



MINUTES - VICTORIA CITY COUNCIL

May 5, 2022, 3:46 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 Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Andrew, Councillor Isitt

ABSENT FOR A PORTION OF THE MEETING: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, T. Piwowar - Manager, Facility Development, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, L. Van Den Dolder - Assistant City Solicitor, C. Mycroft - Manager of Executive Operations, D. Atkinson - Acting Fire Chief, S. Stoltz – Committee Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Melanoma and Skin Cancer Awareness Month" - May, 2022

Moved By Councillor Loveday
Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

1. Melanoma and Skin Cancer Awareness Month May, 2022

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 21, 2022 COTW Meeting

E.1.a.a Options to Reduce Single-Use Items and Encourage Reuse

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council:

1. Direct the City Solicitor to draft a bylaw for the protection of the natural environment, subject to the approval by the Minister prior to adoption, to reduce single-use items and encourage the use of reusable products by requiring that businesses:
 - a. distribute single-use straws, utensils, stir sticks, and condiment packages (made of any material) only when requested (three months after bylaw adoption),
 - b. use reusable products for food and beverages consumed on the premises of the business, with exemptions for businesses that cannot accommodate sanitization procedures for reusable products (nine months after bylaw adoption),
 - c. charge a fee starting at \$0.25 for any single-use takeout cup or container with exemptions for free drinks and drink vouchers, hospitals and community care facilities, and charitable food services (12 months after bylaw adoption for takeout and 24 months after bylaw adoption for delivery and drive-through).
2. Direct the Director of Engineering and Public Works to monitor impacts of the fee for cups and containers and report back to Council if adjustments are required to further motivate waste reduction.
3. Direct the Director of Engineering and Public Works to report back on options to prohibit specific single-use products if the final federal Single-Use Plastics Prohibition Regulations deviate significantly from their current draft.
4. Direct the Head of Engagement to develop a communication and outreach plan to support

businesses transition to the changes considered in the proposed bylaw.

5. Advocate to the Minister of Environment and Climate Change Strategy to endorse and expedite approval of municipal bylaws that encourage reusable alternatives to single-use disposable items.
6. Work with partners to facilitate the provision of reusable water bottles and reusable cups free of charge for unhoused and other low-income community members, and reusable or non-plastic disposable straws from people with disabilities.
7. Direct staff to report back in 12 months on the feasibility of implementing a regulation requiring businesses to participate in a reusable cup and container program.

Councillor Young requested that the items be voted on separately.

That Council:

1. Direct the City Solicitor to draft a bylaw for the protection of the natural environment, subject to the approval by the Minister prior to adoption, to reduce single-use items and encourage the use of reusable products by requiring that businesses:
 - a. distribute single-use straws, utensils, stir sticks, and condiment packages (made of any material) only when requested (three months after bylaw adoption),
 - b. use reusable products for food and beverages consumed on the premises of the business, with exemptions for businesses that cannot accommodate sanitization procedures for reusable products (nine months after bylaw adoption),
 - c. charge a fee starting at \$0.25 for any single-use takeout cup or container with exemptions for free drinks and drink vouchers, hospitals and community care facilities, and charitable food services (12 months after bylaw adoption for takeout and 24 months after bylaw adoption for delivery and drive-through).

CARRIED UNANIMOUSLY

2. Direct the Director of Engineering and Public Works to monitor impacts of the fee for cups and containers and report back to Council if adjustments are required to further motivate waste reduction.

CARRIED UNANIMOUSLY

3. Direct the Director of Engineering and Public Works to report back on options to prohibit specific single-use

products if the final federal Single-Use Plastics Prohibition Regulations deviate significantly from their current draft.

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

OPPOSED (2): Councillor Andrew, Councillor Young

CARRIED (6 TO 2)

4. Direct the Head of Engagement to develop a communication and outreach plan to support businesses transition to the changes considered in the proposed bylaw.

CARRIED UNANIMOUSLY

5. Advocate to the Minister of Environment and Climate Change Strategy to endorse and expedite approval of municipal bylaws that encourage reusable alternatives to single-use disposable items.

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

OPPOSED (1): Councillor Young

CARRIED (7 TO 1)

6. Work with partners to facilitate the provision of reusable water bottles and reusable cups free of charge for unhoused and other low-income community members, and reusable or non-plastic disposable straws from people with disabilities.

CARRIED UNANIMOUSLY

7. Direct staff to report back in 12 months on the feasibility of implementing a regulation requiring businesses to participate in a reusable cup and container program.

CARRIED UNANIMOUSLY

E.1.a.b Garden Suite Program Review

Moved By Councillor Alto

Seconded By Councillor Potts

1. Prepare and bring forward, for first and second readings, an Official Community Plan Amendment Bylaw to update the

Garden Suites Policy and Guidelines, as identified in this report.

2. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff that no referrals of the Official Community Plan Amendment Bylaw are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, provincial or federal governments, Township of Esquimalt, District of Saanich and the District of Oak Bay.
3. Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake focused consultation with the development industry and the Community Association Land Use Committees on the proposed amendments to the Official Community Plan through a 30-day notification and notice posted on the City website.
4. Prepare and bring forward, for first and second readings, amendments to the Land Use Procedures Bylaw revising the Development Permit application base fee for Garden Suites from \$1,000 to \$3,000, increasing to \$3,500 if the application is not consistent with the applicable Design Guidelines and must be referred to Council for consideration.

That the proposed fees in the report be reduced to \$2,000 for a base fee.

CARRIED UNANIMOUSLY

E.1.b Report from the May 5, 2022 COTW Meeting

E.1.b.a Proposed Functional Program for New Community Space at 926 Pandora Avenue

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council:

1. Approve the functional program for the new community space in the development planned for 926 Pandora Avenue, as shown in Attachment A.
2. Direct staff to apply to the remaining process the Council's equity values

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

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

CARRIED (5 TO 3)

E.1.b.b Local Area Plans, Official Community Plan Amendments and Zoning Guidance for Fernwood, North Park and Hillside-Quadra

Councillor Isitt joined the meeting at 3:56 pm.

Moved By Councillor Alto
Seconded By Councillor Isitt

That Council direct staff to provide a verbal report at the May 19 Daytime Council Meeting on the implications of having the Zoning Bylaw amendments – including details regarding Residential Tenure Zoning and conditions for Pre-Zoning -- considered concurrently with the Official Community Plan amendments and Neighbourhood Plans

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for Business Improvement Area Taxes Rate

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

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

1. Business Improvement Area Rate Bylaw, 2022 No. 22-042

CARRIED UNANIMOUSLY

F.2 Bylaws for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street: Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaws **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007
2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015
3. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw (2022) No. 22-012
4. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw - Right of First Refusal (2022) No. 22-052

Councillor Dubow requested that the motion be separated for the vote.

That the following bylaws **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Dubow

CARRIED (8 TO 1)

2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Councillor Dubow

CARRIED (8 TO 1)

3. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw (2022) No. 22-012

CARRIED UNANIMOUSLY

4. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw - Right of First Refusal (2022) No. 22-052

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

Development Permit with Variances Application No. 00153

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 January 7, 2022.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the front yard setback (Niagara Street) from 7.0m to 0.50m to the building face, to 0.33m to the stairs and 1.16m to the stairwell walls, and to 0.21m to the balconies
 - b. reduce the rear yard setback from 7.0m to 6.81m to the building face, to 5.15m to the balconies and to 4.25m 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 95 stalls
 - f. reduce the visitor vehicle parking from 14 stalls to 10 stalls.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.3 Bylaw for 2022 Tax Rates

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Tax Bylaw, 2022 No. 22-043

CARRIED UNANIMOUSLY

F.4 Bylaw for 2022 Boulevard Tax

Moved By Councillor Loveday
Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Boulevard Tax Bylaw, 2022 No. 22-041

CARRIED UNANIMOUSLY

G. CLOSED MEETING

Moved By Councillor Loveday
Seconded By Councillor Potts

MOTION TO CLOSE THE MAY 5, 2022 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)(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; and

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

CARRIED UNANIMOUSLY

G. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the closed agenda be approved.

CARRIED UNANIMOUSLY

H. READING OF CLOSED MINUTES

H.1 Minutes from the closed meeting held February 24, 2022

Moved By Councillor Alto
Seconded By Councillor Loveday

That the minutes from the closed meeting held February 24, 2022 be adopted.

CARRIED UNANIMOUSLY

H.2. Minutes from the closed meeting held April 7, 2022

Moved By Councillor Alto
Seconded By Councillor Loveday

That the minutes from the closed meeting held April 7, 2022 be adopted.

CARRIED UNANIMOUSLY

L. NEW BUSINESS

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

Council discussed a legal matter. The discussion was recorded and kept confidential.

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

Council discussed a land use matter. The discussion was recorded and kept confidential.

N. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Loveday

That the Closed Council Meeting be adjourned at 4:47 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR