



MINUTES - VICTORIA CITY COUNCIL

June 10, 2021, 6:30 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET,
VICTORIA, B.C.

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, and Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, AK Ferguson - Council Secretary, C. Kingsley - City Clerk, G. Milne – Head of Strategic Operations.

B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto

Seconded By Councillor Andrew

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Alto

Seconded By Councillor Young

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Anna Barford: New report on devastating amount of Scrubber Washwater being dumped in the ocean

Outlined why Council should take interest in the amount of scrubber washwater being dumped in the ocean.

D.2 Bob Brash: Advocacy for Forest Industry

Outlined why Council should advocate for the Forest Industry.

D.3 Daniel Powell: Renaming Trutch Street

Outlined why Council should rename Trutch Street.

F. PUBLIC AND STATUTORY HEARINGS

F.1 1210 Topaz Avenue: Development Variance Permit Application No. 00264

The Council of the City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1210 Topaz Avenue for the purpose of varying certain requirements of the Zoning Regulation Bylaw namely: reducing the rear and side yard setbacks and a one stall parking variance resulting from the expansion of the main entrance and the kitchen.

F.1.a Opportunity for Public Comment

Alec Johnston (Senior Planner): Advised that the application is for additions to a non-conforming public building, Sikh Temple, including the kitchen and common areas.

Mayor Helps opened the opportunity for public comment at 6:54 p.m.

Eleni Gibson (Applicant): Provided information regarding the application.

Council recessed from 7:04 p.m. until 7:09 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 7:09 p.m.

Moved By Councillor Dubow

Seconded By Councillor Isitt

That Council authorize the issuance of Development Variance Permit Application No. 00264 for 1210 Topaz Avenue, in accordance with:

1. Plans date stamped April 23, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 18.3m to 8.58m;
 - ii. reduce the east side yard setback from 4.97m to 2.19m; and
 - iii. reduce the number of vehicle parking from 36 stalls to 35 stalls.

3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.2 1177-1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731

To rezone the land known as 1177-1185 Fort Street & 1043-1045 Linden Avenue from the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, to the C1-FH2 Zone, Fort Street Commercial Heritage 2 District, to permit the existing commercial uses on-site within the existing heritage designated building.

F.2.a Public Hearing & Consideration of Approval:

Alec Johnston (Senior Planner): *Advised that the application is to rezone the property to permit the current uses following the termination of its Land Use Contract.*

Mayor Helps opened the public hearing at 7:10 p.m.

Nigel Banks (Applicant): Provided information regarding the application.

Council recessed from 7:18 p.m. until 7:23 p.m. to provide an opportunity for members of the public to call to speak live.

Charles Isherwood (Amblewood Drive): Expressed his support for the application.

Bob June (Rockland Neighbourhood Association): Expressed his support for the application.

Mayor Helps closed the public hearing at 7:26 p.m.

Moved By Councillor Andrew
Seconded By Councillor Alto

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

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1252) No. 21-043

CARRIED UNANIMOUSLY

Councillor Isitt recused himself at 7:29 p.m. due to a non-pecuniary conflict of interest as a family member lives within close proximity to the next application.

Councillor Potts recused herself at 7:29 p.m. due to a non-pecuniary conflict of interest as she lives within close proximity to the next application.

F.3 415 and 435 Michigan Street: Rezoning Application No. 00637 and Development Permit with Variances Application No. 00055

To rezone the land known as 415 and 435 Michigan Street from the R3-H Zone, High-Density Dwelling District, to the R-102 Zone, Michigan Multiple Dwelling District, to permit construction of an approximately four-storey multiple dwelling building containing approximately 24 dwelling units and to retain the two existing multiple dwelling rental buildings on site.

F.3.a Public Hearing & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to rezone the property to construct 24 ground-oriented housing units. The proposal requires variances for the use, number of buildings on a site, front yard setbacks, site coverages, open site spaces, accessory building location and size and number of parking stalls.*

Mayor Helps opened the public hearing at 7:30 p.m.

Andrew Brown, Peter Huggins, Deane Strongitharm (Applicants): Provided information regarding the application.

John Swindells (Michigan Street): Expressed opposition to the application.

Paul Banman (Michigan Street): Expressed opposition to the application.

Zsuzsa Palfy (Michigan Street): Expressed opposition to the application.

Claudia Knoglinger (Menzie's Street): Expressed support for the application.

Jordan Teyke (Montreal Street): Expressed support for the application.

Joyce Sky (Dallas Road): Expressed support for the application.

Shannon West (Battery Street): Expressed support for the application.

Dennis Sky (Dallas Road): Expressed support for the application.

Neil Stubbs (Michigan Street): Expressed opposition to the application.

Bill Appledorf (Michigan Street): Expressed opposition to the application.

Resident (Michigan Street): Expressed support for the application.

Resident (Michigan Street): Expressed opposition to the application.

Marianne Tustinov (Michigan Street): Expressed opposition to the application.

Council recessed from 8:22 p.m. until 8:27 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Council discussed the following:

- *How disturbances to tenants will be mitigated during construction.*
- *How tenants will be compensated for their loss of amenities.*
- *Impacts of the development on the pool.*
- *Whether Council can consider previous inconveniences to tenants during construction of the property.*
- *The loss of the mature trees and the size of the new plantings which will replace them.*
- *Whether fees will be associated with bike parking and visitor parking.*

Mayor Helps closed the public hearing at 8:51 p.m.

Moved By Mayor Helps

Seconded By Councillor Young

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

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be adopted:**

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be adopted:**

- Housing Agreement (415 and 435 Michigan Street) No. 21-045

CARRIED UNANIMOUSLY

Moved By Councillor Young

Seconded By Councillor Alto

Development Permit with Variances

That Council authorize the issuance of Development Permit with Variances Application No. 00055 for 415 and 435 Michigan Street, in accordance with:

1. Plans date stamped June 4, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of buildings permitted on one lot from one to three;
 - ii. reduce the front setback to buildings from 15m to 5.5m;
 - iii. reduce the front setback to canopies on a building from 12m to 5m;
 - iv. reduce the front setback to stairs on a building from 12m to 2.0m;
 - v. increase the site coverage from 14% to 23.6%;
 - vi. reduce the open site space from 40% to 31%;
 - vii. reduce the number of parking spaces (not visitor) from 221 to 130;
 - viii. reduce the number of parking spaces (visitor) from 22 to 11;
 - ix. permit accessory buildings in the side yard;
 - x. increase the floor area for an accessory building from 37m² to 54m².
3. Revised plans addressing inconsistencies in the project data table.
4. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Council recessed at 9:21 p.m. and returned at 9:27 p.m.

Councillor Isitt and Councillor Potts returned to the meeting at 9:27 p.m.

F.4 1475 Fort Street: Development Permit with Variance Application No. 00120

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1475 Fort Street, in Development Permit Area 7B (HC), for purposes of constructing a four-storey residential building.

F.4.a Opportunity for Public Comment & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to construct a four story residential building.*

Mayor Helps opened the opportunity for public comment at 9:30 p.m.

Josh Hayes (Applicant): Provided information regarding the application.

Council recessed due to a technical issue at 9:39 p.m. and returned at 10:15 p.m.

The applicant continued their presentation.

David Laks (Rendell Street): Expressed support for the application.

Barbara Bolli (Pemberton Road): Expressed opposition to the application.

Carolina Ashe (Pemberton Road): Expressed opposition to the application.

Vanessa Dingley (Pemberton Road): Expressed opposition to the application.

Bob June (Rockland Neighborhood Association): Expressed opposition to the application.

Alan Morton (unknown): Expressed opposition to the application.

Barry Willimott (St. Charles Street): Expressed opposition to the application.

Verna Stone (Fort Street): Expressed opposition to the application.

Moved By Councillor Andrew
Seconded By Councillor Young

That the meeting be extended until 12:00 a.m.

CARRIED UNANIMOUSLY

Gillian Lawson (Pemberton Road): Expressed opposition to the application.

Jeremy Smith (Wilson Street): Expressed support for the application.

Ann Peter (unknown): Expressed oppositions to the application.

Council recessed from 11:21 p.m. until 11:27 p.m. to provide an opportunity for members of the public to call to speak live.

Alisse Carson (Victoria): Expressed support for the application.

Elle Hall (Songhees Road): Expressed support for the application.

Justine Gagnon (Inwood Road): Expressed support for this application.

Casper Davis (Pemberton Road): Expressed opposition to the application.

Vincent Turner (St. Charles Street): Expressed opposition to the application.

Dee Hoyano (St. Charles Street): Expressed opposition to the application.

Council discussed the following:

- *The reasoning for the application being a Development variance.*
- *Concerns with the loss of the trees on the site.*
- *Whether there are legal agreements with VIHA for below market rents*
- *The unit mix of the building.*
- *How many trees on the property are bylaw protected.*
- *Whether VIHA tenants are in the building currently.*
- *What the height of the new tree plantings will be*

Moved By Councillor Andrew
Seconded By Councillor Dubow

Motion to extend the meeting until 12:45 a.m.

CARRIED UNANIMOUSLY

Council discussed the following:

- *Whether removing parking stalls could preserve trees*

Mayor Helps closed the opportunity for public comment at 12:15 a.m.

Moved By Mayor Helps
Seconded By Councillor Potts

That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street in accordance with:

1. Plans date stamped April 30, 2021
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);

- vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped April 30, 2021 with the following revisions:
- i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution.”

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council refer the matter to staff to work with the applicant on a revised proposal that addresses concerns relating to setbacks and tree removal.

FOR (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, and Councillor Potts

DEFEATED (4 to 5)

On the main motion:

FOR (4): Mayor Helps, Councillor Alto, Councillor Loveday, and Councillor Potts

OPPOSED (5): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

DEFEATED (4 to 5)

Moved By Councillor Alto

Seconded By Councillor Andrew

That the meeting be extended until 1:15 a.m.

CARRIED UNANIMOUSLY

M. NEW BUSINESS

M.1 Council Member Motion: Reconsideration of Public Hearing 1250 Dallas Road

Council received a Council Member Motion dated June 7, 2021 from Councillor Andrew regarding the proposed reconsideration of the Public Hearing for 1250 Dallas Road that was defeated by Council on May 27, 2021.

Council discussed:

- *Whether it is possible to refer this matter to June 17th Council to follow due to the late hour.*

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council reconsider its decision of the public hearing of 1250 Dallas Road and reschedule a new hearing.

Motion to Refer:
Moved By Councillor Andrew
Seconded By Councillor Alto

That this matter be referred to June 17, 2021 Council (to follow COTW)

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Andrew
Seconded By Councillor Alto

That the Council meeting adjourn.

TIME: 12:52 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR