



MINUTES - COMMITTEE OF THE WHOLE

April 28, 2022, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Meeting will recess for a lunch break between 12:30 p.m. and 1:30 p.m.**

- PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, and Councillor Young
- PRESENT ELECTRONICALLY:** Councillor Dubow, and Councillor Loveday
- STAFF PRESENT:** J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, L. Taylor - Senior Planner, P. Bellefontaine - Director of Engineering & Public Works, D. Atkinson - Acting Fire Chief, P. Angelblazer - Committee Secretary
- GUESTS:** Terry Tran - Auditor - BDO, Brian Szabo - Assurance Partner - BDO, Andrew Davies - Senior Manager - BDO

A. APPROVAL OF AGENDA

Councillor Young requested that item I.1. Council Member Motion – Endorsement of a Call for a Fossil Fuel Non-Proliferation Treaty is removed from the Consent Agenda.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the following items be approved without further debate

CARRIED UNANIMOUSLY

G.1 Proclamation - Myalgic Encephalomyelitis And Fibromyalgia Awareness Day

Council received a report dated April 19, 2022 from the City Clerk regarding a proclamation for Myalgic Encephalomyelitis And Fibromyalgia Awareness Day.

Moved By Councillor Alto
Seconded By Councillor Potts

That the *Myalgic Encephalomyelitis and Fibromyalgia Awareness Day* Proclamation be forwarded to the April 28, 2022, Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

G.2 Proclamation - Passive House Week

Council received a report dated April 20, 2022 from the City Clerk regarding a proclamation for Passive House Week, May 22nd to 28th, 2022.

Moved By Councillor Alto
Seconded By Councillor Potts

That the *Passive House Week* Proclamation be forwarded to the May 12, 2022, Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

G.3 Proclamation - Lyme Disease Awareness Month

Council received a report dated April 20, 2022 from the City Clerk regarding a proclamation for Passive House Week, May 2022.

Moved By Councillor Alto
Seconded By Councillor Potts

That the *Lyme Disease Awareness Month* Proclamation be forwarded to the April 28, 2022, Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

D. Presentations

D.1 2021 Financial Statements

Council received a report dated April 14, 2022 from the Deputy City Manager and Chief Financial Officer providing Council with an overview of the City's 2021 audited Financial Statements and a request for Council's acceptance of the Financial Statements as required by Section 167 of the Community Charter.

D.2 CLOSED MEETING

Moved By Councillor Andrew
Seconded By Councillor Potts

MOTION TO CLOSE THE APRIL 28, 2022 COMMITTEE OF THE WHOLE MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(c) labour relations or other employee relations.
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED UNANIMOUSLY

D.3 APPROVAL OF CLOSED AGENDA

D.4 CLOSED - NEW BUSINESS

D.1.a. Employee Relations – Community Charter Section 90(1)(c)

Committee discussed an employee relations matter.

The discussion was kept confidential.

D.5 OPEN MEETING

Committee reconvened the open meeting at 9:50 a.m.

D.1 2021 Financial Statements

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council:

1. Approve the 2021 Financial Statements.
2. That this item be forwarded to the April 28, 2022 Council to follow Committee of the Whole meeting.

CARRIED UNANIMOUSLY

Committee recessed at 9:53 a.m., and reconvened at 9:58 a.m.

F. LAND USE MATTERS

F.1 11 Chown Place - Rezoning Application No. 00797 and Associated Official Community Plan Amendment (Burnside Gorge)

Council received a report dated April 14, 2022 from the Director of Sustainable Planning and Community Development regarding an application to construct a phased residential development consisting of four new multi-unit residential buildings and three blocks of townhouses.

Committee discussed the following:

- *Supportability of affordable housing*
- *Neighbourhood fit of the application*
- *Maximizing the number of approved affordable units*
- *Privacy impacts on surrounding properties*
- *Possibility for increased height to expand greenspace*
- *Impacts to surrounding residents due to continued construction*
- *Benefits of intergenerational living*
- *Financing requirements for the applicant*

Moved By Councillor Andrew
Seconded By Councillor Isitt

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00797 for 11 Chown Place, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. The applicant prepare and execute legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable

Planning and Community Development and the City Solicitor prior to final adoption of the bylaws:

- a. all dwelling units (approximately 313) would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater, and authorize the City Solicitor to make any necessary amendments to the existing housing agreements on title
 - b. a minimum of 20% of the total dwelling units on site are to be two- and three-bedroom units and at least 50% of the dwelling units are rented to and occupied by a senior
 - c. all dwelling units are to be owned by a non-profit or government agency in perpetuity to guarantee that each phase of development will continue to provide non-market housing
 - d. the protection, preservation, restoration and maintenance of an existing Garry Oak meadow with a site area of approximately 1862m² in accordance with the site plan and pathway design and construction through the Garry Oak meadow follows the recommendations in the arborist report dated March 30, 2021, and prepared by Concrete Jungle Forestry to minimize impacts on the protected Garry Oak trees
 - e. construction and maintenance of and public access to east-west and north-south pedestrian pathways through the site linking Balfour Road and Harriet Road and Irma Street north and south in accordance with the site plan
 - f. construction of a 295m² amenity building on site to use for social gatherings and recreational activities
 - g. a minimum total site area of 1,270m² is dedicated towards community gardens for residents
 - h. Master Plan Manual dated November 2021 revised April 6, 2022 prepared by Number 10 Architecture to be used to guide the redevelopment design of the site
 - i. tenant assistance plans to be provided by the applicant, including the Right of First Refusal to the existing residents, with each development permit application for each phase of development, or a building demolition application, whichever application comes first.
3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
 - a. those within a 200m radius of the subject property;
 - b. Council of Saanich;
 - c. the School District Board.
 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:

- a. mail a notice of the proposed OCP Amendment to the persons within a 200m radius of the subject property;
 - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
5. That Council consider that no consultation is necessary with the Capital Regional District Board; Councils of Oak Bay and Esquimalt; the Songhees and Esquimalt First Nations; or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Andrew

6. **That Council request staff to write a report back on the OCP consultation at the same time as the bylaws for first and second reading are brought forward for Councils' consideration.**

CARRIED UNANIMOUSLY

On the main motion as amended:

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Councillor Thornton-Joe recused herself from the meeting due to a non-pecuniary conflict of interest at 10:43 a.m.

F.2 822 Catherine Street - Rezoning Application No. 00782, Development Permit with Variances Application No. 00173 and Associated Official Community Plan Amendment (Vic West)

Council received a report dated April 14, 2022 from the Director of Sustainable Planning and Community Development regarding an application to construct a three-and-a-half storey mixed-use building with two commercial units and approximately 31 residential rental units.

Committee discussed the following:

- *Proposed tenant assistance plan*
- *Use of electric vehicles in the car share agreement*
- *Loss of affordable units as a result of the application*
- *Aesthetic fit with the neighbourhood*

- *Additional precautions which may be implemented to assist existing tenants*
- *Commercial opportunities for residents on the first floor*

Moved By Mayor Helps
Seconded By Councillor Potts

Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00782 for 822 Catherine Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Submission of revised plans to:
 - a. Clarify that only the Langford Street boulevard and one new tree on Catherine Street are irrigated from a City water source.
2. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:
 - a. Secure the building as rental in perpetuity.
 - b. Secure two one-bedroom units and one studio unit as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Secure the proposed Tenant Assistance Plan, including Right of First Refusal in the new development for eligible tenants at 20% below market.
3. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Engineering and Public Works and the City Solicitor:
 - a. Secure the purchase of one car share vehicle, one on-site parking stall for the car share vehicle and public access to the parking stall, car share memberships for each of the dwelling units, a minimum of 40 long-term bicycle stalls including three cargo bicycle stalls, 50% of which will be equipped with 110V outlets, a bicycle repair station and enrolment in the BC Transit EcoPass Program for a minimum of three years for the two commercial units and 21 of the residential units.
 - b. Secure the construction of an east-west pedestrian crossing of Catherine Street at Langford Street.
 - c. Secure the installation of an on-street electric vehicle charger capable of charging two vehicles.
 - d. Secure a Statutory Right-of-Way of 0.84m on Bella Street.

4. Determination from the project engineer of the extent of the excavation which will be required for the underground parking structure and sidewalk along the shared property lines with the west neighbours and for the Project Arborist to undertake exploratory excavation work to determine the impacts to the bylaw protected Leyland Cypress hedge and make recommendations on how to protect and retain them in good health through the project, to the satisfaction of the Director of Parks, Recreation and Facilities.

Development Permit with Variances Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00782, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00173 for 822 Catherine Street, in accordance with:
 - a. Plans date stamped February 14, 2022.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 3.0m to 1.5m on the first storey and 6.0 to 0m on the upper storeys
 - ii. reduce the rear yard setback from 6.0m to 2.3m
 - iii. increase the height from 3 storeys to 3.5 storeys
 - iv. reduce the residential vehicle parking from 30 stalls to 10 stalls
 - v. reduce the commercial vehicle parking from 6 stalls to 0 stalls.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

Amendment:

Moved By Councillor Andrew

That the applicant ensure that the car-share vehicle is zero emissions or electric.

Failed to proceed due to no seconder

On the motion:

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Councillor Thornton-Joe rejoined the meeting at 11:24 a.m.

Councillor Isitt recused himself from the meeting due to a non-pecuniary conflict of interest at 11:24 a.m.

Committee recessed at 11:24 a.m. and reconvened at 11:30 a.m.

F.3 145 Rendall Street - Heritage Designation Application No. 000199 (James Bay)

Council received a report dated April 14, 2022 from the Director of Sustainable Planning and Community Development regarding an application to designate the exterior of the heritage-registered property located at 145 Rendall Street.

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council approve the designation of the property located at 145 Rendall Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

Councillor Isitt rejoined the meeting at 11:35 a.m.

F.4 2120 Quadra Street - Development Permit with Variances Application No. 00178 (North Park)

Council received a report dated April 14, 2022 from the Director of Planning and Community Development presenting Council with an application to construct a four-storey, mixed-use warehouse building consisting of self-storage, a café, and manufacturing space as well as a parking related variance.

Committee discussed the following:

- *Substantial changes to the application as a result of the Advisory Design Panel recommendations*
- *Possible alternative uses of the commercial space*
- *Location of the proposed mural*

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites, Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variance Application No. 00178 for 2120 Quadra Street, in accordance with:
 - a. Plans date stamped March 14, 2022.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the required number of parking spaces from 65 to 13
 - ii. increase the side yard setback along the south property line adjacent to the property located at 2100 Quadra Street from 0m to 0.408m.
 - c. That the following items are secured in legal agreements and registered on title to the satisfaction of the Director of Engineering and Public Works and Director of Sustainable Planning and Community Development:
 - i. construction of a curb bulb on the southwest corner of Quadra Street and Princess Avenue in accordance with the plans dated September 29, 2021 and prepared by Westbrook Consulting Ltd.
 - ii. 206m² of ground floor area fronting Quadra Street and Princess Avenue is occupied by uses other than storage and warehouse uses.
 - d. That the applicant provide 3m road dedication along the Quadra Street frontage.
 - e. The Development Permit lapsing two years from the date of this resolution."
2. Council authorize the street-level projecting canopies over the City Right-of-Way on 2120 Quadra Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Motion to postpone:

Moved By Councillor Isitt

Seconded By Councillor Alto

That the item is postponed until later in the meeting.

CARRIED UNANIMOUSLY

I. NEW BUSINESS

I.1 Council Member Motion - Endorsement of Call for a Fossil Fuel Non-Proliferation Treaty

Council received a report dated April 21, 2022 from Councillor Isitt regarding advocacy for a Fossil Fuel Non-Proliferation Treaty.

Committee discussed the following:

- *Community support for the motion*
- *Effectiveness of setting emission targets*

Moved By Councillor Isitt
Seconded By Councillor Potts

That the City of Victoria (1) endorse the call for a Fossil Fuel Non-Proliferation Treaty, (2) directs staff to communicate this endorsement with the Fossil Fuel Non-Proliferation Treaty Initiative; and (3) requests that the Mayor write, on behalf of Council, to the Prime Minister of Canada and the Premier of British Columbia, urging the governments of Canada and British Columbia to support the global initiative for a Fossil Fuel Non-Proliferation Treaty:
Endorsement of Call for a Fossil Fuel Non-Proliferation Treaty

WHEREAS The scientific consensus is clear that human activities are primarily responsible for accelerating global climate change, and that the climate crisis now represents one of the preeminent threats to global civilization;

AND WHEREAS The Intergovernmental Panel on Climate Change reported in 2018 that we must achieve net zero in greenhouse gas emissions by the middle of this century in order to have a reasonable chance of limiting global warming to 1.5 degrees Celsius;

AND WHEREAS Changes in the climate of coastal British Columbia are already being felt through hotter, drier summers, increased exposure to wildfire smoke, warmer, wetter winters, and rising sea levels;

AND WHEREAS Our entire community is impacted by the health and safety risks of fossil fuel expansion, particularly those who also face socioeconomic and health inequities, including low-income families, those experiencing homelessness, people of colour and Indigenous people, youth, seniors, those experiencing mental and physical disabilities, and people with health conditions;

AND WHEREAS Youth and future generations have the most to lose from a lack of immediate action to stop fossil fuel expansion as they face major and lifelong health, ecological, social, and economic impacts from prolonged and cumulative effects of climate change, including food and water shortages, infectious diseases, and natural disasters;

AND WHEREAS The Paris Climate Agreement is silent on coal, oil and gas, an omission with respect to the supply and production of fuels (the largest source of GHGs) that needs to be fossil collectively addressed by other means;

AND WHEREAS Global governments and the fossil fuel industry are currently planning to produce about 120% more emissions by 2030 than what is needed to limit warming to 1.5°C and avert catastrophic climate

disruption, and such plans risk undoing the work of the City of Victoria to reduce GHG emissions;

AND WHEREAS The construction of new fossil fuel infrastructure and expanded reliance on fossil fuels exposes communities to untenable risks to public health and safety at the local and global levels;

AND WHEREAS The economic opportunities presented by a clean energy transition far outweigh the opportunities presented by an economy supported by expanding fossil fuel use and extraction;

AND WHEREAS Our community is committed through our Climate Leadership Plan to a just energy transition and to appropriate investments that offset the impacts of evolving industries and employment as well as appropriate investments that are needed to respond to current climate impacts and reduce future climate change;

AND WHEREAS The City of Victoria recognizes that it is the urgent responsibility and moral obligation of wealthy fossil fuel producers to lead in putting an end to fossil fuel development and to manage the decline of existing production;

AND WHEREAS A new global initiative is underway calling for a Fossil Fuel Non-Proliferation Treaty that would end new fossil fuel exploration and expansion, phase out existing production in line with the global commitment to limit warming to 1.5°C, and accelerate equitable transition plans;

THEREFORE BE IT RESOLVED THAT the City of Victoria formally endorses the call for a Fossil Fuel Non-Proliferation Treaty;

AND BE IT FURTHER RESOLVED THAT the City of Victoria affirms its ongoing commitment to the goals of the Paris Climate Agreement and the GHG reduction targets as called for by the IPCC, and aspires to meet its proportionate greenhouse gas reductions.

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

OPPOSED (2): Councillor Andrew, and Councillor Young

CARRIED (7 to 2)

F.4 2120 Quadra Street - Development Permit with Variances Application No. 00178 (North Park)

Moved By Councillor Isitt
Seconded By Councillor Andrew

That the discussion be lifted from the table.

CARRIED UNANIMOUSLY

On the motion:

That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites, Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variance Application No. 00178 for 2120 Quadra Street, in accordance with:
 - a. Plans date stamped March 14, 2022.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the required number of parking spaces from 65 to 13
 - ii. increase the side yard setback along the south property line adjacent to the property located at 2100 Quadra Street from 0m to 0.408m.
 - c. That the following items are secured in legal agreements and registered on title to the satisfaction of the Director of Engineering and Public Works and Director of Sustainable Planning and Community Development:
 - i. construction of a curb bulb on the southwest corner of Quadra Street and Princess Avenue in accordance with the plans dated September 29, 2021 and prepared by Westbrook Consulting Ltd.
 - ii. 206m² of ground floor area fronting Quadra Street and Princess Avenue is occupied by uses other than storage and warehouse uses.
 - d. That the applicant provide 3m road dedication along the Quadra Street frontage.
 - e. The Development Permit lapsing two years from the date of this resolution."
2. Council authorize the street-level projecting canopies over the City Right-of-Way on 2120 Quadra Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Alto
Seconded By Councillor Andrew

That the Committee of the Whole Meeting be adjourned at 12:09 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT