



MINUTES - VICTORIA CITY COUNCIL

May 20, 2021, 12:00 P.M.

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

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 Andrew, Councillor Thornton-Joe

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Alto, Councillor Young

ABSENT: Councillor Loveday

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, J. Jensen - Head of Human Resources, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Fedyczkowska - Legislation & Policy Analyst, C. Kingsley - City Clerk, S. Stoltz - Committee Secretary, G Milne - Head of Strategic Operations, J Biem - Assistant City Solicitor

B. APPROVAL OF AGENDA

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held March 18, 2021

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the minutes from the daytime meeting held March 18, 2021 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the daytime meeting held March 25, 2021

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the minutes from the daytime meeting held March 25, 2021 be adopted.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Intergenerational Day Canada" - June 1, 2021

Moved By Councillor Andrew

Seconded By Councillor Potts

That the following proclamation be endorsed:

1. "Intergenerational Day Canada" - June 1, 2021

CARRIED UNANIMOUSLY

D.2 "World Refugee Day" - June 20, 2021

Moved By Councillor Alto

Seconded By Councillor Dubow

That the following proclamation be endorsed:

1. "World Refugee Day" - June 20, 2021

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the May 13 COTW Meeting

E.1.a.a Proposed Amendments to the Street and Traffic Bylaw Accessible Parking

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council instruct the City Solicitor to bring forward amendments to the Streets and Traffic Bylaw to provide on-street parking free of charge, with a four-hour time limit, on Sundays for vehicles displaying disabled decals.

CARRIED UNANIMOUSLY

E.1.a.b 2021 Community Garden Micro Grant Applications

Moved By Councillor Isitt

Seconded By Councillor Andrew

That Council:

1. Approve Community Garden Micro Grant applications for the following non-profit organizations:
 - a. Burnside Gorge Community Association (\$500)
 - b. Fairfield Gonzales Community Association (\$500)
 - c. Fernwood Neighbourhood Resource Group Society (\$500)
 - d. James Bay Neighbourhood Association (\$500)
 - e. Downtown Blanshard Advisory Committee (\$500)
 - f. Victoria West Community Association (\$485)
 - g. North Jubilee Neighbourhood Association (\$500)
 - h. Victoria Immigrant and Refugee Centre Society (\$500)
 - i. James Bay New Horizons (\$500)
2. Delegate authority to approve future Community Garden Micro Grants to the Director of Parks, Recreation and Facilities, to the satisfaction of the Chief Financial Officer

CARRIED UNANIMOUSLY

E.1.a.c Council Member Motion: Noise Bylaw Amendment to Prevent Use of Bird Deterrents

Moved By Councillor Andrew

Seconded By Councillor Isitt

That Council refer the following matter to staff, to report back on implications at the next Triennial Update:
“That Council direct staff to prepare amendments to the Noise Bylaw to introduce regulations to prevent the use of bird deterrents.”

CARRIED UNANIMOUSLY

E.1.a.d Council Member Motion: Resolution to Support the Pause of Recreational Hunting of Wolves in B.C

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council endorse the following resolution originally passed by the Town of Oak Bay:

That AVICC and UBCM request the provincial government to implement a moratorium on recreational wolf hunting on Vancouver Island, pending the completion of a scientific, data-driven and evidence-based study that includes consultation with the Island's Indigenous communities, to re-examine the efficacy of unrestricted wolf harvesting practices and their impacts on the Island's biodiversity, wildlife ecology and sustainability of the resident wolf population.

And that Council request the Mayor write to the Minister of Forests, Lands, Natural Resource Operations, and Rural Development expressing support for Oak Bay's AVICC resolution.

CARRIED UNANIMOUSLY

E.1.a.e VicPD Q1 Community Safety Report Card

Committee discussed:

- *Public relations*
- *The importance of funding solutions related to issues in the community*

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council allocate \$25,000 per month from the 2021 contingency for VicPD support of bylaw until up to September 30, 2021 and request that bylaw report monthly to Council on the status of their requirement for police support of their work and that these funds be reimbursed from the UBCM grant if received.

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

OPPOSED (2): Councillor Isitt, Councillor Dubow

CARRIED (6 to 2)

E.1.a.f Bank Street School Building - Proposed Partnership

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council requests that staff engage School District 61, to propose a partnership and offer municipal financial assistance to restore the Bank Street School building (1623-1625 Bank Street) for educational and community use.

CARRIED UNANIMOUSLY

Councillor Dubow recused himself at 5:09 p.m. for the following item due to a non-pecuniary conflict of interest.

E.1.a.g 1210 Topaz Avenue: Development Variance Permit Application No. 00264 (Hillside - Quadra)

Moved By Councillor Isitt
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. 00264 for 1210 Topaz Avenue, in accordance with:

1. Plans date stamped April 23, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 18.3m to 8.58m;
 - ii. reduce the east side yard setback from 4.97m to 2.19m; and
 - iii. reduce the number of vehicle parking from 36 stalls to 35 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

Councillor Dubow returned to the meeting at 5:10 p.m.

E.1.a.h 975 & 983 Pandora Avenue: Rezoning Application No.00683 and Development Permit with Variances Application No. 000543 (Downtown)

Moved By Councillor Andrew
Seconded By Councillor Alto

Rezoning Application No. 00683

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

proposed development outlined in Rezoning Application No. 00683 for 975 and 983 Pandora Avenue and 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:

1. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 000543.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to:
 - i. Secure all of the dwelling units in the building as rental for the greater of 60 years or the life of the building and that rental periods are 30 days or more, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - ii. Secure the two-bedroom, two-bedroom plus den, three-bedroom, four-bedroom and five-bedroom units generally in accordance with the Plans dated February 16, 2021, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - iii. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - iv. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP) (specifically, the 'New Town District'), including furnishings, materials and pedestrian lights along the Vancouver Street and Pandora Avenue frontages, to the satisfaction of the Director of Engineering and Public Works.
 - v. Secure the installation of the protected bike lane improvements adjacent the Vancouver Street frontage, as per the City's Bicycle Master Plan to the satisfaction of the Director of Engineering and Public Work.
 - vi. Secure the design, supply and installation of a stormwater management soil cell infiltration system in the boulevard on Vancouver Street for treatment of road runoff, to the satisfaction of the Director of Engineering and Public Works.
 - vii. Secure soil cells for all municipal street trees on Vancouver Street, to specifications (including soil volume and depth) to the satisfaction of the Director of Parks, Recreation and Facilities.

3. That Council request that the applicant provide more information on the co-living model and information regarding affordability.

Development Permit with Variances Application No. 000543

That, subject to minor plan revisions to address the following:

1. Corrections to the paving patterns and street furnishings consistent with the Downtown Public Realm and Streetscape Plan to the satisfaction of the Director of Engineering and Public Works.
2. Clarification of the details on the preliminary Utilities Plan to the satisfaction of the Director of Engineering and Public Works.
3. Further details regarding the double vehicle access gate system and staging area for garbage and waste collection to the satisfaction of the Director of Engineering and Public Works.
4. Corrections to irrigation system, street trees and planting schedules, to the satisfaction of the Director of Parks, Recreation and Culture.
5. Further consideration of the fence design and application of building materials at the street level along Pandora Avenue to ensure a positive pedestrian experience, to the satisfaction of the Director of Sustainable Planning and Community Development.
6. Incorporation of perimeter wind screens on the south side of the lower level amenity spaces and on the terraces of level 14 as recommended in the Pedestrian Wind Assessment.
7. Confirmation of whether CREST would be required to occupy equipment on the roof level for a new communication transmission site, to the satisfaction of the Fire Chief.
8. Corrections to plans to ensure the compliance with the BC Building Code.

And 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. 00683, if it is approved, consider the following motion:

“That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites that Council authorize the issuance of Development Permit with Variances Application No. 000543 for 975 and 983 Pandora Avenue in accordance with:

1. Plans date stamped February 12, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Increase the height from 45m to 47.68m
 - ii. Increase the number of storeys from 15 storeys to 16 storeys
 - iii. Increase the height of the proposed breezeway fence from 1.22m to 3.12m.
3. Final plans to be generally in accordance with plans date stamped February 12, 2021.
4. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1.a.i

510 Pandora Avenue: Application for a Structural Change to Increase Occupant Load for Swans Pub, Liquor Primary License(Downtown)

Moved By Councillor Andrew
Seconded By Councillor Potts

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch,

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Swans Pub located at 510 Pandora Avenue to increase the occupant load from 171 to 282 people with no change to hours of operation which are 9:00 am to 2:00 am daily.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are that the noise impacts would be negligible as the increased occupant load affects interior space only, and the establishment has a reputation of responsible operation. The requested hours of operation in conjunction with the proposed occupant load are not expected to result in negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
- c. The views of residents were solicited via a mail-out which included 1313 letters to neighbouring

property owners and occupiers within 100 metres of the licensed location and a notice was posted at the property. In response to the notification, a total of ten written responses were received, of which seven expressed opposition including one from the Downtown Residents Association, and three expressed support.

- d. Council recommends that the license be approved.
- e. The patio is located on City property and is subject to Swans Pub maintaining a proper licence agreement for the occupation of City property

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That clause f) be added to the main motion:

f) That the City set up a good neighbour agreement with the applicant.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch,

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Swans Pub located at 510 Pandora Avenue to increase the occupant load from 171 to 282 people with no change to hours of operation which are 9:00 am to 2:00 am daily.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are that the noise impacts would be negligible as the increased occupant load affects interior space only, and the establishment has a reputation of responsible operation. The requested hours of operation in conjunction with the proposed occupant load are not

expected to result in negative impacts to the community.

b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.

c. The views of residents were solicited via a mail-out which included 1313 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice was posted at the property. In response to the notification, a total of ten written responses were received, of which seven expressed opposition including one from the Downtown Residents Association, and three expressed support.

d. Council recommends that the license be approved.

e. The patio is located on City property and is subject to Swans Pub maintaining a proper licence agreement for the occupation of City property

f. That the City set up a good neighbour agreement with the applicant.

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

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)

E.1.a.j

63-560 Johnson Street: Application for a Structural Change to a Lounge Endorsement for a Manufacturing Licence (Downtown)

Moved By Councillor Andrew

Seconded By Councillor Potts

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Whistle Buoy Brewing Company at #63 – 560 Johnson Street for a structural change to a lounge endorsement for a manufacturing licence, to increase the interior and exterior floor areas to allow for an increase the occupant load by 55 people, with existing hours of operation from 11:00 am to 11:00 pm Monday through Wednesday and 11:00 am to 12:00 am Thursday through Sunday.

The following comments are provided on the prescribed considerations:

- a. The impact of noise on the community near the establishment was considered in relation to the request. Whistle Buoy Brewing Company is licenced under a manufacturers licence and service of alcohol to patrons is done through a lounge endorsement. Service of alcohol cannot exist in absence of the manufacturing licence. Approval of the licence is not expected to result in unacceptable levels of noise.
- b. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the business's plan to provide a unique and local craft beer experience, and employment in the city.
- c. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 1,352 owners and occupants, the City received 96 pieces of correspondence, and 93 letters stated support which included one from the Downtown Residents Association and 3 letters expressed opposition.
- d. Council recommends the licence be approved.

Council discussed:

- *Concerns from neighbours not being addressed by applicant*
- *The need to create a process and have staff in place in order to monitor good neighbour agreements*

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That a good neighbour agreement be set up with the applicant.

FOR (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Dubow

OPPOSED (5): Mayor Helps, Councillor Young, Councillor Isitt, Councillor Potts, Councillor Alto

DEFEATED (5 to 2)

Moved By Councillor Dubow
Seconded By Councillor Alto

To allow Councillor Thornton-Joe to speak on the motion again.

CARRIED UNANIMOUSLY

On the main motion:

CARRIED UNANIMOUSLY

E.1.a.k 27-560 Johnson Street: Application for a New Liquor Primary License for Artemis (Downtown)

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Artemis located at #27 – 560 Johnson Street having hours of operation from 11:00 am to 11:00 pm Monday through Thursday, 11:00 am to 12:00 am Friday and Saturday, and 11:00 am to 10:00 pm Sunday with a total occupant load of 110 people.

The following comments are provided regarding the prescribed considerations:

- a. The impact of noise on the community near the establishment was considered in relation to the request, and the proposed hours, occupant load, and location are compatible with the area. Approval of the licence is not expected to result in unacceptable levels of noise.
- b. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
- c. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 1,352 owners and occupants, the City received 1 piece of

correspondence in support of the application from the Downtown Residents Association.

- d. Council recommends the license be approved.

CARRIED UNANIMOUSLY

E.1.a.i Options to Salvage Reusable Materials from Building Deconstruction

Moved By Councillor Isitt

Seconded By Mayor Helps

That Council direct staff to:

1. Bring forward a draft bylaw to motivate the salvage of reusable and recyclable materials from an initial subset of building demolitions where the structure that is being demolished is a single-family dwelling or duplex.
2. That this bylaw be applied to the demolition of all single family dwellings at a set deadline occurring after the initial bylaw comes into effect.
3. Report back with outcomes, lessons, and future expansion of the material salvage regulation to additional building types after review of initial implementation and further industry consultation.
4. Consider one-time funding of \$90,000 as part of the 2022 financial planning process to design and configure the regulatory administrative system and develop industry supporting training and communication resources.
5. That Council request the Mayor send this report to all Mayors and Councils around the region, indicate a willingness to share Victoria's bylaw once drafted as a model bylaw, and request that each municipality consider adopting the same bylaw. And that the letter be cc'd to the CRD Board Chair.

Council discussed:

- *Concerns regarding expenses*
- *Questions regarding the timeline of the program*
- *Differences between conventional demolition & deconstruction, and potential benefits of deconstruction*

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

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

CARRIED (5 to 3)

E.1.b Report from the May 20 COTW Meeting

E.1.b.a Council Member Motion - Establishment of City of Victoria International Decade of People of African Descent (IDPAD) Advisory Committee

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That Council:

1. Adopt the attached Terms of the Reference for the City of Victoria International Decade of People of African Descent (IDPAD) Advisory Committee.
2. Direct staff to engage the communities identified in the Terms of Reference, inviting nominees for Council's consideration for appointment to the Advisory Committee by July 31, 2021.

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for Delegation of Signing Authority Bylaw Amendment Bylaw

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following bylaw be given first, second and third readings:

1. Delegation of Signing Authority Bylaw, Amendment Bylaw (No. 2) No. 21-039

CARRIED UNANIMOUSLY

G. CORRESPONDENCE

G.1 Letter from the Minister of Municipal Affairs

Council received a letter dated May 11, 2021 from the Minister of Municipal Affairs regarding CleanBC initiatives.

Moved By Mayor Helps

Seconded By Councillor Dubow

That this letter be received for information and that Council request that that the Province engage local governments on the swift replacement of CARIP with a program that provides consistent, non-application based funding, with first payments received by local governments in 2022."

CARRIED UNANIMOUSLY

G.2 Letter from the Minister of Municipal Affairs

Council received a letter dated May 10, 2021 from the Minister of Municipal Affairs regarding operational efficiencies for local government elections.

Moved By Councillor Alto
Seconded By Councillor Andrew

That the letter be received for information.

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Moved By Councillor Andrew
Seconded By Councillor Potts

MOTION TO CLOSE THE MAY 20, 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)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

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.

CARRIED UNANIMOUSLY

I. APPROVAL OF CLOSED AGENDA

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

That the closed agenda be approved.

CARRIED UNANIMOUSLY

J. READING OF CLOSED MINUTES

J.1 Minutes from the Closed meeting held March 25, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That the minutes from the closed meeting held March 25, 2021 be approved.

CARRIED UNANIMOUSLY

L. NEW BUSINESS

L.1 Appointment - Community Charter Section 90(1)(a)

Council deferred this item to the May 27 Closed Council meeting.

L.2 Land - Community Charter Section 90(1)(e)

Council deferred this item to the May 27 Closed Council meeting.

L.3 Legal Advice/Litigation - Community Charter Sections 90(1)(g) and 90(1)(i)

Council discussed a legal advice/litigation matter.

The discussion was recorded and kept confidential.

N. ADJOURNMENT

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

That the Closed Council Meeting be adjourned at 6:12 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR