



MINUTES - VICTORIACITY COUNCIL

June 27, 2024, 9:49 A.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 Xwsepsum Nation

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, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Intergovernmental & Media Relations, A. Johnston - Assistant Director of Development Services, S. Webb - Manager of Transportation, G. Diamond - Senior Legislative Coordinator, S. Maichen - Legislative Coordinator

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

Amendment:

Moved and Seconded:

That Council move into a closed meeting immediately following approval of the agenda to address items ***K.2 - Consideration of Closed Council Meeting - Community Charter Section 90(1)(n)*** and ***K.6 - Employee Relations - Community Charter Section 90(1)(c)***, after which the rest of the daytime Council meeting will proceed as published.

CARRIED UNANIMOUSLY

On the main motion as amended:

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

Moved and Seconded:

MOTION TO CLOSE THE JUNE 27, 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)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED UNANIMOUSLY

The daytime Council meeting was closed to the public at 9:54 a.m.

K.2 Consideration of Closed Council Meeting - Community Charter Section 90(1)(n)

Council discussed the consideration of a closed Council meeting. The discussion was recorded and kept confidential.

K.6 Employee Relations - Community Charter Section 90(1)(c)

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

The daytime Council meeting was opened to the public at 10:55 a.m.

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation communities, and wished to urge each of us to take a moment to reflect and appreciate the lands and waters around us.

D. CONSIDERATION OF MINUTES

D.1 Minutes from the Evening Council meeting held June 13, 2024

Moved and Seconded:

That the minutes from the Evening Council meeting held June 13, 2024 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the June 13, 2024 Committee of the Whole Meeting

Moved and Seconded:

That the following recommendations from the June 13, 2024 Committee of the Whole meeting be approved:

E.1.a.a 700 Government Street: Heritage Alteration Permit Application No. 00264 (Downtown)

1. That Council authorize the issuance of Heritage Alteration Permit No. 00264 for 700 Government Street in accordance with plans submitted to the Planning department and date stamped by Planning on March 22, 2024.
2. That the Heritage Alteration Permit, if issued, expires two years from the date of this resolution.

E.1.a.b 1601 Douglas Street: Building and Aerial Encroachment Consideration (Downtown)

1. That Council authorize the Director of Engineering and Public works to enter into and execute, on behalf of the City, an encroachment agreement with the owner of 1601 Douglas Street for certain structural (non-decorative) and decorative encroachments generally as shown on at Attachments A and B to this report, over a portion of each of Douglas Street and Cormorant Street on terms to the satisfaction of the Director of Engineering and Public Works and in a form to the satisfaction of the City Solicitor (the "Agreement");
2. That Council authorize the raising of title for portions of affected City streets for the purpose of registration of appropriate easements for those encroachments described in this report; and
3. That no legal right or obligation will be created, and none shall arise until the Agreement is fully executed by the City and has been registered in the Land Title Office at the owner's cost and to the satisfaction of the City Solicitor.

E.1.a.c Family Housing Policy and Advisory Design Guidelines

That Council:

1. Endorse the Family Housing Policy and the associated Advisory Design Guidelines for Family-Friendly Homes and Spaces as drafted, to come into effect on September 1, 2024.
2. Allow staff to offer incentives such as reduced parking or additional density, in order to support a project in meeting the Family Housing Policy's three-bedroom requirements, if necessary, on a case-by-case basis.
3. Direct staff to incorporate family-sized housing requirements and consider incentives as part of ongoing projects including the Official Community Plan 10-year Update, Zoning Bylaw Modernization, and Parking Modernization work.
4. Direct staff to undertake family-friendly updates to the General Urban Design Guidelines through the OCP 10-year update.
5. Advocate to the provincial government in support of their current work to consider opportunities for single egress designs to be permitted in multi-family buildings through the BC Building Code.
6. Direct staff to report back within 6 months of September 1, 2024 with a review of the policy.

E.1.a.d Crystal Pool Replacement Project - Feasibility Study

That Council direct staff to:

1. Proceed with Central Park North and Central Park South as possible development sites for the new Crystal Pool and Wellness Centre, providing two options on the referendum as non-binding input to Council;
2. Allocate 17 million from the City's Parking Reserve Fund towards the parking-related capital costs of the Crystal Pool replacement project and bring forward a loan authorization bylaw to authorize the borrowing of up to \$168.9 million to develop the new Crystal Pool and Wellness Centre;
3. Initiate the process to hold a referendum to seek elector assent for the borrowing; and
4. If voters choose Central Park North as the preferred site location, and Council selects this option, then close the existing Crystal Pool facility at the start of the construction phase and implement interim recreation services at Crystal Garden until the new facility opens to the public.
5. If voters choose Central Park South, and Council selects this option, then the Crystal Pool would remain open, where safe and feasible, and staff would install temporary park amenities, including basketball courts, in the neighbourhood during the construction process.

Without slowing down the processing of the bylaws for the referendum, that Council direct staff to identify options to reduce the overall cost to tax payers of the proposed Crystal Pool replacement project, including sponsorships, grants from senior levels of government, amenity contributions, and other opportunities.

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for 133 and 135 Gorge Road East: Rezoning Application No. 00843 and Development Permit with Variances Application No. 00257

Staff noted a revision to the bylaw to include the owner's name as identified in the Housing Agreement. Council was provided printed copies of the revised Bylaw

Moved and Seconded:

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

1. Housing Agreement (133 and 135 Gorge Rd East) Bylaw (2024) No. 24-047

CARRIED UNANIMOUSLY

F.2 Amendment Bylaw for Parks Regulation Bylaw

Council discussed the following:

- *Transitional housing spaces*
- *Sheltering capacities and people getting turned away*
- *General trends of the number of tents around Victoria*

Moved and Seconded

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

1. Parks Regulation Bylaw, Amendment Bylaw (No. 19), No. 24-038

Motion to refer:

Moved and Seconded:

That Council refers this motion to the July 11, 2024 Council (to follow COTW meeting)

Motion to withdraw the referral motion:

Moved and Seconded:

That the previous question be withdrawn.

CARRIED UNANIMOUSLY

On the main motion:

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

1. Parks Regulation Bylaw, Amendment Bylaw (No. 19), No. 24-038

OPPOSED (3): Councillor Hammond, Councillor Kim, Councillor Thompson

CARRIED (6 TO 3)

F.3 Bylaw for 1212 Vista Heights: Rezoning Application No. 00809 and Development Permit Application No. 000639

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1338), No. 24-041

CARRIED UNANIMOUSLY

Moved and Seconded:

That the following bylaw **be adopted:**

2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1338), No. 24-041

CARRIED UNANIMOUSLY

Moved and Seconded:

Councillor Hammond left the meeting at 11:25 a.m.

Development Permit Application

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.

Absent (1): Councillor Hammond

CARRIED (8)

Councillor Loughton left the meeting at 11:26 a.m.

F.4 Bylaw for 2816 Irma Street: Rezoning Application No. 00829 and Development Permit with Variance Application No. 00217

Moved and Seconded

That the following bylaw **be adopted**:

- 1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1333) No. 24-011

Absent (2): Councillor Hammond, Councillor Loughton

CARRIED (7)

Moved and Seconded:

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. 00217 for 2816 Irma Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 6.00m to 4.45m;
 - ii. reduce the side (north) setback from 4.0m to 3.0m;
 - iii. reduce the requirement for soft landscaping between surface vehicle parking spaces and an adjacent lot used primarily for residential purposes from 1.0m to 0.0m;
 - iv. reduce the number of visitor parking spaces from 1 to 0; and
 - v. allow roof decks.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Absent (2): Councillor Hammond, Councillor Loughton

CARRIED (7)

Councillor Hammond rejoined the meeting at 11:26 a.m.

F.5 Bylaw for Affordable Rental Housing Revitalization Tax Exemption

Moved and Seconded:

That the following bylaw **be adopted**:

- 1. Affordable Rental Housing Revitalization Tax Exemption Bylaw No. 24-014

Absent (1): Councillor Loughton

CARRIED (8)

G. NEW BUSINESS

G.1 Withholding Building Permit No. BP058986 for 707 Courtney Street and 708 Burdett Avenue (“The Falls”) due to Inconsistency with Proposed Zoning Amendments

Council received a report dated June 21, 2024 from the Director of Sustainable Planning and Community Development regarding the application for Building Permit No. BP058986 to permit a hotel in some of the strata units at 707 Courtney Street and 708 Burdett Avenue (“The Falls”) and, in particular, that Council direct the Manager of Permits and Inspections to withhold the building permit pursuant to section 463 of the Local Government Act.

Councillor Caradonna left the meeting at 11:29 a.m.

Moved and Seconded:

1. That, pursuant to section 463(1) of the Local Government Act, Council:
 - a. Confirm that development proposed in the application for Building Permit No. BP058986 conflicts with proposed amendments to the Zoning Bylaw 2018 because it involves creation of a “strata hotel”, a use not supported at this location; and
 - b. direct the Manager of Permits and Inspections to withhold Building Permit No. BP058986 for a period of 30 days from the date the application for it had been made.
2. That, pursuant to section 463(3) of the Local Government Act, Council direct the Manager of Permits and Inspections to withhold Building Permit No. BP058986 for a further period of 60 days.
3. That, pursuant to section 463(7) of the Local Government Act, Council direct the Licence Inspector to withhold for a period of 90 days a business licence related to operation of a hotel at 707 Courtney Street and 708 Burdett Avenue as contrary to uses that would be permitted under the bylaw that is under preparation.

Absent (2): Councillor Caradonna, Councillor Loughton

CARRIED (7)

G.2 Withholding Building Permit No. BP059000 for 529 Pandora Avenue due to Inconsistency with Proposed Zoning Amendments

Council received a report dated June 21, 2024 from the Director of Sustainable Planning and Community Development regarding the application for Building Permit No. BP059000 to permit a hotel at 529 Pandora Avenue and, in particular, that Council direct the Manager of Permits and Inspections to withhold the building permit pursuant to section 463 of the Local Government Act.

Councillor Caradonna rejoined the meeting at 11:32 a.m.

Moved and Seconded:

1. That, pursuant to section 463(1) of the Local Government Act, Council:
 - a. Confirm that development proposed in the application for Building Permit No. BP059000 conflicts with proposed amendments to the Zoning Bylaw 2018 because the use will not meet the proposed new definition of a “hotel” and will no longer be permitted at this location; and
 - b. direct the Manager of Permits and Inspections to withhold Building Permit No. BP059000 for a period of 30 days from the date the application for it had been made.
2. That, pursuant to section 463(3) of the Local Government Act, Council direct the Manager of Permits and Inspections to withhold Building Permit No. BP059000 for a further period of 60 days.
3. That, pursuant to section 463(7) of the Local Government Act, Council direct the Licence Inspector to withhold for a period of 90 days a business licence related to operation of a hotel at 529 Pandora Avenue as contrary to uses that would be permitted under the bylaw that is under preparation.

Absent (1): Councillor Loughton

CARRIED UNANIMOUSLY

G.3 Code of Conduct Bylaw Investigation Report 2024-01

Council received a report dated June 20, 2024 from the City Clerk regarding the Code of Conduct Bylaw Investigation Report 2024-01.

Council recessed at 11:35 a.m. and reconvened at 11:51 a.m.

Councillor Gardiner called a point of order, raising a potential conflict of interest regarding the Chair participation on the matter.

The Chair ruled the point of order out of order, stating that it was procedure for the Chair to oversee a regular item of business on the agenda.

Councillor Gardiner appealed the ruling of the Chair.

Moved and Seconded:

That the Chair’s ruling be sustained.

OPPOSED: (1): Councillor Gardiner
Absent (1): Councillor Loughton

CARRIED (6)

Moved and Seconded:

1. That Council:
 - a. Receive the Code of Conduct Investigation Report 2024-01; and
 - b. Determine that while section 5(2) of the City's Code of Conduct Bylaw was breached, that breach was inadvertent, and no sanction is recommended.
2. That Council direct the City Clerk to provide training to Council members about the Code of Conduct Bylaw.

Council recessed at 11:51 a.m. and reconvened at 1:03 p.m.

Council discussed the following:

- *Support to have Council member training on the Code of Conduct Bylaw*

Councillor Loughton joined the meeting at 1:12 p.m.

Councillor Kim recused herself due to a pecuniary conflict of interest related to this item at 1:16 p.m..

Councillor Kim requested that her legal representative, Noah Ross, be provided the opportunity to speak on her behalf for the remainder of this item.

Amendment:

Moved and Seconded:

1. That Council
 - a. Receive the Code of Conduct Investigation report 2024-01; and
 - b. Determine that while section 5(2) of the City's Code of Conduct Bylaw was breached, that breach was inadvertent and **no sanction is recommended, and that councillor Kim write a letter of apology to the citizens of Victoria for the harm she has caused.**
2. that Council direct the City Clerk to provide training to Council members about the Code of Conduct Bylaw

The Chair provided an opportunity for Noah Ross to comment on the amendment.

Comments provide by Noah Ross:

- *Noted that the matter is the first in the bylaw complaint process*
- *Outlined how the investigators report found that Councillor Kim did not violate the Code of Conduct Bylaw*
- *Expressed how Councillor Hammond's amendment does not warrant sanction under the bylaw, and how it is not appropriate to amend the recommendation that was brought forward*

Council discussed the following:

- *the statement of communications in subsection one*

On the amendment:

1. That Council
 - a. Receive the Code of Conduct Investigation report 2024-01; and
 - b. Determine that while section 5(2) of the City's Code of Conduct Bylaw was breached, that breach was inadvertent and ~~no sanction is recommended.~~ **and that councillor Kim write a letter of apology to the citizens of Victoria for the harm she has caused.**
2. that Council direct the City Clerk to provide training to Council members about the Code of Conduct Bylaw

OPPOSED (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Loughton, Councillor Thompson
Conflict (1): Councillor Kim

DEFEATED (2 TO 6)

Committee discussed the following:

- *Clarification on the social media comments made*

Motion to Refer:

Moved:

That the matter be referred until the investigator provides the complainant (the resident) the opportunity to respond to Councillor Kim's submission, and the investigator as assessed the real complainant's rebuttal. And thereby properly determine credibility reported back to Council

The chair ruled the motion out of order due to the fact that it would be out of the scope of Council's Code of Conduct.

Amendment:

Moved:

1. That Council:
 - a. Receive the Code of Conduct Investigation Report 2024-01; and
 - b. Determine that while section 5(2) of the City's Code of Conduct Bylaw was breached, that breach was inadvertent, and no sanction is recommended.
2. That Council direct the City Clerk to provide training to Council members about the Code of Conduct Bylaw.
3. **That Council direct staff to recommend amendments to the Code of Conduct which would ensure that section 18(3) and 18(5) of the code be broadened to include a clause providing the "Resident" or person submitting the complaint to Council the opportunity to reply to any "respondent's submission".**

The Chair ruled the amendment out of order, noting that it should be brought forward as a motion arising or Council Member Motion.

On the main motion:

- 1. That Council
 - a. Receive the Code of Conduct Investigation report 2024-01; and
 - b. Determine that while section 5(2) of the City's Code of Conduct Bylaw was breached, that breach was inadvertent and no sanction is recommended.
- 2. that Council direct the City Clerk to provide training to Council members about the Code of Conduct Bylaw

OPPOSED (1): Councillor Gardiner
Conflict (1): Councillor Kim

CARRIED (7 TO 1)

Councillor Kim rejoined the meeting at 1:52 p.m.

I. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE JUNE 27, 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;

Section 90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

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 2:01 p.m.

J. APPROVAL OF CLOSED AGENDA

Moved and Seconded:

That the closed agenda be approved

CARRIED UNANIMOUSLY

K. NEW BUSINESS

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

Council discussed a Land and Intergovernmental Relations matter. The discussion was recorded and kept confidential.

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

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

K.6 Employee Relations - Community Charter Section 90(1)(c)

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

K.7 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 4:01 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR