



## MINUTES - VICTORIA CITY COUNCIL

June 20, 2024, 6:03 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 Nation and Xwsepsum Nation**

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Dell, Councillor Gardiner, Councillor Kim, Councillor Loughton, Councillor Thompson

ABSENT: Councillor Coleman, Councillor Hammond

STAFF PRESENT: J. Jenkyns - City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Johnston - Assistant Director of Development Services, B. Roder - Senior Legislative Coordinator, A. Heimburger - Legislative Coordinator

The Mayor acknowledged National Indigenous Peoples Day held on June 21, 2024 and noted events to be held by the Quadra Village Community Centre in Victoria and Royal Roads University in Colwood.

### **A. TERRITORIAL ACKNOWLEDGEMENT**

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation communities, noting the significance and joy of joining together on these lands as friends and family to learn from each other through stories and memories. Council encouraged residents to open their arms and say *hych'ka siam* to express their appreciation and respect to the Nations for their leadership and guidance, and thanked them for allowing us to live, work and play on their lands.

### **C. APPROVAL OF AGENDA**

Moved and Seconded:

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **D. REPORTS OF COMMITTEE**

#### **D.1 Committee of the Whole**

## D.1.a Report from the June 20, 2024 COTW meeting

### D.1.a.a Council Member Motion: Zoning for Social Services for Unhoused Victorians

Moved and Seconded:

1. That Council direct the Director of Sustainable Planning and Community Development to initiate, as part of the Official Community Plan update and zoning modernization projects, work exploring the appropriate regulation for social service centres in Victoria and report back to Council on the results of that work as part of future reports back on Official Community Plan update or zoning modernization projects as appropriate.
2. That Council instruct the City Solicitor and the Director of Sustainable Planning and Community Development to bring forward zoning amendments to permit, as a temporary measure, social service centres throughout Victoria subject only to the following conditions:
  - a. The number of overnight shelter spaces not to exceed the number of persons considered to be reasonable by City staff and at all times not to exceed 50
  - b. Must not be located within 100 metres of another social service centre;
  - c. An agreement, to the satisfaction of the Director of Sustainable Planning and Community development and in the form satisfactory to the City Solicitor, requiring that the property is well kept and maintained at all times to reduce impacts on the neighbouring community; and
  - d. Operation of the social service centre, including activities outside its property, must not cause nuisance or otherwise negatively impact neighbouring community.
3. That Council waive the holding of a public hearing prior to the adoption of these zoning amendments.
4. That, subject to publication of notices required under the Local Government Act, these amendments be expedited and brought forward for Council's consideration and adoption at the earliest opportunity.

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

**D.1.a.b Council Member Motion: Province of BC Bill 47 and Transit Oriented Area (TOA) and/or Transit-Oriented Development Area (TOD) in Victoria**

Moved and Seconded:

- That Council request the Mayor write to the Minister of Transportation and Infrastructure requesting that the Victoria Transit Oriented Area (TOA) identified in Bill 47 be moved to the 700 block of Douglas Street in the future.
- That if the bylaw designating the TOA is adopted, staff attach the letter requesting the relocation of the TOA to the notification to the Minister of Transportation and Infrastructure confirming designation of the Transit Oriented Area identified in Bill 47.

OPPOSED (2): Councillor Dell, and Councillor Thompson

**CARRIED (5 to 2)**

**D.1.a.c Major Community Initiatives and Events Grant**

Moved and Seconded:

That Council approve the Major Community Initiatives and Events Grant Program Guidelines as outlined in Appendix A as amended.

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

**E. BYLAWS**

**E.1 Bylaw for 1011 Fort Street: Rezoning Application No. 00863**

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1335), No. 24-034

**CARRIED UNANIMOUSLY**

Moved and Seconded:

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1335), No. 24-034

**CARRIED UNANIMOUSLY**

**E.2 Amendment Bylaws for Zoning Regulation Bylaw Pursuant to Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023 and Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023**

Councillor Gardiner requested that Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035 and Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036 be considered separately.

Moved and Seconded:

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

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

Moved and Seconded:

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

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036

**CARRIED UNANIMOUSLY**

Moved and Seconded:

That the following bylaw **be adopted:**

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

Moved and Seconded:

That the following bylaw **be adopted:**

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036

**CARRIED UNANIMOUSLY**

**E.3 Bylaw for Affordable Rental Housing Revitalization Tax Exemption**

Moved and Seconded:

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

- 1. Affordable Rental Housing Revitalization Tax Exemption Bylaw No. 24-014

**CARRIED UNANIMOUSLY**

**E.4 Amendment Bylaw for Single-Use Items Reduction Bylaw**

Moved and Seconded:

1. That Council rescind third reading of the Single-Use Items Reduction Bylaw No. 23-013;

**CARRIED UNANIMOUSLY**

Moved and Seconded:

1. And that Council amend the Single-Use Items Reduction Bylaw No. 23-013 in section 11(2) by striking out the word “nine” and replacing it with “18”;

**CARRIED UNANIMOUSLY**

Moved and Seconded:

1. And further that Council give third reading to the Single-Use Items Reduction Bylaw No. 23-013 as amended.

**CARRIED UNANIMOUSLY**

**E.5 Bylaw for 340-346 Mary Street and 247-253 Russell Street: Rezoning Application No. 00832**

Moved and Seconded:

That the following bylaw **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1307), No. 23-069

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

**F. NEW BUSINESS**

**F.1 586 Johnson Street: Update on Application for New Liquor Primary Licence for Forged Axe Throwing (Downtown)**

Council received an update report dated June 6, 2024 from the Director of Community Planning and Sustainable Development regarding an application for a liquor primary licence for the property located at 586 Johnson Street in order to allow liquor service with hours of service Sunday to Thursday from 9 a.m. to 12 a.m. inside and 9 a.m. to 10 p.m. on the patio, and Friday and Saturday from 9 a.m. to 1 a.m. inside and 9 a.m. to 11 p.m. on the patio, with a total occupant load of 74 people, and recommending approval subject to additional sound attenuation or professional reporting.

*Council discussed the following:*

- *Impacts on small businesses and lack of precedent to require additional sound attenuation measures.*

Moved and Seconded:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application from Forged Axe Throwing, located at 586 Johnson Street, for a new liquor primary licence having hours of service Sunday to Thursday from 9 a.m. to 12 a.m. inside and 9 a.m. to 10 p.m. on the patio, and Friday and Saturday from 9 a.m. to 1 a.m. inside and 9 a.m. to 11 p.m. on the patio, with a total occupant load of 74 people to allow up to 50 people inside the establishment and up to 24 people in the licensed outdoor patio area.
2. Endorsement of the application is subject to installation of additional sound attenuation features that minimize noise impacts of the axe-throwing on neighbours, or receipt of assurance from a qualified acoustical engineer that the remaining axe-throwing noise is not expected to impact the normal use and enjoyment of residences in close proximity, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. The following comments are provided regarding the prescribed considerations:
  - a. 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.
  - b. 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 899 owners and occupants, the City received 33 letters of correspondence. Of these letters, five expressed opposition and 28 expressed support for the proposal. A letter from the Downtown Residents Association notes support for the provision of late-night activities and concern regarding the potential noise impact on neighbouring residential units.
4. Council recommends to the Liquor and Cannabis Regulation Branch that the liquor primary licence be approved.

OPPOSED (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson

**DEFEATED (1 to 6)**

Moved and Seconded:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application from Forged Axe Throwing, located at 586 Johnson Street, for a new liquor primary licence having hours of service Sunday to Thursday from 9 a.m. to 12 a.m. inside and 9 a.m. to 10 p.m. on the patio, and Friday and Saturday from 9 a.m. to 1 a.m. inside and 9 a.m. to 11 p.m. on the patio, with a total occupant load of 74

people to allow up to 50 people inside the establishment and up to 24 people in the licensed outdoor patio area.

2. The following comments are provided regarding the prescribed considerations:
  - a. 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.
  - b. 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 899 owners and occupants, the City received 33 letters of correspondence. Of these letters, five expressed opposition and 28 expressed support for the proposal. A letter from the Downtown Residents Association notes support for the provision of late-night activities and concern regarding the potential noise impact on neighbouring residential units.
3. Council recommends to the Province that the liquor primary licence be approved as recommended.

OPPOSED (1): Councillor Gardiner

**CARRIED (6 to 1)**

## H. **CLOSED MEETING**

Moved and Seconded:

### MOTION TO CLOSE THE JUNE 20, 2024 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;*

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

*Section 90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2); and*

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the*

federal government or both, or between a provincial government or the federal government or both and a third party;

**CARRIED UNANIMOUSLY**

The Daytime Council meeting closed to the public at 6:40 p.m.

**J. APPROVAL OF CLOSED AGENDA**

Council requested that the following items be moved to the June 27, 2024 Closed Council meeting:

- I.1 Legal Advice - Community Charter Section 90(1)(i)
- K.2 Land and Intergovernmental Relations - Community Charter Sections 90(1)(e) and 90(2)(b)
- K.3 Closed - Community Charter Section 90(1)(n)

Moved and Seconded:

That the closed agenda be approved as amended

**CARRIED UNANIMOUSLY**

**K. NEW BUSINESS**

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

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

**M. ADJOURNMENT**

Moved and Seconded:

That the Council Meeting be adjourned at 7:05 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR