



MINUTES - COMMITTEE OF THE WHOLE

November 16, 2023, 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 12:00 p.m. and 1:00 p.m.**

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Loughton, Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Hammond

ABSENT: Councillor Kim

STAFF PRESENT: S. Thompson – Deputy City Manager/ Chief Financial Officer, T. Soulliere – Deputy City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, K. Moore – Director of Business & Community Relations, A. Johnston – Assistant Director of Development Services, R. Kenny – Assistant Director of Transportation, R. Soward – Manager of Housing, M. Angrove – Senior Planner, M. Betanzo – Senior Planner, G. Hamblin – Senior Planner, J. Day – Senior Cultural Planner, A. Klus – Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Committee acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities, and thanked them for allowing us to live, work and play on their lands.

B. INTRODUCTION OF LATE ITEMS

B.1 Council Member Motion: Housing Central - B.C.'s Affordable Housing Conference 2023

Moved By Councillor Thompson
Seconded by Councillor Coleman

That item B.1 Council Member Motion: Housing Central – B.C.'s Affordable Housing Conference 2023 be added to the agenda under New Business as item H.2.

CARRIED UNANIMOUSLY

C. APPROVAL OF AGENDA

Moved By: Councillor Caradonna

Seconded By: Councillor Dell

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

*Mayor Alto requested that item add **F.1 Request for Removal from the Taxed Boulevard Program** and **H.2 Council Member Motion: Housing Central – B.C.'s Affordable Housing Conference 2023** be added to the consent agenda.*

*Councillor Coleman requested item **E.1 – 515 Foul Bay Road: Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 (Fairfield)** and **E.3 – 10 Chown Pl. Phase 2: Victoria Housing Reserve Fund Grant Application (Burnside)** be removed from the consent agenda.*

Moved By: Councillor Coleman

Seconded By: Councillor Caradonna

That the following Consent Agenda items be approved:

F.1 Request for Removal from the Taxed Boulevard Program

Committee received a report dated October 17, 2023 from the City Clerk regarding a petition from the east side of the 1500 – 1600 block of Fell Street between Oak Bay Avenue and Leighton to remove the block from the Taxed Boulevard Program effective for the 2024 tax year.

That Council approve the removal of the following boulevard from the Taxed Boulevard Program effective for the 2024 tax year:

1. 1500 – 1600 Block of Fell Street

H.1 Council Member Motion: Housing Central - B.C.'s Affordable Housing Conference 2023

Committee received a Council Member Motion dated November 08, 2023 from Councillor Loughton requesting that Council authorizes the attendance and associated costs for Councillor Loughton to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

That Council authorizes the attendance and associated costs for Councillor Loughton to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

The approximate cost for attending is:

Accommodation (1 night)	\$ 287.81
Transportation	\$ 200
Meals	\$ 70
TOTAL	\$ 557.81

Estimated total cost = \$557.81

H.2 Council Member Motion: Housing Central - B.C.'s Affordable Housing Conference 2023

Committee received a Council Member Motion dated November 16, 2023 from Councillor Thompson requesting that Council authorizes the attendance and associated costs for Councillor Thompson to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

That Council direct staff to:

- That Council authorizes the attendance and associated costs for Councillor Thompson to attend Housing Central – B.C.'s Affordable Housing Conference hosted by the B.C. Non-Profit Housing Association in Vancouver from November 21-22, 2023.

The approximate cost for attending is:

Accommodation (1 night)	\$ 287.81
Transportation	\$ 200
Meals	\$ 70
TOTAL	\$ 557.81

Estimated total cost = \$557.81

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 515 Foul Bay Road: Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 (Fairfield)

Committee received a report dated October 10, 2023 from the Director of Sustainable Planning and Community Development regarding a Rezoning Application No. 00807 and associated Development Permit with Variances Application No. 00255 for the property located at 515 Foul Bay in order to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone and subdivide the lot to allow for ground-oriented multiple dwellings at this location and recommending it proceed to a public hearing.

Committee discussed the following:

- *Heritage designation versus covenant (as alternative), and the affect of a public hearing on build timelines*

Moved By Councillor Gardiner

Seconded By: Councillor Coleman

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated October 10, 2023 for 515 Foul Bay Road.
2. 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:
 - a. plan revision to reduce the space dedicated to vehicle parking at the site's entrance to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. plan revision to propose an alternative permeable paving surface, to the satisfaction of the Director of Parks, Recreation and Facilities;
 - c. plan revision to label accessible parking stall, show dimensions in metric and provide a 1.5m hatched aisle, to the satisfaction of the Director of Engineering and Public Works;
 - d. plan revisions to correct the arborist report, tree management plan and landscape plans to the satisfaction of the Director of parks, Recreation and Facilities;
 - e. preparation of a heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment D, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development, and that the introductory readings of the Heritage Designation Bylaw be considered by Council concurrently with the Zoning Regulation Bylaw amendment.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road, with terms to the satisfaction of the Director of Engineering and Public Works;
 - b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps,

- tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works;
- c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m² in accordance with the plans date stamped by Planning on September 14, 2023, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the September 12, 2023 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities;
 - d. securing five units in the existing multiple dwelling as rental units for the life of the building, with contents satisfactory to the Director of Sustainable Planning and Community Development;
 - e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - f. provision of no less than three four-bedroom and six three-bedroom units, to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - g. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:
 - i. two over-sized long-term bicycle parking spaces;
 - ii. 50% of required long-term bicycle parking with access to an electrical outlet;
 - iii. bicycle wash and maintenance facility.
4. 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.
 5. 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 and allowing an opportunity for public comment at a meeting of Council, and after the public hearing for Rezoning Application No. 00807, if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, in accordance with the following:
 - a. Subject to the proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce minimum front yard setback from 6.00m to 0.41m;
 - ii. reduce minimum side yard setback (north) from 4.00m to 3.08m;
 - iii. increase maximum eave projection from 0.75m to 0.79m;
 - iv. permit vehicle parking in the front yard;
 - v. reduce short-term bicycle storage from 18 spaces to 10 spaces;

- vi. increase maximum driveway slope from 8.00% to 11.36%;
 - vii. reduce minimum two-way driveway width from 6.00m to 4.00m, and;
 - viii. increase maximum accessory building height from 3.50m to 4.00m.
- b. Subject to the property being subdivided into two lots generally in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023.
 - c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on September 14, 2023, from the minimum frontage requirements of section 512(1) at the time of subdivision.
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Heritage Designation Application

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set, and that the heritage designation bylaw provides for the following to the satisfaction of the Director of Sustainable Planning and Community Development:
 - a. no heritage alteration permit is required for interior alterations, repair and maintenance work that would not affect the exterior of the building, or;
 - b. a heritage alteration permit to allow for demolition of the building would be issued for the building if the building is damaged significantly due to fire, flood or similar event outside of the owner’s control.
- 2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment D to this report recognizing the building exterior as the historic features of the property.

CARRIED UNANIMOUSLY

E.2 902 Foul Bay Road: Request to endorse discharge of a covenant and housing agreement (Fairfield)

Committee received a report dated November 02, 2023 from the Director of Sustainable Planning and Community Development regarding a report presenting Council with information, analysis and recommendations regarding an owner’s request to support the termination and discharge of covenant and housing agreement number CB104564/CB137177 between the CRD and the owner for the property located at 902 Foul Bay Road.

Committee discussed the following:

- *Loss of affordable units under requested discharge of covenant*
- *Affect of time spent on covenant removal on affordability of units*

- *Potential to set precedent to future projects*
- *Ability to return the decision to the CRD with conditions*

Moved By Councillor Caradonna

Seconded By Councillor Dell

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road.

Amendment:

Moved By Councillor Coleman

Second By Councillor Gardner

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$250,000 to either the City of Victoria's Housing Reserve Fund or CRD's Housing Reserve Fund.**

Amendment to the amendment:

Moved By: Councillor Gardener

Seconded By: Councillor Loughton

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$250,000 to ~~either the City of Victoria's Housing Reserve Fund. or CRD's Housing Reserve Fund.~~**

FOR (6): Mayor Alto, Councillor Gardner, Councillor Hammond, Councillor Loughton, Councillor Dell, and Councillor Thompson

OPPOSED (2): Councillor Caradonna, Councillor Coleman

CARRIED (6 to 2)

Amendment to the amendment

Moved By: Councillor Caradonna

Seconded By: Councillor Dell

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number

CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$60,000 \$250,000 to the City of Victoria's Housing Reserve Fund Local Amenities Reserve Fund.**

FOR (3): Councillor Caradonna, Councillor Dell, and Councillor Thompson
OPPOSED (5): Mayor Alto, Councillor Coleman, Councillor Gardner, Councillor Hammond, and Councillor Loughton

DEFEATED (3 to 5)

Amendment to amendment:

Moved By: Councillor Loughton
Seconded By: Councillor Caradonna

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of \$250,000 a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.**

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Loughton, and Councillor Thompson
OPPOSED (3): Councillor Coleman, Councillor Gardner, and Councillor Hammond

CARRIED (5 to 3)

On the amendment as amended:

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, **subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.**

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, and Councillor Thompson, Councillor Hammond
OPPOSED (3): Councillor Coleman, Councillor Gardner, and Councillor Hammond

CARRIED (5 to 3)

On the main motion as amended:

That Council approve the Capital Regional District (CRD) terminating the housing agreement and Section 219 Covenant (registered under charge number CB104564 and notation number CB137177) between the CRD and the owner, which designated four dwelling units as affordable home ownership units for the property located at 902 Foul Bay Road, subject to a contribution of a minimum of \$60,000 to the City of Victoria's Housing Reserve Fund.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Loughton, and Councillor Thompson

OPPOSED (3): Councillor Coleman, Councillor Gardiner, and Councillor Hammond

CARRIED (5 to 3)

Committee recessed at 10:40 a.m. and reconvened at 10:52 a.m.

Councillor Loughton was noted as absent when the meeting reconvened.

E.3 10 Chown Pl. Phase 2: Victoria Housing Reserve Fund Grant Application (Burnside)

Committee received a report dated November 02, 2023 from the Director of Sustainable Planning and Community Development regarding Victoria Housing Reserve Fund Grant Application for the property located at 10 Chown Pl. Phase 2 in order to present Council with information, analysis, and recommendations for a Victoria Housing Reserve Fund grant application from the Gorge View Society to assist in the construction of 77-units of affordable housing at 11 Chown Place.

Councillor Loughton rejoined the meeting at 10:56 a.m.

Moved By Councillor Coleman

Seconded By Councillor Gardiner

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

1. That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$692,500 to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
 - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
 - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
 - c. \$554,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$138,500 shall be payable to the applicant once the City has issued all required occupancy permits for the project.

- d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

Amendment:

Moved By: Councillor Coleman

Seconded By: Councillor Gardner

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

1. That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of ~~\$692,500~~ **\$770,000** to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
 - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
 - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
 - c. ~~\$554,000~~ **\$616,000** shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of ~~\$138,500~~ **\$154,000** shall be payable to the applicant once the City has issued all required occupancy permits for the project.
 - d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council pass the following motion and bring it forward for ratification at the November 16th, 2023 daytime Council meeting:

1. That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$770,000 to assist in the construction of a six-storey 68-unit apartment building and nine townhouses at 11 Chown Place, subject to the following conditions:
 - a. The applicant receives approval for the required development permit application and executes a Housing Fund Grant Agreement in the form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor.
 - b. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines.
 - c. \$616,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of \$154,000 shall be payable to the applicant once the City has issued all required occupancy permits for the project.

- d. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

CARRIED UNANIMOUSLY

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By: Councillor Coleman

Seconded By: Councillor Loughton

That the Committee of the Whole Meeting be adjourned at 11:23 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR