



MINUTES - VICTORIA CITY COUNCIL

January 11, 2024, 1:27 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 Kim, Councillor Loughton, 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 - Deputy City Manager, J. Jensen - Director, People and Culture, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Intergovernmental & Media Relations, A. Johnston - Assistant Director of Development Services, C. Medd - Planner, L. Taylor - Senior Planner, M. Betanzo - Senior Planner, J. Handy - Senior Planner, M. Angrove - Planner, J. Karakas - Senior Urban Designer, M. Cittone - Senior Planner, R. Batallas - Senior Planner, R. Bateman - Planner, R. Morhart - Manager, Permits & Inspections, S. Webb - Manager of Transportation, N. Reddington - Senior Cultural Planner, J. Paul - Assistant Director of Engineering, V. Costello, J. Clark - Webcaster, P. Bellefontaine - Director of Engineering & Public Works, C. Royle - Deputy Fire Chief, J. Biem, D. Atkinson - Fire Chief, Shannon Rasmussen, C. Du Bois, Manager, Real Estate Initiatives, Kevin House - Manager, Real Estate Revenue, S. Perkins - Director of Bylaw Services, A. Klus - Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities, and acknowledge their remarkable stewardship, continuing grace, and generosity in working with the City to allow us to live, work, and play on their lands.

B. INTRODUCTION OF LATE ITEMS

Committee of the Whole Minutes
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There were no late items.

C. APPROVAL OF AGENDA

Moved By Councillor Thompson
Seconded By Councillor Loughton

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

Moved By Councillor Coleman
Seconded By Councillor Gardiner

That the following minutes be approved:

D.1 Minutes from the Daytime Council meeting held October 05, 2023

That the minutes from the Daytime Council meeting held October 05, 2023 be approved.

D.2 Minutes from the Daytime Council meeting held October 19, 2023

That the minutes from the Daytime Council meeting held October 19, 2023 be approved.

D.3 Minutes from the Daytime Council meeting held November 02, 2023

That the minutes from the Daytime Council meeting held November 02, 2023 be approved.

D.4 Minutes from the Daytime Council meeting held November 16, 2023

That the minutes from the Daytime Council meeting held November 16, 2023 be approved.

D.5 Minutes from the Special Daytime Council meeting held November 20, 2023

That the minutes from the Daytime Council meeting held November 20, 2023 be approved.

D.6 Minutes from the Daytime Council meeting held November 23, 2023

That the minutes from the Daytime Council meeting held November 23, 2023 be approved.

D.7 Minutes from the Daytime Council meeting held December 07, 2023

That the minutes from the Daytime Council meeting held December 7, 2023 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the January 11, 2024 COTW Meeting

E.1.a.a 27 South Turner St: Update on Rezoning Application No. 00818 and Development Permit with Variances Application No. 000619 (James Bay)

Moved By Councillor Gardiner

Seconded By Councillor Dell

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 1, 2023 and December 15, 2023 for 27 South Turner Street.
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.
3. 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 (updates in bold text)

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

“1. That subject to the adoption of Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 000619 for 27 South Turner Street, in accordance with plans submitted to the Planning department and date stamped by Planning on **November 29, 2023**, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. **reduce the minimum drive aisle from 7.00m to 0.20m; and**
 - ii. reduce the minimum number of vehicle parking spaces from 3 to 2.
- b. **Confirmation that four car share memberships have been purchased for residents of the building, including car share credits for each**

membership, to the satisfaction of the Director of Engineering and Public Works.

2. That the Development Permit with Variances expires two years from the date of this resolution.”

CARRIED UNANIMOUSLY

E.1.a.b Application for the Union of BC Municipalities (UBCM) Complete Communities Grant Program

Moved By Councillor Kim

Seconded By Councillor Loughton

1. That Council:
 - a. Support the City of Victoria’s application for funding, including overall grant management, through the Union of British Columbia Municipalities (UBCM) Complete Communities grant program for a comprehensive assessment of the community’s accessibility, walkability and completeness using various geospatial methods.

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Amendment Bylaw for the Official Community Plan Bylaw

Moved By Councillor Gardiner

Seconded By Councillor Dell

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 48) No. 24-008

Motion to consider the Official Community Plan Amendment Bylaw in conjunction with the required plans pursuant to section 477(3)(a) of the Local Government Act.

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 48) No. 24-008

CARRIED UNANIMOUSLY

F.2 Bylaw for 2024 Temporary Borrowing

Moved By Councillor Kim

Seconded By Councillor Coleman

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

1. Temporary Borrowing Bylaw, 2024, No. 24-001

CARRIED UNANIMOUSLY

F.3 Bylaw for 1132 Johnson Street Housing Agreement

Moved By Councillor Gardiner
Seconded By Councillor Kim

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

1. Housing Agreement (1132 Johnson Street) Bylaw (2023) No. 24-003

CARRIED UNANIMOUSLY

F.4 Amendment Bylaw for Bylaw Notice Adjudication Bylaw

Moved By Councillor Dell
Seconded By Councillor Gardiner

That the following bylaw **be adopted:**

1. Bylaw Notice Adjudication Bylaw, Amendment Bylaw (No. 3) 23-155

CARRIED UNANIMOUSLY

F.5 Bylaw for 410 Heather Street: Rezoning Application No. 00831 and associated Development Permit with Variances Application No. 00220

Moved By Councillor Gardiner
Seconded By Councillor Dell

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1321) No. 23-091

CARRIED UNANIMOUSLY

Moved By Councillor Caradonna
Seconded By Councillor Dell

Development Permit with Variances Application

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 00220 for 410 Heather Street, in accordance with plans submitted to the Planning department and date stamped by Planning on August 9, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front setback from 6.0m to 2.0m; and
 - ii. reduce the rear setback from 6.0m to 3.1m.

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

CARRIED UNANIMOUSLY

G. NEW BUSINESS

G.1 1737 Rockland Ave: Rezoning Application No. 00755 (Rockland)

Committee received a report dated January 04, 2023 from the City Clerk requesting a Council resolution needed for the rezoning application at 1737 Rockland Avenue and recommending it be approved.

Councillor Hammond recused himself and left the meeting at 1:48 p.m., due to having written a reference letter in favour of the application.

Moved By Councillor Caradonna

Seconded By Councillor Dell

Rezoning Application

1. 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.
2. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreement, with contents satisfactory to the Director of Engineering, Transportation and Public Works, and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. A Road Dedication for highway purposes as indicated on the plans date stamped June 14, 2023.
3. That adoption of the Zoning Regulation Bylaw amendment will not take place until:
 - a. third reading of Heritage Designation Bylaw No. 23-089 and
 - b. the required legal agreement that is registrable in the Land Title Office has been so registered to the satisfaction of the City Solicitor.
4. That the above recommendation 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 Variances 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 Variance Application No. 000226 for proposed Lot 2, 1737 Rockland Avenue, to

allow the subdivision of a Panhandle Lot in accordance with plans submitted to the Sustainable Planning and Community Development Department and date stamped on June 14, 2023, subject to:

- a. The proposed development meeting all zoning bylaw requirements, except for the following variances:
 - i. increase the height from 5.00m to 6.60m for Building A
 - ii. increase the number of storeys from 1 to 1.5 for Building A
 - iii. decrease the west setback (habitable window) from 7.50m to 2.27m for Building A
 - iv. increase the height from 5.00m to 5.30m for Building B
 - v. increase the number of storeys from 1 to 2 for Building B
 - vi. decrease the north setback (habitable window) from 7.50m to 1.50m for Building B
 - vii. increase maximum fence height from 1.8m to 2.4m.

2. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 1737 Rockland Avenue as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on June 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.

3. The Development Permit lapsing two years from the date of this resolution.”

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (2): Councillor Coleman, and Councillor Gardiner

CONFLICT (1): Councillor Hammond

CARRIED (6 to 2)

Councillor Hammond rejoined the meeting at 1:54 p.m.

G.2 2540 and 2542 Shelbourne Street: Update for Development Permit with Variances Application No. 00216 and associated Rezoning Application No. 00828

Moved By Councillor Caradonna

Seconded By Councillor Dell

Rezoning Application

1. That Council consider first, second and third reading of the zoning regulation bylaw amendment, after publication of notification in accordance with section 467 of the *Local Government*

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 authorizes the issuance of Development Permit with Variances No. 00216 for 2540 and 2542 Shelbourne Street in accordance with plans submitted to the Planning department and date stamped by Planning on November 20, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the required front lot line setback from 10.7m to 8.08m
 - ii. reduce the required rear lot line setback from 4.0m to 3.02m
 - iii. reduce the required side (north) lot line setback from 6.0m to 2.44m
 - iv. reduce the required side (south) lot line setback from 4.0m to 2.44m
 - v. reduce the required number of visitor parking spaces from 2 spaces to 0 spaces
 - vi. reduce the required number of van accessible parking spaces from 1 space to 0 spaces
 - vii. reduce the required minimum floor area for a self-contained dwelling unit within an attached dwelling or semi-attached dwelling from 100m² to 91.31m²
 - viii. increase the total number of dwelling units per building from 4 to 7 for building A and from 4 to 8 for building B.
 - ix. increase the height of building A from 10.5m to 10.73m and building B to 10.83m
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances expires two years from the date of this resolution.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (3): Councillor Coleman, Councillor Gardiner, and Councillor Hammond

CARRIED (6 to 3)

G.3 1050 Yates Street: Development Permit with Variances No. 00230

Moved By Councillor Gardiner

Seconded By Councillor Thompson

1. That Council authorize the issuance of Development Permit with Variances No. 00230 for 1050 Yates Street, in accordance with plans

submitted to the Planning department and date stamped by Planning on November 3, 2023, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the maximum building height in Development Area 2 (DA 2) and Development Area 3 (DA 3) from 45m to 47.5m
 - ii. increase the maximum building height in Development Area 4 (DA 4) from 50m to 75.5m
 - iii. reduce the south building separation distance in DA 2 above 20m from 12m to 0m
 - iv. reduce the north building separation distance in DA 3 above 20m from 12m to 0m
 - v. reduce the building separation distance in DA 4 for residential uses between 020m above grade from 6m to 5.42m
 - vi. reduce the building separation distance between DA2 and DA3 above 20m from 12m to 0m
 - vii. encroach into the 1:5 setback incline on Cook Street by 3.14m
 - viii. encroach into the 1:5 setback incline on Yates Street by 7.24m
 - ix. encroach into the 1:5 setback incline on Johnson Street by 4.90m
 - x. reduce the required number of parking stalls from 300 to 166
 - xi. reduce the required number of visitor parking stalls from 48 to 10.
- b. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
 - i. provision of a housing agreement to secure the residential units as rental for the greater of 60 years or the life of the building
 - ii. provision of transportation demand management measures including:
 - a. restrictions on the charging of fees for long terms bicycle parking for a period of ten years
 - b. four carshare electric vehicles (EV) with a minimum developer funded financial contribution of \$55,000 per vehicle towards its purchase and operation
 - c. a Modo carshare membership provided to each residential unit, including \$100 usage credit.
 - iii. provision of public realm improvements including:
 - a. Boulevard raingarden on the municipal frontage on Yates Street as shown on Plan L1.02.

- c. Plan amendments to shift the proposed servicing (city services and hydro vault) to retain the existing street tree at the corner of Cook Street and Yates Street.
 - d. The applicant continues working with the City to retain the Cook Street Municipal trees currently proposed for removal and replacement and to revise the Arborist Report, and Geotech Report to reflect their retention.
 - e. Plan amendments to revisit the design of the Cook Street frontage to optimize curb alignments and the boulevard space available to support large canopy trees and an improved public realm if the retention of municipal street trees proves infeasible, to the satisfaction of the Director of Parks, Recreation and Facilities and the Director of Engineering and Public Works.
2. That the Development Permit with Variances (DPV), if issued, lapses two years from the date of issuance, or, if the DPV is not issued within two years from the date of this resolution, then the DPV lapses two years from the date of this resolution.
 3. That subject to issuance of the Development Permit with Variances, Council authorize the projecting encroachments over the City right of way on Cook Street and Yates Street generally as shown on the plans submitted to the City and date stamped November 3, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.

CARRIED UNANIMOUSLY

G.4 448 Wilson Street and 422 Edward Street: Development Permit with Variances Application No. 00259

Moved By Councillor Dell

Seconded By Councillor Loughton

1. That Council authorize the issuance of Development Permit with Variances No. 00259 for 448 Wilson Street and 422 Edward Street, in accordance with plans submitted to the Planning department and date stamped by Planning on October 27, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the side yard setback from 5.0m to 3.8m to the building and 2.85m to the balcony
 - ii. increase the number of dwelling units from 12 to 20
 - iii. increase the combined floor area from 1410m² to 1789.17m²
 - iv. decrease the open site space from 45% to 43%
 - v. eliminate the landscaped single space

- vi. allow for accessory buildings in the side yard
 - vii. decrease the rear yard setback for an accessory building from 0.60m to 0m
 - viii. decrease the side yard setback for an accessory building from 0.60m to 0m
 - ix. decrease separation space between the main building and an accessory building from 2.4m to 0.3m.
- b. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
- i. Secure the provision of the following public realm improvements:
 - a. design and installation of the Russell Street pedestrian pathway connecting Edward Street and Wilson Street in accordance with plans date stamped October 27, 2023.
 - b. design and installation of the public parklet on Wilson Street in accordance with plans date stamped October 27, 2023.
 - ii. Secure the provision of one car share vehicle, one dedicated parking space for the car share vehicle through a Statutory Right-of-Way and one membership and \$100 usage credits for each of the units.
- c. Revised plans incorporating a design feature on the north and south facades facing onto the public street to add visual interest, meeting the short-term bicycle requirements, inclusion of a van accessible parking stall, changing the material of the parking lot to permeable, verifying the average grade through additional cross sections, and adjusting the variances to accommodate these changes, to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Revised plans providing a pathway and staircase entry to the house at 740 Russell Street and showing required landings along the public pathway as required, to the satisfaction of the Director of Engineering and Public Works.
- e. Revised plans and documents addressing comments sent to the applicant on November 28, 2023, which include confirming acceptable tree species, addition of a municipal tree and clarification of bylaw replacement trees, to the satisfaction of the Director of Parks, Recreation & Facilities
- f. Provision of a sanitary attenuation report to the satisfaction of the Director of Engineering and Public Works.
2. That the Development Permit with Variances, if issued, lapses two years from the date of issuance.

CARRIED UNANIMOUSLY

I. CLOSED MEETING

Moved By Councillor Caradonna
Seconded By Councillor Coleman

MOTION TO CLOSE THE JANUARY 11, 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)(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.

CARRIED UNANIMOUSLY

J. INTRODUCTION OF LATE ITEMS

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

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

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

Council discussed an appointment matter which contains information about an identifiable individual. The discussion was recorded and kept confidential.

K. APPROVAL OF CLOSED AGENDA

Moved By Councillor Hammond
Seconded By Councillor Coleman

That the closed agenda be approved

CARRIED UNANIMOUSLY

M. NEW BUSINESS

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

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

M.2 Legal Advice - Community Charter Section 90(1)(i)

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

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

Council discussed an appointment matter which contains information about an identifiable individual. The discussion was recorded and kept confidential.

M.4 Intergovernmental Relations - Community Charter Section 90(2)(b)

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

M.5 Employee Relations - Community Charter Section 90(1)(c)

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

O. ADJOURNMENT

Moved By Councillor Coleman
Seconded By Councillor Kim

That the Council Meeting be adjourned at 4:27 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR