



MINUTES - VICTORIA CITY COUNCIL

September 5, 2024, 1:07 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 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, 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, C. Mycroft - Manager of Intergovernmental & Media Relations, A. Johnston - Assistant Director of Development Services, M. Betanzo - Senior Planner, 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 Xwsepsum First Nation communities, encouraging those in attendance and watching online to remain cognizant of principles and values of those who have come before us and those who will come after, and thanked the Nations for allowing us to live, work and play on their lands.

B. INTRODUCTION OF LATE ITEMS

There were no late items.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

Moved and Seconded:

That the following items be approved:

D.1 Minutes from the Evening Council meeting held January 25, 2024

That the minutes from the evening Council meeting held January 25, 2024 be approved.

D.2 Minutes from the Evening Council meeting held June 13, 2024

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

D.3 Minutes from the Daytime Council meeting held July 11, 2024

That the minutes from the Daytime Council meeting held July 11, 2024 be approved.

D.4 Minutes from the Daytime Council meeting held July 25, 2024

That the minutes from the Daytime Council meeting held July 25, 2024 be approved.

D.5 Minutes from the Evening Council meeting held July 25, 2024

That the minutes from the evening Council meeting held July 25, 2024 be approved.

D.6 Minutes from the Daytime Council meeting held August 1, 2024

That the minutes from the Daytime Council meeting held August 1, 2024 be approved.

D.7 Minutes from the Evening Council meeting held August 1, 2024

That the minutes from the Evening Council meeting held August 1, 2024 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the September 05, 2024 COTW Meeting

There were no time-sensitive items pending approval at the September 05, 2024 COTW meeting.

F. BYLAWS

F.1 Bylaw for Council Remuneration

Moved and Seconded:

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

1. Council Remuneration Bylaw, 2024, No. 24-075

OPPOSED (3): Mayor Alto, Councillor Gardiner, and Councillor Hammond

CARRIED (6 to 3)

F.2 Bylaw for 1055 Alston Street: Update on Rezoning Application No. 00851 and Development Permit with Variances Application No. 00234

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1345), No. 24-061

OPPOSED (2): Councillor Gardiner, and Councillor Hammond

CARRIED (7 to 2)

Moved and Seconded:

Rezoning Application

1. 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 Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Provision of a 1.0m wide statutory right of way for a portion along Alston Street to accommodate a sidewalk and two boulevard trees to City standards.
 - b. Provision of transportation demand management measures including:
 - i. two electric car share vehicles with a security of \$55,000 per vehicle
 - ii. two car share vehicle parking stalls equipped with Level 2 electric vehicle charging stations
 - iii. public access to the shared vehicle parking stalls
 - iv. a minimum of 56 car share memberships and credits
 - v. enhanced bicycle facilities including 50% of long-term bicycle spaces to have access to an electrical outlet, 22 long-term bicycle parking stalls to be oversized for cargo bicycles, and a bicycle maintenance station
 - vi. two EcoPasses for a minimum of five years for the industrial space.

2. 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.
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 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 Variances No. 00234 for 1055 Alston Street, in accordance with plans submitted to the Planning department and date stamped by Planning on August 6, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the residential vehicle parking from 55 stalls to 17 stalls
 - ii. reduce the visitor vehicle parking from six stalls to two stalls
 - iii. reduce the industrial vehicle parking from eight stalls to two stalls
 - iv. reduce the visitor van accessible stall from one stall to zero stalls
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

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

CARRIED (6 to 3)

F.3 Bylaw for 1005 Chamberlain Street: Update on Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236

Councillor Thompson recused himself from the meeting due to a perception of bias as his residence is located in proximity at 1:37 p.m.

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1339), No. 24-042

CONFLICT (1): Councillor Thompson

CARRIED (8 to 0)

Moved and Seconded:

Rezoning Application

1. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
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 third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute legal agreements, prior to adoption of the bylaw, to secure the following:
 - a. preparation and execution of a Housing Agreement for a term of five years to secure the two-family dwelling (duplex) building as rental, on terms to the satisfaction of the Director of Planning and Development
 - b. a 3.0m wide right-of-way for pipes and access for sanitary sewer purposes, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
4. That adoption of the Zoning Regulation 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 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 authorizes the issuance of Development Permit with Variances No. 00236 for 1005 Chamberlain Street, in accordance with plans submitted to the Planning department and date stamped by Planning on February 22, 2024, subject to:
 - a. securing the provision of four car share memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
 - b. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the minimum front yard setback from 7.50m to 7.43m
 - ii. reduce the minimum rear yard setback from 10.47m to 6.70m
 - iii. reduce the minimum side yard setback (south) from 3.00m to 2.23m
 - iv. reduce the minimum side yard setback (north) from 1.50m to 0.75m
 - v. reduce the minimum number of residential parking spaces from 2 space to 0 spaces
 - vi. increase the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
 - vii. increase the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m

- viii. increase the maximum number of storeys from two storeys to three storeys
 - ix. increase the maximum height of a building from 7.60m to 8.02m
 - x. allow for roof decks.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

CONFLICT (1): Councillor Thompson

CARRIED (8 to 0)

Councillor Thompson rejoined the meeting at 1:50 p.m.

F.4 Bylaw for 1702 Quadra Street and 862 Fisgard Street: Housing Agreement

Moved and Seconded:

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

1. Housing Agreement (1708 Quadra Street) Bylaw (2024), No. 24-044

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

CARRIED (6 to 3)

F.5 Bylaw for Single-Use Items Reduction and Related Bylaws

Council discussed the following

- *Enforcement of bylaws*

Moved and Seconded:

That the following bylaw **be adopted:**

1. Single-Use Items Reduction Bylaw, No. 23-013

CARRIED UNANIMOUSLY

Moved and Seconded:

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

1. Bylaw Notice Adjudication Bylaw, Amendment Bylaw (No. 5), No. 24-072

CARRIED UNANIMOUSLY

Moved and Seconded:

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

2. Ticket Bylaw, Amendment Bylaw (No. 16), No. 24-073

OPPOSED (1): Councillor Gardiner

CARRIED (8 to 1)

G. NEW BUSINESS

G.1 250 Douglas Street: Development Permit with Variances Application No. 00241

Moved and Seconded:

1. That Council authorize the issuance of Development Permit with Variances No. 00241 for 250 Douglas Street, in accordance with plans submitted to the Planning department and date stamped by Planning on May 27, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the size of an accessory building (combined floor area) from 37m² to 71m²;
 - ii. allow an accessory building to be located in the rear and side yard;
 - iii. increase the rear yard site coverage from 25% to 56%;
 - iv. increase the overall site coverage for the property from 14% to 45%;
 - v. increase the accessory building height from 3.0m to 3.1m.
2. That the Development Permit with Variances No. 00241, if issued, lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

H. NOTICE OF MOTIONS

There were no notices of motion.

I. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE SEPTEMBER 05, 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)(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)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

Section 90(1)(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

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 meeting was closed to the public at 2:15 p.m.

J. APPROVAL OF CLOSED AGENDA

That the closed agenda be approved

K. CONSIDERATION OF CLOSED MINUTES

L. NEW BUSINESS

L.1 Tribunal Hearing/Legal Advice - Community Charter Section 90(1)(h) and 90(1)(i)

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

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

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

L.3 Intergovernmental/Law Enforcement - Community Charter Section 90(2)(b) and 90(1)(f)

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

N. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 5:03 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR