



MINUTES - COMMITTEE OF THE WHOLE

October 3, 2024, 9:15 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees Nation and Xwsepsum Nation

- 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, C. Kingsley - City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, T. Soulliere - Deputy City Manager, B. Nicholls - Legislation and Policy Analyst, P. Rantucci – Head of Strategic Real Estate, S. Johnson - Director, Communications and Engagement, K. Moore - Director of Business and Community Relations, M. Palmer - Chief Information Officer, R. Kenny – Assistant Director of Transportation, K. Moore - Director of Business & Community Relations, S. Webb - Assistant Director of Corporate Planning and Project Support, R. Morhart - Manager of Building and Inspection Services, K. Stevenov - Senior Planner – Heritage, A. Johnston - Assistant Director of Development Services, R. Tooke - Manager, Sustainability, Assets and Support Services, L Monk - Manager of Revenue, R. Morhart - Manager, Building and Inspection Services, L. Berndt - Manager, Energy and Climate Action, M. Betanzo – Senior Planner - Urban Design, W. Doyle – Acting Director of Engineering and Public Works, K. Hoese - Director of Sustainable Planning and Community Development, G. Diamond - Senior Legislative Coordinator, A. Heimburger - Legislative Coordinator
- GUESTS:** B. Szabo, BDO Canada LLP

The meeting commenced at 9:15 a.m. due to technical issues.

A. TERRITORIAL ACKNOWLEDGEMENT

Committee acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation communities, expressing their gratitude for opportunities during Truth and Reconciliation Day on September 30th, such as the South Island Powwow hosted by the Songhees Nation, to connect with

indigenous culture and thanked them for allowing us to live, work and play on their lands as we continue to navigate and nurture our relationships together.

B. INTRODUCTION OF LATE ITEMS

There were no late items.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

Committee recessed at 9:19 a.m. and reconvened at 9:33 a.m. due to technical issues.

D. CONSENT AGENDA

Committee requested that the following item be removed from the Consent Agenda:

- G.2 - 516 Fisgard Street: Liquor Primary License (Downtown)
- J.1 - Council Member Motion: Council Procedures Bylaw Update

Moved and Seconded:

That the following Consent Agenda items be approved:

E.1 Minutes from the Committee of the Whole meeting held September 12, 2024

That the minutes from the Committee of the Whole meeting held September 12, 2024 be approved.

CARRIED UNANIMOUSLY

E. CONSIDERATION OF MINUTES

E.1 Minutes from the Committee of the Whole meeting held September 12, 2024

This item was added to the Consent Agenda.

F. PRESENTATIONS

F.1 2024 External Audit Plan

Committee received a presentation regarding a report dated September 20, 2024 from the Deputy City Manager / Chief Financial Officer and B. Szabo, BDO Canada LLP providing Council with the audit plan from the City's external auditor (BDO Canada LLP) for the 2024 financial statement audit.

Committee discussed the following:

- *Changes to materiality from year to year*
- *The role of third-party reporting on a local government's operational and project performance*

G. LAND USE MATTERS

G.1 1885 Government Street: Rezoning Application No. 00870, Development Permit with Variances Application No. 000641, and Heritage Designation Application No. 000209 (Downtown)

Committee received a report dated September 19, 2024 from the Director of Planning and Development regarding the Rezoning Application No. 00870, Development Permit with Variances Application No. 000641, and Heritage Designation Application No. 000209 for the property located at 1885 Government Street in order to remove the site-specific regulations that only permit automotive repair uses within the Old Town District 1 Zone and to increase the permitted density to construct a proposed six-storey, purpose-built residential rental building with ground floor commercial uses with variances related to a reduction in vehicle parking stalls and an increase in building height, concurrently seeking retention and heritage designation of an existing building and recommending that the application proceed to bylaw readings.

Committee discussed the following:

- *Proposed use of the heritage designated building*
- *Transition timelines for new applications to comply with Family Housing Policy*
- *Availability, location, accessibility and protection of parking stalls*

Moved and Seconded:

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Bylaw 2018 amendment that would authorize the proposed development outlined in the staff report dated September 19, 2024 for 1885 Government 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 Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. provision of a Housing agreement to secure all residential units within the building as rental in perpetuity
 - b. provision of Transportation Demand Management (TDM) agreement to secure the following TDM measures:
 - i. one electric Modo vehicle plus 70 car-share memberships and \$100 driving credits, to be located on-site
 - ii. eight extra-large bike parking spaces for cargo bikes at grade
 - iii. a single bike repair station

- iv. the equivalent of the BC Transit ECOpass value for four commercial retail units with one ECOpass per unit for five years at \$1000/pass
- v. transportation option information package for new residents
- c. provision of an access agreement over 610 Herald Street and 635 Chatham Street in favour of 1885 Government to provide access to the underground parking below 1885 Government Street for the purpose of a driveway, with the City as a party to ensure the agreement is not discharged without City approval
- d. provision of a public realm agreement to secure frontage improvements as illustrated on plans date stamped June 27, 2024
- 4. That subject to adoption of the zoning bylaw amendment, Council authorize the projecting encroachments over the City right of way on Government Street and Herald Street generally as shown on the plans submitted to the City and date stamped June 27, 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 at the time of building permit approval
- 5. 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 1885 Government Street, as described in the Statement of Significance attached as Attachment D, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Planning and 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
- 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.

Development Permit with Variance Application

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

- 1. "That subject to the adoption of the necessary Zoning Bylaw 2018 amendment, Council authorize the issuance of Development Permit with Variances No. 000641 for 1885 Government Street, in accordance with plans submitted to the Planning and Development department and date stamped on June 27, 2024, subject to:
 - a. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the required number of vehicle parking stalls from 54 to thirteen

- ii. increase the building height from 15m to 19.51m; and
- b. plan changes to:
 - i. provide 50% of long-term bicycle parking stalls as horizontally mounted
 - ii. revise the proposed cargo bicycle stalls to have a minimum stall width of 0.9m, depth of 2.4m, and aisle width of at least 1.5m behind each stall
 - iii. revise the soil cells on the civil plan to match the layout and dimensions on the Landscape Plan
 - iv. add a note on the landscape plans identifying that the soil cells are to be irrigated and drained using an underdrain or an overflow, if required crossfall cannot be met
 - v. rectify the conflict between the proposed fire department connection location and the building access/ egress
- 2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Heritage Designation Application

That Council:

- 1. Instruct staff to prepare a heritage designation bylaw to designate the property at 1885 Government Street, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set, and that the heritage designation bylaw provides for the following to the satisfaction of the Director of Planning and Development:
 - a. designate the exterior of the historic property, known as the Sam Kee Laundry building, at 1885 Government Street, in its future state
- 2. Approve the Statement of Significance for 1885 Government Street attached as Attachment D to this report recognizing the building exterior as the historic features of the property.

CARRIED UNANIMOUSLY

Committee recessed at 10:54 a.m. and reconvened at 11:06 a.m.

G.2 516 Fisgard Street: Liquor Primary License (Downtown)

Committee received a report dated September 19, 2024 from the Director of Planning and Development regarding an application for a liquor primary licence for the property located at 516 Fisgard Street in order to allow liquor service with proposed revised hours of service on Sunday to Thursday from 9:30 a.m. to 12:00 a.m. and Friday to Saturday from 9:30 a.m. to 1:00 a.m., with a total occupant load of 110 people with no exterior seating, and recommending approval.

Committee discussed the following:

- *Status and potential noise mitigation impacts of a municipal alcohol policy*
- *Neighbourhood noise concerns*
- *Potential for a future review of the Noise Bylaw and Good Neighbour Agreements*

Moved and Seconded:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application of Pinhalla Pinball Pizzeria located at 516 Fisgard Street for a new liquor primary licence conditional on the following.
 - a. The establishment having a total occupant load of 110 people with no exterior seating areas.
 - b. Revised hours of licenced service that are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.
2. The following comments are provided regarding the prescribed considerations:
 - a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
 - b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 862 owners and occupants, the City received 12 letters of correspondence. Of these letters, 10 expressed opposition and two expressed support for the proposal. A letter from the Downtown Residents Association requested that the hours of operation be reduced as there are residents living in the area.
3. Council recommends to the Province that the liquor primary licence be approved as recommended.

Amendment:

Moved and Seconded:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application of Pinhalla Pinball Pizzeria located at 516 Fisgard Street for a new liquor primary licence conditional on the following.
 - a. The establishment having a total occupant load of 110 people with no exterior seating areas.

- b. Revised hours of licenced service that are 9:30 am to ~~12:00 pm~~ **10:00 pm** Sunday through Thursday and 9:30 am to ~~1:00~~ **12:00** am Friday and Saturday.
2. The following comments are provided regarding the prescribed considerations:
 - a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
 - b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 862 owners and occupants, the City received 12 letters of correspondence. Of these letters, 10 expressed opposition and two expressed support for the proposal. A letter from the Downtown Residents Association requested that the hours of operation be reduced as there are residents living in the area.
 3. Council recommends to the Province that the liquor primary licence be approved as recommended.

OPPOSED (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson

DEFEATED (2 to 7)

On the main motion:

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application of Pinhalla Pinball Pizzeria located at 516 Fisgard Street for a new liquor primary licence conditional on the following.
 - a. The establishment having a total occupant load of 110 people with no exterior seating areas.
 - b. Revised hours of licenced service that are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.
2. The following comments are provided regarding the prescribed considerations:
 - a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
 - b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 862 owners and occupants, the City received 12 letters of correspondence. Of these letters, 10 expressed

opposition and two expressed support for the proposal. A letter from the Downtown Residents Association requested that the hours of operation be reduced as there are residents living in the area.

3. Council recommends to the Province that the liquor primary licence be approved as recommended.

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

CARRIED (6 to 3)

H. STAFF REPORTS

H.1 Corporate Plan Progress Update

Committee received a report dated September 27, 2024 from the Deputy City Manager regarding information on the implementation progress of the 2024 - 2026 Corporate Plan and recommending that Council receive the report for information.

Committee discussed the following:

- *Feasibility for provision of detailed budget status reports for individual projects*

Committee recessed for lunch at 11:59 a.m. and reconvened at 1:00 p.m.

Committee discussed the following:

- *Status, updates and scope on various projects within the Corporate Plan*

Moved and Seconded:

That Council receive the Corporate Plan Progress Update for information.

CARRIED UNANIMOUSLY

I. NOTICE OF MOTIONS

There were no notice of motions.

J. NEW BUSINESS

J.1 Council Member Motion: Council Procedures Bylaw Update

Committee received a Council Member Motion from Mayor Alto dated September 27, 2024 requesting that additional changes be made to the *Council Procedures Bylaw* to confirm Council procedures align with current practices, clarify clausal ambiguity, and ensure that efficient, effective, and transparent decision-making is a part of Council's procedures in conducting their business.

Committee discussed the following:

- *Public feedback on conduct and time management within Council meetings*
- *Ability to extend councillor speaking times in-meeting for extraordinary circumstances*

Moved and Seconded:

That Council direct Staff to prepare necessary amendments to the Council Procedures Bylaw as outlined in Appendix 1 and the necessary public notice requirements.

Section	Current Language	Proposed Language	Rationale
PART 3 – COUNCIL MEETINGS			
15(1)	N/A	Insert new subsection (d) “Consent Agenda”	To align with COTW agenda and efficient Council decision-making.
18(9)(d)	(d) a member may speak to an agenda item for a total of 15 minutes.	(d) a member’s questions and deliberations may total a maximum of 12 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient Council decision-making.
19(1)	1. A member of Council must give notice of a motion that is to be introduced at a Council meeting, by depositing a written copy of the motion with the City Clerk: <ul style="list-style-type: none"> a. By noon on the Friday before that meeting to be included as an item of New Business for the meeting; or, b. After the time noted in section 19(1)(a) of this Bylaw but at least 48 hours before that meeting, the item will be placed in “Introduction of late items”. c. In order for a motion to be added to the agenda for that meeting as late item by the City Clerk, the report presenting it must include rationale 	(1) A member of Council may give notice of motion on a matter that is to be introduced at a Council meeting by depositing a written copy of the motion with the City Clerk: <ul style="list-style-type: none"> (a) By noon on the Friday before that meeting to be included as an item of New Business for the meeting; or, (b) After the time noted in section 19(1)(a) of this Bylaw but at least 48 hours before that meeting, the item will be placed in “Introduction of late items”. (c) In order for a motion to be added to the agenda for that 	Clarifies existing procedures for notices of motion.

	noting the reason for the time sensitivity for the matter to be considered at the meeting.	meeting as late item by the City Clerk, the report presenting it must include rationale noting the reason for the time sensitivity for the matter to be considered at that meeting. (d) In order for a motion to be considered for ratification the same day it is placed on the agenda, it must include rationale noting the reason for its time sensitivity. (2) A member of Council may give notice of motion for a future meeting by reading it into the record only if it is added to the agenda when the agenda is adopted.	
PART 5 – COMMITTEE OF THE WHOLE			
35(1)	1. Regular COTW meetings of COTW must adjourn at 2:00PM unless a motion for continuation is approved by 2/3 of the members present.	1. Regular COTW meetings of COTW must adjourn at 4:00PM unless a motion for continuation is approved by 2/3 of the members present.	To align with current practice.
37(1)(c)	(c) a member must not speak longer than a total of 15 minutes on any agenda item;	(c) a member's questions and deliberations may total a maximum of 12 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient Council decision-making.

Amendment to Appendix 1:

Moved and Seconded:

Section	Current Language	Proposed Language	Rationale
PART 3 – COUNCIL MEETINGS			
18(9)(d)	(d) a member may speak to an agenda item for a total of 15 minutes.	(d) a member's questions and deliberations may total a maximum of 12 10 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient Council decision-making.
PART 5 – COMMITTEE OF THE WHOLE			
37(1)(c)	(c) a member must not speak longer than a total of 15 minutes on any agenda item;	(c) a member's questions and deliberations may total a maximum of 12 10 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient Council decision-making.

OPPOSED (5): Councillor Caradonna, Councillor Coleman, Councillor Gardiner, Councillor Hammond, and Councillor Loughton

DEFEATED (4 to 5)

Amendment to Appendix 1:

Moved and Seconded:

Section	Current Language	Proposed Language	Rationale
PART 3 – COUNCIL MEETINGS			
18(9)(d)	(d) a member may speak to an agenda item for a total of 15 minutes.	(d) a member's questions and deliberations may total a maximum of 12 15 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient Council decision-making.
PART 5 – COMMITTEE OF THE WHOLE			
37(1)(c)	(c) a member must not speak longer than a total of 15 minutes on any agenda item;	(c) a member's questions and deliberations may total a maximum of 12 15 minutes on any agenda item;	To ensure Council is clear on speaking time and to ensure efficient

			Council decision-making.
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OPPOSED (6): Mayor Alto, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

DEFEATED (3 to 6)

Committee requested that the proposed amendments to Appendix 1 under the main motion be considered in two parts.

On the number one:

That Council direct Staff to prepare necessary amendments to the Council Procedures Bylaw as outlined in sections 15(1), 19(1) and 35(1) of Appendix 1 and the necessary public notice requirements.

CARRIED UNANIMOUSLY

On the number two:

That Council direct Staff to prepare necessary amendments to the Council Procedures Bylaw as outlined in sections 18(9)(d) and 37(1)(c) of Appendix 1 and the necessary public notice requirements.

OPPOSED (3): Councillor Caradonna, Councillor Coleman, and Councillor Gardiner

CARRIED (6 to 3)

L. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 1:48 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR