



MINUTES - VICTORIA CITY COUNCIL

May 16, 2024, 2:11 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 Nation and Esquimalt Nation

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

PRESENT ELECTRONICALLY: Councillor Hammond

STAFF PRESENT: J. Jenkyns - City Manager, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, S. Thompson – Deputy City Manager and Chief Financial Officer A. Johnston - Assistant Director of Development Services, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, M. Thiagarajan - Planner, W. Doyle, Acting Director of Engineering and Public Works, R. Kenny – Assistant Director of Transportation, A. Heimburger - Legislative Coordinator

The Mayor acknowledged Moose Hide Campaign Day held on May 16th and provided an overview of the significance of the national campaign in addressing violence toward indigenous women, girls and families across Canada.

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, recognizing the obligation of Council to ensure that their decisions regarding these lands are made with the best of intentions so that once their terms have ended, they will leave the chambers knowing they have done the best they could. Council thanked the Nations 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. REPORTS OF COMMITTEE

Council (to follow COTW) Meeting Minutes
May 16, 2024

D.1 Committee of the Whole

D.1.a Report from the May 2, 2024 Committee of the Whole Meeting

D.1.a.a 530 Chatham Street and 1824, 1900, 1907, 1908, 1924 and 2010 Store Street: Rezoning Application No. 00796 and associated Official Community Plan Amendment (Downtown)

Moved and Seconded:

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 February 29, 2024 for 1824, 1900, 1907, 1908, 1924 and 2010 Store Street and 530 Chatham Street.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a) Allow for a maximum density in Block B of approximately 4.4 FSR (14 storeys max), distributed across Block B, and allow for an 8th storey at W5 (an increase in FSR of 0.07 for a total of 2.05 FSR for Block A), to support the site's overall lower massing reconfiguration and waive the requirement for additional CALUC meeting.
 - b) Revise plans to include an alternate interim harbour pathway route along Discovery Lane with 3m sidewalks, pedestrian lighting, and tree planting and a 5.0m SRW, east of buildings W1 and W2. This pathway will provide a public access route while the Harbour Pathway is closed to accommodate marine industrial uses on the waterfront.
 - c) Revise plans to include a 5m underground parking setback from the property line on the west side of the plaza on Store Street to allow for mature trees.
 - d) Revise plans to include frontage improvements surrounding the site to the satisfaction of the Director of Engineering, for the purposes of securing these improvements as a condition of Rezoning, include:

- i. Store Street, for the full street width from Chatham to Discovery Street, as an All Ages and Abilities shared use roadway that is traffic calmed, grade-raised, of higher quality materiality, and that supports time-limited vehicle closures for public events.
 - ii. Chatham Street frontage that includes one-way protected bike lanes, widened sidewalks, street trees, and a midblock pedestrian crossing consistent with the Downtown Public Realm Plan, Downtown Core Area Plan and Greenway objectives.
 - iii. Discovery Street, for the full street width from Store Street to Government Street, that accommodates an enhanced public realm and spaces for performance and festival uses, consistent with the Burnside Gorge Neighbourhood Plan, delineating the extent of work to be considered for cost sharing by the City on the portion of the roadway north of the centreline.
- e) Revise plans to retain trees 276, 277, 278.
 - f) Revise plans to provide an underground parking setback on Chatham Street to allow for a 4.5m x 9m below-grade sanitary pump station expansion, including an SRW or road dedication.
 - g) Provide a landscape plan showing an enlarged plaza area on the air space parcel as an alternative amenity in the event that the development of a not-for-profit art gallery or other cultural facility is unsuccessful.
 - h) Provide a plan that illustrates the scope of works to enter into an agreement to cost share the design and construction related costs for improvements on Discovery Street north of centreline and up to property line that are above and beyond typical frontage improvements.
 - i) Remove references to undefined land-uses and automotive sales, parkade, parking lot and storage facility land uses on the plans and the rezoning booklet.
 - j) Provide a replacement tree plan to show how the siting and soil volume requirements of the tree bylaw will be met on private property.

- k) Confirm that proposed buildings W1, W2 and W8 meet BC Building Code requirements for Access Route Design (BCBC 3.2.5.6.) and/ or revise plans to ensure this code requirement is met.
 - l) Provide a sewer attenuation report that identifies attenuation requirements for the development as a whole.
 - m) Confirm commitment to heritage designate the three existing heritage registered buildings on-site.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works, Director of Parks, Recreation and Facilities and form satisfactory to the City Solicitor prior to adoption of the bylaw:
- a) Provision of a Master Development Agreement to secure:
 - i. Phasing with associated utility and frontage upgrades, with the first phase including the provision of an air space parcel for a not-for-profit art gallery or other cultural facility, a public plaza, a mid-block lane, utility relocation (including underground of Hydro on Discovery Street, and Telus / Shaw on Government Street) and 120,000 square feet (approximately 160 units) secured rental dwelling units. Subsequent phases (DA1,2,3) or (DA 5) can occur in any order, however DA1,2,3 must occur concurrently and provide the Harbour Pathway and its associated SRW.
 - ii. Provision and maintenance of a continuous waterfront pathway (Harbour Pathway) from the property's southernmost boundary to its northern most boundary, including a 5m Statutory Right of Way over the entire portion of pathway that secures public access 24 hours a day, 7 days a week, with limited restrictions when required to support marine industrial uses.
 - iii. Provision and maintenance of an alternate, interim pathway route along Discovery Lane with 3m sidewalks, pedestrian lighting, and tree planting and a 5.0m SRW, east of buildings W1 and W2. This pathway will accommodate a

public access route while the Harbour Pathway is closed to accommodate marine industrial uses on the waterfront.

- iv. Interim site conditions.
- v. Provision and maintenance of a SRW for a portion of the Harbour Pathway with a width of between 5m and 10m and an area no less than 478m², open to public access 24 hours a day, 7 days a week.
- vi. Provision and maintenance of a volumetric SRW between buildings W6 and W7 to secure public access between Store Street and the waterfront, and for the realignment of the storm drain, of an area no less than 745m² and a width no less than 5.4m that includes underground utilities, a publicly accessible/ universally accessible elevator and is open to the public between 8am and 8pm.
- vii. Provision and maintenance of a SRW over a public plaza at the corner of Chatham and Store Street of an area no less than 780m² open to the public 24 hours a day, 7 days a week.
- viii. Provisions and maintenance of a 6m wide volumetric SRW on the mid-block lane between Chatham and Discovery Streets to be open for public access between 8am and 8pm, 7 days a week.
- ix. Provision and maintenance of a 6m wide SRW on Government Street for a linear park of approximately 442m² and to secure the retention of the existing street trees.
- x. Provision of a 3.0 m wide SRW at the northern most boundary of Development Area 2 and Development Area 3.
- xi. Provision of an airspace parcel to be provided to a not-for-profit art gallery or other cultural institution at no cost and of a size no less than 1416m².
- xii. Provision of a plaza in the area designated for an air space parcel for an art gallery or other cultural institution should construction not commence prior to submitting a development permit within the last development area.

- xiii. Encroachment agreements for decorative features that may extend over the City ROW, prior to applying for a building permit.
- xiv. Provision of a 4.5m x 9m SRW on a portion of the plaza at Chatham and Store street to accommodate a below grade sewer pump station.
- xv. Provision of a 5m underground parkade setback on Chatham Street to accommodate the location of mature trees.
- xvi. Land use and noise and nuisance mitigation measures identified within report by a qualified professional at each DP phase to ensure residential and industrial land use compatibility.
- xvii. Green building/ sustainability measures including a commitment to provide:
- green roofs as indicated on page 54 of the Rezoning Booklet dated June 16, 2023
 - a rain garden and wetland water treatment feature at the waterfront edge, used to treat stormwater prior to its discharge into the harbour
 - storm water treatment features as indicated on page 50 of the Rezoning Booklet dated June 16, 2023
 - a report that demonstrates how the proposed stormwater designs will meet the City's Rainwater Management Standards required prior to DP issuance.
- xviii. TDM measures where parking standards are not met to the satisfaction of the Director of Planning.
- xix. Provision of proposed shoreline design and bank retention details, prior to a development permit application being submitted for development proposals within DA1 and DA2.
- xx. Heritage designation and seismic upgrading of 1824, 1900 and 1910 Store Street in association with the DP applications for these properties.
- b) Provisions of the following frontage improvements that are in addition to the standard works and

services required in the Subdivision and Development Servicing Bylaw:

- i. Store Street, for the full street width from Chatham to Discovery Street, as an All Ages and Abilities shared use roadway that is traffic calmed, grade-raised, of higher quality materiality, and that supports time-limited vehicle closures for public events.
 - ii. Chatham Street frontage that includes one-way protected bike lanes, widened sidewalks, street trees, and a midblock pedestrian crossing consistent with the Downtown Public Realm Plan, Downtown Core Area Plan and Greenway objectives.
 - iii. Discover Street, for the full street width from Store Street to Government Street, that accommodates an enhanced public realm and spaces for performance and festival uses, consistent with the Burnside Gorge Neighbourhood Plan.
- c) Housing agreement to secure no less than 120,000 square feet (approximately 160 units) of purpose-built market, residential rental units in perpetuity at building S1 in Phase 1.
 - d) Cost sharing agreement for the design and construction of frontage upgrades north of the centre line on Discovery Street between Store and Government Street.
 - e) All required main extensions or realignments of storm drains and sanitary sewers to the satisfaction of the Director of Engineering.
 - f) The Requirements of the Sanitary Attenuation Report.
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.

OCP Amendment

1. That Council instruct the Director of Sustainable Planning and Community Development to explore the possibility of amending the Official Community Plan to amend the Core Employment Urban Place Designation of 1824, 1900, 1907, 1908, 1924 and 2010 Store Street and 530 Chatham Street to change the location of permitted residential uses from the south half of the block bounded by Discovery, Chatham, Government and Store Street and to increase the density of this block from 3.0:1 FSR to approximately 4.4: 1 FSR and to permit residential uses within the block west of Store Street, south of Discovery Street and North of Swift Street, and to increase building heights.
2. 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 200 m radius of the subject property
 - b. the Songhees and Esquimalt First Nations
 - c. the Port of Victoria/ Transport Canada
 - d. Gorge Waterway Initiative.
3. 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 organizations, and authorities listing in 2 a-d.
 - 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.

CARRIED UNANIMOUSLY

D.1.a.b

Bylaw Amendments Pursuant to Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023, Bill 46: Housing Statutes (Development Financing) Amendment Act, 2023, & Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023

The Mayor noted that this item was ratified at the May 2, 2024 Daytime Council meeting and was placed on the agenda in error.

D.1.a.c Bastion Square Projects and Upgrades

Moved and Seconded:

That Council:

Direct staff to bring forward amendments to the Financial Plan Bylaw, 2024 to include \$150,000 for Bastion Square Upgrades with funding from the Bastion Square Revitalization Trust.

CARRIED UNANIMOUSLY

D.1.b Report from the May 16, 2024 COTW Meeting

D.1.b.a 320 Cook Street and 1075 Pendergast Street: Rezoning Application No. 00854 and Development Variance Permit Application No. 00288 (Fairfield)

The Assistant Director of Sustainable Planning provided an explanation of an error in the motion and provided Council with a recommended amendment to the motion.

Moved and Seconded:

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 May 2, 2024 for 320 Cook Street and 1075 Pendergast 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.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
 - i. one BC Transit EcoPass for every two-stall shortfall provided for a minimum of a five year term and assigned to any employee or

volunteer working on the property at no cost to the employee.

4. That adoption of the zoning bylaw amendment will not take place until all 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.
6. That Council advance this motion to the daytime Council following Committee of the Whole Meeting of May 16, 2024.

Development Variance Permit Application

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

1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Variance Permit No.00288 for 320 Cook Street and 1075 Pendergast Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 18, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. decreasing the vehicle parking from 33 stalls to 19 stalls.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

Amendment:

Moved and Seconded:

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 May 2, 2024 for 320 Cook Street and 1075 Pendergast Street.

2. **That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.**
3. 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.
4. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
 - i. one BC Transit EcoPass for every two-stall shortfall provided for a minimum of a five year term and assigned to any employee or volunteer working on the property at no cost to the employee.
5. That adoption of the zoning bylaw amendment will not take place until all the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
6. 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.
7. That Council advance this motion to the daytime Council following Committee of the Whole Meeting of May 16, 2024.

Development Variance Permit Application

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

1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Variance Permit No.00288 for 320 Cook Street and 1075 Pendergast Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 18, 2023, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. decreasing the vehicle parking from 33 stalls to 19 stalls.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

On the main motion as amended:

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 May 2, 2024 for 320 Cook Street and 1075 Pendergast Street.
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
3. 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.
4. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
 - i. one BC Transit EcoPass for every two-stall shortfall provided for a minimum of a five year term and assigned to any employee or volunteer working on the property at no cost to the employee.
5. That adoption of the zoning bylaw amendment will not take place until all the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.

6. 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.
7. That Council advance this motion to the daytime Council following Committee of the Whole Meeting of May 16, 2024.

Development Variance Permit Application

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

1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Variance Permit No.00288 for 320 Cook Street and 1075 Pendergast Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 18, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. decreasing the vehicle parking from 33 stalls to 19 stalls.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

CARRIED UNANIMOUSLY

E. BYLAWS

E.1 Bylaw for 1661 and 1663 Richardson Street: Rezoning Application No. 00864

The City Clerk provided rationale for late addition of consideration for adoption of the proposed bylaw.

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1334), No. 24-026

CARRIED UNANIMOUSLY

Moved and Seconded:

That the following bylaw **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1334) No. 24-026

CARRIED UNANIMOUSLY

E.2 Amendment Bylaws for Parking Fines and Street Occupancy Fees and Fines

Moved and Seconded:

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

1. Bylaw Notice Adjudication Bylaw, Amendment Bylaw (No. 4), No. 24-023
2. Streets and Traffic Bylaw, Amendment Bylaw (No. 17), No. 24-024
3. Ticket Bylaw, Amendment Bylaw (No. 15), No. 24-033

CARRIED UNANIMOUSLY

F. NEW BUSINESS

F.1 Transient Accommodation Business Licence Appeal – 867 Humboldt Street

Councillor Thompson recused himself from the meeting at 2:23 p.m. due to a non-pecuniary conflict of interest.

Council received a report from the City Clerk dated May 8, 2024 regarding documents from the Appellants and the City's Licence Inspector for Council's consideration under Section 8(1) of the Business Licence Bylaw for a transient accommodation business licence for a Bed and Breakfast application for 867 Humboldt Street.

Council discussed the following:

- *Ambiguous definition for a Bed and Breakfast accommodation type in the Business Licence Bylaw*
- *Precedent through traditional zoning and land use for the property to continue as a Bed and Breakfast accommodation*
- *Opportunity for the transient accommodation unit to be used for long-term rental purposes*

Moved and Seconded:

That Council allow the appeal and direct issuance of a 2024 Transient Accommodation business licence for premises at 867 Humboldt Street.

OPPOSED (2): Mayor Alto, and Councillor Loughton

CARRIED (7 to 2)

Councillor Thompson rejoined the meeting at 2:54 p.m.

H. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE MAY 16, 2024 COUNCIL MEETING TO THE PUBLIC

Council (to follow COTW) Meeting Minutes
May 16, 2024

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)(g) litigation or potential litigation affecting the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

The daytime Council meeting was closed to the public at 2:57 p.m.

I. APPROVAL OF CLOSED AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

J. NEW BUSINESS

J.1 Intergovernmental Relations - Community Charter Section 90(2)(b)

Council discussed a matter involving intergovernmental relations. The discussion was recorded and kept confidential.

J.2 Litigation and Legal Advice - Community Charter Sections 90(1)(g) and 90(1)(i)

Council discussed a matter involving litigation and legal advice. The discussion was recorded and kept confidential.

K. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 4:10 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT