



MINUTES - COMMITTEE OF THE WHOLE

October 17, 2024, 9:03 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

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 Loughton, Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Kim

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, A. Johnston - Assistant Director of Development Services, G. Gordon – Senior Planner, R. Kenny – Assistant Director of Transportation, D. Newman – Director of Parks, Recreation and Facilities S. Hutchinson – Transportation Planner, T. Seal-Jones – Emergency Program Coordinator, B. Roder - Senior Legislative Coordinator, A. Heimbürger - Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Committee acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation communities. Committee observed the importance of recognizing and considering those who have come before and have stewarded these lands for centuries, those who are here now – for whom the City strives to do their best work – and also for those who are coming. Committee 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. CONSENT AGENDA

Moved and Seconded:

That the following Consent Agenda item be approved:

E.1 Minutes from the Committee of the Whole meeting held September 26, 2024

That the minutes from the Committee of the Whole meeting held September 26, 2024 be approved.

CARRIED UNANIMOUSLY

E. CONSIDERATION OF MINUTES

E.1 Minutes from the Committee of the Whole meeting held September 26, 2024

This item was added to the Consent Agenda.

F. LAND USE MATTERS

F.1 2002 Richmond Road, 1903, 1909 Birch Street, and 1769 Pembroke Street: Rezoning Application No. 00862 and Development Permit with Variances Application No. 00252 (Jubilee)

Committee received a report dated October 3, 2024 from the Director of Planning and Development regarding a Rezoning Application and Development Permit with Variances Application to rezone and consolidate the properties at 2002 Richmond Road, 1903/1909 Birch Street and 1769 Pembroke Street to increase the density and construct a six-storey rental residential building with commercial uses at grade, a rooftop amenity space, and a surface parking lot, and recommending that the application proceed to bylaw readings.

Committee discussed the following:

- *Costs and funding options and sources for development of the Birch Street public plaza*
- *Traffic Impact Analysis and impacts to neighbourhood traffic and access, and opportunities for traffic calming infrastructure along Ashgrove Street*
- *Proposed tree replacement plan and rationale for requiring either replacement trees or cash in lieu*

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.

5. 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.
6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Councillor Thompson noted his intention to move the staff recommendation.

A point of order was raised regarding the procedural requirement for Committee to first consider the staff recommendation if there is interest to put it on the table.

Committee, by unanimous consent, paused consideration of agenda item F.1 at 10:10 a.m. to address item G. 10:17 AM "Shakeout" Exercise due to the timing of the scheduled earthquake preparedness drill.

G. 10:17 AM "Shakeout" Exercise

The Emergency Program Coordinator provided a presentation to Committee regarding earthquake safety and led an earthquake preparedness drill.

Committee recessed at 10:21 a.m. and reconvened at 10:35 a.m.

Committee resumed deliberations on Item F.1 2002 Richmond Road, 1903, 1909 Birch Street, and 1769 Pembroke Street: Rezoning Application No. 00862 and Development Permit with Variances Application No. 00252 (Jubilee).

The Chair ruled to uphold Council's request to consider the alternate motion.

Committee discussed the following:

- *Options for removing barriers to the applicant to expedite the application*

Amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide

- vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
 5. 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.
 6. **That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw. That, subject to staff identifying a viable funding source, and subject to the proponent meeting the necessary conditions laid out in this motion, that Council directs staff to work with the proponent on the design and construction of Turner Plaza, not to exceed \$400k in capital costs for the City.**
 7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Amendment to the amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:

- i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. ~~That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.~~ That, subject to staff identifying a viable funding source, and subject to the proponent meeting the necessary conditions laid out in this motion, that Council directs

staff to work with the proponent on the design and construction of Turner Plaza, not to exceed ~~\$400k~~ \$200k in capital costs for the City.

7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

OPPOSED (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

DEFEATED (1 to 8)

Amendment to the amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize

the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates

- ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
 6. ~~That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.~~ That, subject to staff identifying a viable funding source, and subject to the proponent meeting the necessary conditions laid out in this motion, that Council directs staff to work with the proponent on the design and construction of Turner Plaza, not to exceed \$400k in capital costs for the City. with construction costs of the plaza to be shared equally by the proponent and the City.
 7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m

- vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

DEFEATED UNANIMOUSLY

Committee discussed the following:

- *Feasibility and benefits of the City entering into a cost-sharing agreement with the applicant to fund the plaza*

On the amendment:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. **That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw. That, subject to staff identifying a viable funding source, and subject to the proponent meeting the necessary conditions laid out in this motion, that Council directs staff to work with the proponent on the design and construction of Turner Plaza, not to exceed \$400k in capital costs for the City.**
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

DEFEATED UNANIMOUSLY

Amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider

- ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. **That staff consider using \$100k from the expected Amica CAC, once it is received, to install a pedestrian signalized crossing at Pembroke and Richmond.**
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 Variances Application

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Amendment to the amendment:

Moved:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:

- a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.

6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. **That staff place as a priority the installation of consider using \$100k from the expected Amica CAC, once it is received, once it is received, to install a pedestrian signalized crossing at Pembroke and Richmond.**
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 Variances Application

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

The Chair ruled the amendment to the amendment out of order due to it not being germane to the amendment.

On the amendment:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.

- e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. **That staff consider using \$100k from the expected Amica CAC, once it is received, to install a pedestrian signalized crossing at Pembroke and Richmond.**
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 Variances Application

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m

- vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

A point of order was raised regarding the amendment on the table not being germane to the application under consideration.

The Chair upheld the point of order and ruled the amendment on the floor out of order.

Amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

A point of order was raised requesting that Committee vote to cease deliberations on the alternate motion and switch to consideration of the staff recommendation.

The Chair overruled the point of order on the basis of procedural precedent.

Motion to call the question:

Moved:

That the previous question be called.

A point of order was raised regarding procedure stating that a member of Council is unable to call the question after comments have been made.

The Chair upheld the point of order and overruled the request to call the question.

Amendment to the amendment:

Moved and Seconded:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
 - vii. **fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging, numbers of outlets to be determined by staff**
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees

- iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

DEFEATED UNANIMOUSLY

On the amendment:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.
 - vii. **fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging**
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.

- c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building permit.
- d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
- e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council require a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m

- v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

OPPOSED (4): Councillor Coleman, Councillor Gardiner, Councillor Hammond, and Councillor Loughton

CARRIED (5 to 4)

On the main motion as amended:

1. That Council instruct the Director Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. The property shall be rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of one on-site stall dedicated to a car share vehicle and equipped with a level two charging station to the satisfaction of the Director of Planning and the car share service provider
 - ii. one electric car share vehicle
 - iii. car share memberships for all residential units
 - iv. provision of a bicycle maintenance station
 - v. fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. a contribution of at least \$40,000 to a BC Transit bus pass program for use by residents and employees of the commercial units.

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

OPPOSED (5): Councillor Coleman, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

DEFEATED (4 to 5)

Committee recessed at 11:58 a.m. and reconvened at 1:04 p.m.

Moved and Seconded:

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024, for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 bylaw amendment be considered by Council once the following conditions are met:
 - a. The following revisions to the plans:
 - i. revise site and landscape plans to meet tree minimum, siting and soil volume requirements in accordance with the Tree Protection Bylaw No. 21-035, to the satisfaction of the Director of Parks, Recreation and Facilities

- ii. revise parking layout to the satisfaction of the Director of Planning and Development to include:
 - 1. all accessible parking required under Schedule C for all on-site uses
 - 2. a landscaping buffer
 - 3. two on-site stalls dedicated to car share vehicles equipped with level two charging stations.
 - b. The following inclusions to the Transportation Demand Management program to the satisfaction of the Director of Planning and Development:
 - i. provision of two on-site stalls dedicated to car share vehicles and equipped with level two charging stations installed by the applicant
 - ii. provision of two electric car share vehicles
 - iii. car share memberships and usage credits for all units
 - iv. provision of fifty percent of long-term bicycle parking spaces with access to an electrical outlet to enable E-bicycle charging
 - v. provision of a bicycle wash station with a functioning spigot and drain in a dedicated bicycle maintenance area.
 - c. Any revisions to the variances necessary as a result of plan changes outlined above.
3. That subject to third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
- a. A housing agreement securing rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of two on-site stalls dedicated to car share vehicles and equipped with level two charging stations
 - ii. a car share membership and usage credit for each residential unit
 - iii. purchase of two electric car share vehicles
 - iv. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging
 - v. provision of fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. provision of a dedicated bicycle maintenance and wash station with a functioning spigot and drain

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Amendment:

Moved and Seconded:

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024, for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 bylaw amendment be considered by Council once the following conditions are met:
 - a. The following revisions to the plans:
 - i. revise site and landscape plans to meet tree minimum, siting and soil volume requirements in accordance with the Tree Protection Bylaw No. 21-035, to the satisfaction of the Director of Parks, Recreation and Facilities
 - ii. revise parking layout to the satisfaction of the Director of Planning and Development to include:
 1. all accessible parking required under Schedule C for all on-site uses

2. a landscaping buffer
 3. two on-site stalls dedicated to car share vehicles equipped with level two charging stations.
- b. The following inclusions to the Transportation Demand Management program to the satisfaction of the Director of Planning and Development:
 - i. provision of two on-site stalls dedicated to car share vehicles and equipped with level two charging stations installed by the applicant
 - ii. provision of two electric car share vehicles
 - iii. car share memberships and usage credits for all units
 - iv. provision of fifty percent of long-term bicycle parking spaces with access to an electrical outlet to enable E-bicycle charging
 - v. provision of a bicycle wash station with a functioning spigot and drain in a dedicated bicycle maintenance area.
 - c. Any revisions to the variances necessary as a result of plan changes outlined above.
3. That subject to third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. A housing agreement securing rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of two on-site stalls dedicated to car share vehicles and equipped with level two charging stations
 - ii. a car share membership and usage credit for each residential unit
 - iii. purchase of two electric car share vehicles
 - iv. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging
 - v. provision of fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. provision of a dedicated bicycle maintenance and wash station with a functioning spigot and drain
 - vii. a contribution of at least \$40,000 to the BC Transit EcoPASS program for use by residents and employees of the commercial units.

4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council **endorses the construction of the Birch Street public plaza, and** requires a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:

- i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

Amendment:

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024, for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 bylaw amendment be considered by Council once the following conditions are met:
 - a. The following revisions to the plans:
 - i. revise site and landscape plans to meet tree minimum, siting and soil volume requirements in accordance with the Tree Protection Bylaw No. 21-035, to the satisfaction of the Director of Parks, Recreation and Facilities
 - ii. revise parking layout to the satisfaction of the Director of Planning and Development to include:
 1. all accessible parking required under Schedule C for all on-site uses
 2. a landscaping buffer

3. two on-site stalls dedicated to car share vehicles equipped with level two charging stations.
- b. The following inclusions to the Transportation Demand Management program to the satisfaction of the Director of Planning and Development:
 - i. provision of two on-site **or on-street** stalls dedicated to car share vehicles and equipped with level two charging stations installed by the applicant
 - ii. provision of two electric car share vehicles
 - iii. car share memberships and usage credits for all units
 - iv. provision of fifty percent of long-term bicycle parking spaces with access to an electrical outlet to enable E-bicycle charging
 - v. provision of a bicycle wash station with a functioning spigot and drain in a dedicated bicycle maintenance area.
- c. Any revisions to the variances necessary as a result of plan changes outlined above.
3. That subject to third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. A housing agreement securing rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of two on-site **or on-street** stalls dedicated to car share vehicles and equipped with level two charging stations
 - ii. a car share membership and usage credit for each residential unit
 - iii. purchase of two electric car share vehicles
 - iv. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging
 - v. provision of fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. provision of a dedicated bicycle maintenance and wash station with a functioning spigot and drain
 - vii. a contribution of at least \$40,000 to the BC Transit EcoPASS program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
 - b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
 - c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building
 - d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
 - e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council endorses the construction of the Birch Street public plaza, and requires a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m

- ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m
 - iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

OPPOSED (1): Mayor Alto

CARRIED (8 to 1)

On the main motion as amended:

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 3, 2024, for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke 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 bylaw amendment be considered by Council once the following conditions are met:
 - a. The following revisions to the plans:
 - i. revise site and landscape plans to meet tree minimum, siting and soil volume requirements in accordance with the Tree Protection Bylaw No. 21-035, to the satisfaction of the Director of Parks, Recreation and Facilities
 - ii. revise parking layout to the satisfaction of the Director of Planning and Development to include:
 1. all accessible parking required under Schedule C for all on-site uses
 2. a landscaping buffer
 3. two on-site stalls dedicated to car share vehicles equipped with level two charging stations.

- b. The following inclusions to the Transportation Demand Management program to the satisfaction of the Director of Planning and Development:
 - i. provision of two on-site or on-street stalls dedicated to car share vehicles and equipped with level two charging stations installed by the applicant
 - ii. provision of two electric car share vehicles
 - iii. car share memberships and usage credits for all units
 - iv. provision of fifty percent of long-term bicycle parking spaces with access to an electrical outlet to enable E-bicycle charging
 - v. provision of a bicycle wash station with a functioning spigot and drain in a dedicated bicycle maintenance area.
 - c. Any revisions to the variances necessary as a result of plan changes outlined above.
3. That subject to third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
- a. A housing agreement securing rental in perpetuity and a unit mix consisting of a minimum of twenty-two two-bedroom units.
 - b. Transportation Demand Management agreement including:
 - i. provision of two on-site or on-street stalls dedicated to car share vehicles and equipped with level two charging stations
 - ii. a car share membership and usage credit for each residential unit
 - iii. purchase of two electric car share vehicles
 - iv. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable e-bicycle charging
 - v. provision of fifteen at grade on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide
 - vi. provision of a dedicated bicycle maintenance and wash station with a functioning spigot and drain
 - vii. a contribution of at least \$40,000 to the BC Transit EcoPASS program for use by residents and employees of the commercial units.
4. That subject to 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. A 2.50m wide volumetric statutory right of way along Richmond Road for highway purposes.
- b. A 1.38 m wide volumetric statutory right of way along Birch Street Road for highway purposes.
- c. A 1.98 m wide road dedication along Richmond Road for highway purposes to be deposited prior to building
- d. A 1.78 m wide road dedication along Pembroke Street for highway purposes to be deposited prior to building permit.
- e. Provision of the following public realm improvements in accordance with plans dated May 2, 2024:
 - i. City of Victoria standard tree guards for all street trees in grates
 - ii. soil cells to achieve recommended soil volumes for all new street trees
 - iii. design and installation of a grade-raised protected bicycle lane on Richmond Road.
5. 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.
6. That Council endorses the construction of the Birch Street public plaza, and requires a report with a detailed cost estimate showing that portion that is constructed by the developer and that portion that may require funding by the City for the construction of the Birch Street plaza, complete with funding options, prior to final adoption of the rezoning bylaw.
7. 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00252 for 2002 Richmond Road, 1903/1909 Birch Street, and 1769 Pembroke Street, in accordance with revised plans submitted to the Planning and Development department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front (Birch Street) setback from 3.0m for the first storey to 1.38m and from 6.0m above the first storey to 0.0m
 - ii. reduce the flanking street (Richmond Road) setback from 2.4m to 0.00m

- iii. reduce the west side setback from 2.40m above the first storey to 0.59m
 - iv. reduce the east side setback from 2.40m above the first storey to 0.0m
 - v. reduce the internal north and west lot line setbacks from 2.40m above the first storey to 0.0m
 - vi. reduce the parking minimum from eighty-seven stalls to thirteen stalls
 - vii. increase maximum distance for bike parking from building entrance from 15m to 17.5m
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

H. NOTICE OF MOTIONS

There were no notice of motions.

I. NEW BUSINESS

I.1 Mayor's Report

The Mayor provided background on the significance of small businesses within the City of Victoria, outlining the benefits and challenges experienced by small business owners and operators within the City. The Mayor further emphasized the importance of Council's ongoing partnership with and support for small business.

I.2 Council Member Motion: Advocacy to Province to Support Small Businesses and other Commercial Tenants

Committee received a Council Member Motion dated October 17, 2024 from Mayor Alto and Councillor Caradonna regarding support for small businesses in the City and requesting Council direction to write an advocacy letter to the Province.

Committee discussed the following:

- *Challenges experienced by downtown Victoria businesses*
- *Opportunity for the Province to take a regional approach to downtown areas across the Greater Victoria Area*
- *Lack of deeply subsidized housing opportunities*

Moved and Seconded:

That Council direct the Mayor to write an advocacy letter to appropriate ministries, and the Premier, following the election, to request the following:

1. Greater supports for small businesses and other commercial tenants experiencing high commercial rents and the impacts of current economic conditions;
2. For the Province to consider impacts to downtown Victoria when making decisions about remote and hybrid work arrangements;
3. For a renewed focus on addressing street disorder and its underlying causes, such as insufficient regionwide supportive housing, affordable housing, and health and social services, including for mental health and addictions, all of which sit with the provincial government.

Amendment:

Moved and Seconded:

That Council direct the Mayor to write an advocacy letter to appropriate ministries, and the Premier, following the election, to request the following:

1. Greater supports for small businesses and other commercial tenants experiencing high commercial rents and the impacts of current economic conditions;
2. For the Province to consider impacts to downtown Victoria when making decisions about remote and hybrid work arrangements;
3. For a renewed focus on addressing street disorder and its underlying causes, such as insufficient regionwide supportive housing, affordable housing, **deeply subsidized housing**, and health and social services, including for mental health and addictions, all of which sit with the provincial government.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council direct the Mayor to write an advocacy letter to appropriate ministries, and the Premier, following the election, to request the following:

1. Greater supports for small businesses and other commercial tenants experiencing high commercial rents and the impacts of current economic conditions;
2. For the Province to consider impacts to downtown Victoria when making decisions about remote and hybrid work arrangements;
3. For a renewed focus on addressing street disorder and its underlying causes, such as insufficient regionwide supportive housing, affordable housing, deeply subsidized housing, and health and social services, including for mental health and addictions, all of which sit with the provincial government.

CARRIED UNANIMOUSLY

J. CLOSED MEETING, IF REQUIRED

No closed meeting required.

K. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 2:04 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT