



MINUTES - VICTORIACITY COUNCIL

October 12, 2023, 3:11 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 Gardiner, Councillor Hammond, Councillor Loughton

PRESENT ELECTRONICALLY: Councillor Kim, Councillor Thompson

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, S. Maichen - Committee Secretary

C. APPROVAL OF AGENDA

Moved By Councillor Dell
Seconded By Councillor Coleman

That the agenda be approved.

CARRIED UNANIMOUSLY

D. REPORTS OF COMMITTEE

D.1 Committee of the Whole

D.1.a Report from the September 28, 2023 COTW Meeting

Mayor Alto requested that Council approve all items from the September 28, 2023 COTW Meeting..

*Councillor Hammond requested that item **D.1.a.b - Missing Middle Housing Initiative Six-Month Review** be considered separately.*

Moved By Councillor Dell
Seconded By Councillor Caradonna

That the following recommendations from the September 28, 2023 Committee of the Whole report be approved:

D.1.a.a 359, 363 & 369 Tyee Road, 343 Tyee Road, 90 Esquimalt Road and 358 Harbour Road: Request to remove and amend Statutory Rights-of-Way and Covenants

1. That Council authorize the execution of the following land title documents related to 359, 363 and 369 Tyee Road and 358 Harbour Road, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
 - a. The release of a covenant, that prohibits the separate sale of two historic lots that now form 379 Tyee Road, and 350, 354, 356, 358 and 360 Harbour Road (the “No Separate Sale”; Charge number EM3973)
 - b. The amendment of a Statutory Right-of-Way and covenant that requires a bus shelter and to remove an incorrect lot reference (the “City Works and Shelter”; Charges number CA8482030-CA8482033).
2. That Council authorize the execution of a release of Statutory Right-of-Way for pedestrian access from 343 Tyee Road / 90 Esquimalt Road and also 359, 363 and 369 Tyee Road, with form satisfactory to the City Solicitor (the “Pedestrian Public Right-of-Way”; Charge number EF120079).
3. That Council authorize the execution of the following land title documents related to statutory right of way (the “Support SRW”; Charge number EG35897), which is for the support of Tyee Road and is registered against 359, 363 and 369 Tyee as well as 343 Tyee / 90 Esquimalt Roads, with contents satisfactory to the Director of Engineering and Public Works, and form satisfactory to the City Solicitor:
 - a. An amendment to remove “Area J” from the Support SRW
 - b. Remove “Area N, and O” from the Support SRW upon completion of the foundation to support Tyee Road, to the satisfaction of the Director of Engineering.

D.1.a.c CRD Transportation Governance – Preliminary Input

That Council endorse the attached submission into the CRD Transportation Governance Engagement Process.

D.1.a.d Council Member Motion: Enabling an Affordable Downtown Community Arts Hub

That Council provide the non-profit arts organization running the arts hub a grant of \$390,000 to be paid out of 2024 and 2025 budgets and direct staff to investigate and report back on options for securing an affordable long-term community arts hub, such as the one at 780 Blanshard.

CARRIED UNANIMOUSLY

D.1.a.b Missing Middle Housing Initiative Six-Month Review

Moved By Mayor Alto

Seconded By Councillor Caradonna

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
 - a. Simplify the conditions of use.
 - i. Eliminate the requirement for an adaptable dwelling unit.
 - ii. Increase the maximum height of houseplexes and corner townhouses (11.0 m for flat roofs and 12.0 m for other roof forms).
 - iii. Require the lowest level of houseplexes and corner townhouse buildings to have a finished ceiling that is at least 1.1 m above average grade.
 - iv. Eliminate the requirement for a secondary dwelling unit (a suite).
 - v. Allow bedrooms in a suite to contribute toward the main unit's total bedroom count.
 - b. Remove all the bonus density requirements except for right-of-way dedication.
 - c. Amend setback and site coverage regulations.
 - i. Reduce the minimum setback for corner townhouses from a street to be 2 m instead of 4 m.
 - ii. Reduce the setback for corner townhouses from an internal property line to a building elevation with

windows to habitable rooms (e.g., the back of a row of townhouses) to 5 m instead of 6 m.

- iii. Increase the maximum site coverage for corner townhouses to 50% instead of 40% to align with revised setbacks on an 18 m wide corner lot.
 - iv. Only specify side setbacks in meters and not as a percent of lot width.
- d. Clarify regulations to improve interpretation including eliminating the overlap of other use regulations with heritage conserving infill use regulations.
2. That, pursuant to section 30 of the Land Use Procedure Bylaw, Council waive the requirement for the holding of a public hearing.
 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 the above recommendations be adopted on the condition that they create no legal rights for any 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.
 - On the current Missing Middle Zoning Regulation Bylaw, maintain the current vehicle regulations in Section 6.1, but add the following provision: “Delegate authorities to staff to approve parking variances for missing middle housing initiative projects.”
 - On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Loughton, Councillor Thompson

OPPOSED (2): Councillor Gardiner, Councillor Hammond

CARRIED (7 TO 2)

D.1.b Report from the October 12, 2023 COTW Meeting

D.1.b.a Permissive Tax Exemptions

Councillor Kim requested that any part of the motion regarding Fernwood Neighborhood Resource Group Society be considered separately due to a pecuniary conflict of interest.

Moved By Councillor Dell
Seconded By Councillor Caradonna

That Council:

1. Direct staff to bring forward a 2024-2025 permissive tax exemption bylaw for all properties detailed in Table 1 and Table 2 (except Fernwood Neighbourhood Resource Group Society.)

CARRIED UNANIMOUSLY

Councillor Kim recused herself due to a pecuniary conflict of interest at 3:17 p.m.

Moved By Councillor Dell
Seconded By Councillor Coleman

That Council:

1. Direct staff to bring forward a 2024-2025 permissive tax exemption bylaw the Fernwood Neighbourhood Resource Group Society as listed in Table 2.

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

CARRIED

Councillor Kim rejoined the meeting at 3:18 p.m.

E. BYLAWS

E.1 Bylaw for 1514 and 1520 Foul Bay Road: Rezoning Application No.00762 and Development Permit Application No. 000590

Staff noted a transcription error in the motion referenced in the staff report dated October 3, 2023 from the City Clerk.

Moved By Councillor Dell
Seconded By Councillor Caradonna

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1318) No. 23-084

CARRIED UNANIMOUSLY

F. NEW BUSINESS

F.1 1399 Stanley Avenue: Approval for Development Variance Permit Application No. 00284

Moved By Councillor Caradonna

Seconded By Councillor Coleman

1. That Council authorize the issuance of Development Variance Permit Application No. 00284 for 1399 Stanley Avenue in accordance with plans submitted to the Planning department and date stamped August 4, 2023, subject to:
 - a. Proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
 - i. reduce the number of required residential parking spaces from 70 to 59
 - ii. reduce the number of required visitor parking spaces from 6 to 3.

CARRIED UNANIMOUSLY

G. CLOSED MEETING

Moved By Councillor Coleman

Seconded By Councillor Dell

*MOTION TO CLOSE THE OCTOBER 12, 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(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(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)(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)(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

H. APPROVAL OF CLOSED AGENDA

Moved By Councillor Coleman

Seconded By Councillor Gardiner

That the closed agenda be approved.

CARRIED UNANIMOUSLY

The Daytime Council meeting was closed to the public at 3:28 p.m.

C. NEW BUSINESS

C.1 Intergovernmental Relations - Community Charter Section 90(2)(b)

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

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

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

C.3 Legal Advice - Community Charter Section 90(1)(i)

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

C.4 Employee Relations - Community Charter Section 90(1)(c)

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

M. ADJOURNMENT

Moved By Councillor Dell

Seconded By Councillor Coleman

That the Council meeting be adjourned at 5:00 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT