



MINUTES - VICTORIACITY COUNCIL

December 7, 2023, 2:12 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 Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson
- PRESENT ELECTRONICALLY: Councillor Coleman
- 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, S. Perkins - Director of Bylaw Services, 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, S. Maichen - 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 thanked them for allowing us to live, work and play on their lands.

C. APPROVAL OF AGENDA

Moved By Councillor Dell
Seconded By Councillor Thompson

That the agenda be approved

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

Moved By Councillor Thompson
Seconded By Councillor Kim

That the following minutes be approved:

D.1 Minutes from the Daytime Council meeting held January 26, 2023

That the minutes from the Daytime Council meeting held January 26, 2023 be approved.

D.2 Minutes from the Evening Council meeting held April 13, 2023

That the minutes from the Evening Council meeting held April 13, 2023 be approved.

D.3 Minutes from the Evening Council meeting held June 22, 2023

That the minutes from the evening Council meeting held June 22, 2023 be approved.

D.4 Minutes from the Special Evening Council meeting held June 29, 2023

That the minutes from the special evening Council meeting held June 29, 2023 be approved.

D.5 Minutes from the Evening Council meeting held July 13, 2023

That the minutes from the evening Council meeting held July 13, 2023 be approved.

D.6 Minutes from the Daytime Council meeting held July 20, 2023

That the minutes from the daytime Council meeting held July 20, 2023 be approved.

D.7 Minutes from the Evening Council meeting held July 27, 2023

That the minutes from the Evening Council meeting held July 27, 2023 be approved.

D.8 Minutes from the Evening Council meeting held September 14, 2023

That the minutes from the Evening Council meeting held September 14, 2023 be approved.

D.9 Minutes from the Daytime Council meeting held September 28, 2023

That the minutes from the Daytime Council meeting held September 28, 2023 be approved.

D.10 Minutes from the Evening Council meeting held September 28, 2023

That the minutes from the Evening Council meeting held September 28, 2023 be approved.

CARRIED UNANIMOUSLY

REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the November 16, 2023 COTW Meeting

E.1.a.a 515 Foul Bay Road: Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 (Fairfield)

Moved By Councillor Caradonna
Seconded By Councillor Kim

MOTION TO CLOSE THE DECEMBER 7, 2023 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) 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried, by unanimous consent.

The daytime Council meeting was closed to the public at 2:24 p.m.

Councillor Loughton left the meeting at 2:30 p.m.

The daytime Council meeting was reopened to the public at 3:09 p.m.

Motion to refer:

Moved By Mayor Alto
Seconded By Councillor Caradonna

That Council refers this matter to staff to negotiate a stronger heritage response and more certain rental housing tenure.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a.b 902 Foul Bay Road: Request to endorse discharge of a covenant and housing agreement (Fairfield)

Moved By Councillor Dell

Seconded By Councillor Caradonna

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Thompson

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

Absent (1): Councillor Loughton

CARRIED (5 TO 3)

E.1.a.c Request for Removal from the Taxed Boulevard Program

Councillor Dell recused himself at 3:17 p.m. due to the conflict that the following item is in proximity to his house.

Moved By Councillor Coleman

Seconded By Councillor Thompson

That Council approve the removal of the following boulevard from the Taxed Boulevard Program effective for the 2024 tax year:

1. 1500 – 1600 Block of Fell Street

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson

Absent (1): Councillor Loughton

Conflict (1): Councillor Dell

CARRIED

Councillor Dell rejoined the meeting at 3:18 p.m.

E.1.b Report from the November 23, 2023 COTW Meeting

E.1.b.a 133 and 135 Gorge Road East: Rezoning Application No. 00843 and associated Development Permit with Variances Application No. 00257 (Burnside)

Moved By Councillor Caradonna

Seconded By Councillor Kim

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 October 26, 2023, for 133 and 135 Gorge Road East.
2. That, pursuant to section 30 of the Land Use Procedures Bylaw, Council waives the requirement for the holding of a public hearing.
3. That, after publication of notification in accordance with section 467 of the Local Government Act first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
 - a. the following revisions to the plans, to the satisfaction of the Director of Sustainable Planning and Community Development:
 - i. confirmation that the glass atrium connecting the two portions of the Phase One building incorporates bird-friendly design elements.
 - ii. That the applicant consider the inclusion of a daycare in the complex.
 - iii. Consider incorporating some units with deeper affordability in the development.
 - b. the following revisions to the plans, to the satisfaction of the Director of Engineering and Public Works:
 - i. revisions to the Gorge Road East SRW design to ensure a continuous accessible grade is maintained.
 - c. the following revisions to the plans, to the satisfaction of the Director for Parks, Facilities, and Recreation to address outstanding comments including:
 - i. confirm that Tree Minimum will be met on Phase One
 - ii. confirm that replacement tree plan meets the siting, soil volume and other requirements outlined in the Tree Protection Bylaw No. 21-035, Schedule E.
 - iii. a letter of consent from the owner at 123 Gorge Road East, agreeing to the removal of shared tree #765
 - iv. one additional boulevard tree to be planted on Gorge Road East frontage.
 - d. adjustments to the proposed variances necessary to accommodate the required plan revisions.

4. 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. the property shall be rental in perpetuity
 - b. a Tenant Assistance Plan to be provided prior to Development Permit for Phase Two
 - c. a unit mix consisting of a minimum of forty junior two-bedroom units, thirty-two two-bedroom units and sixteen three-bedroom units.
5. 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. reciprocal access agreements registered between 137, 133, 129-135, and 155 Gorge Road East as necessary for the purpose of driveway and emergency vehicle access to a minimum width of 6 m and as determined necessary for turning radius
 - b. a statutory right-of-way of 4.94 m wide on Gorge Road East for highway purposes
 - c. a statutory right-of-way of a minimum of 2m wide on 133 Gorge Road East to provide pedestrian access from Gorge Road East to the northern boundary of 129-135 Gorge Road East
 - d. a blanket statutory right-of-way over 129-135 Gorge Road East for pedestrian access purposes, in accordance with the following requirements:
 - i. the statutory right-of-way location and design will generally be in the location in the plans dated October 27, 2023, and will be finalized prior to issuance of the Phase Two Development Permit
 - ii. the statutory right-of-way will connect the south end of 133 Gorge Road East to the Gorge waterway and be a minimum of 2m wide
 - iii. the owner may occupy and maintain the existing building within the right of way area until it is substantially destroyed or damaged.
 - e. a statutory right-of-way of a minimum of 15 m as measured from top of bank along the Gorge waterway for pedestrian access purposes, in accordance with the following requirements:
 - i. the statutory right-of-way location and design will generally be in the location in the plans dated October 27, 2023, and will be finalized prior to issuance of the Phase Two Development Permit
 - ii. the statutory right-of-way will provide pedestrian access along the Gorge waterway

- iii. the owner may occupy and maintain the existing building within the right of way area until it is substantially destroyed or damaged.
 - f. provision of transportation demand management measures to be provided in phases to the satisfaction of the Director of Engineering including:
 - i. three car share vehicles
 - ii. three car share vehicle parking stalls equipped with Level 2 EV charging stations and all associated infrastructure and connections
 - iii. public access to the shared vehicle parking stalls,
 - iv. car share memberships and usage credits for residential units without access to a parking space
 - v. parking for mobility scooters
 - vi. ten percent of required bicycle parking to be oversized to accommodate cargo bikes
 - vii. fifty percent of the required long term bicycle parking to have access to an electrical outlet for charging
 - viii. BC Transit Eco-passes for ten percent of residential units for a minimum 5-year term
 - ix. a bicycle and mobility scooter maintenance station in each building of both Phase One and Phase Two for a total of five stations.
 - g. a Section 219 covenant to secure provision of the following public realm improvements:
 - i. soil cells to achieve recommended soil volumes for all new street trees
 - ii. boulevard rain gardens on the municipal frontage of Gorge Road East in accordance with landscaping plans dated October 27, 2023.
- 6. 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.
- 7. That subject to adoption of the zoning bylaw amendment, Council authorize the projecting encroachments over the City right of way on Gorge Road East generally as shown on the plans submitted to the City and date stamped October 27, 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 at the time of building permit approval.
- 8. 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 and after the public hearing for Rezoning Application No. REZ00843 if it is approved, 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. 000627 for 133 and 135 Gorge Road East, 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. increase the Phase One building storeys from six storeys to seven storeys
 - ii. increase the Phase One building height from 18.5m to 22.0m
 - iii. reduce the Phase One residential parking from 165 stalls to 95 stalls
 - iv. reduce the Phase One visitor parking from 18 stalls to 15 stalls
 - v. reduce the open site space from 50.0 percent to 41.0 percent.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Coleman, Councillor Kim, Councillor Thompson
OPPOSED (2): Councillor Gardiner, and Councillor Hammond
Absent (1): Councillor Loughton

CARRIED (6 TO 2)

E.1.b.b Council Member Motion: Delegated Development Permit applications for Missing Middle Housing

Moved By Councillor Caradonna
Seconded By Councillor Kim

Councillor Kim left the meeting at 3:19 p.m.

That Council direct staff to consider options for making public Missing Middle project proposals with relevant details.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Thompson
OPPOSED (1): Councillor Gardiner
Absent (2): Councillor Kim, Councillor Loughton

CARRIED (6 TO 1)

E.1.b.c Council Member Motion: BC Government Bills/Act concerning Land-use and housing development proposals

The Mayor declared that the Mover and Seconder for this item would be recorded the same as the previous item.

Moved By Councillor Caradonna
Seconded By Councillor Kim

That staff report back within 12 months on the implications of the new provincial housing policies.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Thompson
OPPOSED (1): Councillor Gardiner
Absent (2): Councillor Kim, Councillor Loughton,

CARRIED (6 TO 1)

E.1.c Report from the November 27, 2023 Special COTW Meeting

Councillor Kim rejoined the meeting at 3:21 p.m.

E.1.c.a 2024-2028 Draft Financial Plan

Moved By Councillor Dell
Seconded By Councillor Coleman

That Council:

1. At the November 27, 2023 Special Committee of the Whole meeting, direct staff to bring forward water, sewer, storm drain and solid waste rate bylaws to the December 7, 2023 daytime Council meeting for consideration.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

E.1.d Report from the December 07, 2023 COTW Meeting

E.1.d.a Administration of Property in City Custody Bylaw

Moved By Councillor Caradonna
Seconded By Councillor Kim

1. That Council give first, second and third reading to the following bylaws:
 - a. Administration of Property in City Custody Bylaw No. 23-105

b. Miscellaneous Amendments Bylaw (For Administration of Property in City Custody Bylaw) No. 23-106

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

E.1.d.b Council Member Motion: Canadian Capital Cities Organization Winter Meeting Ottawa, January 31 – February 2, 2024

Moved By Councillor Dell
Seconded By Councillor Caradonna

1. That Council authorizes the attendance and associated costs for Councillor Gardiner to attend the Canadian Capital Cities Organization Winter Meeting to be held in Ottawa, Ontario, from January 31 through February 2, 2024 (travel to Ottawa January 30, returning February 2 or 3).

The approximate cost for attending is:

Conference Registration Fee	\$ 00.00
Travel to/from Ottawa	\$ 1000.00
Taxis (Victoria X2 and Ottawa X2)	\$ 250.00
Accommodation (3 nights)	\$ 700.00
Food & Incidentals (4 dinner, 2 lunch, 2 b'fast)	\$ 250.00
Carbon tax offset	\$ 214.50

Note: (airfare lower on Saturday return for about same as one extra night accommodation)
Estimated total cost = \$2414.50

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

F. BYLAWS

F.1 Bylaws for 2024 Solid Waste and Utility Rates

Moved By Councillor Hammond
Seconded By Councillor Dell

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

1. Waterworks Bylaw Amendment Bylaw (No.18) No. 23-095
2. Solid Waste Bylaw Amendment Bylaw (No.13) No. 23-096
3. Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No.11) No. 23-097

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

Moved By Councillor Dell
Seconded By Councillor Thompson

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

F.2 Bylaws for Administration of Property in City Custody

1. Property in Custody Bylaw No. 23-105
2. Miscellaneous Amendments Bylaw (For Property in Custody Bylaw) No. 23-106

F.3 Bylaw for Market Rental Building Revitalization Tax Exemption

1. Market Rental Building Revitalization Tax Exemption Bylaw No. 23-102

F.4 Amendment Bylaw for Patio Regulation Bylaw

1. Patio Regulation Bylaw, Amendment Bylaw (No. 2) No. 23-108

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson
Absent (1): Councillor Loughton

CARRIED

F.5 Amendment Bylaw for Zoning Regulation Bylaw

Moved By Councillor Dell
Seconded By Councillor Caradonna

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1324) No. 23-099

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Thompson
OPPOSED (2): Councillor Gardiner, Councillor Hammond
Absent (1): Councillor Loughton

CARRIED (6 TO 2)

Moved By Councillor Caradonna
Seconded By Councillor Thompson

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1324) No. 23-099

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

OPPOSED (2): Councillor Gardiner, Councillor Hammond

Absent (1): Councillor Loughton

CARRIED (6 TO 2)

F.6 Amendment Bylaw for Vehicles for Hire Bylaw

Moved By Councillor Caradonna
Seconded By Councillor Thompson

That the following bylaw **be adopted:**

1. Vehicles for Hire Bylaw, Amendment Bylaw (No. 24) No. 23-081

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Thompson

Absent (1): Councillor Loughton

CARRIED

G. NEW BUSINESS

G.1 539-545 ½ Fisgard Street and 16-18 Fan Tan Alley: Temporary Use Permit Application No. 00030

Moved By Councillor Dell
Seconded By Councillor Caradonna

1. That Council authorize the issuance of Temporary use Permit No. 00030 for 539-545 ½ Fisgard Street, in accordance with plans submitted to the Planning department and date stamped by Planning on August 14, 2023 to permit the additional use of a limited-service hotel.
2. That limited-service hotel means “the rental of four or more dwelling units, located in the same building, to tourists where no other hotel services or amenities are provided.
3. That the Temporary use Permit, if issued, expires three years from the date of this resolution.

Councillor Loughton rejoined the meeting at 3:30 p.m.

Moved By Councillor Hammond
Seconded By Councillor Gardiner

MOTION TO CLOSE THE DECEMBER 7, 2023 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) 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

FOR (7): Mayor Alto, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Loughton, Councillor Thompson
OPPOSED (2) Councillor Caradonna, Councillor Kim

CARRIED (7 to 2)

The daytime Council meeting was closed to the public at 3:36 p.m. and reopened at 3:55 p.m.

On the main motion:

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, and Councillor Thompson
OPPOSED (2): Councillor Gardiner, Councillor Hammond

CARRIED (7 TO 2)

I. CLOSED MEETING

Moved By Councillor Dell
Seconded By Councillor Kim

MOTION TO CLOSE THE DECEMBER 7, 2023 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

The Daytime Council meeting was closed to the public at 4:04 p.m.

H. APPROVAL OF CLOSED AGENDA

Moved By Councillor Dell
Seconded By Councillor Loughton

That the closed agenda be approved

CARRIED UNANIMOUSLY

L. NEW BUSINESS

L.1 Legal Advice – Community Charter Section 90(1)(i)

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

L.2 Legal Advice – Community Charter Section 90(1)(i)

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

L.3 Legal Advice – Community Charter Section 90(1)(i)

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

L.4 Appointment – Community Charter Section 90(1)(a)

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

L.5 Appointment – Community Charter Section 90(1)(a)

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

L.6 Employee Relations – Community Charter Section 90(1)(c)

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

L.7 Intergovernmental Relations – Community Charter Section 90(2)(b)

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

L.8 Intergovernmental Relations – Community Charter Section 90(2)(b)

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

M. ADJOURNMENT

Moved By Councillor Caradonna
Seconded By Councillor Dell

That the Council meeting be adjourned at 5:40 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR