



MINUTES - VICTORIA CITY COUNCIL

May 2, 2024, 1:45 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 Nation and Esquimalt Nation

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Loughton, and Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Kim

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, 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 encouraged individuals viewing Council proceedings to reflect on moments of gratitude and express that gratitude with loved ones in their lives.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

D.1 Minutes from the Evening Council meeting held April 11, 2024

Moved and Seconded:

That the minutes from the Evening Council meeting held April 11, 2024 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 18, 2024 COTW Meeting

E.1.a.a 1212 Vista Heights: Rezoning Application No. 00809 and Development Permit with Variances Application No. 000639 (Hillside/Quadra)

Moved and Seconded:

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 March 1, 2024 for 1212 Vista Heights.
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 Application

That Council consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000639 for 1212 Vista Heights, in accordance with plans submitted to the Planning department and date stamped by Planning on February 15, 2024.
2. That the Development Permit, if issued, expires two years from the date of this resolution.

Amendment:

Moved and Seconded:

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 ~~March 1, 2024~~ **April 4, 2024** for 1212 Vista Heights.
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 Application

That Council consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000639 for 1212 Vista Heights, in accordance with plans submitted to the Planning department and date stamped by Planning on February 15, 2024.
2. That the Development Permit, if issued, expires two years from the date of this resolution.

CARRIED UNANIMOUSLY

On the main motion as amended:

Rezoning Application

4. 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 April 4, 2024 for 1212 Vista Heights.
5. 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.
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.

Development Permit Application

That Council consider the following motion:

3. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000639 for 1212 Vista Heights, in accordance with plans submitted to the Planning department and date stamped by Planning on February 15, 2024.
4. That the Development Permit, if issued, expires two years from the date of this resolution.

CARRIED UNANIMOUSLY

Moved and Seconded:

That the following recommendations from the April 18, 2024 Committee of the Whole meeting be approved:

E.1.a.b 1011 Fort Street: Rezoning Application No. 00863 (Downtown)

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 April 18, 2024 for 1011 Fort 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.

E.1.a.c Electric Vehicle Strategy Bylaw Updates

1. That Council instruct the Director of Engineering and Public Works (the “**Director**”) to make an application to Measurement Canada for a dispensation for Level 3 Electric Vehicle Supply equipment in order to

enable the City to set fees for access to its public DC Fast Chargers on a per kilowatt hour (kWh) basis, and authorize the Director to accept the terms and conditions of doing so in the form attached as Appendix B, and to execute the associated indemnification agreement with Measurement Canada, in the form attached as Appendix C.

2. Subject to the City being granted a dispensation from Measurement Canada pursuant to the above resolution, that Council instruct the City Solicitor to draft an amendment to the City Parkades Electric Vehicle Charging Fees Bylaw to update DC fast charging fees as required to support implementation of the EV and E-Mobility Strategy.
3. That Council instruct the City Solicitor to bring forward the necessary bylaw updates to allow for the following:
 - a) Delegate to the Director the authority to issue licences to owners and occupants of residential property in order to allow such persons to run electric vehicle (“EV”) charging cords across the City right of way adjacent to their property for the purpose of charging EVs, with considerations for accessibility concerns addressed to the satisfaction of the Director in partnership with an accessibility-focused organization and/or the city’s accessibility committee;
 - b) Expansion of the delegation to the Director allowing them to set fees for the use of public EV charging stations to also allow them to set fees for the use of car share EV charging stations where such charging stations are owned by the City;
 - c) Increase the fee for Street Occupancy Permits within Electric Vehicle Charging Zones to offset revenue lost from City-owned EV charging stations when the public are unable to utilize the charging stations; and
 - d) To allow the City to enforce the City Parkades Electric Vehicle Charging Fees Bylaw where the City has a licence or lease to operate EV charging stations on private property.

E.1.a.d

UBCM Disaster Risk Reduction - Climate Adaption Grant Application

That Council:

1. Support the application of a grant including overall grant management through the Union of British Columbia Municipalities’ (UBCM) Community Emergency Preparedness Fund (CEPF), Disaster

Risk Reduction – Climate Adaptation stream for \$350,000 in funding to develop the Gorge Coastal Flood Adaptation Strategy and \$467,500 in funding for Cooling centre infrastructure (HVAC systems and passive cooling awnings for three Community Centres); and

2. Authorize the Chief Financial Officer to enter on behalf of the City of Victoria, into a shared cost agreement with UBCM on the terms acceptable to the Chief Financial Officer, the Director of Engineering and Public Works, and the Fire Chief in a form acceptable to the City Solicitor.

E.1.a.e Support for Canadian Senior Women's Basketball Team Event

That Council:

1. Approve up to \$25,000 in financial support for a 3-game series featuring the Canadian Senior Women's Basketball Team at Save-On-Foods Memorial Centre, to be funded through the Corporate Contingency budget, and
2. Authorize the Deputy City Manager to execute any necessary agreements with the proponent, in a form satisfactory to the City Solicitor.

CARRIED UNANIMOUSLY

E.1.a.f Council Member Motion: Reducing Reliance on Parks Sheltering in Victoria

Moved and Seconded:

1. That Council direct staff to work with BC Housing, relevant service providers, and the City's sheltering Relocation Coordinator, to offer indoor sheltering or housing to the people sheltering in Irving Park and Vic West Park as of April 18, 2024;
2. That, contingent upon the above taking place, Council direct staff to phase out and eventually prohibit overnight sheltering in Irving Park and Vic West Park by 1 August 2024, via an update to the Parks Regulation Bylaw.
3. That, to facilitate the relocation of those sheltering in parks, direct staff to identify at least three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

OPPOSED (2): Councillor Hammond, and Councillor Thompson

CARRIED (7 to 2)

E.1.b Report from the May 2, 2024 COTW Meeting

E.1.b.a Bylaw Amendments Pursuant to Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023, Bill 46: Housing Statutes (Development Financing) Amendment Act, 2023, & Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023

Moved and Seconded:

1. That Council instruct the Director of Sustainable Planning and Community Development (the “**Director**”) to prepare the necessary Zoning Regulation Bylaw amendments in order to:
 - a) Comply with the requirements of Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023 and allow the required number of housing units in accordance with the legislated requirements for small-scale multi-family housing while utilizing the zoning requirements contained in the Missing Middle Regulations (the “**SSMUH Bylaw**”), and
 - b) Comply with the requirements of Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023 and designate the Legislature Exchange as a transit-oriented area and eliminate parking requirements for residential uses in that area (the “**TOA Bylaw**”).
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing with respect to the TOA Bylaw.
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the SSMUH Bylaw and TOA Bylaw be considered by Council.
4. That Council instruct the Director to draft a bylaw to amend the *Land Use Procedures Bylaw* to delegate Development Permits and Development Permits with Variances, related to small-scale multi-unit housing in restricted zones, to the Director.
5. That Council:
 - a) Consider who would be affected by an Amenity Cost Charge Bylaw to support anticipated

changes to zoning and land use as part of the ongoing OCP 10-year Update and the SSMUH Bylaw and determine that the following persons, organizations and authorities will be affected:

- i. the general public;
 - ii. the development community;
 - iii. the Esquimalt and Songhees Nations;
 - iv. the Township of Esquimalt;
 - v. the District of Saanich;
 - vi. the District of Oak Bay;
 - vii. Greater Victoria Public Library; and
 - viii. School District 61 Board.
- b) Provide an opportunity for broad public consultation pursuant to section 570.3 of the *Local Government Act* and instruct the Director to engage the entities identified in 5.a) on amenity needs associated with projected growth to inform an Amenity Cost Charge Bylaw as part of the OCP 10-year Update Process currently underway.
- c) Instruct the Director to report back to Council with a summary of the feedback received pursuant to the above resolution and any additional technical analysis required prior to seeking instructions to draft a bylaw.

OPPOSED (1): Councillor Gardiner

CARRIED (8 to 1)

F. BYLAWS

F.1 Bylaw for 480 and 492 Esquimalt Road: Rezoning Application No. 00794 and Development Permit with Variances Application No. 00183

Moved and Seconded:

That the following bylaw **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1326), No. 24-012

CARRIED UNANIMOUSLY

Moved and Seconded:

Development Permit with Variances Application No. 00183

1. That Council authorize the issuance of Development Permit with Variances Application No. 00183 for 480 and 492 Esquimalt Road, in accordance with:
 - a. Plans date stamped June 6, 2023.

- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height from six storeys to seven storeys to accommodate the rooftop amenity access and mechanical room
 - ii. decrease the rear yard setback from 3.0m to 0.12m;
 - iii. decrease the residential vehicle parking from 95 stalls to 25 stalls;
 - iv. decrease the visitor vehicle parking from 10 stalls to 4 stalls;
 - v. decrease the commercial vehicle parking from 11 stalls to 5 stalls;
 - vi. permit long-term bicycle parking to be in a stacked format.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.2 Bylaw for 2848 and 2852 Shelbourne Street: Rezoning Application No. 00768 and Development Permit with Variances Application No. 000595

Moved and Seconded:

That the following bylaw **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1315) No. 23-080

OPPOSED (2): Councillor Coleman, and Councillor Gardiner

CARRIED (7 to 2)

H. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE MAY 02, 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;

Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; 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

The daytime Council meeting was closed to the public at 11:19 a.m.

I. APPROVAL OF CLOSED AGENDA

Moved and Seconded

That the Closed agenda be approved.

CARRIED UNANIMOUSLY

J. NEW BUSINESS

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

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

J.2 Service at Preliminary Stages - Community Charter Section 90(1)(k)

Council discussed a service at preliminary stages matter. The discussion was recorded and kept confidential.

J.3 Labour Relations and Employee Relations - Community Charter Section 90(1)(c) and Community Charter Section 90(1)(i)

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

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

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

J.5 Employee Relations - Community Charter Section 90(1)(i)

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

L. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 3:40 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT