



## MINUTES - VICTORIA CITY COUNCIL

May 12, 2022, 3:46 P.M.

**COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC**

**To be held immediately following the Committee of the Whole Meeting**

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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Isitt

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, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, J. Karakas - Senior Urban Designer, M. Fedyczkowska - Legislation & Policy Analyst, S. Webb - Manager of Transportation, J. Paul - Assistant Director of Engineering, B. Nicholls – Legislation and Policy Analyst, D. Atkinson - Acting Fire Chief, M. Vander Laan – Transportation Planner, S. Hutchison – Transportation Planner, C. Moffat – Assistant City Solicitor, P. Angelblazer - Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the agenda be approved.

#### **Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

**That item E.1 Request to Address Council be added to the agenda to allow Emily Lowan the opportunity to address Council and that the agenda be renumbered accordingly.**

**CARRIED UNANIMOUSLY**

**On the motion as amended:**

**CARRIED UNANIMOUSLY**

**C. READING OF MINUTES**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

That the minutes from the following meetings be approved:

- Daytime meeting held April 7, 2022
- Daytime meeting held April 14, 2022
- Daytime meeting held April 21, 2022
- Daytime meeting held April 28, 2022
- Evening meeting held April 28, 2022

**CARRIED UNANIMOUSLY**

**D. PROCLAMATIONS**

**D.1 "Passive House Week" - May 22nd to 28th, 2022**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the following proclamation be endorsed:

1. "Passive House Week - May 22nd to 28th, 2022"

**CARRIED UNANIMOUSLY**

**D.2 "Global Love Day" - May 1st, 2022**

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

That the following proclamation be endorsed:

1. "Global Love Day - May 1st, 2022"

**CARRIED UNANIMOUSLY**

**D.3 "International Day Against Homophobia and Transphobia" - May 17th, 2022**

**Moved By** Councillor Andrew

**Seconded By** Councillor Alto

That the following proclamation be endorsed:

1. "International Day Against Homophobia and Transphobia - May 17th, 2022"

**CARRIED UNANIMOUSLY**

**E. REQUESTS TO ADDRESS COUNCIL**

**E.1 Emily Lowan: Call for a Fossil Fuel Non-Proliferation Treaty**

Emily Lowan spoke requesting that Council endorse the Call for a Fossil Fuel Non-Proliferation Treaty.

**F. REPORTS OF COMMITTEE**

**F.1 Committee of the Whole**

**F.1.a Report from the April 28, 2022 COTW Meeting**

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

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

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 1862m<sup>2</sup> 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 295m<sup>2</sup> amenity building on site to use for social gatherings and recreational activities
  - g. a minimum total site area of 1,270m<sup>2</sup> 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.
6. That Council request staff to report back on the OCP consultation at the same time as the bylaws for first and second readings are brought to Council for consideration.

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 at 4:00 p.m. due to a non-pecuniary conflict of interest on the following item.*

**F.1.a.b822 Catherine Street - Rezoning Application No. 00782, Development Permit with Variances Application No. 00173 and Associated Official Community Plan Amendment (Vic West)**

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

**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 6.0to 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.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts,

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

*Councillor Thornton-Joe returned to the meeting at 4:06 p.m.*

*Councillor Isitt recused himself from the meeting at 4:06 p.m. due to a non-pecuniary conflict of interest on the following item.*

**F.1.a.c 145 Rendall Street - Heritage Designation Application No. 000199 (James Bay)**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Andrew

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 returned to the meeting at 4:07 p.m.*

**F.1.a.d 2120 Quadra Street - Development Permit with Variances Application No. 00178 (North Park)**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

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. 206m<sup>2</sup> 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**



### **F.1.a.e Council Member Motion - Endorsement of Call for a Fossil Fuel Non-Proliferation Treaty**

*Council discussed the following:*

- *Passionate advocacy from members of the public*
- *Various regulatory approaches to reducing emissions*

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

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 fossil fuels (the largest source of GHGs) that needs to be 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.1.b Report from the May 12, 2022 COTW Meeting**

### **F.1.b.a 2022 General Local Election**

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

That Council:

1. appoint Curt Kingsley as Chief Election Officer for the 2022 General Local Election and that Christine Havelka, Crystal Anderson, and Grant Diamond be appointed as Deputy Chief Election Officers.
2. direct staff to consider additional polling station(s) as needed to ensure equitable and convenient access to polling stations in neighbourhoods across the City.
3. direct staff to craft communication materials to the public available in multiple languages
4. direct staff to develop a policy to apply to all general elections, including the minimum requirements outlined in the 2022 General Local Election staff report, and a process to ensure there is equitable and convenient access to polling locations in each neighbourhood of the city aligned with the Council equity values.

**CARRIED UNANIMOUSLY**

### **F.1.b.b Recommendation from the Canada Day Subcommittee**

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

That Council authorize the use of the 900 Wharf Street lot for Ska Fest to enable collaboration and a cost-sharing arrangement for event related infrastructure.

**CARRIED UNANIMOUSLY**

## **G. BYLAWS**

### **G.1 Business Improvement Area Expansion – Alternative Approval Process Results**

#### **G.1.a Bylaw for Business Improvement Area, Amendment Bylaw**

*Council discussed the following:*

- *Additional resources for the DVBA*

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

That the following bylaw **be adopted**:

1. Business Improvement Area Bylaw, Amendment Bylaw (No. 1) No. 22-023, 2022

**CARRIED UNANIMOUSLY**

**G.2 Bylaw for Business Improvement Area Taxes Rate**

**Moved By** Councillor Alto

**Seconded By** Councillor Young

That the following bylaw **be adopted**:

1. Business Improvement Area Rate Bylaw, 2022 No. 22-042

**CARRIED UNANIMOUSLY**

**G.3 Bylaw for Election Procedures**

**Moved By** Councillor Andrew

**Seconded By** Councillor Young

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

1. Election Procedures Bylaw No. 22-051

**CARRIED UNANIMOUSLY**

**G.4 Bylaw for Amendments to CBD-1 and CBD-2 Setback Regulations - Downtown Core Area Plan**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 13) No. 22-048

**CARRIED UNANIMOUSLY**

O. **ADJOURNMENT**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the Council to follow Committee of the Whole Meeting be adjourned at 4:21 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

DRAFT