



## MINUTES - VICTORIA CITY COUNCIL

March 10, 2022, 11:42 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 Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Isitt (11:45 a.m.), and Councillor Potts

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, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, P. Bellefontaine - Director of Engineering & Public Works, P. Angelblazer - Committee Secretary

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

**Moved By** Councillor Alto  
**Seconded By** Councillor Andrew  
 That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **C. READING OF MINUTES**

#### **C.1 Minutes from the evening meeting held February 24, 2022**

**Moved By** Councillor Alto  
**Seconded By** Councillor Andrew  
 That the minutes from the evening Council meeting held February 24, 2022 be approved

**CARRIED UNANIMOUSLY**

**E. REPORTS OF COMMITTEE**

**E.1 Committee of the Whole**

**E.1.a Report from the February 24, 2022 COTW Meeting**

**E.1.a.a Council Member Motion: Accessibility Advisory Committee Extension**

**Moved By** Councillor Alto

**Seconded By** Councillor Dubow

That the Accessibility Advisory Committee AAC recommends to Council that the term of the AAC, due to expire April 2022, be extended until the Governance Review is concluded and a new Advisory Committee structure is implemented. Staff will work with AAC to update the Terms of Reference for Council approval.

**CARRIED UNANIMOUSLY**

**E.1.a.b 902 Foul Bay Road: Rezoning Application No. 00737, Development Permit with Variances Application No. 00192 and Heritage Alteration Permit No. 00250 (Gonzales)**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

**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. 00737 for 902 Foul Bay Road, 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. Plan revisions to:
  - a. label the visitor parking stall
  - b. correct the tree retention plan, site plan and landscape plans, to the satisfaction of the Director of Parks, Recreation and Facilities
  - c. consider relocation of the bicycle parking structure and make associated landscape changes and parking reductions if required, and the creation of adaptable units
  - d. Consider the retention of additional trees.
2. Further analysis of the proposed tree planting plan and the viability of the proposed on-site and off-site trees, considering site servicing requirements, as well as proximity to proposed buildings on the subject property and existing buildings on the neighbouring properties, to the satisfaction of the Director of Parks, Recreation and Facilities.

3. An executed legal agreement between the owner and Capital Regional Housing Corporation or Capital Regional District to secure four dwelling units (two one-bedroom units and two three-bedroom units) to be sold at a minimum of 20% below market rate (below-market ownership units) in perpetuity, in a form and with terms to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development.
4. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to secure:
  - a. 2.08m wide statutory right-of-way along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works
  - b. public realm improvements to include two curb bulbs on Quamichan Street, with terms to the satisfaction of the Director of Engineering and Public Works
  - c. car share vehicle memberships and usage credits for each dwelling unit, with terms to the satisfaction of the Director of Sustainable Planning and Community Development
  - d. future strata cannot restrict the rental of units to non-owners (with the exception of the four below-market ownership units), with terms to the satisfaction of the Director of Sustainable Planning and Community Development
  - e. a minimum of 16 three-bedroom units within the development, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

#### **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. 00737, if it is approved, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances Application No. 00192 for 902 Foul Bay Road, in accordance with:
  - a.Plans date stamped August 6, 2021.
  - b.Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - I. increase the building height from 10.5m to 11.54m;
    - II. reduce the vehicle parking from 27 stalls to 16 stalls and the visitor parking from two stalls to one stall (with potential further reduction to accommodate relocated bicycle parking);

- III. reduce the front (Quamichan Street) setback requirement from 6m to 3.10 (to building) and 1.44m (to stairs);
  - IV. reduce the flanking street (Redfern Street) setback from 6m to 3.37m (to building) and 0.37m (to stairs);
  - V. reduce the flanking street (Foul Bay Road) setback from 6m to 3.73m;
  - VI. reduce the rear yard setback from 4m to 3m.
2. That the Development Permit lapses two years from the date of this resolution.”

### **Heritage Designation Bylaw Amendment and Heritage Alteration Permit Application**

That Council,

1. Instruct staff to prepare a bylaw amending Heritage Designation (902 Foul Bay Road) Bylaw No. 495, to protect the historic stone wall that extends the full length of the property's Quamichan Street frontage and the iron gate located at the corner of Foul Bay Road and Quamichan Street and remove the other features (land, house and trees), that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.
2. Approve the new Statement of Significance for 902 Foul Bay Road attached as Attachment I to this report recognizing the rock wall as the primary historic feature of the property.
3. After the Public Hearing for Rezoning Application No. 00737, if it is approved, consider the following motion:
  1. "That Council authorize the issuance of Heritage Alteration Permit Application No. 00250 for 902 Foul Bay Road, in accordance with:
    - a. Plans date stamped August 6, 2021.
    - b. The Rock Wall Heritage Conservation Plan by Donald Luxton and Associates Inc. dated March 2020.
    - c. That the Heritage Alteration Permit lapses two years from the date of this resolution.”

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,  
OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

### **E.1.a.c Climate Action Update**

*Councillor Isitt joined the meeting at 11:45 a.m.*

**Moved By** Councillor Dubow

**Seconded By** Councillor Alto

That Council:

1. Receive the climate action updates in this report for information;
2. Adopt the final version of the City's Electric Vehicle and Electric Mobility Strategy which is included in Appendix B of this report; and
3. Adopt the City of Victoria Green Fleet Plan which is included in Appendix C of this report.

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

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

### **E.1.a.d Neighbourhood Association Base & Coordinator Grant Report**

**Moved By** Councillor Dubow

**Seconded By** Councillor Loveday

That Council approve the attached Base Grant & Neighbourhood Coordinator Grant Policy.

**CARRIED UNANIMOUSLY**

### **E.1.a.e Council Member Motion: Protection of the Ivy Place Greenway in Perpetuity as a Natural Area**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council:

1. Endorses in principle the protection of a portion or all of the Ivy Place greenway in perpetuity as a biologically diverse natural area.
2. Directs staff to report back at the next triannual update on the advisability of providing permanent protection to a portion or all of the greenway through a road closure bylaw.

**CARRIED UNANIMOUSLY**

### **E.1.a.f 2022 Draft Financial Plan - Homelessness Advisor**

*Councillor Thornton-Joe recused herself at 11:47 a.m. due to a non-pecuniary conflict of interest.*

**Moved By** Councillor Dubow

**Seconded By** Councillor Loveday

1. Council approve \$140,000 towards the 'Homelessness Advisor' item and is funded through 0.09% tax increase for a three year term as part of the City's efforts to achieve functional zero homelessness in the CRD
2. Direct staff to develop the job description for this position in collaboration with the Greater Victoria Coalition to End Homelessness, the Aboriginal Coalition to End Homelessness, the CRD, and BC Housing.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (2): Councillor Andrew, and Councillor Young

**CARRIED (6 to 2)**

### **E.1.b Report from the March 10, 2022 COTW Meeting**

#### **E.1.b.a Attendance at AVICC Convention, April 2022**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

1. That Council authorize the attendance and associated costs for Councillor Isitt to attend the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention in Victoria, BC from April 1-3, 2022, with estimated costs as follows:

Registration: \$350

Estimated total costs: \$350

**CARRIED UNANIMOUSLY**

## **F. BYLAWS**

### **F.1 Bylaws for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street: Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153**

**Moved By** Councillor Alto  
**Seconded By** Councillor Loveday

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007
2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015

*Council discussed the following:*

- *Updates to the tenant assistance plan*
- *Issues along the Menzies frontage*
- *Ensuring that current tenants retain access to affordable rents*

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

That Councillor Dubow be given a second opportunity to provide comments.

**CARRIED UNANIMOUSLY**

**On the bylaw readings:**

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007
2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**Motion Arising:**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Isitt

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants to return at current rent.

**Amendment:**

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants to return at current rent, **with permitted RTA increases over the period of construction.**

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Dubow

That Mayor Helps be given a second opportunity to provide comments.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps  
**Seconded By** Councillor Dubow

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants **that require additional assistance** to return at current rent, with permitted RTA increases over the period of construction.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Thornton-Joe, and Councillor Young  
OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Potts

**CARRIED (6 to 3)**

**On the motion arising as amended:**

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants that require additional assistance to return at current rent, with permitted RTA increases over the period of construction.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**



**Moved By** Councillor Alto  
**Seconded By** Councillor Loveday

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

1. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw (2022) No. 22-012

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto  
**Seconded By** Councillor Loveday

Development Permit with Variances Application No. 00153

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. 00742, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped January 7, 2022.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the front yard setback (Niagara Street) from 7.0m to 0.50m to the building face, to 0.33m to the stairs and 1.16m to the stairwell walls, and to 0.21m to the balconies
  - b. reduce the rear yard setback from 7.0m to 6.81m to the building face, to 5.15m to the balconies and to 4.25m to the stairs
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m
  - e. reduce the residential vehicle parking from 146 stalls to 95 stalls
  - f. reduce the visitor vehicle parking from 14 stalls to 10 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**F.2 Bylaw for Official Community Plan Amendment: Robert Street Heritage Conservation Area**

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

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 39) No. 22-026

**CARRIED UNANIMOUSLY**

**F.3 Bylaw for Official Community Plan Amendment: Downtown Core Area Plan Update**

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

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 41) No. 22-008

**CARRIED UNANIMOUSLY**

**N. ADJOURNMENT**

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

That the meeting is adjourned at 12:16 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR