



MINUTES - COMMITTEE OF THE WHOLE

January 6, 2022, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Meeting will recess for a lunch break between 12:30 p.m. and 1:30 p.m.

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

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager /
Chief Financial Officer, T. Zworski - City Solicitor, T. Soulliere -
Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of
Engagement, J. Jensen - Director, People and Culture, K. Hoese -
Director of Sustainable Planning and Community Development, A.
Meyer - Assistant Director of Development Services, 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, R. Bateman - Planner, R.
Morhart - Manager, Permits & Inspections, P. Bellefontaine -
Director of Engineering & Public Works, C. Kingsley - City Clerk, G
Milne, C. Anderson - Deputy City Clerk, S. Stoltz - Committee
Secretary

A. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Andrew

That the agenda be approved.

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Isitt

That item H.1. Council Member Motion: North and South Jubilee Neighbourhood be
added to the consent agenda.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor

That the December 9 minutes be removed from the Consent Agenda.

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following items be approved without further debate

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the meeting held November 4, 2021

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the Committee of the Whole meeting held November 4, 2021 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held December 2, 2021

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the minutes from the Committee of the Whole meeting held December 2, 2021 be adopted.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.2 726 Johnson Street: Application for a New Liquor Primary Licence for The Vicious Poodle

Committee received a report dated November 18, 2021 from the Director of Sustainable Planning and Community Development regarding an application by The Vicious Poodle at 726 Johnson Street for a new Liquor Primary licence having hours of operation from 9am to 2am daily with a total occupant load of 140 people that includes a 17-person patio, and recommending that it be approved.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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 The Vicious Poodle located at 726 Johnson Street for a new liquor primary licence having hours of operation from 9am to 2am daily without door patio hours of 9am to 11:30pm, and having a total occupant load of 140 people including a 17-person outdoor patio.

The following comments are provided regarding the prescribed considerations:

The impact of noise on the community near the establishment was considered in relation to the request, and the recommended hours, occupant load, and location are compatible with the area. Approval of the licence is not expected to result in unacceptable levels of noise.

1. 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.
2. 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 846 owners and occupants, the City received five letters in response to the notification: four responses expressed concern regarding the liquor primary establishment, and one was supportive of the application and was from the Downtown Residents Association.
3. Council recommends to the Province that the liquor primary licence be approved as proposed.

CARRIED UNANIMOUSLY

E.4 Liquor Licence Application for 1234 Wharf - Victoria Regent Hotel

Committee received a report dated December 23, 2021 from the Director of Sustainable Planning and Community Development regarding an application by Victoria Regent Hotel at 1234 Wharf Street for a new Liquor Primary licence to provide in-room minibar service with no assigned occupant load and 24-hour service each day, and recommending that it be approved.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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 Victoria Regent Hotel located at 1234 Wharf Street for a new liquor primary licence to provide in-room minibar service with no assigned occupant load and 24 hours of service each day.

The following comments are provided regarding the prescribed considerations:

The impact of noise on the community near the establishment was considered in relation to the request, and the provision of in-room minibar service at the location would reasonably be expected in conjunction with normal operations of the hotel. Approval of the licence is not expected to result in unacceptable levels of noise.

1. 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.
2. 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 331 owners and occupants, the City received two letters in response to the notification that expressed support for the application where one was from the Downtown Residents Association.
3. Council recommends to the Province that the liquor primary licence be approved as proposed.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1. Council Member Motion: North and South Jubilee Neighbourhood

Committee received a Council Member Motion dated December 31, 2021 from Councillor Thornton-Joe and Mayor Helps regarding a letter from the North Jubilee and South Jubilee Neighbourhood Associations clarifying that neither organization wants to merge CALUC functions at this time.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That no non-statutory public hearing be held with respect to the North Jubilee Neighbourhood and South Jubilee Neighbourhood as the neighbourhood associations have currently stated that they are not interested in merging their CALUC functions at this time.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.3 Minutes from the meeting held December 9, 2021

Moved By Councillor Dubow
Seconded By Councillor Isitt

That Committee postpone consideration until the minutes return with the noted corrections.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 1245 Wharf Street: Application for Extended Hours for a Food Primary Licence for J R Slims

Committee received a report dated November 10, 2021 from the Director of Sustainable Planning and Community Development regarding an application by J R Slims at 1245 Wharf Street for a food primary licence having extended hours to 2am daily with a total occupant load of 178 people which includes a 38-person outdoor patio, and recommending that it be approved.

Committee discussed:

- *Concerns regarding hours for certain days of the week; the potential for staggered hours depending on the day of the week*
- *Concerns regarding standards of compliance noted within the report, and confirmation that there are no longer any outstanding concerns*
- *Noise levels around the city and residential areas; relevancy of the City noise map for future amendments to the Noise Bylaw, and its effect on future reports*

Moved By Councillor Isitt

Seconded By Councillor Young

That the matter be referred to staff to work with the applicant for a reduction in the permitted operating hours that more substantially addresses concerns raised by neighbours.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Alto

That the matter be referred to staff to work with the applicant for a reduction in the permitted operating hours **to 1 a.m. on Thursday, Friday and Saturday, and midnight the rest of the week** that more substantially addresses concerns raised by neighbours.

Committee discussed:

- *A desire for the motion to further address the issue of noise regarding patios*
- *Clarifications around the City's jurisdiction regarding hours after midnight for patios that are located on City property*

On the amendment:

That the matter be referred to staff to work with the applicant for a reduction in the permitted operating hours **to 1 a.m. on Thursday, Friday and Saturday, and midnight the rest of the week** that more substantially addresses concerns raised by neighbours.

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)

Amendment:

Moved By Councillor Alto
Seconded By Councillor Andrew

That **Council advise the Province that it supports the operating hours of the matter be referred to staff to work with the applicant for a reduction in the permitted operating hours to 1 a.m. on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours.**

Amendment to the amendment:

Moved By Councillor Andrew
Seconded By Mayor Helps

That **Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours.**

CARRIED UNANIMOUSLY

On the amendment:

That **Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps
Seconded By Councillor Andrew

That Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours. **And that the patio remain open until no longer than midnight every night.**

Amendment to the amendment:

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

That Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours. **And that the patio remain open until no longer than midnight every night as currently permitted.**

CARRIED UNANIMOUSLY

On the amendment:

That Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours. **And that the patio remain open until no longer than midnight every night as currently permitted.**

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council advise the Province that it supports the operating hours inside the establishment only of 1am on Thursday, Friday and Saturday, and midnight the rest of the week that more substantially addresses concerns raised by neighbours. And that the patio remain open until no longer than midnight every night as currently permitted.

CARRIED UNANIMOUSLY

Committee recessed at 10:02 a.m. and reconvened at 10:08 a.m.

E.3 1515 Douglas Street: Application for a Patron Participation Entertainment Endorsement and Extended Hours for a Food Primary Licence for Toptable Victoria

Committee received a report dated November 18, 2021 from the Director of Sustainable Planning and Community Development regarding an application by Toptable Victoria at 1515 Douglas Street for a food primary licence having a patron participation entertainment endorsement and extended hours to 2am daily with a total occupant load of 177 people which includes a 38-person outdoor patio, and recommending that it be approved.

Committee discussed:

- *Clarification regarding the orientation of the patio*

Moved By Mayor Helps
Seconded By Councillor Loveday

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, supports the application of Toptable Victoria at 1515 Douglas Street to obtain a patron participation entertainment endorsement for their food primary licence and have extended hours of licenced service to 1am daily with an occupant load of 177 people that includes the 38-person outdoor patio where the outdoor patio is closed by 12am daily.

The following comments are provided regarding the prescribed considerations:

1. The impact of noise on the community near the establishment was considered in relation to the request, and the recommended hours and occupant load at this location are compatible with the area. If approved, the establishment is not expected to result in unacceptable levels of noise where activities permitted by the endorsement are required to end by midnight and patio hours are reduced to 12am daily.
2. Approval of the endorsement is not expected to contribute to the likelihood that the service area will be operated in a manner that is contrary to the primary purpose.
3. 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.
4. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licenced location and a notice posted at the property. In response to the notification that went to 747 owners and occupants, the City received 13 letters in response to the notification which included a letter from the Downtown Residents Association; 11 expressed concern for the application and two expressed support regarding the application for a patron participation entertainment endorsement and extended hours.
5. Council recommends to the Province that the food primary licence be approved as recommended.

Committee discussed:

- *Accessible seating and general standards of accessibility on the property*

On the main motion:

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)

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Committee of the Whole Meeting be adjourned at 10:41 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT