



MINUTES - VICTORIA CITY COUNCIL

May 9, 2024, 3:16 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 Nations

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

PRESENT ELECTRONICALLY: Councillor Kim

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Soulliere - Deputy City Manager, T. Zworski - City Solicitor, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, A. Johnston - Assistant Director of Development Services, S. Johnson - Director of Communications and Engagement, S. Maichen - Committee Secretary

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 asked us to take a moment to reflect on the remarkable stewardship that has gone into the lands that we live, work, and play on.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

Amendment:

Moved and Seconded:

That agenda item ***F.1 - Amendment Bylaws for Parking Fines and Street Occupancy Fees and Fines*** be removed from the agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

Moved and Seconded:

That the following minutes be approved:

D.1 Minutes from the Daytime Council meeting held April 11, 2024

That the minutes from the Daytime Council meeting held April 11, 2024 be approved.

D.2 Minutes from the Daytime Council meeting held April 18, 2024

That the minutes from the Daytime Council meeting held April 18, 2024 be approved.

D.3 Minutes from the Daytime Council meeting held April 25, 2024

That the minutes from the Daytime Council meeting held April 25, 2024 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the April 25, 2024 COTW Meeting

Moved and Seconded:

That the following recommendations from the April 25, 2024 Committee of the Whole meeting be approved:

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

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 m² 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.

E.1.a.b

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

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

E.1.a Report from the May 9, 2024 COTW Meeting

Moved and Seconded:

That the following recommendations from the May 9, 2024 Committee of the Whole meeting be approved:

E.1.b.a. 2023 Audited Financial Statements

That Council:

1. Approve the 2023 Financial Statements.

E.1.b.b. Progress Report on Provincial Housing Targets

That Council:

- a. Receive the Provincial Housing Targets Progress Report for reporting period 1.1 (October 1, 2023 – March 31, 2024) for information.
- b. Request that the Mayor submit a copy of this report to the Provincial Minister of Housing.

CARRIED UNANIMOUSLY

G. NEW BUSINESS

G.1 621, 627, 629 Princess Avenue and 624 Pembroke Street: Development Permit with Variances Application No. 00235

Moved and Seconded:

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 516m² 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.

CARRIED UNANIMOUSLY

G.2 2848 and 2852 Shelbourne Street: Development Permit with Variances Application No. 000595

Moved and Seconded:

Development Permit with Variances Application

1. That subject to the adoption of Zoning Regulation Bylaw Amendment, Council authorize the issuance of Development Permit with Variance Application No.000595 for 2848 and 2852 Shelbourne Street, in accordance with:
 - a. Plans date stamped November 16, 2021.

- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of units in an attached dwelling from four to seven;
 - ii. reduce the setback to the west side of Shelbourne Street from 10.7m to 8.27m.
- 2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

OPPOSED (2): Councillor Coleman, Councillor Gardiner

CARRIED (7 TO 2)

H. **CLOSED MEETING**

Moved and Seconded:

MOTION TO CLOSE THE MAY 9, 2024 COUNCIL MEETING TO THE PUBLIC

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(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(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and

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 3:27 p.m.

I. **APPROVAL OF CLOSED AGENDA**

Moved and Seconded:

That the closed agenda be approved.

CARRIED UNANIMOUSLY

J. NEW BUSINESS

J.1 Land, Legal Advice, and Service at Preliminary Stages – Community Charter Section 90(1), 90(1)(i), and 90(1)(k)

Council discussed a matter involving land, legal advice, and service at preliminary stages. The discussion was recorded and kept confidential.

J.2 Service at Preliminary Stages – Community Charter Section 90(1)(k)

Council discussed a matter involving service at preliminary stages. The discussion was recorded and kept confidential.

J.3 Appointment and Intergovernmental Relations – Community Charter Section 90(1)(a) and 90(2)(b)

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

L. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 5:06 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR