



## MINUTES - COMMITTEE OF THE WHOLE

April 25, 2024, 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 Nations  
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 Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoesel - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Intergovernmental & Media Relations, A. Johnston – Assistant Director of Development Services, R. Soward – Manager of Housing, R. Kenny – Assistant Director of Transportation, D. Newman – Acting Director of Parks, Recreation and Facilities, C. Tunis – Senior Process Planner, M. Thiagarajan – Planner, A. Heimburger - Legislative Coordinator

The Mayor acknowledged Administrative Professionals Day held on April 24<sup>th</sup> and extended a thank you to administrative professionals throughout the City for their work.

### **A. TERRITORIAL ACKNOWLEDGEMENT**

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities and reflected on the historic and ongoing work of the Nations that has created the environment in which we reside today, and thanked them for allowing us to live, work and play on their lands.

### **C. APPROVAL OF AGENDA**

Moved and Seconded:

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **D. CONSENT AGENDA**

Committee requested that item **H.1 - Council Member Motion: Reimbursement of Association of Vancouver Island and Coastal Communities (AVICC) Conference (April 12-14, 2024)** be removed from the consent agenda.

Moved and Seconded:

That the following Consent Agenda items be approved:

**E.1 Minutes from the Committee of the Whole meeting held March 14, 2024**

That the minutes from the Committee of the Whole meeting held March 14, 2024 be approved.

**E.2 Minutes from the Committee of the Whole meeting held April 4, 2024**

That the minutes from the Committee of the Whole meeting held April 4, 2024 be approved.

**F.1 515 Foul Bay Road: Rezoning Application No. 00807, Development Permit with Variances Application No. 00255 and Heritage Designation Application No. 00163 (Fairfield)**

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 515 Foul Bay Rd to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone to permit three ground-oriented multiple dwelling buildings on one lot and retention of an existing five-unit heritage-registered house conversion on a separate lot with a shared panhandle driveway and recommending that this application proceed to bylaw readings.

**Rezoning Application**

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 reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, 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 frontage, 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 m<sup>2</sup> in accordance with the plans date stamped by Planning on February 26, 2024, 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 February 23, 2024 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities
  - d. a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, 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; and
  - f. 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:
    - a. third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,
    - b. 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, 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, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:
  - a. Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Subject to the proposed development meeting all City zoning and subdivision and development servicing 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 drive aisle slope from 8.00% to 11.36%
    - vii. reduce minimum two-way drive aisle width from 6.00m to 4.00m
    - viii. increase maximum accessory building height from 3.50m to 4.00m
    - ix. permit above-ground electrical, telecommunication and cable television services.
  - 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 February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.
2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.

### **Heritage Designation Application No. 000163**

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.

2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.

**F.3 522 St. Charles Street: Rezoning Application No. 00816, Development Variance Permit Application No. 00279 and Heritage Designation Application No. 00202 (Rockland)**

Committee received a report from the Director of Sustainable Planning and Community Development dated April 3, 2024 regarding the property located at 522 St. Charles Street to rezone a portion of the property from R1-A Zone, Rockland Single Family Dwelling District to R1-B Zone, Single Family Dwelling District to accommodate subdivision of the property, and to rezone the remainder of the property to a site specific zone to permit an existing three-unit house conversion proposed for retention and heritage designation and recommending that this application proceed to bylaw readings.

**Rezoning Application**

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 April 3, 2024, for 522 St. Charles Street.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
  - a. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;
  - b. plan revision to consider new sanitary sewer and storm drain services and to provide dimensions of the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.
3. That adoption of the zoning regulation bylaw amendment will not take place until:
  - a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as Attachment E, pursuant to Section 611 of the *Local Government Act*, to the satisfaction of the Director of Sustainable Planning and Community Development.

4. 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 Variance Permit Application**

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
  - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
    - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
    - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
    - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
    - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
2. That the Development Variance Permit, if issued, expires two years from the date of this resolution.”

### **Heritage Designation Application**

That Council:

1. Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.
2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.

**CARRIED UNANIMOUSLY**

## **F. LAND USE MATTERS**

### **F.2 621, 627, 629 Princess Avenue and 624 Pembroke Street: Development Permit with Variances Application No. 00235 (Burnside)**

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the Development Permit with Variance Application for the property located at 621-629 Princess Street for lot consolidation and construction of a four-storey building intended for use as a self-storage facility with ground-orientated general commercial-industrial space, and recommending that the application be approved.

*Committee discussed:*

- *Potential for street activation considering the permitted business types*
- *City Policy for self-storage commercial use across different zones*

Moved and Seconded:

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances No. 00235 for 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on March 26, 2024, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. adjust the east side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
    - ii. adjust the west side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
    - iii. reduce the required vehicle parking stalls from 137 stalls to 12 stalls.
  - b. Registration of the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
    - i. Provision of transportation demand management measures including:
      1. two yearly BC Transit Eco passes for a minimum of five years to be distributed to staff
      2. end of trip shower facilities.
    - ii. A 0.6m Statutory-Right-of-Way along the Pembroke Street frontage.
    - iii. A covenant ensuring that at least 516m<sup>2</sup> of commercial-industrial unit space on the ground level are not used for self-storage.
  - c. The property being consolidated into one lot.
2. That the Development Permit, if issued, lapses two years from the date of this resolution.

3. That subject to issuance of the Development Permit, Council authorize the projecting encroachments over the City rights of way on Pembroke Street and Princess Street generally as shown on the plans submitted to the City and dated January 26, 2024, provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
4. That Council advance this motion to the daytime Council following Committee of the Whole Meeting of April 25, 2024.

**CARRIED UNANIMOUSLY**

**F.4 1042, 1044 Richardson Street: Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield)**

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 1042/1044 Richardson Street to rezone from R-K Zone, Medium Density Attached Dwelling District, to a new zone to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for a six-storey residential purpose-built market rental building with 20 dwelling units at this location and recommending that this application be declined.

*Committee discussed the following:*

- *Rationale for exclusion of below-market rental units in application*
- *Fluctuation and uncertainty of market rental rates*

*Committee recessed at 10:26 a.m. and reconvened at 10:37 a.m.*

**Motion to refer:**

Moved and Seconded:

Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole expeditiously.

**Amendment:**

Moved and Seconded:

Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole **expeditiously within two weeks.**

OPPOSED (4): Mayor Alto, Councillor Coleman, Councillor Gardiner, and Councillor Hammond

**CARRIED (5 to 4)**

**Motion to refer as amended:**

Moved and Seconded:



Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole within two weeks.

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

**CARRIED (6 to 3)**

## H. NEW BUSINESS

### H.1 Council Member Motion: Reimbursement of Association of Vancouver Island and Coastal Communities (AVICC) Conference (April 12-14, 2024)

Committee received a Council Member Motion requesting reimbursement for additional costs associated with Councillor Loughton's attendance at the April 12-14, 2024 AVICC conference in Victoria.

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to the early registration is \$31.50.

#### **Amendment:**

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to the early registration is \$31.50.

**and that this motion be forwarded to the April 25, 2024 daytime Council meeting for consideration.**

**CARRIED UNANIMOUSLY**

#### **On the main motion as amended:**

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to the early registration is \$31.50.

**and that this motion be forwarded to the April 25, 2024 daytime Council meeting for consideration.**

**CARRIED UNANIMOUSLY**

**J. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 10:55 a.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

DRAFT