



## MINUTES - VICTORIA CITY COUNCIL

October 7, 2021, 2:34 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 Andrew, Councillor Isitt (joined at 5:03 p.m.), Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow

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, D. Atkinson - Acting Fire Chief, J. Jensen - Head of Human Resources, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, G. Milne – Head of Strategic Operations, C. Medd - Planner, M. Sandhu - Head of Service Innovation & Improvement, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond – Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Andrew

**Seconded By** Councillor Alto

That the agenda be approved.

#### **Amendment:**

**Moved By** Councillor Alto

**Seconded By** Councillor Andrew

That item H.2 be considered first on the agenda

**CARRIED UNANIMOUSLY**

**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**H.2 Business Licence Hearing - Revocation of a business licence: John Mueller dba I-Tow Group**

Council received a report dated September 16, 2021 from the Manager of Bylaw Services regarding evidence and information in support of a recommendation to revoke a business licence #8014 issued to John Mueller dba I-Tow Group.

*The City Clerk and the Mayor outlined the process for a hearing and the order of proceedings.*

*Mayor Helps opened the hearing at 2:50 p.m.*

*The Manager of Bylaw Services reviewed the investigation, the Towing and Immobilization Business Bylaw, and the attempts to encourage the business owner to come into compliance with the Bylaw.*

*The Business Licence holder's Counsel provided their submission and outlined the previous court case involving the Business Licence holder. The Counsel outlined the reasons for the difficulty in contacting the Business Licence holder.*

*Council asked questions of the Business Licence holder's submission to clarify some items in the submission.*

*The Manager of Bylaw Services and the Business Licence Holder's Counsel provided closing comments.*

*Mayor Helps closed the hearing at 4:35 p.m.*

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

That item D.1 be referred to the October 14, 2021 daytime Council meeting.

**CARRIED UNANIMOUSLY**

*Mayor Helps left the meeting at 4:36 p.m.*

*Councillor Potts assumed the Chair at 4:36 p.m.*

*Council deliberated on the points raised during the hearing.*

**Moved By** Councillor Young  
**Seconded By** Councillor Thornton-Joe

That Council revoke the business licence number #8014 issued to John Mueller dba I-Tow Group.

FOR (6): Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts,  
Councillor Thornton-Joe, Councillor Young  
OPPOSED (1): Councillor Andrew

**CARRIED (6 to 1)**

**C. READING OF MINUTES**

**C.1 Minutes from the evening meeting held September 23, 2021**

*Council recessed at 4:56 p.m. and reconvened at 5:01 p.m.*

*Mayor Helps assumed the chair at 5:02 p.m.*

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

That the minutes from the evening meeting held September 23, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**C.2 Minutes from the daytime meeting held September 23, 2021**

**Moved By** Councillor Alto  
**Seconded By** Councillor Andrew

That the minutes from the daytime meeting held September 23, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**E. PROCLAMATIONS**

**E.1 "Islamic Heritage Month" - October, 2021**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Thornton-Joe

That the following proclamation be endorsed:  
1. "Islamic Heritage Month" - October, 2021

**CARRIED UNANIMOUSLY**

**F. REPORTS OF COMMITTEE**

**F.1 Committee of the Whole**

**F.1.a Report from the September 16 COTW Meeting**

*Councillor Isitt joined the meeting at 5:03 pm.*

**F.1.a.a 2622 Douglas Street: Local Government Recommendation for Jima Cannabis (Burnside)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB):

The Council of the City of Victoria supports the application of Jima Cannabis at 2622 Douglas Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Jima Cannabis at 2622 Douglas Street.
- b. Bylaw and Licensing Services, the Victoria Police Department, and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.
- c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 338 notices and received 2 responses. The City did not receive correspondence from the Burnside/Gorge Community Association.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

**CARRIED UNANIMOUSLY**

**F.1.a.b1-1725 Cook Street: Local Government Recommendation for Fernwood Green (Fernwood)**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch (LCRB):

The Council of the City of Victoria supports the application of Fernwood Green at 1-1725 Cook Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Fernwood Green at 1-1725 Cook Street.
- b. Bylaw and Licensing Services, the Victoria Police Department, and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.
- c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 490 notices and received 5 responses. The City did not receive correspondence from the Fernwood Community Association.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits

**CARRIED UNANIMOUSLY**

**F.1.b Report from the September 23 COTW Meeting**

**F.1.b.a 539-545½ Fisgard Street and 16-20 Fan Tan Alley: Heritage Alteration Permit Application No. 00242 (Downtown)**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Young

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00242 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley in accordance with:

1. Plans, date stamped July 12, 2021.
2. Conservation Plan by Donald Luxton and Associates Inc., dated July 2020
3. Development meeting all Zoning Regulation Bylaw requirements.
4. Council authorizing decorative features, cornices and balconies to project over the City Right-of Way on 539-545½ Fisgard Street and 16-20 Fan Tan Alley, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Development Services Division, Sustainable Planning and Community Development.

6. Heritage Alteration Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**F.1.b.b Royal Canadian Legion Permissive Tax Exemption Application**

**Moved By** Councillor Alto  
**Seconded By** Councillor Andrew

That Council receive this report for information.

**CARRIED UNANIMOUSLY**

**F.1.b.c Letter from the Attorney General and Minister Responsible for Housing**

**Moved By** Councillor Alto  
**Seconded By** Councillor Thornton-Joe

That Council receive the letter for information.

**CARRIED UNANIMOUSLY**

**F.1.b.d 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street: Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153 (James Bay)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Young

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. 00742 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara 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 once the following conditions are met:

1. Revised plans to address minor data inconsistencies, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Confirmation of BC Hydro approval of the proposed design for power supply to the development, both in the City right-of-way and on-site, to the satisfaction of the Director of Engineering and Public Works.

3. Revised site servicing plan showing a driveway crossing slope from the curb to 6 metres into the property consistent with City bylaws, to the satisfaction of the Director of Engineering and Public Works.
4. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor to:
  - a. Secure the rental units for the greater of 60 years or the life of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure future access from the proposed parkade and the proposed courtyard to the future Phase 2 site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Secure TDM measures including 233 long term bicycle stalls six of which are dimensioned for cargo bicycles, two car share parking stalls with EV charging capability, two car share vehicles and a car share membership for each of the residential units, to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development.
  - d. Secure streetscape improvements in the plaza area in the City right-of-way at the corner of Menzies Street and Niagara Street, including the provision and installation of furnishings, materials, decorative single globe pedestrian light and concrete scoring pattern, as approved by the Director of Engineering and Public Works.
5. Secure a contribution of \$75,000 to the Housing Reserve Fund.

Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street

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. 00742, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped July 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs and to 0.21m to the balconies.
  - b. reduce the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m

- e. reduce the residential vehicle parking from 146 stalls to 91 stalls
  - f. reduce the visitor vehicle parking from 14 stalls to 9 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

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

OPPOSED (2): Councillor Isitt, Councillor Loveday

**CARRIED (7 to 2)**

*Mayor Helps recalled the vote on the above item.*

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

OPPOSED (3): Councillor Dubow, Councillor Isitt, Councillor Loveday

**CARRIED (6 to 3)**

**F.1.b.e Victoria Housing Reserve Fund Guidelines**

**Moved By** Councillor Andrew

**Seconded By** Councillor Alto

That Council direct staff to maintain the current Victoria Housing Reserve Fund guidelines for applications based on gross new units associated with the project and require applicants to provide additional rationale where the project is redeveloping existing affordable housing.

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

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**F.1.b.f Proposed Neighbourhood Boundaries Adjustments**

*Council discussed the following:*

- *That Burnside-Gorge and DVRA have agreed to have a conversation regarding this item*
- *This item will be discussed at a non-statutory Public Hearing where Council will hear from all CALUCs*

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto



1. That Council receive this report as information pertaining to the results of the proposed neighbourhood boundaries Have Your Say engagement survey and correspondence from residents and neighbourhood associations.
2. That Council refer the following resolution for public comment at a non-statutory public hearing, to take place prior to November 30, 2021:

“That the City recognize the 2700-block to 3000-block of the east side of Shelbourne Street as part of the Oaklands neighbourhood, with the Oaklands Community Association acting as the Community Association Land Use Committee (CALUC) for land use matters in the area.”
3. That Council refer the following resolution for public comment at a non-statutory public hearing, to take place prior to November 30, 2021:

“That the City recognize the 800-block between Fort Street and Academy Close, and Blanshard Street and Quadra Street, as part of the Downtown neighbourhood, with the Downtown Residents Association acting as the Community Association Land Use Committee (CALUC) for land use matters in the area.”
4.
  1. That Council encourages the Gonzales Neighbourhood Association and Fairfield Gonzales Community Association to consider entering into a mediation process, for the purpose of:
    - a. Building good will and reducing acrimony within the Gonzales neighbourhood;
    - b. Exploring opportunities for recognizing the Gonzales Neighbourhood Association in municipal and / or FGCA processes; and
    - c. Honouring the FGCA’s long-standing role in the Fairfield and Gonzales neighbourhoods.
  2. And that staff provide funding to the Fairfield Gonzales Community Association and Gonzales Neighbourhood Association to undertake a mediation process that is suitable to the FGCA and the GNA.
  3. And that staff provide an update to Council by the end of Q1 2022 with any information arising from this mediation process and appending this original staff report and public engagement results.
5. That the Downtown Residents Association and Burnside Gorge Community Association be requested to meet and then provide their views on a suitable boundary between the downtown and Burnside Gorge.

6. That the City recognizes the area currently described as “Harris Green” as part of the Downtown neighbourhood, with the Downtown Residents Association continuing to act as the Community Association Land Use Committee (CALUC) for land use matters in the area.

And that the City recognizes Harris Green as a district within the Downtown neighbourhood, similar to Chinatown and Old Town.

7. That Council refer the following resolution for public comment at a non-statutory public hearing, to take place prior to November 30, 2021:

“That the City recognizes a unified Jubilee neighbourhood for land use matters, and invites the North Jubilee Neighbourhood Association and South Jubilee Neighbourhood Association to work with the city on developing terms of reference for a unified Jubilee Community Association Land Use Committee.”

**CARRIED UNANIMOUSLY**

#### **F.1.b.g Council Member Motion: Developing an Accessible and Adaptable Housing Policy**

**Moved By** Councillor Loveday

**Seconded By** Councillor Andrew

1. That Council include the following action in the Victoria Housing Strategy:

Develop specific policy to mandate and encourage accessibility, adaptability, and universal design in new developments.

2. That Council direct to staff report back as part of the next Victoria Housing Strategy update with the resource and workplan implications of doing this work and with a timeline for drafting this policy.
3. That council direct staff to encourage applicants to consider accessibility and universal design as part of their design process, as a voluntary practice until the new policy is in place.

**CARRIED UNANIMOUSLY**

#### **F.1.c Report from the October 7, 2021 COTW Meeting**

##### **F.1.c.a Council Member Motion: Advocacy for 10 Days of Universal, Permanent Paid Sick Leave for Workers**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Isitt

That Council:

1. Direct staff to forward the UBCM resolution to UBCM member local governments, requesting favourable consideration and including a note regarding the timely nature of the issue and the fact that UBCM did not consider the resolution at its convention.
2. Request the Mayor write, on behalf of Council, to the BC Minister of Labour, prior to October 25, 2021, sharing the City of Victoria's resolution *Paid Sick Leave For Workers*.

**CARRIED UNANIMOUSLY**

**G. BYLAWS**

**G.1 Bylaw for Permissive Tax Exemption**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

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

1. Tax Exemption (Permissive) Bylaw, 2022 No. 21-079

**CARRIED UNANIMOUSLY**

**G.2 Bylaw for Animal Responsibility Bylaw Amendment**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

That the following bylaw **be adopted:**

- Animal Responsibility Bylaw, Amendment Bylaw (NO.3) (2021) No. 21-092

**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS**

**H.1 Short Term Rental Business License Appeal for 408 Superior Street**

Council received a report dated September 14, 2021 from the City Clerk an appeal of the License Inspector's denial of a business license for the short-term rental unit at 408 Superior Street.

*This item was referred to the October 14, 2021 daytime Council meeting when the agenda was approved.*

**I. CLOSED MEETING**

*Councillor Isitt withdrew from the meeting at 5:16 p.m. due to a conflict of interest as he is articling with an individual associated with this item.*

*Councillor Loveday requested item D.1, Legal Advice – Community Charter Section 90(1)(i), be moved to the October 14, 2021 COTW meeting.*

*Councillor Isitt returned to the meeting at 5:17 p.m.*

**Moved By** Councillor Andrew  
**Seconded By** Councillor Loveday

**MOTION TO CLOSE THE OCTOBER 7, 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**

**J. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Potts  
**Seconded By** Councillor Alto

That the closed agenda be approved.

**Amendment:**

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That item F.2 be removed from the Consent Agenda and that item F.4 be considered after item F.1.

**CARRIED UNANMOUSLY**

**On the main motion as amended:**

**CARRIED UNANMOUSLY**

**K. READING OF CLOSED MINUTES**

**K.1 Minutes from the closed meeting held September 23, 2021**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

That the minutes from the closed meeting held September 23, 2021 be approved.

**CARRIED UNANIMOUSLY**

**N. NEW BUSINESS**

**N.1 Proposed Municipal Service – Community Charter Section 90(1)(k)**

Council discussed a proposed municipal service.

The motion was recorded and kept confidential.

**N.4 Legal Advice – Community Charter Section 90(1)(i)**

Council discussed a legal matter.

The motion was recorded and kept confidential.

**N.2 Land – Community Charter Section 90(1)(e)**

Council discussed a land matter.

The motion was recorded and kept confidential.

**N.3 Appointment – Community Charter Section 90(1)(a)**

Council discussed an appointment matter.

The motion was recorded and kept confidential.

**N.5 Legal Advice – Community Charter Section 90(1)(i)**

Council discussed a legal matter.

The motion was recorded and kept confidential.

**H. ADJOURNMENT**

**Moved By** Councillor Potts

**Seconded By** Councillor Thornton-Joe

That the Closed Council Meeting be adjourned at 6:54 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR