



VICTORIA CITY COUNCIL TO FOLLOW COTW

MEETING OF THURSDAY, MAY 4, 2023

D. PROCLAMATIONS

D.1 "Moose Hide Campaign Day" - May 11, 2023

That the following proclamation be endorsed:

"Moose Hide Campaign Day" - May 11, 2023

D.2 "International Internal Audit Awareness Month" - May 2023

That the following proclamation be endorsed:

"International Internal Audit Awareness Month" - May 2023

G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the April 20, 2023 COTW Meeting

G.1.a.a Greater Victoria Harbour Authority (GVHA) Robert Lewis-Manning and Christine Willow

That the Great Victoria Harbour Authority (GVHA) presentation be received for information.

G.1.a.b Update Report for Rezoning Application No. 00815 for 710 Caledonia Avenue and 1961 Douglas Street and Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00205 (Burnside)

Rezoning No. 00815

1. That Council refer the following bylaws for consideration at a public hearing and that introductory readings be given to the following at the next available meeting:
 - a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1292) No. 23-011 (“Zoning Amendment Bylaw”)
 - b. Official Community Plan Amendment Bylaw (No. 27) No. 23-010 (“OCP Amendment Bylaw”)
2. That Council consider the OCP Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those plans to be consistent with the proposed OCP Amendment Bylaw.
3. That following the Public Hearing the applicant prepare and execute legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works, and the City Solicitor prior to final adoption of the bylaws:
 - a. all dwelling units in Building A would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater
 - b. all dwelling units in Building A are to be operated by a non-profit or government agency for 60 years, or the life of the building, whichever is greater, to guarantee that the development will continue to provide non-market housing
 - c. all dwelling units in Building C are to be rental in perpetuity
 - d. a minimum of 30 accessible dwelling units in Building A to be constructed in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design
 - e. a minimum of 127 two-bedroom dwelling units and a minimum of 37 three-bedroom dwelling units.

- f. provision of a daycare for a minimum period of 10 years
- g. provide civil design drawings and construct a mid-block crosswalk on Discovery Street which could include bulb outs, lighting, enhanced street furnishings and landscaping, and coordinate with the mid-block crosswalk requirements associated with the adjacent development proposal on the properties located 722 and 726 Discovery Street
- h. provide civil design drawings and construct a full signal at the intersection of Douglas Street and Discovery Street in accordance with the recommendation in the Traffic Impact Assessment prepared by Bunt & Associates dated March 30, 2022
- i. provide civil design drawings and construct a centre median at the proposed western Caledonia Avenue driveway crossing and a grade-raised bicycle lane on the north side of Caledonia Avenue
- j. restrict movements on the proposed eastern driveway crossing on Caledonia Avenue to access (northbound) vehicles only
- k. the design and relocation of the mid-block crosswalk and associated works on Caledonia Avenue
- l. the design and construction of a new BC Transit bus stop on Douglas Street to the satisfaction of the Director of Engineering and Public Work and BC Transit
- m. the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'Douglas Street' District (for the Douglas Street frontage) and 'New Town' District (for the Caledonia Avenue and Discovery Street frontages), and shall include but not limited to:
 - i. corner treatments at Douglas Street/Caledonia Avenue and Douglas Street/Discovery Street intersections
 - ii. benches, trash bins and bike racks
 - iii. specify medium to large canopy street trees and adequate soil volumes in soil cells
- n. provide the following Transportation Demand Management measures
 - i. two fully electric car share vehicles to be located on site in dedicated parking spaces, each equipped with Level 2 electric vehicle charging stations
 - ii. a car share membership for each dwelling unit

- iii. a minimum of 10% of the required bicycle parking being suitable for cargo bicycles or bicycles used by persons with disabilities
- iv. a minimum 55m² bicycle repair area and associated repair equipment
- v. end-of-trip facilities including lockers, showers, and wash stations
- vi. a total of five BC Transit eco passes for a minimum five-year term for the commercial retail units or any staff member employed on the subject site.
- vii. prohibit the owner charging fees for the use of end of trip facilities, activation or use of car share memberships with the exception of those charged by Modo for typical vehicle usage, or for the use or assignment of BC Transit EcoPasses.
- o. provide a computerized lighting calculation, completed by a professional electrical consultant registered with the Association of Professional Engineers and Geoscientists of BC (and a person with experience using the software) in accordance with IESNA RP-8-00 roadway lighting standards, to indicate required street lighting for the Douglas Street frontage and the intersections at Discovery Street and at Caledonia Avenue
- p. secure stormwater treatment via soil cells for road run off along Douglas Street, Discovery Street and Caledonia Avenue frontages
- q. secure an air space parcel subdivision plan, in compliance with the Highway Access Bylaw (91-38) and ensure that the site is not occupied until the air space parcel subdivision is registered on title
- r. construction and maintenance of an approximately 802m² public plaza in accordance with the landscape plans dated February 14, 2023 as well as provide public access of the plaza area.
- 4. That Council authorize the projecting encroachments over the City Right-of-Way on 710 Caledonia Avenue and 1961 Douglas Street generally as shown on the plans submitted to the City and date stamped February 14, 2023, provided that the applicant enters into an encroachment agreement with form and contents satisfactory to the Director of Engineering and Public Works and the City Solicitor.

Development Permit with Variances No. 00205

- 1. Plans date stamped February 14, 2023.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements except for the following variances:

- a. increase the maximum building height of Building A from 45m to 55m
 - b. increase the maximum building height of Building B from 45m to 72m
 - c. increase the maximum building height of Building C from 45m to 65m
 - d. reduce the minimum setback for a rooftop structure from the outer edge of a roof from 3m to 0m for Building B
 - e. increase the maximum coverage for rooftop structures from 20% to 50%
 - f. reduce the required number of residential parking spaces from 297 to 226
 - g. reduce the required number of visitor parking spaces from 45 to 30.
- 3. Final plans to be generally in accordance with plans date stamped February 14, 2023.
 - 4. That the Development Permit, if issued lapses two years from the date of this resolution.

G.1.a.c Update Report for Rezoning Application No. 00820 and Development Permit with Variances Application No. 00207 for 722 and 726 Discovery Street (Burnside)

Rezoning Application

- 1. That Council refer Zoning Regulation Bylaw, Amendment Bylaw (No. 1294) No. 23-018 (“Zoning Amendment Bylaw”) for consideration at a public hearing and that introductory readings be given at the next available meeting once the following conditions are met:
 - a. revisions to correct the arborist report, civil plan, and landscape plans to the satisfaction of the Director of Parks, Recreation and Facilities.
- 2. That following the public hearing the applicant prepare and execute legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works, and the City Solicitor prior to final adoption of the bylaws:
 - a. all dwelling units would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater
 - b. all dwelling units are to be operated by a non-profit or government agency for 60 years, or the life of the building, whichever is greater, to guarantee that the development will continue to provide non-market housing

- c. a minimum of nine accessible and five adaptable dwelling units to be constructed in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design
 - d. provide civil design drawings and construct a mid-block crosswalk adjacent to the development, which would include bulb outs, lighting, enhanced street furnishings and landscaping, and coordinate with the mid-block crosswalk requirements associated with the adjacent development proposal on the properties located at 710 Caledonia Ave and 1961 Douglas Street
 - e. the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'New Town' District for the Discovery Street development frontage, including furnishings, materials, sidewalk scoring patterns, pedestrian lights as well as soil cells, irrigation and drainage for municipal replacement trees.
 - f. provide five (5) BC Transit's EcoPasses for employees, for a five-year duration; install a level 2 electric charger along the site's Discovery Street frontage for public use; and provide electric charging abilities for a minimum of 20% of the long-term bicycle parking spaces
 - g. install solar voltaic rooftop panels in accordance with the plans dated August 18, 2022
3. Discharge the existing Easement (CA6123705 and CA6123706) from the title of 722 Discovery Street to the satisfaction of the City Solicitor.

4.

G.1.b Report from the May 4, 2023 COTW Meeting

G.1.b.a Council Member Motion: Further Investigation of Patio Bylaw Opportunities

1. Direct staff to:
 - a. extend patios currently existing under the Business Recovery from Pandemic Bylaw to November 30, 2023, and;
 - b. investigate how changes to the Patio Regulation Bylaw could allow greater flexibility and innovation in the commercial use of public space, and report to Council on the implications of such use.

G.1.b.b Late Item - 2122 Cook Street Remedial Action Requirement

1. That Council, under the authority provided in Section 73 of the Community Charter, declare the apartment building located at 2122 Cook Street (the “Building”), legally described as Parcel B (DD 157320I) of Lots 12 & 13, Section 3, Plan 62, Victoria (the “Lands”), to be a hazard that creates an unsafe condition for occupants and visiting members of the public that requires remedial action to remove the unsafe condition and hazard.
2. That Council, under the authority of section 72 of the Community Charter, impose the remedial action requirements as set out in Schedule A to this Report as amended upon the registered owner of 2122 Cook Street, legally described as Parcel B (DD 157320I) of Lots 12 & 13, Section 3, Plan 62, Victoria.
3. That Council authorize Staff to take all appropriate actions in accordance with Section 17 of the Community Charter to ensure the Building is brought into compliance with the remedial action detailed in Schedule A as amended subject to the following:
 - a. The property owner has not fully complied with the remedial action order on or before the compliance date specified in this Council Resolution; and
 - b. That all costs incurred by the City of Victoria to bring the property into compliance shall be at the expense of the property owner and, as per Section 17 of the Community Charter, these costs shall be treated as a debt owned to the City of Victoria;

4. That Council set the time limit for compliance with the remedial actions detailed in Schedule A to this Report as amended at 12:00 p.m., May 12, 2023.
5. That Council set the time limit for submission of a notice of a request for Council to reconsider the remedial action requirements detailed in Schedule A as amended as 10:30 AM on May 8, 2023.

F.7 Code of Conduct for Council

1. That Council resolve that it wishes to establish a code of conduct for Council members.
2. That Council instruct the City Solicitor and the City Clerk to bring to Committee of the Whole, for Council's consideration, a report on options for the content of the code of conduct.

I. BYLAWS

I.1 Bylaw for Five Year Financial Plan, 2023

That the following bylaw **be adopted**:

1. Five Year Financial Plan Bylaw, 2023 No. 23-042

I.2 Bylaw for 2023 Tax Rates

That the following bylaw **be adopted**:

1. Tax Bylaw, 2023 No. 23-039

I.3 Bylaw for 2023 Business Improvement Area

That the following bylaw **be amended to include Schedule A**:

1. Business Improvement Area Rate Bylaw, 2023 No. 23-041

I.4 Bylaw for 2023 Boulevard Tax

That the following bylaw **be adopted**:

1. Boulevard Tax Bylaw, 2023 No. 23-040

L. CLOSED MEETING

MOTION TO CLOSE THE MAY 4, 2023 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; 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.