



MINUTES - VICTORIA CITY COUNCIL

September 17, 2020, 2:30 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

Due to the COVID-19 Pandemic, public access to City Hall is not permitted.

This meeting may be viewed on the City's webcast at www.victoria.ca

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Dubow

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, 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, 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 Loveday

That the agenda be approved

CARRIED UNANIMOUSLY

Amendment:
Moved By Councillor Loveday
Seconded By Councillor Alto

That the Committee of the Whole Report of September 17, 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 evening meeting held September 3, 2020

Moved By Councillor Alto
Seconded By Councillor Loveday

That the minutes from the evening meeting held September 3, 2020 be adopted.

CARRIED UNANIMOUSLY

D. UNFINISHED BUSINESS

D.1 Letter from the Minister of Public Safety and Solicitor General

Council received a letter of response dated August 31, 2020 regarding the Victoria Cannabis Buyers Club.

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the correspondence dated August 31, 2020 from the Minister of Public Safety and Solicitor General be received for information.

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the correspondence dated August 31, 2020 from the Minister of Public Safety and Solicitor General be received for information.

That Council requests that the Mayor write, on behalf of Council, to Health Canada and to the federal Ministers of Health and Justice, indicating the City of Victoria's support for the request from the Solicitor General of British Columbia, that the Federal Government examine issuing a license that would allow the Victoria Cannabis Buyers Club to continue providing important health and wellness services in our local community.

That a copy of this letter be sent to the provincial Minister of Public Safety and Solicitor General.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

E. REPORT OF COMMITTEES

E.1 Committee of the Whole

E.1.a Report from the September 10, 2020 COTW Meeting

E.1.a.a 1023 Tolmie Avenue: Update Report for Rezoning Application No. 00672 and Development Permit with Variances Application No. 00097 (Hillside/Quadra)

Moved By Councillor Alto
Seconded By Councillor Potts

Rezoning Application No. 00672

That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a public hearing date be set for the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue.

Development Permit with Variances No. 00097

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. 00627, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00097 for 1023 Tolmie Avenue, in accordance with:

1. Plans date stamped July 20, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback on the south lot from 6.00m to 4.30m to the building and 3.40m to the deck;
 - ii. reduce the rear yard setback on the south lot from 6.00m to 4.60m to the stairs and 5.40m to the building;
 - iii. reduce the south side yard setback on the north lot from 2.40m to 1.73m for any portion of a dwelling used for habitable space and which has a habitable window.
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1.a.b Rental Property Standards of Maintenance Bylaw and Implementation Plan

Moved By Councillor Isitt
Seconded By Councillor Alto

That Council:

1. Direct staff to bring forward the Rental Property Standards of Maintenance Bylaw for consideration of introductory readings;

2. Approve written submissions from persons who consider they are affected by the proposed Bylaw as the public representations method under section 59 (2) of the Community Charter, and provide notice by way of newspaper, website, and social media advertising;
3. Provide early approval for the Tenant Ambassador to allow the position to start at the beginning of January 2021 to
 - a. Precede the commencement date of the Bylaw (January 31, 2021)
 - b. Oversee the implementation and operation of the Bylaw;
4. Launch an eighteen-month feedback and monitoring period after the Bylaw comes into force to monitor the Bylaw's operation and to collect experiential input from the public;
5. Direct staff to return to Council in eighteen months following bylaw commencement to report on the Bylaw's effectiveness and determine if any updates are needed based on data and feedback.

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (6 to 1)

E.1.a.c 2021-2022 Permissive Exemptions

Moved By Councillor Isitt

Seconded By Councillor Alto

That Council:

1. Approve all applications for a permissive property tax exemption detailed in Table 2 for the 2021 - 2022 tax years.
2. Direct staff to prepare a 2020 permissive property tax exemption bylaw for Council's consideration at the September 17, 2020 Council meeting.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

Motion arising:

That Council direct staff to report back no later than the first quarter of 2021 on options and implications for revising the Permissive Tax Exemption policy to provide exemptions for community centers owned and operated by ethno-cultural groups.

CARRIED UNANIMOUSLY

E.1.b Report from the September 17, 2020 COTW Meeting

E.1.b.a Council Member Motion: Rodenticides in the City of Victoria (Verbal)

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council:

1. Adopts the policy of introducing a complete ban on use of anticoagulant rodenticides on all City of Victoria owned properties, with immediate effect.
2. Directs staff to communicate this policy direction to residents and businesses, including information on the harmful impacts of anticoagulant rodenticides and the availability of more ecologically sustainable alternatives.
3. Requests that the Mayor write, on behalf of Council, to the provincial Minister of Environment, requesting that the Province of British Columbia introduce a province-wide ban on the use of anticoagulant rodenticides, to increase protection for wildlife species.
4. To incorporate humane practices in regards to pest control in all City of Victoria properties.

CARRIED UNANIMOUSLY

E.1.b.b 801 Bank Street: Development Variance Permit No. 00248 (Glenlyon Norfolk School) (Gonzales)

Moved By Councillor Loveday

Seconded By Councillor Alto

1. 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. 00248 for 801 Bank Street, in accordance with:

- a. Plans date stamped September 10, 2020.
- b. Development meeting all Zoning Regulation Bylaw, Schedule F, Accessory Building Regulations requirements, except for the following variances:

Modular Classroom (1 storey):

- i. Locate the building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m² to 75.8m²

- iii. Increase the maximum height from 3.50m to 3.88m

Modular Classroom (2 storey):

- i. Locate a building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m² to 404.4m²
- iii. Increase the maximum height from 3.50m to 7.15m

Pre-fabricated Gym:

- i. Locate the building in the side yard instead of rear yard
- ii. Increase the maximum combined floor area from 37m² to 226.6m²
- iii. Increase the maximum height from 3.50m to 6.38m

Temporary Power Panel:

- i. Locate the building in the side yard instead of rear yard
- c. The Development Permit lapsing two years from the date of this resolution.

2. That recommendations be forwarded to the September 17, 2020 daytime Council Meeting so that an opportunity for public comment can be scheduled in October.
3. That prior to scheduling an Opportunity for Public Comment the City receive more information regarding on-site and off-site trees, including an Arborist Report and Tree Preservation Plan, and revised plans showing anchoring and base preparation for the proposed buildings to the satisfaction of the Director of Parks, Recreation and Facilities.
4. That issuance of the Development Variance Permit be subject to a legal agreement securing the removal of the buildings within three years from the date of Council approval, to the satisfaction of the Director of Sustainable Planning and Community Development.

That any future proposals for rezoning or variances on the site will address the issues of access and drop off at the campus. And that Council direct staff to report back at the Opportunity for Public Comment on options for implementing traffic calming in the vicinity of Glenlyon Norfolk School.

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

OPPOSED (1): Councillor Isitt

CARRIED (6 to 1)

E.1.b.c By-Election

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.
2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.
3. That Council request that Elections BC share any information with respect to safety plans for particular voting locations, plexiglass dividers and any other relevant or available infrastructure that will assist the City of Victoria in carrying out a By-election.
4. Direct staff to work towards a December 12, 2020 election date subject to advice from the Provincial Public Health Officer and/or sufficient information and safety plans to ensure participation and public safety.
5. That Council direct staff to engage with Elections BC and report back on the possibility of holding the by-election concurrently with a Provincial election including opportunities for safety improvements, cost savings, and expediting the City of Victoria's by-election timeline.

CARRIED UNANIMOUSLY

Councillor Isitt recused himself due to a non-pecuniary conflict of interest at 2:43 p.m. as he is a Director of a business that has applied to the program.

E.1.b.d Council Member Motion: Extending the "Open Air Recovery - Support for Restaurants and Cafes in Public Spaces" Program

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

1. That Council endorse in principal the extension of the Open Air Recovery – Support for Restaurants and Cafes in Public Spaces expanded and expedited patio initiative pending receipt of a report from City Staff detailing feedback from businesses and residents.
2. That Council request that the Mayor write to the Premier of British Columbia, MLAs representing local ridings, and the BC Liquor and Cannabis Regulation Branch to advocate for an extension of the temporary authorization of licensed service areas.

CARRIED UNANIMOUSLY

Councillor Isitt returned to the meeting at 2:45 p.m.

F. BYLAWS

F.1 Bylaw for 2920 Prior Street: Rezoning Application No. 00708, Development Permit with Variances Application No. 00151, Development Permit with Variances Application No. 00147, and Development Variance Permit Application No. 00245

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the following bylaw **be given first and second readings:**

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1232) No. 20-086

CARRIED UNANIMOUSLY

F.2 Bylaw for 1881 Fort Street: Rezoning Application No. 00713

Moved By Councillor Alto
Seconded By Councillor Loveday

That the following bylaw **be given first and second readings:**

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1213) No. 20-009

CARRIED UNANIMOUSLY

F.3 Bylaw for 2021-2022 Permissive Tax Exemptions

Moved By Councillor Isitt
Seconded By Councillor Loveday

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

- 1. Tax Exemption (Permissive) Bylaw, 2021-2022 No. 20-085

CARRIED UNANIMOUSLY

F.4 Bylaw for 2615-2629 Douglas Street: Heritage Designation Application No. 00187

Moved By Councillor Young
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

- 1. Heritage Designation (2615-2629 Douglas Street) Bylaw No. 20-052

CARRIED UNANIMOUSLY

F.5 Bylaw for 2615-2629 Douglas Street: Heritage Tax Exemption

Council discussed:

- *Council receiving a property listing that lists tax exempt properties and properties that are no longer exempt spanning a 10 year period.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

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

1. Tax Exemption (2615, 2621, 2623, 2625, 2627, and 2629 Douglas Street)
Bylaw No. 20-079

CARRIED UNANIMOUSLY

F.6 Bylaw for Amendment to the Officers Bylaw

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be adopted:**

1. Officers Bylaw (Amendment No. 2) Bylaw No. 20-101

CARRIED UNANIMOUSLY

F.7 Rental Property Standards of Maintenance Bylaw

Moved By Councillor Isitt

Seconded By Councillor Potts

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

1. Rental Property Standards of Maintenance Bylaw No. 20-091

FOR (6): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

G. CLOSED MEETING

Moved By Councillor Loveday

Seconded By Councillor Potts

MOTION TO CLOSE THE SEPTEMBER 17, 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)(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)(c) labour relations or other employee relations;

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)(g) litigation or potential litigation affecting the municipality; and

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

H. APPROVAL OF CLOSED AGENDA

L. NEW BUSINESS

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

Council discussed a Legal Advice/Litigation matter.

The discussion and motion were recorded and kept confidential.

L.2 Appointment - Community Charter Section 90(1)(a)

Council discussed an Appointment matter.

The discussion and motion were recorded and kept confidential.

L.3 Appointment - Community Charter Section 90(1)(a)

Council discussed an Appointment matter.

The discussion and motion were recorded and kept confidential.

L.4 Land - Community Charter Section 90(1)(e)

Council discussed a Land matter.

The discussion and motion were recorded and kept confidential.

L.5 Land - Community Charter Section 90(1)(e)

Council discussed a Land matter.

The discussion and motion were recorded and kept confidential.

L.6 Litigation - Community Charter Section 90(1)(i)

Council discussed a Litigation matter.

The discussion was recorded and kept confidential.

All staff except the City Manager were excused at 3:27 p.m.

L.7 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an Employee Relations matter.

N. ADJOURNMENT

Moved By Councillor Loveday

Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 3:44 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR