



MINUTES - VICTORIA CITY COUNCIL

December 5, 2024, 11:48 A.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 Hammond

PRESENT ELECTRONICALLY: Councillor Kim, Councillor Loughton, Councillor Thompson

ABSENT: Councillor Coleman

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Soulliere - Deputy City Manager, T. Zworski - City Solicitor, C. Kingsley - City Clerk, C. Mycroft - Manager of Intergovernmental & Media Relations, P. Rantucci - Director of Strategic Real Estate, W. Doyle – Acting Director of Engineering and Public Works, D. Newman - Director of Parks, Recreation and Facilities, J. Jensen – Director of People and Culture, A. Johnston - Assistant Director of Development Services, B. Roder – Deputy City Clerk, A. Heimburger - Legislative Coordinator

The Chair acknowledged Councillor Coleman's absence, noting his work on behalf of the City with the Federation of Canadian Municipalities.

The Chair thanked Councillor Loughton for stepping in as Chair during the November 28, 2024 Council meetings and noted the relationship-building work done alongside leaders from the Songhees and Xwsepsum Nations in the City's twin city, Napier, New Zealand.

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is situated in its entirety on the homelands of the Songhees First Nation and Xwsepsum First Nation communities and reminded listeners that it is rare to encounter any activity, experience, thought, food, *etc.* within the City that does not rely on the historic and ongoing work and stewardship of these communities. Council thanked the Nations for allowing us to live, work and play on their lands.

B. INTRODUCTION OF LATE ITEMS

There were no late items.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

Council requested that the following item be removed from the Consent Agenda:

- *F.3 - Bylaw for Development Potential Tax Relief Eligibility*

Moved and Seconded:

That the following Consent Agenda items be approved:

E.1.a.a Direction for 2025 Utility Rate Bylaws

That Council:

1. Direct staff to bring forward water, sewer, storm drain and solid waste rate bylaws to the December 5, 2024 daytime Council meeting for consideration.

E.1.a.e Council Member Motion: Sheltering in Parks and the Parks Regulation Bylaw

That Council direct staff to report back on the status of overnight sheltering in City parks and make recommendations for updates to the Parks Regulation Bylaw provisions dealing with overnight sheltering by persons experiencing homelessness in light of the City's experience during the past 15 years.

F.1 Bylaws for 2025 Solid Waste and Utility Rates

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

1. Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No.12), No. 24-089
2. Solid Waste Bylaw, Amendment Bylaw (No.14), No. 24-090
3. Waterworks Bylaw, Amendment Bylaw (No.19), No. 24-091

F.2 Bylaw for 1314-1318 Wharf Street: Tax Incentive Program Application No. 00037

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

1. Tax Exemption (1314/1318 Wharf Street) Bylaw, No. 24-070

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the November 21, 2024 Committee of the Whole Meeting

E.1.a.a Direction for 2025 Utility Rate Bylaws

This item was considered in the Consent Agenda.

E.1.a.b 205 Quebec Street, 507 Montreal Street, and 210-224 Kingston Street: Update on Rezoning Application No. 00804 and associated Official Community Plan Amendment and Development Permit with Variances Application No. 00191 (James Bay)

Moved and Seconded:

OCP Amendment with Rezoning

1. That Council instruct the Director of Planning and Development to prepare the necessary Official Community Plan amendment bylaw in accordance with section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in the staff report dated November 8, 2024 for 205 Quebec Street, 507 Montreal Street, and 210, 214, 218, and 224 Kingston Street.
2. That first and second reading of the Official Community Plan and Zoning Regulation Bylaw amendments (collectively, the “**Bylaw Amendments**”) be considered by Council and a public hearing date be set.
3. That if Council wish to give the Bylaw Amendments approval in principle after the public hearing, Council consider the following motions prior to giving the Bylaw Amendments third reading:
 1. "That Council give the Bylaw Amendments approval in principle, subject to the applicant preparing and executing the following prior to adoption of the Bylaw Amendments:
 - a. With contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor, legal agreements to secure:
 - i. provision of \$700,000 to the Housing Reserve Fund
 - ii. provision of \$200,000 to the Local Amenities Fund
 - iii. provision of no less than 11 three-bedroom townhomes and 15% of the remaining dwelling units as two- or three-bedroom units
 - iv. provision of a daycare of no less than 153.29m², for a minimum period of ten years,

and that the space will be sold to a not-for-profit provider for no more than \$1 prior to occupancy permit.

- b. With contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor, legal agreements to secure:
 - i. a triangle-shaped right of way at the corner of Montreal Street and Quebec Street that is 6m in length along each of the street frontages for highway purposes
 - ii. provision of transportation demand management measures including:
 - A. two shared vehicles
 - B. two shared vehicle parking stalls located on the property
 - C. public access to the shared vehicle parking stalls
 - D. 108 car share memberships
 - E. design and installation of an on-street dual head level two electric vehicle charger
 - F. 11 spaces of cargo bike parking
 - G. additional bike parking beyond the amount required by the Zoning Regulation Bylaw (161 long-term spaces proposed instead of the required 135 spaces and 25 short-term spaces proposed instead of the required 15 spaces)
 - H. a bike repair station.
 - iii. Provision of the following public realm improvements:
 - A. design, supply and installation of enhanced street frontages along Quebec Street, Montreal Street and Kingston Street frontages in the right of way in accordance with the plans date stamped November 8, 2024
 - B. design and installation of a AAA protected cycling network along Quebec Street and Montreal Street frontages in accordance with the plans date stamped November 8, 2024

- C. design and installation of a cross walk at Quebec Street and Montreal Street in accordance with the plans date stamped November 8, 2024
 - D. undergrounding the BC Hydro lines and associated infrastructure along Montreal Street.
- iv. Provision of the following tree and stormwater infrastructure:
- A. design and installation of the City's stormwater facilities along the municipal frontage of Montreal Street
 - B. boulevard rain gardens with irrigation on the municipal frontage of Montreal Street and Quebec Street in accordance with the plans date stamped November 8, 2024
 - C. City of Victoria standard tree guards for all street trees in grates
 - D. soil cells to achieve recommended soil volumes for all new street trees.
2. That adoption of the Bylaw Amendments 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.”
4. 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.

OPPOSED (2): Councillor Gardiner, and Councillor Hammond

CARRIED (6 to 2)

E.1.a.c

450 Swift Street, Craft Beer Market: Liquor Licence Application

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 of Craft Beer Market, located at 450 Swift Street, to consolidate their two liquor primary licences, change the service hours associated with the licence, and change the distribution of the existing occupant load with support conditional on the following:

- a. The establishment having a total occupant load of 786 people where 355 are interior (195 food primary / 160 liquor primary), and 431 are exterior (276 food primary / 155 liquor primary).
 - b. Interior food primary and liquor primary hours are 9 a.m. to 1 a.m. Monday to Saturday and 9 a.m. to 12 a.m. Sunday.
 - c. Exterior food primary and liquor primary hours are 9 a.m. to 11 p.m. Friday and Saturday and 9 a.m. to 10 p.m. Sunday to Thursday.
 - d. No exterior amplified music is permitted after 11 p.m. Friday and Saturday and after 10 p.m. Sunday to Thursday.
 - e. Unenclosed patio areas are considered exterior space and subject to the conditions prescribed in (c) and (d).
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 419 owners and occupants, the City received 15 letters of correspondence. Of these letters, 10 expressed opposition and five expressed support for the proposal. A letter from the Downtown Residents Association (DRA) requested that the establishment monitors and modulates noise before approvals are granted.
 3. Council recommends to the Province that the liquor primary licence be approved as recommended.

OPPOSED (1): Councillor Gardiner

CARRIED (7 to 1)

E.1.a.d

Council Member Motion: Advocacy to VicPD and SD61 on unregulated substances known as date-rape drugs

Moved and Seconded:

That Council directs the Mayor to request a formal update from the VicPD and SD61 about any efforts currently being undertaken to raise awareness about and prevent the use of unregulated

substances, such as GHB and Rohypnol, commonly known as "date-rape drugs" with such a request copied to the provincial Ministers of Education and Health.

OPPOSED (2): Councillor Gardiner, and Councillor Hammond

CARRIED (6 to 2)

E.1.a.e Council Member Motion: Sheltering in Parks and the Parks Regulation Bylaw

This item was considered during the Consent Agenda.

E.1.b Report from the December 05, 2024 Committee of the Whole Meeting

E.1.b.a 710 Caledonia Avenue and 1961 Douglas Street: Rezoning Application No. 00883 and Development Permit with Variances Application No. 00262 (Burnside)

Moved and Seconded:

Rezoning Application

1. That Council authorise the waiving of the pre-application CALUC consultation requirements in accordance with the Land Use Procedures Bylaw.
2. That Council instruct the Director of Planning and Development to prepare a repeal of the existing bonus density bylaw and replace it with the necessary zoning bylaw amendments that would authorize the proposed changes to the development outlined in the staff report dated November 21, 2024 for 710 Caledonia Ave. and 1961 Douglas Street.
3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning bylaw amendment be considered by Council.
4. That following third reading of the zoning amendment bylaw, the applicant prepare and execute amendments to the following existing legal agreements on the property's title, with contents satisfactory to the Director of Planning and Development, the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
 - a. Secure approximately 43 additional dwelling units within Building B as rental in perpetuity.
 - b. Transportation Demand Management covenant including:

- i. add four fully electric car share vehicles (six total) to be located on site in dedicated parking spaces, each equipped with level-two electric vehicle charging stations
 - ii. add a minimum contribution of \$55,000 per vehicle towards the purchase and operation of the car share vehicles.
 - c. Public realm improvement covenant:
 - i. remove the centre median on Caledonia Avenue adjacent to the previously proposed western driveway
 - ii. include an additional boulevard tree along Discovery Street for a total of six medium sized canopy trees.
 - d. Air space parcel subdivision covenant to remove the previously proposed western driveway crossing on Caledonia Avenue.
 - e. Accessible Units Covenant to require the 30 accessible dwelling units to be constructed in accordance with Adaptable Dwelling Units as defined in the BC Building Code 2018 and the BC Housing Design Guidelines and Construction Standards (updated from CAN/CSA-B651-95, the National Standard of Canada for barrier-free design standard).
- 5. 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 are registered to the satisfaction of the City Solicitor.
- 6. 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.
- 7. That this motion be considered for same-day ratification at the daytime Council meeting on December 5, 2024.

Development Permit with Variances Application

That after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion if the zoning amendment bylaw is adopted:

1. "That Council authorize the issuance of Development Permit with Variances No. 00262 for 710 Caledonia Avenue and 1961 Douglas Street, in accordance with plans submitted to the Planning and Development department and date stamped on August 14, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the maximum building height of Building A from 45m to 56m
 - ii. increase the maximum building height of Building B from 45m to 74m
 - iii. increase the maximum building height of Building C from 45m to 66m
 - iv. reduce the required number of residential parking spaces from 300 to 221
 - v. reduce the required number of visitor parking spaces from 50 to 15.
 - b. Plan changes to refine the design of the podium facing Caledonia Avenue to be more in keeping with the envisaged employment-focused character of the Rock Bay District and to include a greater proportion of usable private balconies, as encouraged in the Downtown Core Area Plan.
 - c. All other previously secured legal agreements and associated conditions secured through the rezoning application REZ00815 continuing to be required.
2. That the Development Permit with Variances (DPV), if issued, lapses two years from the date of issuance."

CARRIED UNANIMOUSLY

E.1.b.b

Revised 2025 Committee and Council Meeting Schedule

Moved and Seconded:

That Council approve the revised 2025 Committee of the Whole and Council meeting schedule attached to this report and make it available to the public as required under Section 127 of the Community Charter.

CARRIED UNANIMOUSLY

Council recessed at noon and reconvened at 1:05 p.m.

F. BYLAWS

F.1 Bylaws for 2025 Solid Waste and Utility Rates

This item was considered during the Consent Agenda.

F.2 Bylaw for 1314-1318 Wharf Street: Tax Incentive Program Application No. 00037

This item was considered during the Consent Agenda.

F.3 Bylaw for Development Potential Tax Relief Eligibility

Council discussed the following:

- *Benefits and consequences of shifting the property tax responsibility across the City*

Moved and Seconded:

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

1. Development Potential Tax Relief Eligibility Bylaw, No. 24-093

OPPOSED (1): Councillor Gardiner

CARRIED (7 to 1)

F.4 Amendment Bylaws for Support of the Electric Vehicle Strategy

Moved and Seconded:

That the following bylaws **be adopted:**

1. Streets and Traffic Bylaw, Amendment Bylaw (No. 18), No. 24-077
2. City Parkades Electric Vehicle Charging Fees Bylaw, Amendment Bylaw (No. 2), No. 24-076

CARRIED UNANIMOUSLY

F.5 Bylaw for Business Improvement Area – Alternative Approval Process Results

Council discussed the following:

- *Addressing concerns of property owners opposed to continuation of the Downtown Victoria Business Improvement Area*

Moved and Seconded:

That the following bylaw **be adopted:**

1. Business Improvement Area Bylaw, 2024, No. 24-082

CARRIED UNANIMOUSLY

G. NEW BUSINESS

G.1 Short-Term Rental Business Licence Appeal - 809-751 Fairfield Road

Council discussed the following:

- *Precedent of previous non-principle residence business licence to support staff's claim that property is not principle residence*

Moved and Seconded:

That Council deny the reconsideration request of the Appellant and uphold the Licence Inspector's decision to deny a short-term rental business licence for the premises at 809-751 Fairfield Road.

CARRIED UNANIMOUSLY

G.2 Short-Term Rental Business Licence Appeal - 609 Toronto Street

Councillor Kim recused herself at 1:29 p.m. due to perception of a conflict of interest in the subject property and was absent for the remainder of the meeting.

Council discussed the following:

- *Layout of house and self-contained unit conducive to use for long-term rental housing*

Moved and Seconded:

That Council deny the reconsideration request of the Appellant and uphold the Licence Inspector's decision to deny a short-term rental business licence for the premises at 609 Toronto Street.

OPPOSED (1): Councillor Gardiner

CONFLICT (1): Councillor Kim

CARRIED (6 to 1)

H. NOTICE OF MOTIONS

There were no notice of motions.

I. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE DECEMBER 05, 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)(c) labour relations or other employee relations;

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

Absent (1): Councillor Kim

CARRIED (7 to 0)

The Daytime Council meeting was closed to the public at 1:39 p.m.

J. APPROVAL OF CLOSED AGENDA

K. NEW BUSINESS

K.1 WITHDRAWN

~~Intergovernmental Relations and Law Enforcement – Community Charter Section 90(2)(b) and 90(1)(f)~~

This item was withdrawn from the agenda.

K.2 Intergovernmental Relations – Community Charter Section 90(2)(b)

Council discussed an intergovernmental relations matter. The conversation was recorded and kept confidential.

K.3 Legal Advice – Community Charter Section 90(1)(i)

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

K.4 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter. The conversation was recorded and kept confidential.

L. CONSIDERATION TO RISE & REPORT

M. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 2:45 p.m.

CITY CLERK

MAYOR

DRAFT