



MINUTES - VICTORIA CITY COUNCIL

February 18, 2021, 4:41 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 Andrew, Councillor Loveday, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Dubow

PRESENT ELECTRONICALLY: Councillor Isitt, Councillor Potts

STAFF PRESENT: J. Jenkyns – City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, P. Bellefontaine - Director of Engineering & Public Works, 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 Andrew

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held January 14, 2021

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the daytime Council meeting held January 14, 2021 be adopted.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 Proclamation - United Nations Decade on Ecosystem Restoration

Moved By Councillor Loveday

Seconded By Councillor Alto

That the following proclamation be endorsed:

- United Nations Decade on Ecosystem Restoration

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the February 11, 2021 COTW Meeting

**E.1.a.a Council Member Motion: Notification for Public Hearing for
1200-Block Gladstone Avenue Project**

Mayor Helps recused herself at 4:43 p.m. as she lives close to the proposed application.

Councillor Thornton-Joe assumed the Chair.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council authorize a variance from the Land Use Procedures Bylaw to provide for notification to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel for the Public Hearing to consider the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue.

CARRIED UNANIMOUSLY

The Mayor assumed the Chair at 4:44 p.m.

E.1.a.b-BC Transit - RapidBus Implementation Strategy Update

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council receive this presentation for information.

CARRIED UNANIMOUSLY

E.1.a.c-349 Kipling Street and 1400 Fairfield: Rezoning Application No. 00702 and Development Permit with Variances Application No. 000555 (Fairfield)

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council refer the application back to staff to work with the applicant to revise the application to address the following:

- reduce the size of the buildings to be consistent with the Fairfield Neighbourhood Plan
- reduce the amount of site area dedicated to vehicle circulation to provide more at-grade open site space
- increase the Kipling Street setback
- provide a more sensitive transition with adjacent properties
- ensure the form and character of the development is compatible with the predominant neighbourhood character, consistent with the Design Guidelines for Development Permit Area 15F: Intensive Residential – Attached Dwellings.

CARRIED UNANIMOUSLY

E.1.a.d-Pre-Application Community Consultation During the COVID-19 Pandemic

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to require applicants to post development application signs on site and to be available for a virtual community meeting where the Community Association Land Use Committee is able and desires to host a virtual meeting in conjunction with the pre-application community consultation process that is in place during the COVID-19 pandemic.

CARRIED UNANIMOUSLY

E.1.a.e-506 Herald Street: Application for a Structural Change to a Manufacturing Licensee's Lounge Endorsement to Increase the Occupant Load to License a 99 Person Rooftop Patio for Herald Street Brew Works (Downtown)

Moved By Councillor Alto
Seconded By Councillor Andrew

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Herald

Street Brew Works located at 506 Herald Street for a rooftop patio where the occupant load is 99 people and hours of operation for the rooftop patio are from 9:00 am to 11:00 pm Sunday through Thursday and 9:00 am to 10:00 pm on Friday and Saturday.

Providing the following comments on the prescribed considerations:

1. The impact of noise on the community near the establishment was considered in relation to the request. Herald Street Brew Works 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. The recommended hours of operation balance the concerns heard about potential noise related impacts to nearby residents with considerations around the business proposal to licence new outdoor seating. Approval of the licence is not expected to result in unacceptable levels of noise attributable to the operations of the establishments outside seating areas.
2. 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.
3. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location (a total of 378 notices) and a notice posted at the property. In response to the notification, the City received 40 pieces of correspondence. Six letters stated opposition which included one from the Downtown Residents Association. In support of the application, 34 letters were received.
4. Council recommends the licence be approved with the condition that no amplified music is used on the patio.
5. That a good Neighbour agreement be created for this establishment.

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

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 3)

E.1.a.f-Proposed Accessible Parking Requirements and Design Criteria

Council discussed:

- *Concerns that the design does not go far enough.*

Moved By Councillor Alto

Seconded By Councillor Young

That Council:

1. Direct staff to proceed with preparing applicable amendments to the City's Zoning Bylaw, the Subdivision and Development Services Bylaw and the Streets and Traffic Bylaw to establish new supply rates and specifications for off-street accessible parking as recommended in this report.
2. Endorse new design criteria for public on-street and City operated parkades provided accessible parking stalls and direct staff to include within the 2021-2025 Financial Plan a budget of up to \$350,000 for accessible parking retrofits and expansion efforts with funding from the Accessibility Reserve Fund.

Motion to postpone:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

That this be postponed to February 25, 2021 daytime Council meeting:

"That Council:

1. *Direct staff to proceed with preparing applicable amendments to the City's Zoning Bylaw, the Subdivision and Development Services Bylaw and the Streets and Traffic Bylaw to establish new supply rates and specifications for off-street accessible parking as recommended in this report.*
2. *Endorse new design criteria for public on-street and City operated parkades provided accessible parking stalls and direct staff to include within the 2021-2025 Financial Plan a budget of up to \$350,000 for accessible parking retrofits and expansion efforts with funding from the Accessibility Reserve Fund. "*

CARRIED UNANIMOUSLY

E.1.a.g-Bowker Creek Watershed Management Plan

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council:

1. Receive the Bowker Creek Daylighting Feasibility Study for information (Appendix A).
2. Receive the Bowker Creek Blueprint: Framework for Collaborative Inter-municipal Watershed Implementation for information (Appendix B).
3. Receive Ten Year Achievements: Bowker Creek Initiative (Appendix C) for information.
4. Direct staff to report back on scope and resources required to update the Bowker Creek Blueprint.
5. That staff report back in the 2022 Financial Plan process with a high level cost estimate of the implications of daylighting Bowker Creek in the Clawthorpe Park Doncaster and North Jubilee Spirit Garden.
6. That Council formally recognize the 10-year anniversary of the endorsement of the Bowker Creek Blueprint and the substantial community-based efforts that have been made to rehabilitate the Bowker Creek watershed;
7. And that Council recommit to the implementation of the Bowker Creek Blueprint and direct staff to annually present an implementation update report to Council;
8. And that Council direct staff to continue to raise awareness of Bowker Creek restoration efforts;
9. And that Council direct staff to include consideration of impacts on the watershed as part of land use matters that occur within the Bowker Creek watershed;
10. And that Council direct staff to include consideration of impacts on the watershed and opportunities for restoration in all public works projects occurring within the watershed;
11. And that Council request the Mayor write to the CRD, the District of Saanich, and District of Oak Bay expressing our continued and renewed commitment to Bowker Creek and our excitement to continue to work together to steward and rehabilitate the watershed.
12. Direct staff to explore opportunities for federal grant funding focusing on ecological and watershed restoration.

CARRIED UNANIMOUSLY

E.1.a.h-Community Garden Licences of Occupation

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council:

Authorize the Mayor and City Clerk to execute licences of occupation for the following community gardens, subject to the publication of notices as required by the Community Charter, with terms satisfactory to the Director of Parks, Recreation and Facilities, and in a form satisfactory to the City Solicitor.

1. Oswald Park Community Garden in Oaklands (Oswald Park, 3031 Cedar Hill Road)
2. Fisherman's Wharf Herb Garden in James Bay (300 Block Erie St and St. Lawrence Street)
3. Franklin Green Community Garden in North Park (1045 Mason Street)

CARRIED UNANIMOUSLY

E.1.a.i 2020 Community Garden Start Up Grant

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council approve the following four organizations to receive a Community Garden Start-Up Grant;

1. Oaklands Community Association - \$10,000
2. Quadra Village Community Centre - \$10,000
3. South Jubilee Neighbourhood Association - \$5,000
4. Canadian Orca Rescue Society - \$5,000

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for Parks Regulation Amendment Bylaw

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the following bylaw **be adopted**:

- Parks Regulation Bylaw, Amendment Bylaw (No. 13) No. 21-033

CARRIED UNANIMOUSLY

F.2 Bylaw for Parks Regulation Amendment Bylaw

Council discussed:

- How the bylaw will be enforced keeping in mind flooding and tree risk

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That the following bylaw **be adopted**:

- Parks Regulation Bylaw, Amendment Bylaw (No. 14) No. 21-034

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

OPPOSED (2): Councillor Isitt, and Councillor Potts

CARRIED (6 to 2)

G. CLOSED MEETING

Moved By Councillor Loveday

Seconded By Councillor Andrew

OTION TO CLOSE THE FEBRUARY 18, 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)(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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;*

CARRIED UNANIMOUSLY

H. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto
Seconded By Councillor Andrew

That the agenda be approved

Amendment:

Moved By Councillor Alto
Seconded By Councillor Andrew

That the following items be added to the consent agenda

B.1 Minutes from the closed meeting held January 14, 2021

Moved By Councillor Alto
Seconded By Councillor Andrew

That the minutes from the closed Council meeting held January 14, 2021 be adopted.

CARRIED UNANIMOUSLY

B.2 Minutes from the closed meeting held November 19, 2020

Moved By Councillor Alto
Seconded By Councillor Andrew

That the minutes from the closed council meeting held November 18, 2020 be adopted.

CARRIED UNANIMOUSLY

L.1 Legal Advice - Section 90(1)(i) of the Community Charter

Council discussed a Legal Advice matter.

The discussion and motion were kept confidential.

L.2 Legal Advice - Section 90(1)(i) of the Community Charter

Council discussed a Legal Advice matter.

The discussion and motion were kept confidential.

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

Council discussed a Land matter.

The discussion and motion were kept confidential.

L.5 Intergovernmental Relations - Section 90(2)(b) of the Community Charter

Council discussed an Intergovernmental Relation matter.

The discussion and motion were kept confidential.

L. New Business

L.6 Legal Advice - Section 90(1)(i) of the Community Charter

Council discussed a Legal Advice matter.

The discussion and motion were kept confidential.

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

Council discussed an appointment matter.

The discussion and motion were kept confidential.

The recording secretary was excused at 5:26 p.m.

L.7 Employee Relations – Section 90(1)(c) of the Community Charter

Council discussed an employee relations matter.

L.8 Employee Relations - Section 90(1)(c) of the Community Charter

Council discussed an employee relations matter.

N. ADJOURNMENT

Moved By Councillor Loveday

Seconded By Councillor Andrew

That the Council meeting adjourn.

Time: 5:46 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR