



## MINUTES - VICTORIA CITY COUNCIL

October 14, 2021, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

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, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow and Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, 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 - Committee Secretary, C. Kingsley - City Clerk

### A. MUSIC

The Victoria Conservatory of Music presents the Young Artists Collegium Program End of Year Chamber Music Showcase 2021, featuring the VCM's Preparatory and Intermediate Orchestras, under the direction of Tatiana Kostour.

Performance by the Florence Price Trio.

### B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

**Moved By** Councillor Loveday

**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 Dubow

That the following speakers be permitted to address Council.

**CARRIED UNANIMOUSLY**

**D.1 Melanie Ransome: Ross Terrace Project Follow-Up (2570 Fifth Street)**

Outlined for Council the progress of the Ross Terrace Project located at 2570 Fifth Street.

**D.2 Paul Christopher: Pandora Situation**

Outlined for Council issues with the sanitation around Pandora.

**D.3 Ellisa Hartman: Off Leash Dog Park**

Outlined why Council needs to install a dog park near Cecelia Ravine Park.

**D.4 Patrick Corbell: Reconsideration of a portion of the Council Motion on Rental Business Licensing Bylaw**

Outlined why Council should not cease proceeding with the Rental Business Licensing Bylaw.

**F. PUBLIC AND STATUTORY HEARINGS**

**F.1 1012 Richardson Street: Heritage Alteration Permit with Variance Application No. 00025**

**Heritage Alteration Permit Application with Variance(s) No. 00025**

Council will be considering the issuance of a Heritage Alteration Permit with variances for the land known as 1012 Richardson Street and varying the Zoning Regulation Bylaw.

**F.1.a Opportunity for Public Comment & Consideration of Approval:**

Alec Johnson (Senior Planner): *Advised that the application is to increase the building height from 7.6 metres to 9.2 metres and decreasing the setbacks on the property.*

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

Richard Iredale (Applicant): Provided information regarding the application.

*Council recessed from 7:03 p.m. until 7:08 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.

*Council discussed the following:*

- *Whether the railing on the back porch will be retained.*
- *Concerns with the amount of work being completed prior to a building permit.*

- *Concerns about debris falling from the home and issues with brick falling from the chimney*

*Mayor Helps closed the opportunity for public comment at 7:14 p.m.*

**Moved By** Councillor Andrew  
**Seconded By** Councillor Loveday

That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00025 for 1012 Richardson Street, in accordance with:

1. Plans, date stamped June 10, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase building height from 7.6 metres to 9.2 metres;
  - ii. decrease the rear yard setback from 9.29 metres to 1.35 metres;
  - iii. decrease the east side yard setback from 1.5 metres to 1.27 metres;
  - iv. decrease the west side yard setback from 3 metres to 2.58 metres;
  - v. decrease the combined side yard setback from 4.5 metres to 3.9 metres.
3. Plan revisions to remove one of the proposed front yard parking spaces and to illustrate a driveway crossing that complies with the Highway Access Bylaw, to the satisfaction of the Director of Engineering.
4. Heritage Alteration Permit with Variances lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**F.2 931 Redfern Street: Development Variance Permit Application No. 00265**  
**Development Variance Permit Application No. 00265**

Council will be considering the issuance of a Development Variance Permit for the land known as 931 Redfern Street for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely: to reduce the minimum front, rear, south side and combined side yards setbacks for the construction of a single-family dwelling with a secondary suite.

**F.2.a Opportunity for Public Comment & Consideration of Approval**

Alec Johnson (Senior Planner): *Advised that the application is to reduce the minimum front, rear, south side and combined side yards setbacks for the construction of a single-family dwelling with a secondary suite.*

*Mayor Helps opened the opportunity for public comment at 7:16 p.m.*

Johnathan Aitken (Applicant): Provided information regarding the application.

*Council recessed from 7:24 p.m. until 7:29 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 7:29 p.m.*

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That Council authorize the issuance of Development Variance Permit Application No. 00265 for 931 Redfern Street, in accordance with:

1. Plans date stamped May 6, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the minimum front setback from 7.5m to 3.23m
  - ii. reduce the minimum rear setback from 9.1m to 3.64m
  - iii. reduce the minimum south side setback from 2.6m to 1.93m
  - iv. reduce the combined side yards setback from 5.4m to 4.53m.
3. Final Plans to be generally in accordance with the plans date stamped May 6, 2021, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**F.3 121 Menzies Street: Development Permit with Variances Application No. 00194 and Heritage Designation Application No. 000162**

**Heritage Designation Application No. 000162**

Council, under the provisions of the *Local Government Act*, the City of Victoria intends to designate the building located at 121 Menzies Street, legally described as: PID: 008-674-477, Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753, as protected heritage property, under Heritage Designation Bylaw No. 21-038 (121 Menzies Street).

**Development Variance Permit Application No. 00194**

Council will also consider issuing a Development Variance Permit for the land known as 121 Menzies Street, legally described as: PID: 008-674-477, Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753, for the purpose of varying certain requirements of the *Zoning Regulation Bylaw*.

**F.3.a Public Hearing & Consideration of Approval**

Alec Johnson (Senior Planning): *Advised that the application is to allow ten residential dwelling units within an existing house conversion.*

*Mayor Helps opened the public hearing at 7:33 p.m.*

Applicant was not originally present.

*Council recessed from 7:34 p.m. until 7:38 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.

*The applicant joined the meeting after technical difficulties.*

John Iverson (Applicant): Provided Council with an overview of the application.

*Council discussed the following:*

- *How many people will be displaced.*
- *Will the work take place while the tenants are still living in the units.*

*Council recessed from 8:00 p.m. until 8:05 p.m. to provide an opportunity for members of the public to call to speak live.*

Jake (Saanich): supports the application

*The Mayor closed the hearing at 8:07 p.m.*

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

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

- Heritage Designation (121 Menzies Street) Bylaw No. 21-038

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That the following bylaw **be adopted**:

- Heritage Designation (121 Menzies Street) Bylaw No. 21-038
- Housing Agreement (121 Menzies Street) Bylaw (2021) No. 21-037

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

**Development Permit with Variance Application No. 00194**

That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 26, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 14.79m<sup>2</sup>;
  - ii. locate the parking in the front yard;
  - iii. locate accessory buildings in the side yard;
  - iv. increase total site coverage from 40% to 42.30%;

- v. increase the height of one accessory building from 3.50m to 4.41m;
  - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
  - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
  - viii. decrease the separation space between an accessory building and a principal building from 2.40m to 1.0m;
  - ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
  - x. increase the combined floor area for an accessory building from 37.00m<sup>2</sup> to 41.61m<sup>2</sup>.
2. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**F.4 1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variance Application No. 00146**

*Councillor Isitt recused himself at 8:11 p.m. due to a non-pecuniary conflict of interest as he has as a family member who lives within close proximity to the application.*

**Zoning Regulation Bylaw, Amendment Bylaw (No. 1257) - No. 21-069:**

Council will consider rezoning the land known as 1120, 1124 and 1128 Burdett Avenue from the R1-B Zone, Single Family Dwelling District, and the R3-AM-1 Zone, Mid-Rise Multiple Dwelling District, to the R3-AM-4 Zone, Mid-Rise Multiple Dwelling (Burdett) District, to permit a five-storey rental residential building with multiple dwelling units.

**Development Permit with Variances Application**

Council will also consider issuing a development permit with variances for the land known as 1120, 1124 and 1128 Burdett Avenue, in Development Permit Area 16: General Form and Character, for the purposes of approving the exterior design and finishes for the five-storey rental residential building as well as landscaping.

**F.4.a Public Hearing & Consideration of Approval**

Alec Johnson (Senior Planner): *Advised that the application is to increase the density and allow for a five-storey residential rental building*

*Mayor Helps opened the public hearing at 8:14 p.m.*

Sam Ganong, Gregory Damant, Chris Windjack (Applicant): Provided information regarding the application.

Brandon Williams (View Street): Expressed support for the application.

Mark Defrias (Meares Street): Expressed support for the application.

Sarah Counten (works on Fort Street): Expressed support for the application.

Ben (Burdett Ave): Expressed concern for the application and having to leave his residence and not being eligible for rental assistance.

Ian (Garbally Road): Expressed support for the application.

Baldwin (Cook Street): Expressed support for the application.

Andrew Glover (Cook Street): Expressed concern with increased traffic in the area and construction noise.

Cole (Burdett Ave): Expressed concern over having to leave his residence and finding a new place to live in this rental market.

Mike (Rainbow Hill, Saanich): Expressed his support for the application.

Dan Barnes (Meares Street): Expressed his support for the application.

Douglas Curran (Burdett Ave): Expressed his concern with the height and density increases

Ross Marshall (Fort Street): Expressed support for the application

Tim Stemp (Burdett Ave): Expressed concern with the size and lack of affordable rental housing.

Todd Litman (Fernwood): Expressed support for the application.

Jake (Burdett area): Expressed support for the application.

Mark Marquetti (Burdett area): Expressed concern with the application.

Ed Adams (Victoria): Expressed support for the application.

Marc Foucher (Fairfield): Expressed support for the application.

Mack Carson (Fairfield): Expressed support for the application.

Nick Walker (Vancouver Street): Expressed support for the application.

Max Ryan (Oxford): Expressed support for the application.

Clifford Childs (unknown): Expressed support for the application.

*Council recessed from 9:31 p.m. until 9:36 p.m. to provide an opportunity for members of the public to call to speak live.*

Denise (Rockland Ave): Expressed concern with the application having accessible and affordable housing.

*Council discussed the following:*

- *Whether the three houses that will be demolished have heritage value.*
- *Whether the setbacks are similar to the previous proposals.*
- *Possibility of moving the other two houses.*

- *How can the city ensure that the applicant fulfills the tenant assistance plan.*
- *Rational for a larger building than what was presented previously.*
- *How many tenants qualify for tenant assistance and how many do not.*
- *Timeline for the project to be completed.*

*Mayor Helps closed the public hearing at 9:59 p.m.*

**Moved By** Councillor Andrew  
**Seconded By** Mayor Helps

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

- Zoning Regulation Bylaw 2018, Amendment Bylaw (No. 1257) No. 21-069

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

OPPOSED (2): Councillor Dubow, and Councillor Young

**CARRIED (6 to 2)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Dubow

That Council allow Councillor Young to speak a second time.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Loveday

**CARRIED (7 to 1)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Dubow

That Council allow Mayor Helps to speak a second time

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

That the following bylaw **be adopted:**

- Zoning Regulation Bylaw 2018, Amendment Bylaw (No. 1257) No. 21-069



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

OPPOSED (2): Councillor Dubow, and Councillor Young

**CARRIED (6 to 2)**

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

That the following bylaw **be adopted**:

- Housing Agreement (1120 Burdett Avenue) Bylaw (2021) No. 21-070

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

Development Permit with Variances Application No. 00146

That Council authorize the issuance of Development Permit with Variances Application No. 00146 for 1120, 1124 and 1128 Burdett Avenue, in accordance with:

1. Plans date stamped October 8, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the site coverage from 40% to 53%
  - ii. reduce open site space from 50% to 44%
  - iii. reduce the rear yard setback from 10m to 5.87m (to building) and 5m (to balconies)
  - iv. reduce the west side yard setback from 6.0m to 3.5m (to building) and 2.5 (to balconies)
  - v. reduce the east side yard setback from 6.0m to 3.75m (to building) and 2.9m (to balconies)
  - vi. reduce the parking requirement from 47 stalls to 40 stalls.
3. The Development Permit with Variances lapsing two years from the date of this resolution.

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

OPPOSED (2): Councillor Dubow, and Councillor Young

**CARRIED (6 to 2)**

Motion arising:

**Moved By** Councillor Andrew  
**Seconded By** Councillor Dubow

That Council request the applicant to apply the tenant assistance policy to all existing tenants.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**O. ADJOURNMENT**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Loveday

That the Council meeting adjourn.

TIME: 10:43 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR