



MINUTES - COMMITTEE OF THE WHOLE

May 9, 2024, 9:02 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

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 Kim, Councillor Loughton, Councillor Thompson

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Zworski - City Solicitor, T. Soulliere - Deputy City Manager, P. Rantucci - Director of Strategic Real Estate, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, R. Carroll - Manager, Real Estate, S. Maichen - Legislative Coordinator, W. Doyle - Acting Director of Engineering & Public Works, R. Kenny - Assistant Director, Transportation, D. Newman - Acting Director, Parks, Recreation, and Facilities

GUESTS: B. Szabo, Assurance Partner - Binder, Dijker, and Otte (BDO). J. Bray, Executive Director – Downtown Victoria Business Association

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nations and Esquimalt First Nations communities and urged us to reflect on the effort that has gone on over the millennia from the Songhees and Esquimalt First Nations into preserving the lands and the waters around us.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

Moved and Seconded:

That the following Consent Agenda items be approved:

E.1 Minutes from the Committee of the Whole meeting held April 11, 2024

That the minutes from the Committee of the Whole meeting held April 11, 2024 be approved.

E.2 Minutes from the Committee of the Whole meeting held April 18, 2024

That the minutes from the Committee of the Whole meeting held April 18, 2024 be approved.

E.3 Minutes from the Committee of the Whole meeting held April 25, 2024

That the minutes from the Committee of the Whole meeting held April 25, 2024 be approved.

CARRIED UNANIMOUSLY

F. PRESENTATIONS

F.1 2023 Audited Financial Statements

Committee received a report dated April 29, 2024 from the Deputy City Manager/Chief Financial Officer and B. Szabo, Assurance Partner - Binder, Dijker, and Otte (BDO) providing Council with an overview of the City's 2023 audited Financial Statements and a request for Council's acceptance of the Financial Statements as required by section 167 of the Community Charter.

Committee discussed the following:

- *Cyber security and future of financial assets*
- *Reserve funds and the taxation impact on future taxpayers*
- *Distribution of Reserve Funds*

Moved and Seconded:

That Council:

1. Approve the 2023 Financial Statements.
2. Forward this item to the daytime Council meeting of May 9, 2024 for ratification.

F.2 CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE MAY 9, 2024 COMMITTEE OF THE WHOLE 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(1)(c) labour relations or other employee relations.

CARRIED UNANIMOUSLY

The Committee of the Whole meeting was closed to the public at 9:53 a.m. and reopened to the public at 10:01 a.m.

On the motion:

That Council:

1. Approve the 2023 Financial Statements.
2. Forward this item to the daytime Council meeting of May 9, 2024 for ratification.

CARRIED UNANIMOUSLY

The Committee of the Whole meeting recessed at 10:07 a.m. and reconvened at 10:12 a.m.

F.3 Downtown Victoria Business Association - 2024 Budget

Committee received a presentation from J. Bray, Director of the Downtown Victoria Business Association, regarding the Downtown Victoria Business Association's 2024 Budget.

Moved and Seconded:

That Council receive and approve the Downtown Victoria Business Association 2024 Budget.

Committee discussed the following:

- *Potential to expand Lights of Wonder event*
- *Business closures in the downtown core*
- *Dispatch function and relocation services of the Downtown Victoria Business Association's Clean Team*

Councillor Kim and Councillor Thompson left the meeting at 11:24 a.m.

Councillor Kim and Councillor Thompson rejoined the meeting at 11:27 a.m.

On the motion:

CARRIED UNANIMOUSLY

The Committee of the Whole meeting recessed for lunch at 12:00 p.m. and reconvened at 1:04 p.m.

Councillor Kim joined the meeting electronically at 1:04 p.m.

G. UNFINISHED BUSINESS

G.1 1042 Richardson Street: Update on Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield)

Committee received a report dated April 25, 2024 from the Director of Sustainable Planning and Community Development regarding an update on the Rezoning and Development Permit with Variances Applications for the properties located at 1042 and 1044 Richardson Street, and recommending that the application be declined.

Moved and Seconded:

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 January 22, 2024 for 1042 Richardson 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 rental tenure of all dwelling units in perpetuity
 - b. Secure two accessible units.
 - c. Restrict strata titling of the building,
 - d. Secure a housing agreement for 10% of the units in the building (a total of two bachelor units) at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates for the greater of 60 years or the life of the building.
 - e. 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 car share vehicle, secured through a developer-funded contribution of \$55,000
 - ii. car share memberships and usage credits for all residential units
 - iii. one on-street dual head charger providing charge for one car share vehicle stall and one for public use
 - iv. 23 additional bicycle parking over schedule C requirements
 - v. 45% of required bicycle parking to be oversized
 - vi. 50% charging provision for all bicycle stalls
 - vii. a bike wash and maintenance station.
 - viii. a car share stall with EV charging capacity provided within the site.

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 Variance 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 Permit with Variances No. 00158 for 1042/1044 Richardson Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 22, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increasing the maximum height from 18.5m to 19.46m
 - ii. increasing the maximum site coverage from 40 percent to 52.70 percent
 - iii. decreasing the minimum open site space from 50 percent to 39.8 percent
 - iv. decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
 - v. decreasing the rear yard (north) setback from 10.0m to 5.0m
 - vi. decreasing the east side yard setback from 6.0m to 1.20m
 - vii. decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
 - viii. decreasing the vehicle parking from 19 stalls to 8 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

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

CARRIED (6 TO 3)

H. STAFF REPORTS

H.1 Progress Report on Provincial Housing Targets

The meeting recessed at 1:55 p.m. due to technical issues.

The meeting reconvened at 2:03 p.m.

Committee received a report dated April 26, 2024 from the Director of Sustainable Planning and Community Development providing Council with the first Progress Report on Victoria’s Provincial Housing Targets, for the period of October 1, 2023 to March 31, 2024, in accordance with the housing target

ministerial order issued by the Province in September 2023, and requesting that the mayor submit a copy of this report to the Provincial Minister of Housing.

Moved and Seconded:

1. 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.

Moved and Seconded

That the meeting be extended to 2:30 p.m.

CARRIED UNANIMOUSLY

Committee discussed the following:

- *Shelter rate housing and subsidized housing*

Moved and Seconded:

That the meeting be extended to 2:45 p.m.

CARRIED UNANIMOUSLY

On the main motion:

1. 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

H.2 Land Use Procedures Bylaw Amendment No. 22, 2024 - Prohibition on Certain Public Hearings following Bill 44 – Housing Statutes (Residential Development) Amendment Act

Committee received a report dated April 25, 2024 from the Director of Sustainable Planning and Community Development regarding the proposition of amendments to the *Land Use Procedures Bylaw* (LUPB) in alignment with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023*. These amendments will prohibit public hearing requirements for certain residential development applications that are consistent with the Official Community Plan, to align with provincial legislation, and requesting staff report back to Council on Phase 3 items, including information on scoping, timing, and resource implications.

Moved and Seconded:

That the meeting be extended to 3:15 p.m.

CARRIED UNANIMOUSLY

Moved and Seconded:

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in Attachment 1, to align the City's public hearing procedures with Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023 that placed a prohibition on certain public hearings.
2. Give first three readings to the Land Use Procedures Bylaw, Amendment Bylaw (No. 22) at Council to follow this Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's Land Use Procedures Bylaw, described as Phase 2 in this report, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration along with any feedback received through consultation with the Urban Development Institute and Community Association Land Use Committees.
4. Direct staff to report back to Council on Phase 3 items, including information on scoping, timing, and resource implications.

Committee discussed the following:

- *Land use procedures bylaw ownership*

Amendment:

Moved and Seconded:

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in **Phase 1 and Phase 2 as described in Attachment 3 Attachment 1**, to align the City's public hearing procedures with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023* that placed a prohibition on certain public hearings **and to increase the consistency, clarity, efficiency, transparency and innovation of our land use procedures.**
2. Give first three readings to the *Land Use Procedures Bylaw, Amendment Bylaw (No. 22)* at Council to follow ~~this~~ **the June 27, 2024**, Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's *Land Use Procedures Bylaw*, ~~described as Phase 2 in this report~~, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration along with any feedback received through consultation with the Urban Development Institute and Community Association Land Use Committees.

4. Direct staff to report back to Council **before August 1, 2024**, on Phase 3 items including information on scoping, timing, and resource implications.

Councillor Gardiner requested that number 1 of the motion be considered separately.

On the number 1:

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in **Phase 1 and Phase 2 as described in Attachment 3 Attachment 1**, to align the City's public hearing procedures with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023* that placed a prohibition on certain public hearings **and to increase the consistency, clarity, efficiency, transparency and innovation of our land use procedures.**

CARRIED UNANIMOUSLY

On the numbers 2, 3, & 4:

That Council:

2. Give first three readings to the *Land Use Procedures Bylaw, Amendment Bylaw (No. 22)* at Council to follow ~~this~~ **the June 27, 2024**, Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's *Land Use Procedures Bylaw*, ~~described as Phase 2 in this report~~, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration along with any feedback received through consultation with the Urban Development Institute and Community Association Land Use Committees.
4. Direct staff to report back to Council **before August 1, 2024**, on Phase 3 items including information on scoping, timing, and resource implications.

CARRIED UNANIMOUSLY

Amendment:

Moved and Seconded:

That Council:

3. Direct staff to conduct additional review of the City's *Land Use Procedures Bylaw*, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration **along with any feedback received through consultation with the Urban Development Institute and Community Association Land Use Committees.**

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

CARRIED (6 TO 3)

On the main motion as amended:

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in Phase 1 and Phase 2 as described in Attachment 3, to align the City's public hearing procedures with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023* that placed a prohibition on certain public hearings and to increase the consistency, clarity, efficiency, transparency and innovation of our land use procedures.
2. Give first three readings to the *Land Use Procedures Bylaw, Amendment Bylaw (No. 22)* at Council to follow the June 27, 2024, Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's *Land Use Procedures Bylaw*, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration.
4. Direct staff to report back to Council before August 1, 2024, on Phase 3 items including information on scoping, timing, and resource implications.

OPPOSED (1): Councillor Gardiner

CARRIED (8 TO 1)

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 3:09 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR