



MINUTES - VICTORIA CITY COUNCIL

July 27, 2023, 3:42 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 Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson

ABSENT Councillor Gardiner (arrived 3:44 p.m.)

STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, C. Kingsley - City Clerk, C. Mycroft - Manager of Executive Operations, P. Rantucci - Director of Strategic Real Estate, C. Anderson - Deputy City Clerk, K. House - Manager, Real Estate Revenue, S. Johnson - Director of Communications and Engagement, L. Baryluk - Senior Planner, S. Stoltz – Senior Legislative Coordinator

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Council, by unanimous consent, approved the agenda.

C. READING OF MINUTES

C.1 Minutes from the daytime Council meeting held July 6, 2023

Moved By Councillor Dell
Seconded By Councillor Coleman

That the minutes from the daytime Council meeting held July 6, 2023 be approved.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson
ABSENT (1): Councillor Gardiner

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

Council (to follow Committee of the Whole) Meeting Minutes
July 27, 2023

F.1 Committee of the Whole

F.1.a Report from the July 13, 2023 COTW Meeting

F.1.a.a 1039 & 1043 Meares Street: Rezoning Application No. REZ00827 and Development Permit with Variances Application No. DPV00212 (Fairfield)

Moved By Councillor Dell

Seconded By Councillor Coleman

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 May 10, 2023 for 1039 & 1043 Meares Street, such bylaw to include density bonus provisions related to a \$118,000.00 with 70% going towards Downtown Core Area Public Realm Improvement Fund and 30% going towards Victoria Housing Reserve Fund.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Plan revisions to ensure two off-street visitor parking stalls, meeting any required accessibility standards to the satisfaction of the Director of Engineering and Public Works.
 - b. Plan revisions, to the satisfaction of the Director of Engineering and Public Works, to ensure design and installation of an on-street dual head charger (one reserved for car share and one for the general public).
 - c. Confirmation that existing BC Hydro infrastructure would not negatively impact the ability to replant new trees within the City boulevard, to the satisfaction of the Director of Parks, Recreation and Facilities.
 - d. Plan revisions, to the satisfaction of the Director of Engineering and Public Works, to ensure that the civil and architecture plans are consistent with the landscape plan.
3. That subject to approval in principle at the Public Hearing, the applicant prepares and executes the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Provision of transportation demand management measures including:
 - i. Eco passes with a 3-year term for each unit that is not assigned a parking stall.

- ii. Enhanced at grade bicycle parking, including a 37% increase in the number of stalls over the bylaw minimum, a bicycle maintenance area, a 110v plug for each stall, and the provision of 8 cargo bike parking stalls as illustrated on the plans.
 - iii. One car share vehicle.
 - iv. Car share memberships for each unit.
 - v. Design and installation of an on-street dual head charger (one reserved for car share vehicle and one for the general public).
 - vi. Provision of one EV charging station for each on-site parking stall.
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 and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00827, if it is approved, 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. 00212 for 1039 & 1043 Meares Street, generally in accordance with plans submitted to the Planning department and date stamped by Planning on May 1, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. decrease the minimum floor area per unit from 33m² to 29.50m²;
 - ii. decrease the front setback from 13.50m to 1.95m;
 - iii. decrease the south side (rear) setback from 11.35m to 3.215m;
 - iv. decrease the east side setback from 11.35m to 1.805m;
 - v. decrease the west side setback from 11.35m to 0.81m (canopy) and to 5.09m (building face);
 - vi. increase the site coverage from 20% to 74.10%;
 - vii. decrease the open site space from 30% to 12.90%;
 - viii. decrease the number of total vehicle parking stalls from 47 to 22;

- ix. decrease the number of visitor parking stalls from 5 to 2;
 - x. decrease the number of commercial parking stalls from 1 to 0
 - xi. decrease the landscape between parking and property line from 1m to 0.12m;
 - xii. allow for double-stacked long-term bicycle racks.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution”.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson
 ABSENT (1): Councillor Gardiner

CARRIED UNANIMOUSLY

Councillor Gardiner joined the meeting at 3:44 p.m..

F.1.a.b 624 and 628 Manchester Road: Zoning Regulation Bylaw Amendment Application No. 00803 and Development Permit with Variance No.00195 (Burnside)

Moved By Councillor Caradonna
Seconded By Councillor Kim

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 July 13th, 2023, for 624 and 628 Manchester Road, such bylaw to include density bonus provisions related to a \$31,602.85 contribution with 70% going towards Community Amenity Fund and 30% going towards Victoria Housing Reserve Fund.
2. That first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set.
3. That subject to approval in principle at the Public Hearing, the applicant prepares and executes legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development, and form satisfactory to the City Solicitor prior to adoption of the bylaw, to secure:
 - a. 11 Modo Car Share Memberships
 - b. unit 2B as an Adaptable Housing Unit
 - c. a 1.17 metre access along the back laneway.

4. That adoption of the proposed zoning regulation bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title and Survey Authority 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 of Victoria 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 and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Zoning Regulation Bylaw Amendment Application No. 00803, if it is approved, consider the following motion:

1. "That subject to adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes issuance of Development Permit with Variances No. 00195 for 624 and 628 Manchester Road, in accordance with plans submitted to the Planning department and date stamped by Planning on June 30th, 2023, subject to the following:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the required front lot line setback to 2.9m
 - ii. reduce the required rear lot line setback to 3.2m
 - iii. reduce the required vehicle parking requirement from 16 to 13 spaces
 - iv. increase the location of the short-term bicycle parking spaces from 15m to 24m from the front lot line
 - v. increase the drive aisle slope from 8 percent to 11.80 percent.
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances No. 00195, if issued, lapses two years from the date of this resolution."

CARRIED UNANIMOUSLY

F.1.a.c

Delegation of Authority for Market Leasing & Licensing of City Lands

Moved By Councillor Dell

Seconded By Councillor Caradonna

1. That Council instruct the City Solicitor to prepare a bylaw delegating to the Director of Strategic Real Estate authority

- to negotiate, execute and administer leases and licences of occupation for City properties, other than streets or parks, subject to the following restrictions:
- i. For new leases or licences, with a fair market value of no more than \$150,000 per year, to be determined by the basic rent or fee payable under the lease or licence;
 - ii. Leases and licences to be in a form satisfactory to the City Solicitor; and
 - iii. The maximum term not to exceed fifteen years inclusive of any rights of renewal.
2. Nothing in this delegation will prevent the Director of Strategic Real Estate from first seeking Council approval for a proposed transaction if the Director believes this approval is advisable.
 3. That Council direct the Director of Strategic Real Estate to report to Council annually on all leases and licences approved pursuant to this delegation.
 4. That Council direct the Director of Strategic Real Estate to identify and report back to Council with additional recommendations on other types of delegation which improve the efficiency and effectiveness of City operations.

CARRIED UNANIMOUSLY

F.1.a.d Amended Reciprocal Fire Services Mutual and Automatic Aid Agreement

Moved By Councillor Coleman
Seconded By Councillor Kim

That Council authorize the Mayor and the City Clerk to execute, on behalf of the City of Victoria, the amended Reciprocal Fire Services Mutual and Automatic Aid Agreement with the District of Saanich, the District of Oak Bay, and the Township of Esquimalt, generally in the form appended as Appendix A, and in a final form to the satisfaction of the City Solicitor.

CARRIED UNANIMOUSLY

F.1.a.e Council Member Motion: Council Procedures Update – Committee Policies

Moved By Councillor Kim
Seconded By Councillor Dell

1. That Council approve the attached *Committee Establishment Policy* as amended and *Committee Terms of Reference Policy* to outline Council considerations when

- establishing a City committee and to outline terms of reference for City committees; and,
2. If adopted, Council direct staff to apply the *Committee Establishment Policy* as amended and the *Committee Terms of Reference Policy* to existing committees and report back to Council with information on any impact of the policies' application to existing City committees.

CARRIED UNANIMOUSLY

F.1.b Report from the July 27, 2023 COTW Meeting

F.1.b.a Council Member Motion: Union of BC Municipalities 2023 Convention

Moved By Councillor Coleman

Seconded By Councillor Kim

1. That Council authorize the attendance and associated costs for Councillor Hammond to attend the Union of BC Municipalities 2023 Convention to be held in Vancouver, BC, on September 18-22, 2023.

The approximate cost per person for attending is:

| | |
|---|------------|
| Conference Registration Fee | \$1,023.75 |
| Travel to/from Vancouver | \$382.10 |
| Food & Incidentals (5 dinners, 1 lunch) | \$200.00 |
| Taxis in Vancouver & Victoria | \$160.00 |

Estimated total cost is \$1,765.85.

CARRIED UNANIMOUSLY

H. BYLAWS

H.1 Delegation Bylaw

Moved By Councillor Dell

Seconded By Councillor Gardiner

That the following bylaw **be given first reading:**

1. Delegation Bylaw No. 23-079

CARRIED UNANIMOUSLY

Moved By Councillor Gardiner

Seconded By Councillor Hammond

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

1. Delegation Bylaw No. 23-079

J. NEW BUSINESS

J.1 429 Vancouver Street: Approval for Development Permit with Variances Application No. 00194

Moved By Councillor Kim

Seconded By Councillor Dell

1. That Council authorize the issuance of Development Permit with Variances Application No.00194 for 429 Vancouver Street in accordance with:
 - a. Plans date stamped April 24, 2023.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. decrease the interior (east) side setback from 4.72m to 3.39m;
 - ii. decrease the open site space between a parking space and the street from 4.72m to 1.00m;
 - iii. decrease the setback from off-street parking to the street from 6.00m to 1.00m from Vancouver Street and from 6.00m to 0.90m from Harling Lane;
 - iv. decrease off-street parking from 14 stalls to 8 stalls;
 - v. decrease the street setback from 7.50m to 0.60 for an accessory building for long-term bike parking.
2. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

J.2 206 St. Charles Street: Approval for Development Permit with Variances Application No. 00218

Moved By Councillor Kim

Seconded By Councillor Thompson

1. That Council authorize the issuance of Development Permit with Variances No. 00218 for 206 St. Charles Street, in accordance with:
 - a. Plans date stamped by Planning on May 11, 2023.
 - b. Proposed development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the north side yard setback to a habitable window from 2.4m to 1.58m.
2. That the Development Permit with Variances lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

K. CLOSED MEETING

Moved By Councillor Kim
Seconded By Councillor Dell

MOTION TO CLOSE THE JULY 27, 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)(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.

CARRIED UNANIMOUSLY

The daytime meeting of Council was closed to the public at 3:57 p.m.

L. APPROVAL OF CLOSED AGENDA

Moved By Councillor Coleman
Seconded By Councillor Thompson

That the closed agenda be approved.

CARRIED UNANIMOUSLY

P. NEW BUSINESS

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

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

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

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

P.3 Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter. The discussion was recorded and kept confidential.

R. **ADJOURNMENT**

Moved By Councillor Kim
Seconded By Councillor Hammond

That the daytime Council Meeting be adjourned at 4:54 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT