative and ownership housing units.
2. That Council forward consideration of this motion to the August 5, 2021 Council meeting.

Councillor Isitt requested that the motions be considered separately

On the number one (a) as amended:

1. That Council direct staff to:
 - a. Undertake broad consultation regarding policy and regulatory **and delegated process** options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.

CARRIED UNANIMOUSLY

On the number one (b):

- b. Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:
 - i. Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.
 - ii. Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.

- iii. Support up to 1.1:1 Floor Space Ratio (FSR).

Amendment:

Moved by Councillor Isitt

Seconded by Councillor Dubow

b. Prepare **Engage the public on the following potential** amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:

- i. Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.
- ii. Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.
- iii. Support up to 1.1:1 Floor Space Ratio (FSR).

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

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

DEFEATED (5 to 4)

On the number one (b):

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

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

CARRIED (5 to 4)

On the number one (c):

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

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

CARRIED (5 to 4)

On the number one (d):

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

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

CARRIED (5 to 4)

On the number one (e):

CARRIED UNANIMOUSLY

On the number one (f):

CARRIED UNANIMOUSLY

On the number two:

CARRIED UNANIMOUSLY

Committee recessed at 12:30 p.m. and reconvened at 1:16 p.m.

F.4 Report Back: Expanding food and pollinator growing initiatives on municipal land

Committee received a report dated July 22, 2021 from the Director of Parks, Recreation and Facilities regarding options to increase the cultivation of food and pollinator plants on municipal land, as requested in 2020.

Motion to extend:

Moved by Councillor Alto

Seconded by Councillor Andrew

That the meeting be extended to 2:45 p.m. and item F.4 be moved to next week's COTW meeting

CARRIED UNANIMOUSLY

F.2 Interim Equity Decision-Making Tool

Committee received a report dated July 20, 2021 from the Head of Service Improvement and Innovation regarding the Interim Equity Decision-Making Tool to assist Council and staff to ensure that barriers and adverse impacts are assessed and mitigated for new service and program changes.

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council

1. Endorse the Interim Equity Decision-Making Tool for use by Council and staff to assess equity impacts on decisions, subject to comment by the Accessibility Advisory Committee; and
2. Direct staff to bring forward a revised Equity Decision-Making Tool as part of the Equity Framework in the fall of 2021.

Committee discussed the following:

- *The Council Report is a synopsis of development so far. Attachment A will become the tool*
- *The language is currently simple to make it accessible*
- *The Interim tool is based on a human rights framework*

Amendment to add #3:

Moved by Councillor Dubow

Seconded by Councillor Isitt

That Council direct staff to revise the equity decision making tool based on council discussion today and provide recommendations on how to integrate the decision making tool into the staff reports going forward and having a template as a user-guide.

Amendment to the amendment:

Moved by Councillor Isitt

Seconded by Councillor Dubow

That Council direct staff to ~~revise the equity decision making tool based on council discussion today and~~ provide recommendations on how to integrate the decision making tool into the staffs report going forward and having a template as a user-guide.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Amendment to add #4:

Moved by Councillor Isitt

Seconded by Councillor Dubow

4. Direct staff to consider including the following question as a new Step 1 in the Equity Decision-Making Tool when staff report back to Council in the fall of 2021: "Step 1. Will the project have positive impacts on one or more equity seeking groups? If not, why should the project be prioritized over projects that would have positive impacts? Or, how could the project be adapted in order to have positive impacts on one or more equity seeking groups?"

Motion to extend:

Moved by Councillor Isitt

Seconded by Councillor Dubow

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

CARRIED UNANIMOUSLY

On the amendment to add #4:

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council

1. Endorse the Interim Equity Decision-Making Tool for use by Council and staff to assess equity impacts on decisions, subject to comment by the Accessibility Advisory Committee; and
2. Direct staff to bring forward a revised Equity Decision-Making Tool as part of the Equity Framework in the fall of 2021.
3. That Council direct staff to provide recommendations on how to integrate the decision making tool into the staff reports going forward and have a template as a user-guide.
4. Direct staff to consider including the following question as a new Step 1 in the Equity Decision-Making Tool when staff report back to Council in the fall of 2021: "Step 1. Will the project have positive impacts on one or more equity seeking groups? If not, why should the project be prioritized over projects that would have positive impacts? Or, how could the project be adapted in order to have positive impacts on one or more equity seeking groups?"

CARRIED UNANIMOUSLY

F.3 Council Procedure Bylaw Amendment – Bill 10

Committee received a report dated July 21, 2021 from the City Clerk regarding the new Municipal Affairs Statutes Amendments Act, 2021 and its implications for current Council meeting procedures and practices.

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That Council proceed with readings for the Council Procedures Bylaw, Amendment Bylaw No. 21-074, and that the recommendation and the bylaw be forwarded to the August 5, 2021 daytime Council meeting.

Committee discussed the following:

- *September 2nd will be the first meeting with the public allowed to attend*
- *The pandemic allowed participation to evolve with online participation for Council and the public*
- *Before the pandemic the bylaw allowed up to two members attend virtually*

Amendment:

Moved by Councillor Isitt

Seconded by Councillor Dubow

That Council restore the ordinary procedures around consideration of business at evening council meetings effective September, 2021

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

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

DEFEATED (5 to 4)

On the main motion:

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Council Member Motion: Gate for Ross Bay Cemetery

Committee received a Council Member Motion dated July 26, 2021 from Councillor Thornton-Joe and Councillor Alto regarding the Old Cemetery Society's desire to build a permanent entrance gate and sign.

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That staff report back on mechanisms so that this project can be completed as soon as possible, possibly before the heritage alteration permit expires in November.

Committee discussed the following:

- *Those dialogues have been going on since 2019 on this topic*

Motion to refer:

Moved by Mayor Helps

That this be referred to the 2022 budget process along with any other citizen infrastructure projects on public land that come forward to staff or councillors.

DEFEATED DUE TO NO SECONDER

Amendment:

Moved by Mayor Helps

Seconded by Councillor Andrew

And direct staff to report back on what will need to be dropped from existing work in order to accomplish this project.

CARRIED UNANIMOUSLY

On the main motion as amended:

That staff report back on mechanisms so that this project can be completed as soon as possible, possibly before the heritage alteration permit expires in November and direct staff to report back on what will need to be dropped from existing work in order to accomplish this project.

CARRIED UNANIMOUSLY

H.2 Council Member Motion: Emancipation Day

Committee received a Council Member Motion dated July 26, 2021 from Councillor Dubow regarding Emancipation Day, Sunday, August 1, 2021.

Moved By Councillor Dubow

Seconded By Councillor Loveday

BE IT RESOLVED that Council of the City of Victoria, British Columbia recognize and proclaim Sunday August 01, 2021 as Emancipation Day

BE IT FURTHER RESOLVED that Council direct the Mayor to write to the Province of British Columbia to call for Emancipation Day on August 1st to be recognized as a holiday.

That this item be forwarded to the July 29, 2021 daytime Council meeting.

Committee discussed the following:

- *That the province and federal government have declared August 1st as Emancipation Day but are working on making it a national holiday*

Motion to extend:

Moved By Councillor Andrew

Seconded By Councillor Loveday

That the meeting be extended to 3:15 p.m.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Andrew

Seconded By Councillor Young

~~BE IT FURTHER RESOLVED that Council direct the Mayor to write to the Province of British Columbia to call for Emancipation Day on August 1st to be recognized as a holiday.~~

FOR (2): Councillor Andrew, Councillor Young

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

DEFEATED (7 to 2)

Amendment:

Moved by Mayor Helps

Seconded by Councillor Alto

That part two be referred back to Councillor Dubow to bring back to Council more clarity on this matter.

Amendment to the amendment:

Moved by Councillor Isitt

Seconded by Councillor Loveday

BE IT FURTHER RESOLVED that Council direct the Mayor to write to the **Government of Canada** ~~Province of British Columbia~~ to call for Emancipation Day on August 1st to be recognized as a **national** holiday.

~~That part two be referred back to Councillor Dubow to bring back to Council more clarity on this matter.~~

CARRIED UNANIMOUSLY

On the amendment:

BE IT FURTHER RESOLVED that Council direct the Mayor to write to the **Government of Canada** to call for Emancipation Day on August 1st to be recognized as a **national** holiday.

CARRIED UNANIMOUSLY

On the main motion as amended:

BE IT RESOLVED that Council of the City of Victoria, British Columbia recognize and proclaim Sunday August 01, 2021 as Emancipation Day

BE IT FURTHER RESOLVED that Council direct the Mayor to write to the Government of Canada to call for Emancipation Day on August 1st to be recognized as a national holiday.

That this item be forwarded to the July 29, 2021 daytime Council meeting.

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

CARRIED (7 to 2)

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Loveday
Seconded By Councillor Alto

That the Committee of the Whole Meeting be adjourned at 3:20 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR