



MINUTES - VICTORIA CITY COUNCIL

May 23, 2024, 11:42 AM

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 First Nation and Esquimalt First Nation

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Loughton (1:02 p.m.), Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Kim

ABSENT Councillor Loughton

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, K. Hoese - Director of Sustainable Planning and Community Development, A. Johnston - Assistant Director of Development Services, M. Betanzo - Senior Planner, B. Roder - Senior Legislative Coordinator, A. Klus - Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Mayor and Council acknowledged that the City of Victoria is located on the traditional and contemporary homelands of the Songhees First Nation and Esquimalt First Nation communities, and signalled to the ongoing relationship we share to nurture all aspects of their stewardship.

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 May 9, 2024

Moved and Seconded:

That the minutes from the May 09, 2024 Evening Council meeting be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the May 09, 2024 COTW Meeting

E.1.a.a Downtown Victoria Business Association - 2024 Budget

Moved and Seconded:

That Council receive and approve the Downtown Victoria Business Association 2024 Budget.

CARRIED UNANIMOUSLY

E.1.a.b 1042 Richardson Street: Update on Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield)

Moved and Seconded:

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 January 22, 2024 for 1042 Richardson 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 following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following 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:
 - a. Secure the rental tenure of all dwelling units in perpetuity
 - b. Secure two accessible units.
 - c. Restrict strata titling of the building,

- d. Secure a housing agreement for 10% of the units in the building (a total of two bachelor units) at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates for the greater of 60 years or the life of the building.
- e. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
 - i. one car share vehicle, secured through a developer-funded contribution of \$55,000
 - ii. car share memberships and usage credits for all residential units
 - iii. one on-street dual head charger providing charge for one car share vehicle stall and one for public use
 - iv. 23 additional bicycle parking over schedule C requirements
 - v. 45% of required bicycle parking to be oversized
 - vi. 50% charging provision for all bicycle stalls
 - vii. a bike wash and maintenance station.
 - viii. a car share stall with EV charging capacity provided within the site.
- 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, consider the following motion:

1. “ That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Permit with Variances No. 00158 for 1042/1044

Richardson Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 22, 2024, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increasing the maximum height from 18.5m to 19.46m
 - ii. increasing the maximum site coverage from 40 percent to 52.70 percent
 - iii. decreasing the minimum open site space from 50 percent to 39.8 percent
 - iv. decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
 - v. decreasing the rear yard (north) setback from 10.0m to 5.0m
 - vi. decreasing the east side yard setback from 6.0m to 1.20m
 - vii. decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
 - viii. decreasing the vehicle parking from 19 stalls to 8 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Council recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

Councillor Loughton joined the meeting at 1:02 p.m.

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

CARRIED (6 to 3)

E.1.a.c

Land Use Procedures Bylaw Amendment No. 22, 2024 - Prohibition on Certain Public Hearings following Bill 44 – Housing Statutes (Residential Development) Amendment Act

Moved and Seconded:

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in Phase 1 and Phase 2 as described in Attachment 3, to align the City's public hearing procedures with Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023 that placed a prohibition on certain public hearings and to increase the consistency, clarity, efficiency, transparency and innovation of our land use procedures.
2. Give first three readings to the Land Use Procedures Bylaw, Amendment Bylaw (No. 22) at Council to follow the June 27, 2024, Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's Land Use Procedures Bylaw, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration.
4. Direct staff to report back to Council before August 1, 2024, on Phase 3 items including information on scoping, timing, and resource implications.

OPPOSED (1): Councillor Gardiner

CARRIED (8 to 1)

F. BYLAWS

F.1 Bylaws for 225 Russell Street: Update Rezoning Application No. 00801, OCP Amendment Application and Development Permit with Variances Application No. 00189

Moved and Seconded:

That the following bylaws **be given third reading:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 49), No. 23-023
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1295), No. 23-022

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

CARRIED (6 to 3)

Moved and Seconded:

That the following bylaws **be adopted:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 49), No. 23-023
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1295), No. 23-022
3. Housing Agreement (225 Russell Street) Bylaw (2023), No. 23-024

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

CARRIED (6 to 3)

Moved and Seconded:

Development Permit with Variances Application

That Council authorize the issuance of Development Permit with Variances Application No. 00189 for 225 Russell Street, in accordance with:

1. Plans date stamped April 13, 2022.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 3.0m to 0.17m;
 - ii. reduce the north side yard setback from 3.0m to 0.01m;
 - iii. reduce the south side yard setback from 3.0m to 0.05m;
 - iv. increase the site coverage from 40% to 57.5%;
 - v. reduce the open site space from 50% to 11%;
 - vi. reduce the vehicle parking from 12 stalls to 6 stalls;
 - vii. increase the fence height from 1.2m to 1.5m.
3. That the Development Permit, if issued, lapses in two years from the date of this resolution.

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

CARRIED (6 to 3)

F.2 Amendment Bylaws for Parking Fines and Street Occupancy Fees and Fines

Moved and Seconded:

That the following bylaws **be adopted**:

1. Bylaw Notice Adjudication Bylaw, Amendment Bylaw (No. 4), No. 24-023

2. Streets and Traffic Bylaw, Amendment Bylaw (No. 17), No. 24-024
3. Ticket Bylaw, Amendment Bylaw (No. 15), No. 24-033

CARRIED UNANIMOUSLY

H. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE MAY 23, 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)(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; 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 1:58 p.m.

I. APPROVAL OF CLOSED AGENDA

Moved and Seconded:

That the closed agenda be approved.

CARRIED UNANIMOUSLY

K. NEW BUSINESS

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

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

K.2 Disposition of Real Property - Community Charter Section 90(1)(e)

Council discussed a disposition of real property matter. The discussion was recorded and kept confidential.

K.3 Labour/Land/Legal Advice - Community Charter Section 90(1)(c)(e)(i)

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

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

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

M. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 4:47 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR