



AGENDA - VICTORIA CITY COUNCIL

Thursday, July 4, 2024

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

Pages

A. TERRITORIAL ACKNOWLEDGEMENT

B. INTRODUCTION OF LATE ITEMS

C. APPROVAL OF AGENDA

D. UNFINISHED BUSINESS

D.1 Rise and Report

D.1.a From the June 27, 2024 Closed Council Meeting:

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Rise and Report of Period 1 2024 Closed Resolutions

That Council rise and report the resolutions listed in Attachment 1 of Rise and Report of Period 1 2024 Closed Resolutions.

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the June 20, 2024 COTW Meeting

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[Link to the June 20, 2024 COTW Agenda](#)

E.1.a.a 1276 and 1278 Gladstone Avenue: Rezoning Application No. 00860 and Development Permit with Variances Application No. 00249 (Fernwood)

E.1.a.b Development Cost Charges Review - Consultation Results

E.1.a.c Victoria Housing Strategy Annual Review Report 2023

E.1.a.d Council Member Motion: City of Victoria response to on-going antisemitic actions

E.1.b Report from the July 04, 2024 COTW Meeting

Placeholder for time-sensitive items pending approval at the July 04, 2024 COTW meeting.

E.1.b.a Appointment of Bylaw Officers

E.1.b.b Council Member Motion: Support for the Victoria Hockey Legacy Society Bid for the 2025 U17 Hockey Challenge

F. BYLAWS

F.1 Amendment Bylaw for Parks Regulation Bylaw

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- **Adoption of:**
 - Parks Regulation Bylaw, Amendment Bylaw (No.19), 24-038

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to add Irving Park and Vic West Park to the list of parks where sheltering is prohibited.

G. CLOSED MEETING

MOTION TO CLOSE THE JULY 04, 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)(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)(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; and

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.

H. APPROVAL OF CLOSED AGENDA

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I. NEW BUSINESS

I.1 Land, Service at Preliminary Stages, and Legal Advice - Community Charter Section 90(1)(e), 90(1)(k), and 90(1)(i)

I.2 Appointment - Community Charter Section 90(1)(a)

J. CONSIDERATION TO RISE & REPORT

K. ADJOURNMENT

Attachment 1: Closed Resolutions Recommended FOR RELEASE

Date	Agenda Item	Resolution
2023		
Jul 6 Closed	Employee Relations - United Brotherhood of Carpenters and Joiners of America (UBCJ) Tentative Agreement	<i>Council, by unanimous consent considered and carried the motion.</i> That Council approve ratification of the tentative agreement set out in the Memorandum of Agreement dated June 28, 2023 between the bargaining representatives of the City of Victoria and the United Brotherhood of Carpenters and Joiners of America (UBCJ), Local 1598.
Jul 27 Closed	Land - Acquisition of Real Property for a New Park in Downtown/North Park	That Council: 1.Direct staff to enter discussions with the owners of 1703 Blanshard Street (PID 006-243-070) to determine their interest in selling the property and potential terms that would inform an offer by the City, and report back to Council on the potential acquisition; and 2.Rise and report on the above recommendations upon execution of a purchase and sale agreement by all parties, should one be entered into.
Jul 27 Closed	Appointment - Appointment to Heritage Advisory Panel	That Council: 1.Appoint the following 10 candidates to the Heritage Advisory Panel with a term effective immediately and expiring December 31, 2024: 1.Boehme, John 2.Brears, Liberty 3.Calvert, Loranda 4.Goldie, Imogen 5.Hill, Genevieve 6.Kerr, James 7.Lindholm, Valerie 8.Strong-Boag, Veronica 9.Unsal, Deniz 10.Wrean, Alissa 2.Rise and report on these appointments once applicants have been notified.
Sep 7 Closed	Land - 751-753 View Street Acquisition – Hermann’s Jazz Club	That Council: 1.Authorize the Director of Strategic Real Estate to negotiate and execute a conditional Offer To Purchase with the owner of 751-753 View Street to acquire a 7,200 sq.ft. parcel of land legally described as PID 003-875-482, Lot 38, Victoria..., in a form satisfactory to the City Solicitor with business terms satisfactory to the Director of Strategic Real Estate, and with such agreement to include the following terms and conditions: a.Purchaser’s condition whereby the sale is conditioned on the City first satisfying itself as to the environmental conditions and building condition of the Subject Property, and b.Payment of deposits, with the remainder of the purchase price due on closing. 2.Authorize the expenditure ... from the Tax Sale Land Reserve to fund the costs of acquisition of the Subject Property ... 3.Authorize the Director of Strategic Real Estate to undertake all necessary work in support of carrying out the City’s commitments in carrying out the transaction, including waiving or removing conditions and executing documents necessary to complete the purchase if the City’s offer is accepted. ... 5.Rise and report on the above recommendations 1, 2 and 3 upon closing of the purchase.
Sep 7 Closed	Appointment - Advisory Design Panel	1. That Council appoint to the Advisory Design Panel for a term effective immediately and expiring December 31, 2024. a.)The four Architects nominated by the Architectural Institute of BC: 1.Julie Brown 2.Colin Harper 3.Peter Johannknecht 4.Priscilla Samuel b.)The two Landscape Architects nominated by the BC Landscape Architects Association: 1.Elizabeth Balderston 2.Tamara Bonnemaison c.)three Greater Victoria Residents 1.Bruce Anderson 2.David Berry 3.Patrick Conn d.) direct staff to consult with the Heritage Advisory Panel and provide Council with a recommendation for one cross appointee from the Heritage Advisory Panel.
Sep 14 Closed	Legal Advice - 836 Yates Street – Acquisition of Statutory Right of Way	1.That Council authorize the City entering into a statutory right of way agreement (the “SRW”) with the owner of 836 Yates Street on the terms satisfactory to the Director of Sustainable Planning and Community Development and in the form satisfactory to the City Solicitor, for the purpose of a public pedestrian pathway between Yates and Johnson Streets. 2.That no legal right or obligation will be created and none shall arise until the SRW is fully executed by the City. 3.That Council rise and report on the above resolutions upon registration of the SRW in the Land Title Office.
Sep 28 Closed	1703 Blanshard Street Acquisition and Listing of 1725-1745 Blanshard	That Council: 1.Authorize the Director of Strategic Real Estate to negotiate and execute a conditional Offer to Purchase with: a.the owner of 1703 Blanshard Street (the “Romeo’s Property”) [PID 006-243-070] to acquire a 1,584 sq.m. (17,050 sq.ft.) parcel of land ... and b.the owner of 1725-1745 Blanshard Street (the “Urbana Property”) [PID 002-984-075] to acquire a 774 sq.m. (8,329 sq.ft.) parcel of land ... 2.Direct the agreement(s) referred to in Section 1 be drafted in a form satisfactory to the City Solicitor with business terms satisfactory to the Director of Strategic Real Estate, and with such agreement(s) to include the following terms and conditions: a.Purchaser’s condition whereby the sale is conditional upon the City first satisfying itself as to the environmental and building conditions of the property, and b.Payment of deposits, with the remainder of the purchase price due on closing. 3.Authorize the Director of Strategic Real Estate to undertake all necessary work in support of carrying out the City’s commitments in carrying out the transaction(s), including waiving or removing conditions, paying deposits and executing documents necessary to complete the purchase(s) if the City’s offer(s) is accepted. 4.Authorize the expenditure ... to fund the costs of acquisition of the Romeo’s Property ... from the following funds: Parks Acquisition Reserve ..., DCCs Park Reserve ... and Tax Sale Land Reserve ... 5.Authorize the expenditure ... to fund the costs of acquisition of the Urbana Property ... funded by, DCCs Park Reserve ..., and the remainder to come first from the Tax Sale Land Reserve, and any remaining funding amount required after applying the full balance of the Tax Sale Land Reserve, to come from the Debt Reduction Reserve. ...

Oct 5 Closed	Appointment - Appointment to the Board of Cemetery Trustees of Greater Victoria	That Council: 1.Reappoint Alison Mackenzie to the Board of Cemetery Trustees of Greater Victoria for a three-year term effective immediately until August 31, 2026. 2.Rise and report once an appointment has been made to the Board of Cemetery Trustees.
Nov 9 Closed	Land - Update on Proposed Land Interest Exchange for 603 Pandora Avenue	That Council: 1.Authorizes the Director of Strategic Real Estate to negotiate, and subject to publication of any applicable statutory notices, execute agreements with the owners of 603 Pandora Avenue [PIDs 000-021-172/181/199/202], Ocean Gate Developments Ltd., to support an exchange of land rights with business terms satisfactory to the Director of Strategic Real Estate and in a form satisfactory to the City Solicitor to include the following: a.A cover agreement whereby the City as property owner consents to Ocean Gate Developments Ltd. applying for regulatory approvals for a development that proposes to include an encroachment by a multi-story hotel that will cantilever over the City's Pandora Avenue public plaza (roadway) as described in 1. b., subject to certain terms and conditions, including receipt of regulatory approvals within a defined time period and the registration of the statutory right of way described in 1. c; b.An encroachment easement agreement over the City-owned Pandora Avenue for a cantilevered portion of a hotel building and attached canopy, to expire when the building is demolished; execution of which is subject to all conditions in the cover agreement being fulfilled; c.A statutory right of way along the Government Street frontage in favour of the City, that ensures public access to the statutory right of way area in perpetuity and requires the developer to design, build and maintain a sidewalk. 2.Authorizes the Director of Strategic Real Estate to undertake all necessary work and agreements in support of carrying out the City's commitments in recommendation 1. 3.Rise and Report on the above recommendations upon the City's execution of the cover agreement after publication of any applicable statutory notices of the proposed disposition.
Dec 7 Closed	Legal - Council Member Motion: Temporary Tax Relief for Chabad Child Care Facility	1.That Council approve a one-time grant to the Chabad, from the remaining existing strategic plan grant budget, equal to the Chabad's actual 2023 and actual 2024 tax assessments in an amount up to \$12,000.00 (\$4679.22 for its 2023 tax assessment + \$467.92 for a non-payment penalty + an amount to be determined for its projected assessment in 2024). 2.That Council requests a "rise and report" on this matter at the discretion of the mayor
Dec 7 Closed	Appointment - Victoria Police Board	That Council appoint Dale Yakimchuk to the Victoria and Esquimalt Police Board for a term ending December 31, 2024.
2024		
Jan 11 Closed	Selection of Code of Conduct investigator	1. That pursuant to section 10 of the Code of Conduct Bylaw, Marisa Cruickshank is selected as the code of conduct investigator, effective upon execution of a retainer agreement on the terms acceptable to the City Manager and in a form acceptable to the City Solicitor. 2. That the City Manager be authorized to execute the retainer agreement with the investigator. 3. That Council authorize a rise and report on the identity of the selected investigator once their retainer is formalized.
Jan 18 Closed	Land/Legal Advice - Licence of Occupation Agreement with James Bay Neighbourhood Association	That Council: 1.Approve the City entering into a five-year licence of occupation agreement with James Bay Neighbourhood Association for use of a former concession stand located in MacDonald Park for nominal rent, with terms satisfactory to the Director of Parks, Recreation and Facilities; and in a form acceptable to the City Solicitor. 2.That no legal right or obligation will be created, and none shall arise until the licence agreement is fully executed by the City. 3.Rise and report on the above resolutions upon execution of the agreement by all parties.
Apr 11 Closed	Appointment - Appointment to the Board of Cemetery Trustees of Greater Victoria	That Council: 1.Reappoint Chris Lawless to the Board of Cemetery Trustees of Greater Victoria for a three-year term from April 15, 2024 to April 15, 2027. 2.Rise and report once an appointment has been made to the Board of Cemetery Trustees.

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JUNE 20, 2024**

For the Council meeting of July 4, 2024, the Committee recommends the following:

E.1 1276 and 1278 Gladstone Avenue: Rezoning Application No. 00860 and Development Permit with Variances Application No. 00249 (Fernwood)

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated June 6, 2024, for 1276/1278 Gladstone Avenue.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
 - a. Revisions to the landscape plan to consider achieving the siting and soil volume requirements of the *Tree Protection Bylaw* for the proposed replacement tree in the front yard to the satisfaction of the Director of Parks, Recreation and Facilities.
 - b. Revisions to the frontage design to include a ramp access as part of the proposed on-street loading zone design, to the satisfaction of the Director of Engineering and Public Works.
3. That following the third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development, the Director of Engineering and Public Works, and form satisfactory to the City Solicitor prior to adoption of the bylaw to secure the following:
 - a. To secure the 18 new residential dwelling units as rental in perpetuity.
 - b. To secure two two-bedroom units and six three-bedroom units within the building.
 - c. Provision of transportation demand measures including:
 - i. a \$55,000 contribution towards the purchase and operation of a shared home-based Electric Vehicle (EV)
 - ii. a \$20,000 contribution towards the design and installation of an on-street dual head level 2 Electric Vehicle (EV) charger
 - iii. car share membership with a \$100.00 usage credit per dwelling unit
 - iv. BC Transit Eco Passes for 50 percent of the units for a three-year term.
 - d. Authorization for the existing Statutory Right-of-way CA7437563 currently registered on Title (a 1.85m SRW for highway purposes) along Gladstone Avenue

be rescinded and replaced with a new Statutory Right-of-way for the same area and purpose, with updated terms and conditions.

- e. Authorization for the City Solicitor to enter into a Statutory Right-of-way for the purpose of municipal infrastructure (a water vault) if it is determined to be required.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variance Application

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00249 for 1276/1278 Gladstone Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on April 26, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the minimum rear lot line setback from 6.00m to 3.95m for the main face of the building and to 1.00m for the first storey and patio
 - ii. reduce the minimum side (east) lot line setback from 3.50m to 2.09m for the building, to 1.44m for the balconies, and to 0.06m for the steps
 - iii. reduce the minimum side (west) lot line setback from 3.50m to 2.08m for the main face of the building, to 1.36m for the balconies, and to 0.00m for the first storey and patio
 - iv. reduce the number of residential parking spaces from 18 spaces to 0 spaces
 - v. reduce the number of commercial parking spaces from 8 spaces to 0 spaces
 - vi. reduce the number of visitor parking spaces from 2 spaces to 0 spaces
 - vii. reduce the number of accessible parking spaces from 1 space to 0 spaces
 - viii. reduce the number of van accessible parking spaces from 1 space to 0 spaces
 - ix. increase the maximum height of a building from 12m to 13.56m
 - x. increase the maximum number of storeys from four storeys to five storeys.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

F.1 Development Cost Charges Review - Consultation Results

That Council direct staff to bring forward an amended Development Cost Charges bylaw for consideration of introductory readings.

F.3 Victoria Housing Strategy Annual Review Report 2023

That Council receive the Victoria Housing Strategy Annual Review 2023 report for information.

H. NEW BUSINESS

H.2 Council Member Motion: City of Victoria response to on-going antisemitic actions

That Council reaffirm direction to staff to respond promptly to communications from the public regarding discriminatory or other actions intended to create hate and/or division in our community by:

1. assessing communications from the public which assert City funding support or otherwise links the City to organizations which advocate for discriminatory behaviour to
 - a. determine if any grant or other city funding is used directly or indirectly to support discriminatory activities, and
 - b. recommend continuing or altering City financial support for an organization involved with such discriminatory activities.
2. prioritizing the removal of graffiti which is likely to be offensive, abusive, hateful or threatening in nature by
 - a. removing such graffiti on City public property.
 - b. promptly notifying property owners of such graffiti on their property and their obligation to remove graffiti.

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 19)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to add Irving Park and Vic West Park to the list of parks where sheltering is prohibited.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(b) and (h), and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 19)”.

Amendments

- 2 Section 16A(2)(b) of the Parks Regulation Bylaw No. 07-059 is amended by:
 - (a) renumbering subparagraphs (xv) to (xxv) as subparagraphs (xvi) to (xxvi),
 - (b) inserting the following as the new subparagraph (xv):

“(xv) Irving Park,”
 - (c) deleting:
 - (i) “or” in the renumbered subparagraph (xxv), and
 - (ii) the period at the end of renumbered subparagraph (xxvi),
 - (d) inserting “, or” at the end of the renumbered subparagraph (xxvi), and
 - (e) inserting the following as the new subparagraph (xxvii):

“(xxvii) Vic West Park.”

Commencement

- 3 This Bylaw comes into force on August 1, 2024.

READ A FIRST TIME the **27th** day of **June** 2024
READ A SECOND TIME the **27th** day of **June** 2024
READ A THIRD TIME the **27th** day of **June** 2024
ADOPTED on the day of 2024

CITY CLERK

MAYOR