



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, October 17, 2024

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 Xwsepsum Nation

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F. BYLAWS

F.1 Bylaw for 1035 Russell Street: Update on Rezoning Application No. 00844 and Development Permit with Variances Application No. 00266 15

A report recommending:

- **1st, 2nd and 3rd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1348), No. 24-078
- **Motion to amend previous Development Permit with Variances resolution**

Update: The applicant revised the proposal with minor modifications to the building design including the addition of an accessible parking space.

The application proposes to rezone from the R-2 Zone, Two Family Dwelling District to a new zone based on the Missing Middle Regulations for Corner Townhouses, to permit eight ground-oriented townhouse units in a single building.

F.2 Amendment Bylaw for Council Procedures Bylaw 52

A report recommending:

- **Rescind 3rd reading of:**
 - Council Procedure Bylaw, Amendment Bylaw (No. 1), No. 24-074
- **Amendment of:**
 - Council Procedure Bylaw, Amendment Bylaw (No. 1), No. 24-074
- **3rd reading of:**
 - Council Procedure Bylaw, Amendment Bylaw (No. 1), No. 24-074

The purpose of this Bylaw is to establish the general procedures to be followed by Council and Council committees in conducting their business.

Amendment: Changes made to accommodate a Council meeting calendar with additional opportunities to appear as visitors and delegations to Council.

F.3 Bylaw for 133 and 129/135 Gorge Road East: Rezoning Application No. 00843 60

and Development Permit with Variances Application No. 00257

[Link to the November 23, 2023 Committee of the Whole Agenda](#)

- **Adoption of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1331), No. 24-008
 - Housing Agreement (133 and 135 Gorge Rd East) Bylaw (2024), No. 24-047
- **Approval of:**
 - Development Permit with Variances Application No. 00257

The application proposes to amend the Zoning Regulation Bylaw by creating the CD-20 Zone, Gorge Road East Comprehensive Development District, and to rezone land known as 133 and 129/135 Gorge Road East from the T-1 Zone, Limited Transient Accommodation District to the CD-20 Zone, Gorge Road East Comprehensive Development District.

G. NOTICE OF MOTIONS

H. CLOSED MEETING

MOTION TO CLOSE THE OCTOBER 17, 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(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)(c) labour relations or other employee relations;

Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; 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.

I. APPROVAL OF CLOSED AGENDA

J. CONSIDERATION OF CLOSED MINUTES

K. NEW BUSINESS

K.1 Appointment - Community Charter Section 90(1)(a)

*K.2 Employee Relations - Community Charter Section 90(1)(c)

Addendum: New Item

K.3 Intergovernmental Relations and Law Enforcement - Community Charter Section 90(2)(b) and Section 90(1)(f)

L. CONSIDERATION TO RISE & REPORT

M. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

September 26, 2024, 10:53 A.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 Xwsepsum Nation

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

PRESENT ELECTRONICALLY: Councillor Hammond and 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, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, B. Roder - Senior Legislative Coordinator, A. Klus - Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation communities, recognizing the upcoming National day for Truth and Reconciliation, and thanked the nations for the grace with which they offer support and collaboration.

B. INTRODUCTION OF LATE ITEMS

There were no late items.

C. APPROVAL OF AGENDA

*Council removed **E.1.b.b. Council Member Motion: City Costs to host Touchdown Pacific** from the agenda.*

Moved and Seconded:

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

D. CONSIDERATION OF MINUTES

Moved and Seconded:

That the following items be approved:

D.1 Minutes from the Daytime Council Meeting held July 18, 2024

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

D.2 Minutes from the Daytime Council Meeting held September 05, 2024

That the minutes from the Daytime Council meeting held September 05, 2024 be approved.

D.3 Minutes from the Evening Council meeting held September 12, 2024

That the minutes from the Evening Council meeting held September 12, 2024 be approved.

CARRIED UNANIMOUSLY

E. REPORTS OF COMMITTEE

E.1 Committee of the Whole

E.1.a Report from the September 05, 2024 Committee of The Whole Meeting

Moved and Seconded:

That the following items be approved:

E.1.a.a 1601 Douglas: Heritage Designation Application No.000210 (Downtown)

That Council:

1. approve the designation of the property located at 1601 Douglas Street pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site; and
2. direct staff to prepare the Heritage Designation Bylaw for introductory readings at a subsequent meeting and a Public Hearing date be set.

E.1.a.b 309-329 Belleville Street: Development Permit with Variance Application No. 00278 (James Bay)

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

"1. That Council authorize the issuance of Development Permit with Variances No. 00278 for 309-329 Belleville Street, in accordance with plans date stamped July 16, 2024, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce open site space from sixty percent to thirty-nine percent
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

CARRIED UNANIMOUSLY

E.1.b Report from the September 26, 2024 Committee of The Whole Meeting

E.1.b.a Endorsement of Funding Applications to Support Capital Projects

Moved and Seconded:

That Council:

1. Direct staff to prepare funding applications in support of projects under the following programs:
 - a. Up to \$5M from the UBCM Community Emergency Preparedness Fund: Disaster Risk Reduction – Climate Adaptation Program for the *Centennial Square Revitalization Project*;
 - b. Up to \$1M from the Province of B.C. Active Transportation Infrastructure Grant Program for the *Cook Street North* and *Blanshard Street North* projects;
 - c. Up to \$2.5M from the Federation of Canadian Municipalities' Growing Canada's Community Canopies Program for *Tree City Program*; and
 - d. Up to \$25M from the Government of Canada's Green & Inclusive Community Buildings Program for the *Crystal Pool and Wellness Centre Replacement Project*.
2. Direct staff to prepare up to three applications under the Province of BC's Disaster Reduction Innovation Fund:
 - a. Up to \$2M to support risk reduction from seismic activity with the use of *Innovative Chiller Technologies at the City's arena*;
 - b. Up to \$500,000 to support risk reduction through climate adaptation features in the

- Cook Street North and Blanshard Street North projects; and/or
- c. Up to \$500,000 to support risk reduction by installing climate adaptation features as part of the *Underground Infrastructure Replacement Program*.

CARRIED UNANIMOUSLY

F. BYLAWS

F.1 Bylaw for 2025 Permissive Tax Exemption

Moved and Seconded:

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

1. Tax Exemption (Permissive) Bylaw, 2025, No. 24-050

CARRIED UNANIMOUSLY

F.2 Bylaw for 1042 and 1044 Richardson Street: Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158

Councillor Loughton left the meeting at 11:02 a.m. and rejoined the meeting at 11:04 a.m.

Moved and Seconded:

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1341), No. 24-049

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

CARRIED (6 to 3)

F.3 Bylaws for 1702 Quadra Street/ 862 Fisgard Street: Rezoning Application No. 00806 and associated Development Permit with Variances Application No. 00193

Moved and Seconded:

That the following bylaws **be adopted:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1322), No. 24-005
2. Housing Agreement (1708 Quadra Street) Bylaw (2024), No. 24-044

OPPOSED (2): Councillor Gardiner, and Councillor Hammond

CARRIED (7 to 2)

Moved and Seconded:

Development Permit with Variances Application

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances Application No. 00193 for 1702 Quadra Street/862 Fisgard Street, in accordance with plans submitted to the Planning department and date stamped by Planning on December 20, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce vehicle parking from 60 stalls to 4 stalls
 - ii. reduce the Quadra Street setback from 4.5m to 2.0m for the base and 4.0m for the tower
 - iii. reduce the Fisgard Street setback from 4.5m to 0.85m for the base and 2.85m for the tower
 - iv. reduce the north lot line setback from 6.0m to 0.3m for the bike enclosure and 4.85m for the tower
 - v. reduce the west lot line setback from 6.0m to 0.0m for the bike enclosure, 3.8m for the base, and 6.5m for the tower
 - vi. increase the site coverage from 50.0 percent to 80.0 percent
 - vii. reduce the open site space from 40.0 percent to 20.0 percent
 - viii. increase the height from 37.0m to 43.0m.
2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.

OPPOSED (2): Councillor Gardiner, and Councillor Hammond

CARRIED (7 to 2)

F.4 Bylaw for Rock Bay Site Revitalization Tax Exemption

Moved and Seconded:

That the following bylaw **be adopted**:

1. Rock Bay Site Revitalization Tax Exemption Bylaw, No. 24-067

CARRIED UNANIMOUSLY

F.5 Bylaws for 500 Sumas Street: Housing Agreement and Associated Zoning Regulation Bylaw Amendment

Moved and Seconded:

That the following bylaws **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1346), No. 24-062
2. Housing Agreement (500 Sumas Street) Bylaw (2024), No. 24-063

CARRIED UNANIMOUSLY

G. NEW BUSINESS

Council to Follow (COTW) Meeting Minutes
September 26, 2024

G.1 Short-Term Rental Business Licence Appeal - 1468 Rockland Avenue

Council received a report from the City Clerk dated September 17, 2024, regarding documents from the Appellant and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy for a short-term rental unit located at 1468 Rockland Avenue.

Moved and Seconded:

That Council deny the reconsideration request of the Appellant and uphold the Licence Inspector's decision to deny a short-term rental business licence for the premises at 1468 Rockland Avenue.

CARRIED UNANIMOUSLY

H. NOTICE OF MOTIONS

There were no notice of motions.

I. CLOSED MEETING

Moved and Seconded:

MOTION TO CLOSE THE SEPTEMBER 26, 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(1)(c) labour relations or other employee relations;

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)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

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

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) 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 meeting was closed to the public at 11:21 a.m.

J. APPROVAL OF CLOSED AGENDA

K. CONSIDERATION OF CLOSED MINUTES

L. UNFINISHED BUSINESS

L.1 Legal Advice - Community Charter Section 90(1)(i)

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

L.2 WITHDRAWN

Legal Advice - Community Charter Section 90(1)(i)

This item was withdrawn from the agenda.

M. NEW BUSINESS

M.1 Land and Intergovernmental Relations - Community Charter Section 90(1)(e) and Community Charter Section 90(2)(b)

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

M.2 Legal Advice - Community Charter Section 90(1)(i)

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

M.3 Legal Advice and Service at Preliminary Stages - Community Charter Section 90(1)(i) and (k)

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

M.4 Intergovernmental/Land/Law Enforcement - Community Charter Section 90(2)(b), Section 90(1)(e), and Section 90(1)(f)

Council discussed an intergovernmental relations, land, and law enforcement matter. The discussion was recorded and kept confidential.

**M.5 DEFERRED
~~Employee Relations – Community Charter Section 90(1)(c)~~**

This item was moved to the October 03, 2024 Closed meeting.

M.6 Intergovernmental Relations - Community Charter Section 90(2)(b)

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

N. CONSIDERATION TO RISE & REPORT

O. ADJOURNMENT

Moved and Seconded:

That the Council Meeting be adjourned at 3:26 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

September 26, 2024, 6:30 P.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 Loughton, Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Gardiner, Councillor Hammond, Councillor Kim

STAFF PRESENT: J. Jenkyns - City Manager, C. Kingsley - City Clerk, T. Zworski - City Solicitor, D. Newman - Director, Parks, Recreation, and Facilities, G. Diamond - Senior Legislative Coordinator, B. Roder - Senior Legislative Coordinator

B. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Xwsepsum First Nation, and emphasized the importance of taking a moment this evening to ground and remind ourselves that we are in the stewardship, grace and generosity of the two Nations.

A. POETRY

Council received a poetry reading by Eva Haas, Youth Poet Laureate.

C. INTRODUCTION OF LATE ITEMS

There were no late items.

D. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

E. REQUESTS TO ADDRESS COUNCIL

Moved and Seconded:

That the following speakers be permitted to address Council.

E.1 Diana Smardon, The Committee to End Homelessness: Where is the Housing? (In-person)

Mayor Alto noted that this speaker was not present to address Council.

E.2 Jen Reimer: Unfinished Gas Station at 308 Menzies Street in James Bay (In-person)

Outlined to Council the history of the unfinished and unsightly gas station at 308 Menzies Street and highlighted the community support encouraging the City to address building permit bylaws and unsightly properties.

E.3 Sue MacPherson: Police Actions (In-person)

Outlined to Council the incident that occurred in her home between Victoria police officers and herself, and requested an investigation and compensation for the damages to her home and personal health and wellbeing.

E.4 Mandy Niddrie, The Royal & McPherson Theatres Society: Update from the Royal and McPherson Theatres Society Including Leadership Transition (In-person)

Outlined to Council the Theatre Society's recent updates, including the change in leadership and the continued operations and services provided to the community and local arts groups.

E.5 Kelly Drabit: Miscellaneous (In-person)

Mayor Alto noted that this speaker was not present to address Council.

E.6 Cynthia Werbik: New Rental Parameters and Victoria Bylaw (In-person)

Outlined to Council her experience applying for a short-term rental business licence and noted the need for clearer criteria and standard processes for both individual operators and Bylaw Officers.

F. CLOSED MEETING, IF REQUIRED

There was no closed meeting.

G. ADJOURNMENT

Moved and Seconded:

That the Council meeting adjourn at 6:55 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD OCTOBER 03, 2024**

For the Council meeting of October 17, 2024, the Committee recommends the following:

F.1 2024 External Audit Plan

That Council receive the 2024 External Audit Plan report for information.

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

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.

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

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.

H.1 Corporate Plan Progress Update

That Council receive the Corporate Plan Progress Update for information.

J.1 Council Member Motion: Council Procedures Bylaw Update

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



Council Report

For the Meeting of October 17, 2024

To: Council **Date:** October 3, 2024

From: Karen Hoese, Director, Planning and Development

Subject: Update report for Rezoning Application No. 00844 and Development Permit with Variances Application No. 00266 for 1035 Russell Street

RECOMMENDATION

Rezoning Application

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1348), No. 24-078.

Development Permit with Variances

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. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning and Development department and date stamped on **August 23, 2024**, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. Reduce the side (east) setback from **5.0m** to 3.01m.
 - ii. Reduce the rear (south) setback from **5.0m** to 1.52m.
 - iii. **Reduce the setback from Russell Street from 2.0m to 0.0m.**
 - iv. Increase the maximum site coverage from 50% to 53.3%.
 - v. Decrease the minimum open site space requirement from 45% to 40.18%.
 - b. Final plans generally in accordance with the plans date stamped **August 23, 2024**, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.

- ii. Modifications that address the following to the satisfaction of the Director of Engineering:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

EXECUTIVE SUMMARY

The purpose of this report is to provide an updated motion related to the Development Permit with Variances Application for the property located at 1035 Russell Street. Council advanced Rezoning Application No. 00844 and associated Development Permit with Variances Application No. 00266 at the Council to Follow Committee of the Whole (CTFCOTW) meeting on June 13, 2024 with the following motion:

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 9, 2024 for 1035 Russell 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. *Revise the plans to provide one van accessible parking stall and adjust the proposed variances if necessary, to the satisfaction of the Director of Sustainable Planning and Community Development.*
 - b. *Revise the Tenant Assistance Plan, to the satisfaction of the Director of Sustainable Planning and Community Development, to meet expectations of the Tenant Assistance Policy, and more specifically to include:*
 - i. *Rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant's rent, whichever is higher.*
 - ii. *Relocation support for eligible tenants with at least three housing options that are comparable in size, location and price, and which meet tenant needs.*
 - c. *Revise the arborist report, site survey, landscape plan and civil plan to the satisfaction of the Director of Parks, Recreation and Facilities.*
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. a 2.47m wide Statutory Right of Way on Russell Street.
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.

Development Permit with Variances

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. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning department and date stamped by Planning on December 1, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the side (east) setback from 4.0m to 3.01m;
 - ii. reduce the rear (south) setback from 4.0m to 1.52m;
 - iii. increase the site coverage from 50% to 53.3%;
 - iv. decrease the open site space requirement from 45% to 40.18%;
 - v. decrease the number of required visitor parking stalls from 1 to 0; and
 - vi. decrease the number of required van accessible parking stalls from 1 to 0.
 - b. Final plans generally in accordance with the plans date stamped December 1, 2023, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.
 - ii. Revised plans to the satisfaction of the Director of Engineering are required that addresses the following:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

The applicant has fulfilled the conditions set by Council; therefore, it is recommended that Council consider first, second and third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1348), No. 24-078 and amend the motion related to the Development Permit with Variances application to account for changes to the variances associated with parking and setbacks (shown in bold text in the recommendation).

BACKGROUND

Variances

After the June 13, 2024 CTCOTW meeting and consistent with Council's direction, the applicant made some minor modifications to the building design including adding an accessible parking space.

While the location of the building on the lot has not changed, there have been changes to the regulations against which the setbacks are measured. Since the new zone is drafted based on a missing middle corner townhouse development, the resubmitted plans were assessed against the Schedule P: Missing Middle Regulations of the *Zoning Regulation Bylaw*. The previous plans submitted last year were assessed against the RT Zone, Traditional Residential Attached Dwelling District. As a result, the setback variances have changed slightly as there are minor differences in the setback requirements in the two zones. As well, the missing middle regulations do not require a visitor parking space which negates the need for that variance.

Variances included in the previous motion:

- reduce the side (east) setback from 4.0m to 3.01m;
- reduce the rear (south) setback from 4.0m to 1.52m;
- increase the site coverage from 50% to 53.3%;
- decrease the open site space requirement from 45% to 40.18%;
- decrease the number of required visitor parking stalls from 1 to 0; and,
- decrease the number of required van accessible parking stalls from 1 to 0.

With the revised motion (recommended), the two parking variances are no longer required and setback variances have been amended (shown in bold text):

- reduce the side (east) setback from **5.0m** to 3.01m;
- reduce the rear (south) setback from **5.0m** to 1.52m;
- **reduce the setback from Russell Street from 2.0m to 0.0m;**
- increase the site coverage from 50% to 53.3%; and,
- decrease the open site space requirement from 45% to 40.18%.

CONCLUSION

The updated recommendation provided for Council's consideration reflects a zoning analysis based on the missing middle regulations and the revised plans for the eight-unit townhouse development at 1035 Russell Street.

Respectfully submitted,

Gerry Hamblin
Senior Planner
Development Services Division

Karen Hoese, Director
Planning and Development

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Bylaw No. 24-078
- Attachment B: Plans date stamped August 23, 2024
- Attachment C: Committee of the Whole Report from the meeting of May 23, 2024

PART 2.170 – RT-4 ZONE, ATTACHED DWELLING (Russell) DISTRICT**2.170.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Two family dwelling, subject to the regulations contained in Part 2.1 of the Zoning Regulation Bylaw
- b. Attached dwelling
- c. Accessory buildings, subject to the regulations set out in Schedule “F”

2.170.2 Floor Area, Floor Space Ratio

- | | |
|---------------------------------------|---------------------|
| a. <u>Total floor area</u> (maximum) | 907.0m ² |
| b. <u>Floor space ratio</u> (maximum) | 1.23:1 |

2.170.3 Height, Storeys

- | | |
|-------------------------------------|-----|
| a. <u>Building height</u> (maximum) | 12m |
| b. <u>Storeys</u> (maximum) | 3 |

2.170.4 Setbacks, Projections, Building Separation

- | | |
|---|-------|
| a. <u>Setback</u> from any <u>street</u> other than a “City lane”, as defined in the <i>Streets and Traffic Bylaw</i> (minimum) | 2.0m |
| except for the following maximum projections into the <u>setback</u> : | |
| i) <u>Porch</u> , ramps and stairs | 2.0m |
| b. Any <u>setback</u> to which subsection a. does not apply (minimum): | |
| i. Where the <u>building</u> elevation facing the <u>lot line</u> includes a window to a <u>habitable room</u> | 5.0m |
| ii. In all other circumstances | 2.0m |
| c. Eave projection into any <u>setback</u> (maximum) | 0.75m |
| d. <u>Building separation</u> (minimum) | 5.0m |

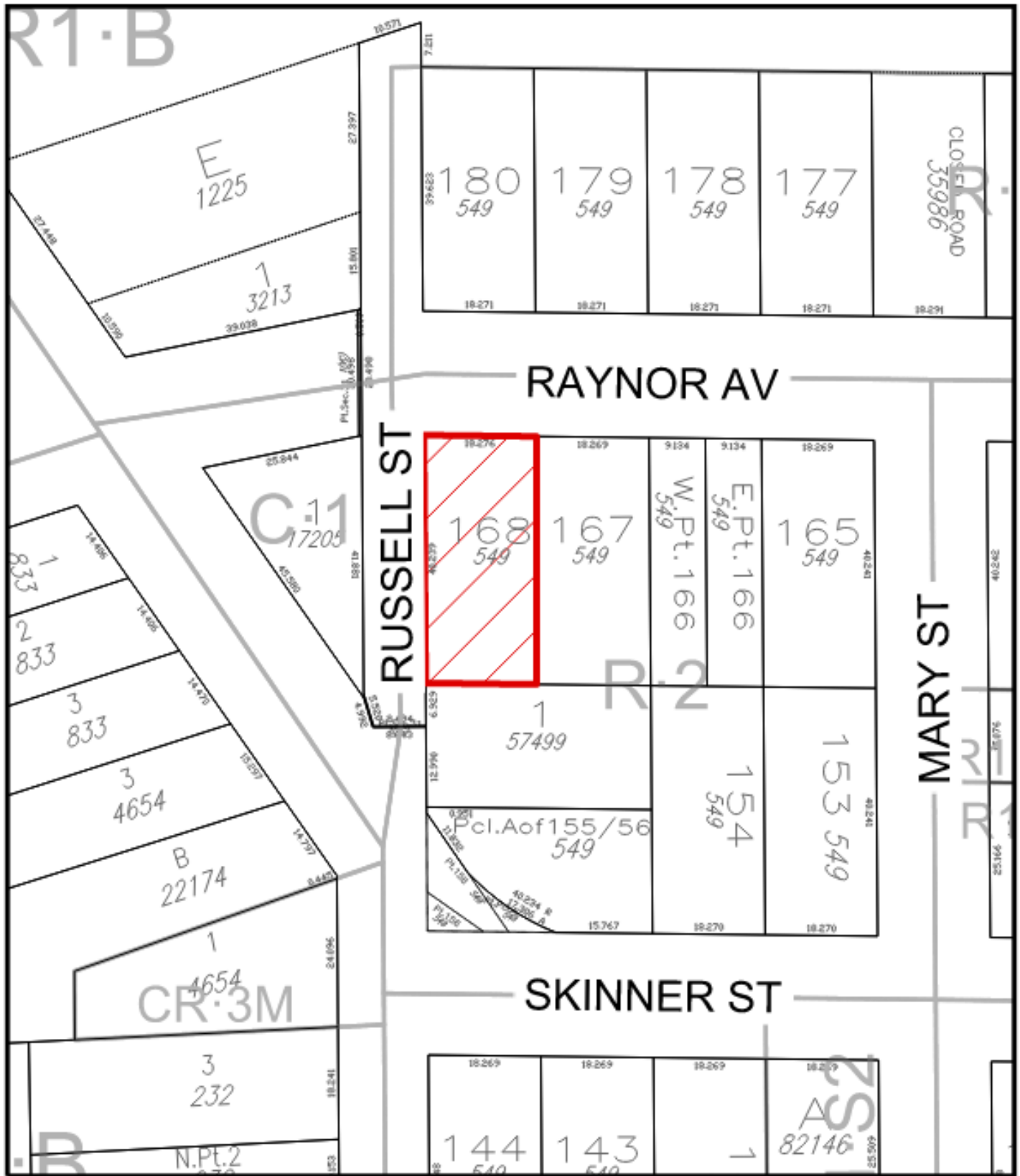
PART 2.170 – RT-4 ZONE, ATTACHED DWELLING (Russell) DISTRICT

2.170.5 Site Coverage, Open Site Space

- | | |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 50% |
| b. <u>Open site space</u> (minimum) | 45% |

2.170.6 Vehicle and Bicycle Parking

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |

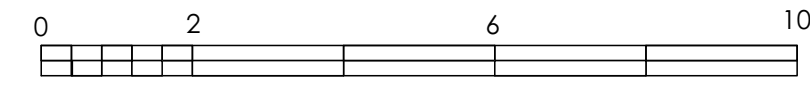


1035 Russell Street
Rezoning No.00844



SITE PLAN OF:
Lot 168, Block S, Section 31,
Esquimalt District, Plan 549

Civic address: 1035/1037 Russell, Victoria, BC
Parcel Identifier Number 004-645-227 in the City of Victoria



Scale 1:100
All distances are in metres

LEGEND

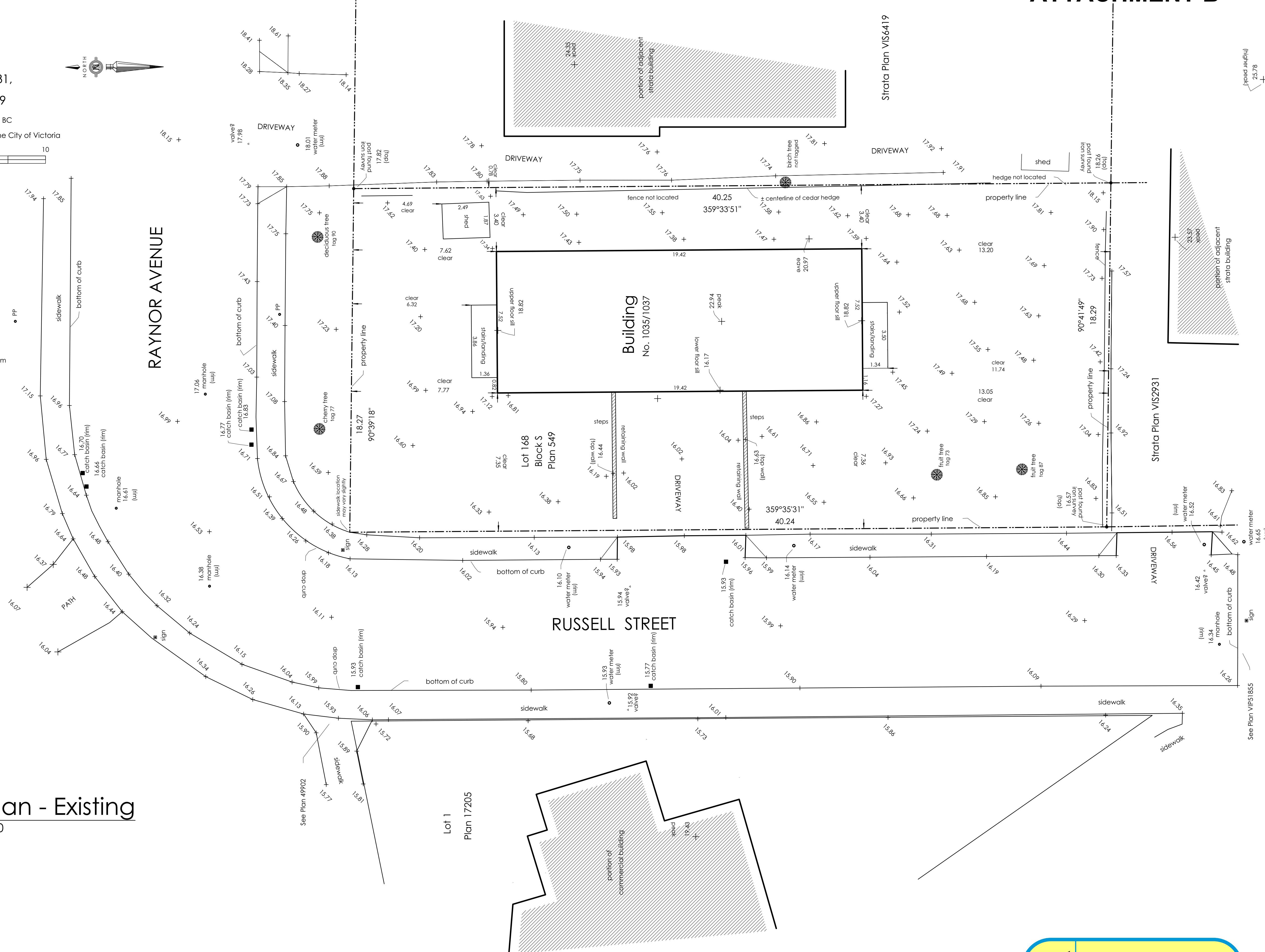
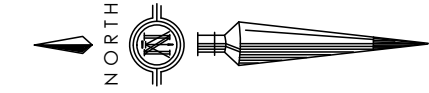
- Denotes spot elevation + 0.00
- Denotes tree, tag no. & species (trees not plotted to scale) (not all trees indicated)
- Lot Area = 735.60 m²
- Buildings are measured to the exterior of exterior walls unless indicated otherwise
- Fence, retaining walls & hedge locations are approximate only
- Elevations are derived from a Geodetic datum

Setbacks are derived from field survey.
Parcel dimensions shown hereon are derived from Land Title Office records.

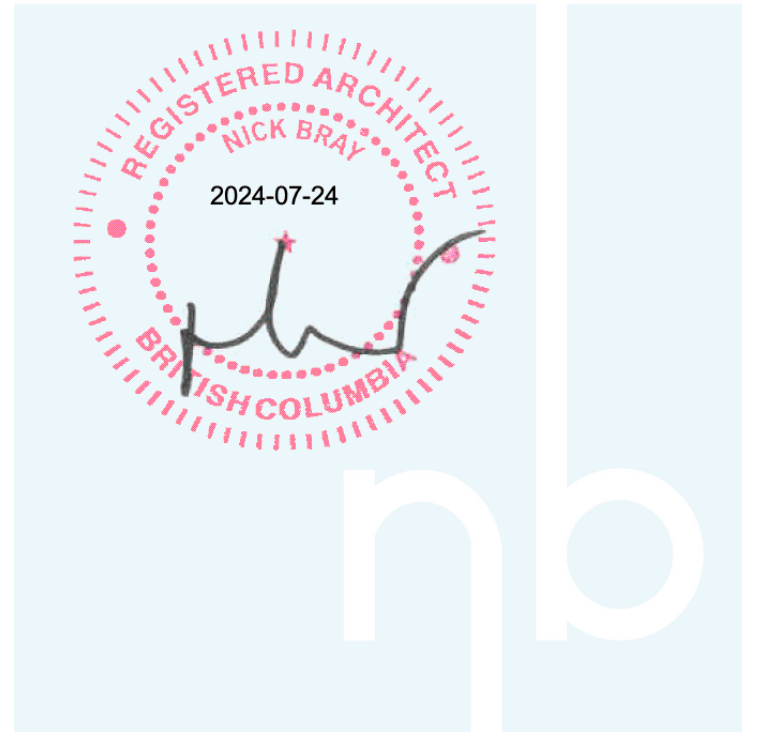
This document shows the relative location of the surveyed features and shall not be used to define property boundaries.

SURVEY INFORMATION PROVIDED BY

Glen Mitchell
Land Surveying Inc.,
1030 North Park Street
Victoria, BC V8T 1C6
(250) 385-1712



1 A2 Site Plan - Existing
Scale: 1:100



NOT FOR CONSTRUCTION

ISSUED/REVISED

NO	DATE	DESCRIPTION
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Revisions
Received Date:
August 23, 2024

DATE	DRWG #
July 24 2024	8521
DRAWN BY MIS	REVIEWED BY OW

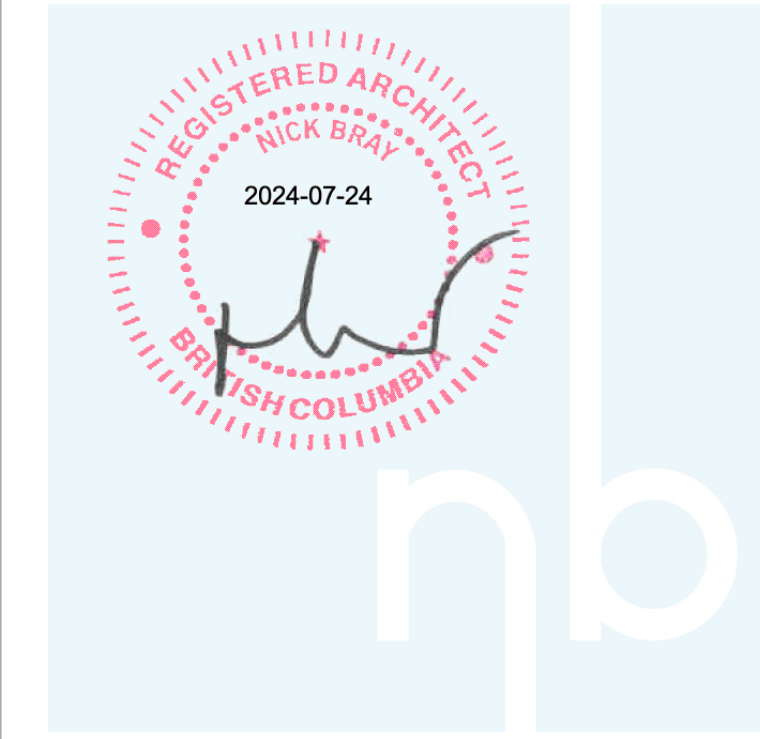
Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A101**

SKETCH PLAN OF:

Lot 168, Block S, Section 31,
Esquimalt District, Plan 549

Civic address: 1035 Russell, Victoria, BC
Parcel Identifier Number 004-645-227 in the City of Victoria



NOT FOR CONSTRUCTION

ISSUED/REVISED

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LEGEND

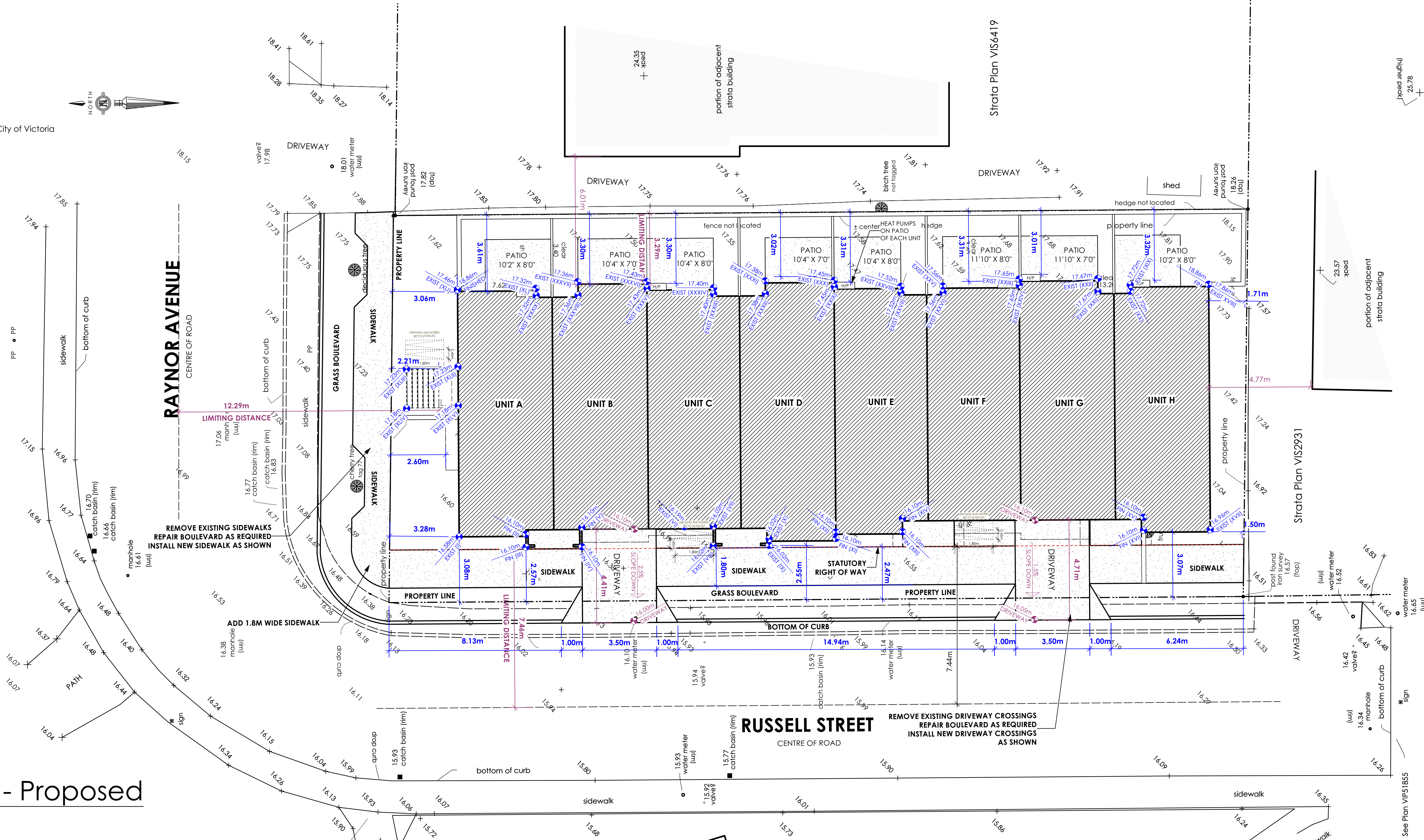
Denotes spot elevation + 0.00
Denotes tree, tag no. & species tag no. tree
(trees not plotted to scale)
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Setbacks are derived from field survey.
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SURVEY INFORMATION PROVIDED BY

Glen Mitchell
Land Surveying Inc.
1030 North Park Street
Victoria, BC V8T 1C6
(250) 385-1712



1 Site Plan - Proposed
A2 Scale: 1:100

PROJECT INFORMATION TABLE

Zone (existing)	R-2
Proposed zone	RT
Site area (m ²)	735.56 sq.m. *
Total floor area (m ²)	906.54 m. *
Commercial floor area (m ²)	0.00 m. *
Floor space ratio	1.23:1.0 *
Site coverage (%)	53.27% *
Open site space (%)	40.18% *
Height of building (m)	9.91m
Number of storeys	3
Parking stalls (number) on site	7 *
Bicycle parking number (Class 1)	6
Bicycle parking number (Class 2)	12
BUILDING SETBACKS (m)	
Front yard	2.21 m *
Rear yard	1.50 m *
Side yard (East)	3.01 m *
Side yard (West)	2.57 m
Combined side yards (East + West)	5.58 m
RESIDENTIAL USE DETAILS	
Total number of units	8 *
Unit type, e.g., 1 bedroom	2 Bedroom & 3 Bedroom
Ground-orientated units	0
Minimum unit floor area (m ²)	N/A
First storey area (m ²)	114.47 sq.m.
Second storey area (m ²)	395.83 sq.m.
Third storey area (m ²)	396.24 sq.m.
Total building floor area (excl. req. parking)	906.54 sq.m.

AVERAGE GRADE CALCULATIONS

	LENGTH	EQUAL		LENGTH	EQUAL
I TO II:	16.58 + 16.10 / 2 = 16.34	x 3.15 = 51.47	XXV TO XXVI:	17.56 + 17.56 / 2 = 17.56	x 0.31 = 5.44
II TO III:	16.10 + 16.10 / 2 = 16.10	x 0.61 = 9.82	XXVI TO XXVII:	17.56 + 17.52 / 2 = 17.54	x 1.98 = 34.73
III TO IV:	16.10 + 16.10 / 2 = 16.10	x 2.64 = 42.50	XXVII TO XXVIII:	17.52 + 17.52 / 2 = 17.52	x 0.31 = 5.43
IV TO V:	16.10 + 16.10 / 2 = 16.10	x 0.92 = 14.81	XXVIII TO XXIX:	17.52 + 17.45 / 2 = 17.49	x 3.16 = 55.25
V TO VI:	16.10 + 16.19 / 2 = 16.15	x 4.84 = 78.14	XXIX TO XXX:	17.45 + 17.45 / 2 = 17.45	x 0.30 = 5.24
VI TO VII:	16.19 + 16.02 / 2 = 16.11	x 1.36 = 21.90	XXX TO XXXI:	17.45 + 17.38 / 2 = 17.42	x 3.25 = 56.60
VII TO VIII:	16.02 + 16.02 / 2 = 16.02	x 0.91 = 14.58	XXXI TO XXXII:	17.38 + 17.38 / 2 = 17.38	x 0.61 = 10.60
VIII TO IX:	16.02 + 16.02 / 2 = 16.02	x 2.64 = 42.29	XXXII TO XXXIII:	17.38 + 17.40 / 2 = 17.39	x 2.44 = 42.43
IX TO X:	16.02 + 16.02 / 2 = 16.02	x 0.31 = 4.97	XXXIII TO XXXIV:	17.40 + 17.40 / 2 = 17.40	x 0.30 = 5.22
X TO XI:	16.02 + 16.10 / 2 = 16.06	x 3.16 = 50.75	XXXIV TO XXXV:	17.40 + 17.43 / 2 = 17.42	x 3.15 = 54.86
XI TO XII:	16.10 + 16.10 / 2 = 16.10	x 0.30 = 4.83	XXXV TO XXXVI:	17.43 + 17.43 / 2 = 17.43	x 0.31 = 5.40
XII TO XIII:	16.10 + 16.10 / 2 = 16.10	x 3.16 = 50.88	XXXVI TO XXXVII:	17.43 + 17.36 / 2 = 17.40	x 3.25 = 56.53
XIII TO XIV:	16.10 + 16.10 / 2 = 16.10	x 0.61 = 9.82	XXXVII TO XXXVIII:	17.36 + 17.36 / 2 = 17.36	x 0.61 = 10.59
XIV TO XV:	16.10 + 16.10 / 2 = 16.10	x 11.37 = 183.06	XXXVIII TO XXXIX:	17.36 + 17.32 / 2 = 17.34	x 1.98 = 34.33
XV TO XVI:	16.10 + 16.10 / 2 = 16.10	x 0.61 = 9.82	XXXIX TO XL:	17.32 + 17.32 / 2 = 17.32	x 0.30 = 5.20
XVI TO XVII:	16.10 + 16.96 / 2 = 16.53	x 3.27 = 54.05	XL TO XLI:	17.32 + 17.46 / 2 = 17.39	x 3.71 = 64.52
XVII TO XVIII:	16.96 + 17.86 / 2 = 17.41	x 11.58 = 201.61	XLI TO XLII:	17.46 + 17.23 / 2 = 17.35	x 3.66 = 63.48
XVIII TO XIX:	17.86 + 17.72 / 2 = 17.79	x 3.70 = 65.82	XLII TO XLIII:	17.23 + 17.23 / 2 = 17.23	x 2.44 = 42.04
XIX TO XX:	17.72 + 17.72 / 2 = 17.72	x 0.30 = 5.32	XLIII TO XLIV:	17.23 + 17.18 / 2 = 17.21	x 1.83 = 31.49
XX TO XXI:	17.72 + 17.67 / 2 = 17.70	x 1.53 = 27.07	XLIV TO XLV:	17.18 + 17.18 / 2 = 17.18	x 2.45 = 42.09
XXI TO XXII:	17.67 + 17.67 / 2 = 17.67	x 0.61 = 10.78	XLV TO I:	17.18 + 16.58 / 2 = 16.88	x 6.09 = 102.80
XXII TO XXIII:	17.67 + 17.65 / 2 = 17.66	x 3.72 = 65.70			
XXIII TO XXIV:	17.65 + 17.65 / 2 = 17.65	x 0.31 = 5.47			
XXIV TO XXV:	17.65 + 17.56 / 2 = 17.61	x 3.60 = 63.38			
TOTAL				107.65	1,823.11

Average Grade: 1823.11/107.65 = 16.94m

General Contractor and/or Owner to verify and thoroughly review all aspects of this and any required consultants' plan(s) prior to commencement and setting out of all work. Any discrepancies are to be reported to the Building Designer (VDG) immediately. VDG is not liable for plan modifications or discrepancies not reported. Refer to General notes.

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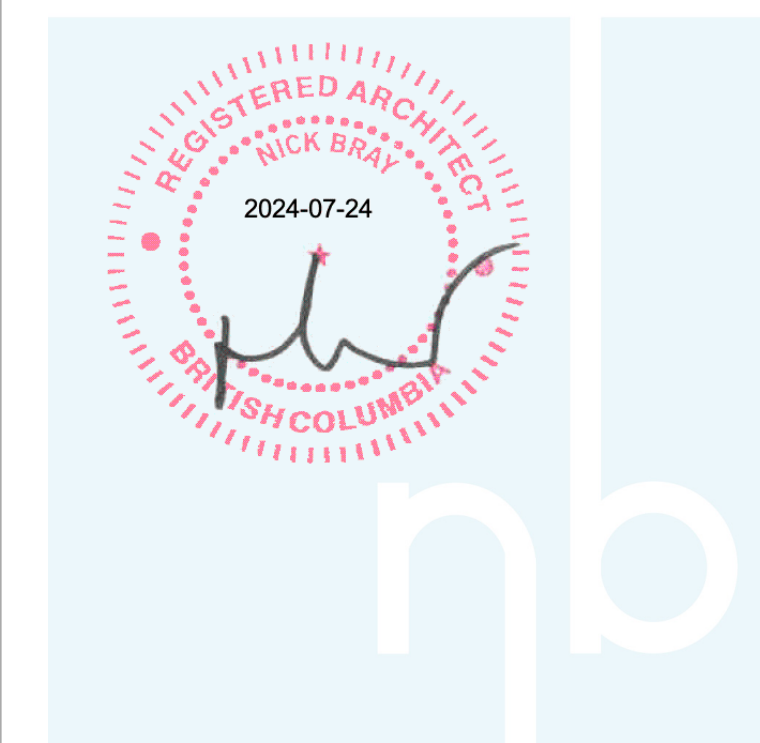
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DATE	DRWG #
July 24 2024	8521
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Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A102**

* Variance Request



NOT FOR CONSTRUCTION

ISSUED/REVISED

NO	DATE	DESCRIPTION
1	Oct 24 2022	Client Communications
2	Oct 31 2022	Client Communications
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DATE	DRWG #
July 24 2024	8521
DRAWN BY	REVIEWED BY
MIS	OW

Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A103**



1 Russell Street - Proposed Streetscape
Scale: 3/16" = 1'-0"

*CONCEPTUAL RENDERING
DESIGN SUBJECT TO CHANGE

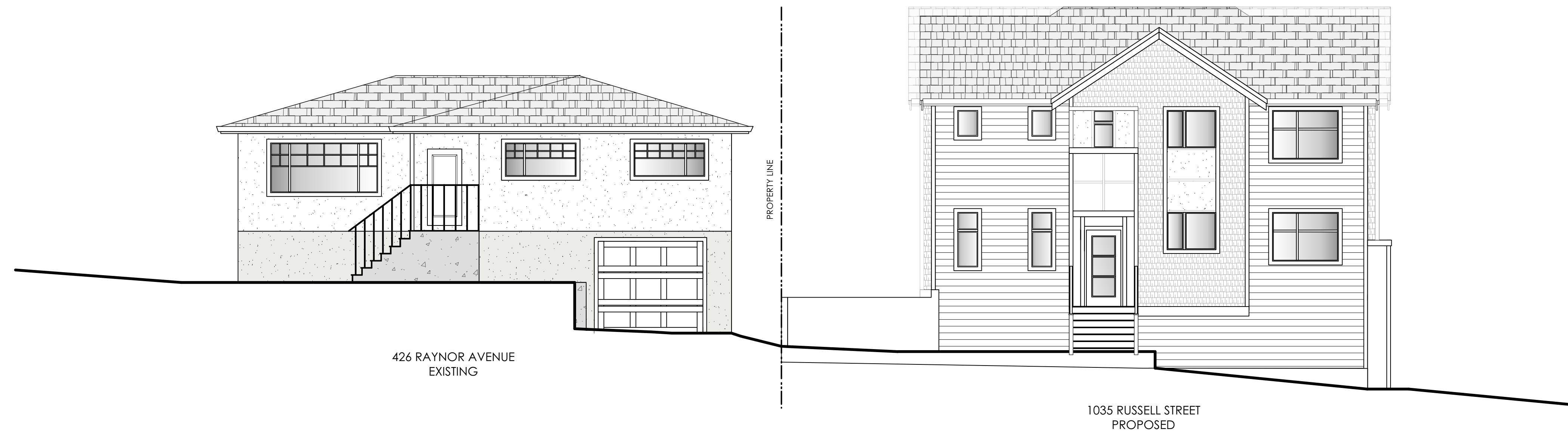


2 Russell Street - Existing Streetscape
Scale: Not To Scale

3 Context Plan
Scale: Not To Scale
MAP IMAGE FOR CONTEXT
TAKEN FROM GOOGLE MAPS



SUBJECT PROPERTY

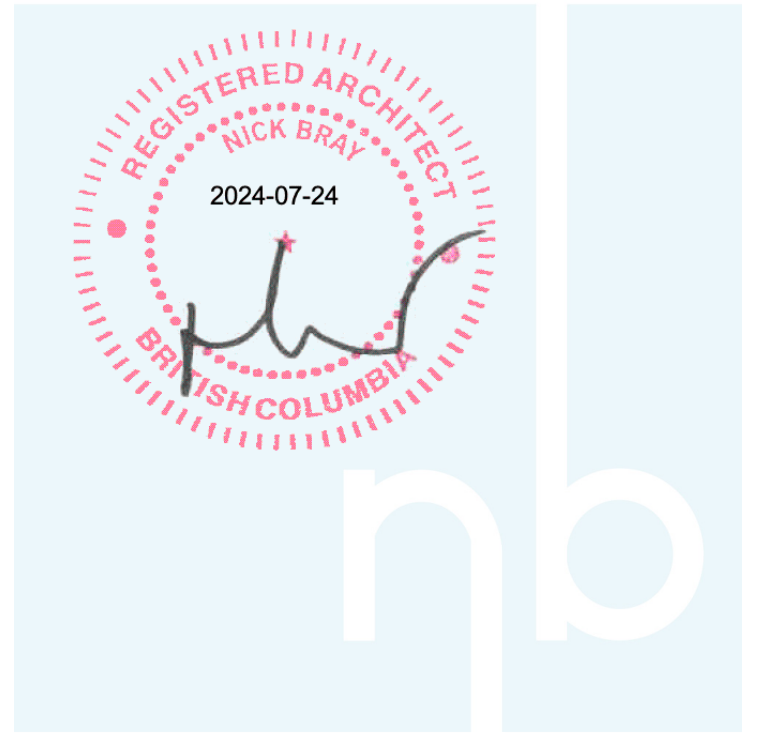


1
A103 **Raynor Avenue - Proposed Streetscape**
Scale: 3/16" = 1'-0"

*CONCEPTUAL RENDERING
DESIGN SUBJECT TO CHANGE



2
A104 **Raynor Avenue - Existing Streetscape**
Scale: Not To Scale



NOT FOR CONSTRUCTION

ISSUED/REVISED

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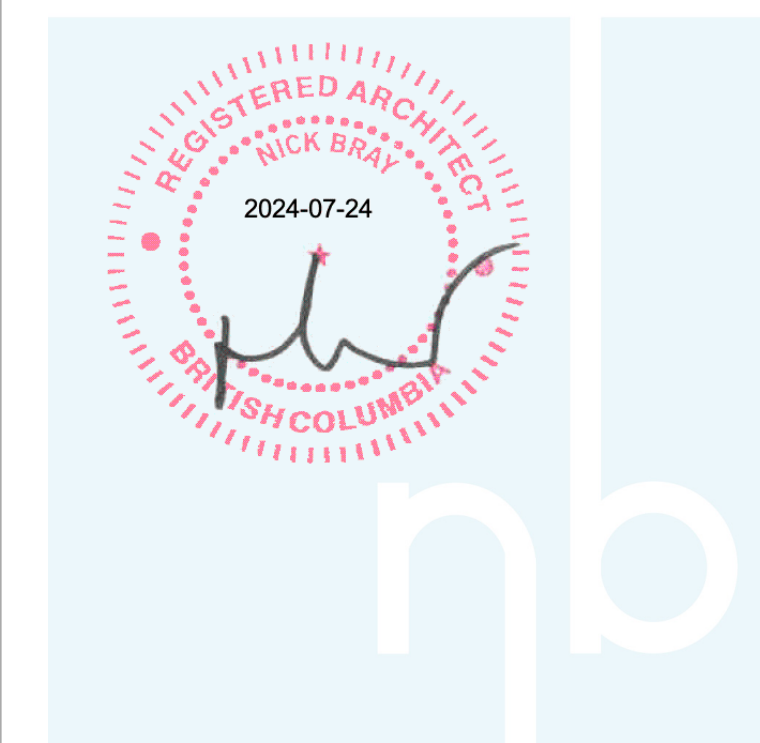


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DATE	DRWG #
July 24 2024	8521
DRAWN BY	REVIEWED BY
MIS	OW

Proposed Townhomes
1035 Russell Street
Victoria, BC

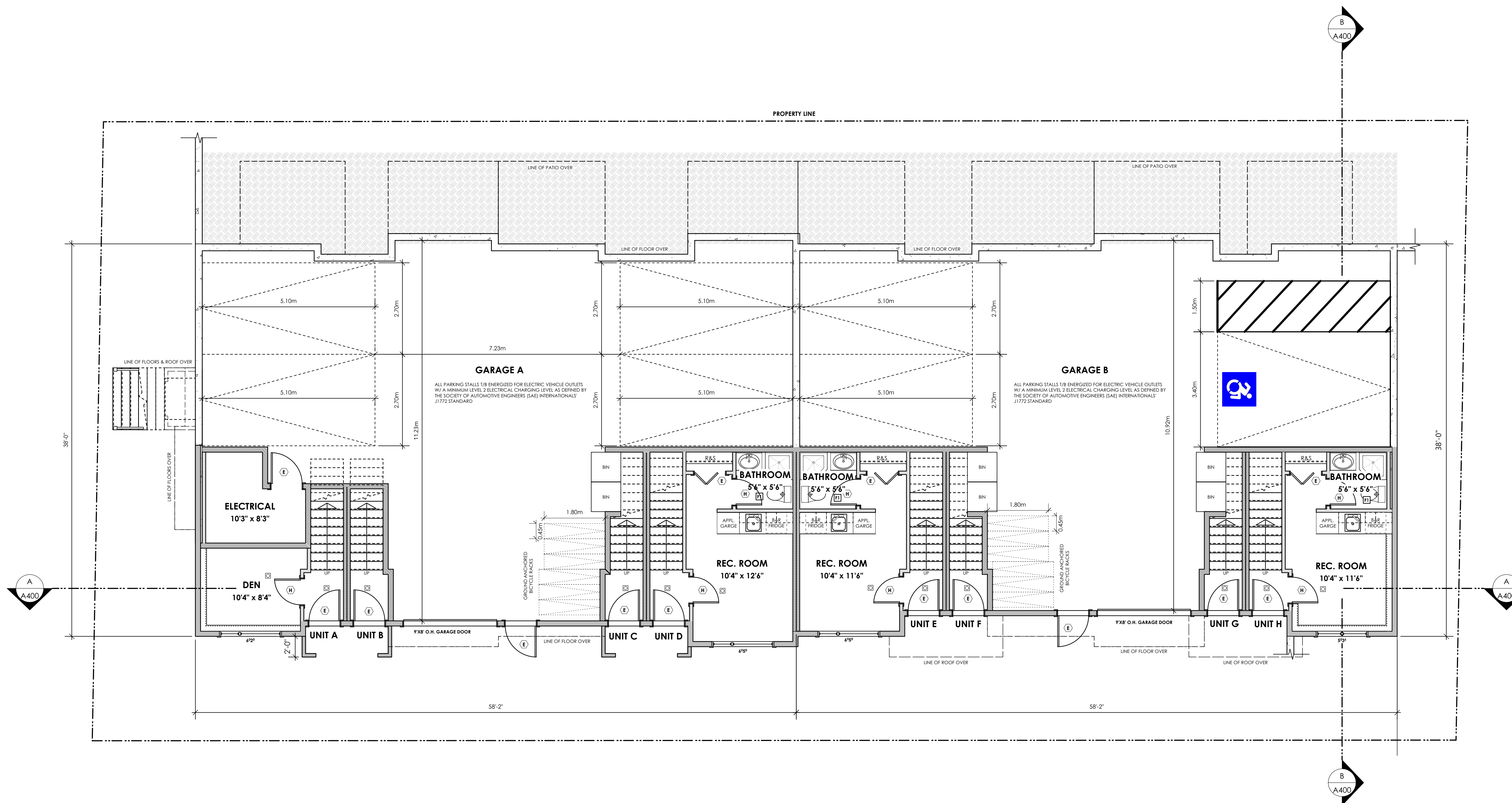
SHEET #
A104



NOT FOR CONSTRUCTION

ISSUED/REVISED

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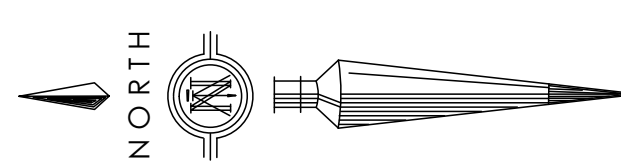
1 First Storey Plan
A200 Scale: 3/16" = 1'-0"

UNIT A:	137.95 ft ²	(12.82 m ²)
UNIT B:	55.64 ft ²	(5.17 m ²)
UNIT C:	69.50 ft ²	(6.46 m ²)
UNIT D:	262.54 ft ²	(24.39 m ²)
UNIT E:	248.37 ft ²	(23.07 m ²)
UNIT F:	65.00 ft ²	(6.04 m ²)
UNIT G:	65.33 ft ²	(6.07 m ²)
UNIT H:	243.64 ft ²	(22.64 m ²)
ELECT:	84.06 ft ²	(7.81 m ²)
TOTAL:	1232.03 ft ²	(114.47 m ²)

GARAGE A:	1484.23 ft ²	(137.89 m ²)
GARAGE B:	1418.81 ft ²	(131.82 m ²)
TOTAL:	2903.04 ft ²	(269.41 m ²)

DOOR SCHEDULE

(A)	80 X 68 (94" X 80")	(F)	210 X 68 (34" X 80")
(B)	60 X 68 (72" X 80")	(G)	28 X 68 (32" X 80")
(C)	50 X 68 (60" X 80")	(H)	26 X 68 (30" X 80")
(D)	40 X 68 (48" X 80")	(J)	24 X 68 (28" X 80")
(E)	30 X 68 (36" X 80")	(K)	20 X 68 (24" X 80")
		(L)	1 1/2 X 68 (18" X 80")



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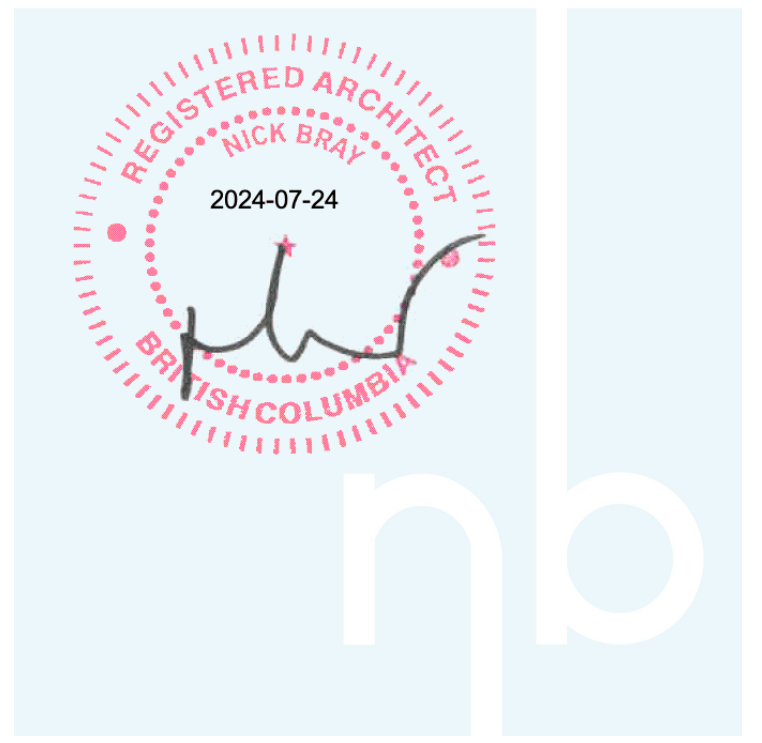
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Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A200**



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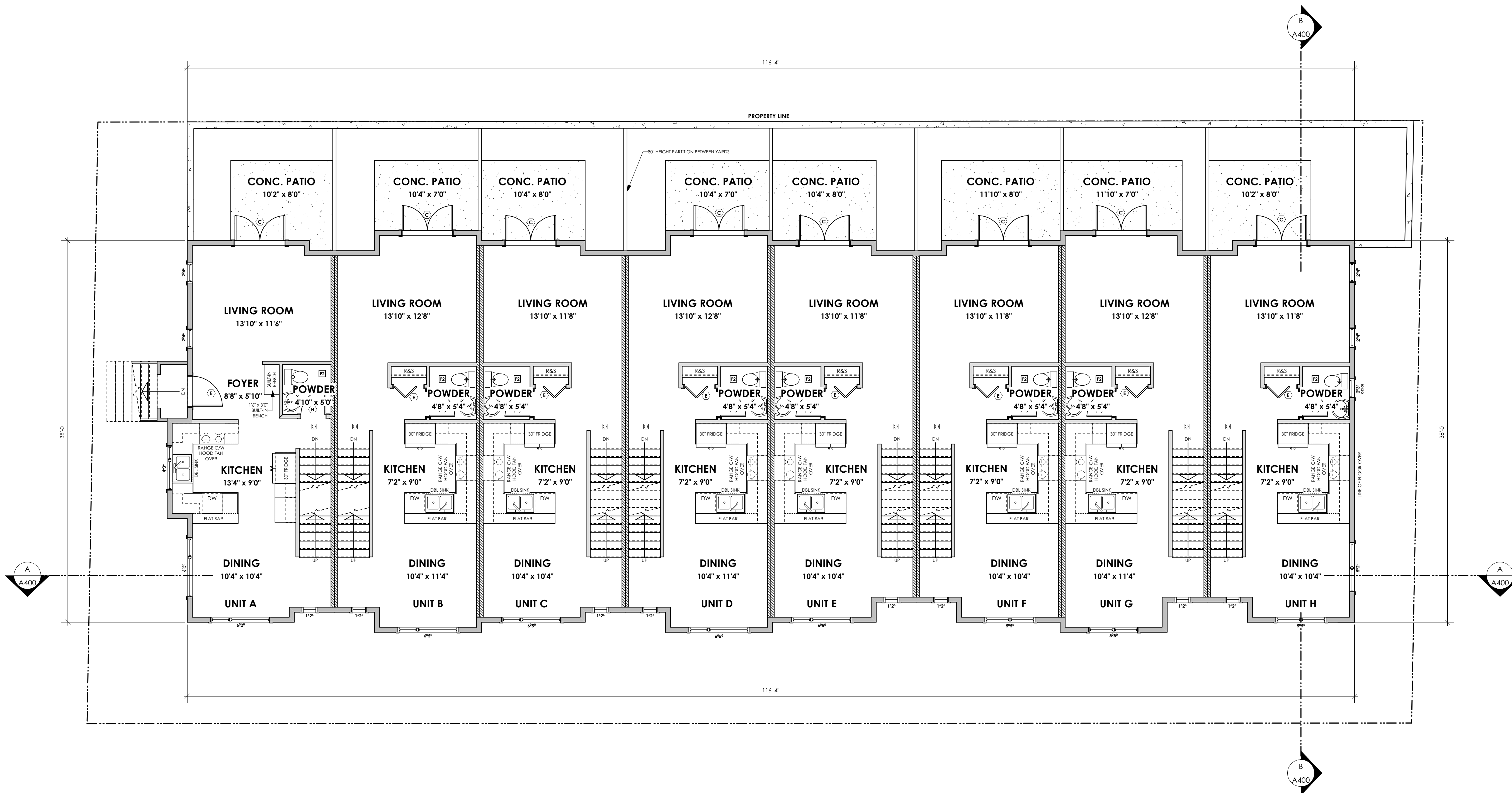


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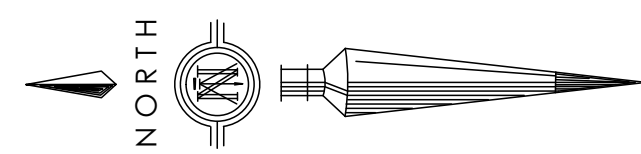
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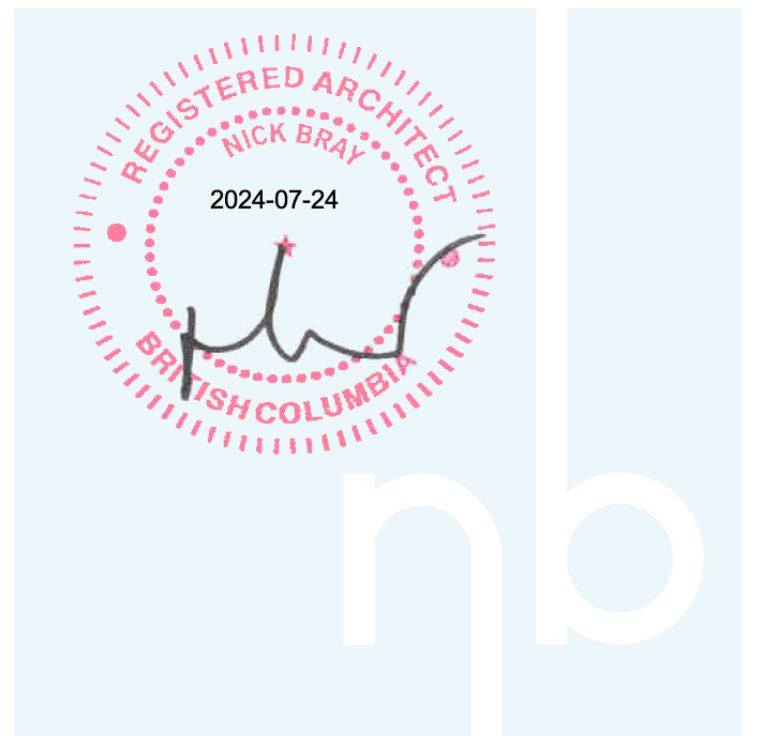
SHEET # **A201**



1 Second Storey Plan
Scale: 3/16" = 1'-0"

UNIT	AREA	DOOR SCHEDULE
UNIT A:	534.64 ft ² (49.67 m ²)	F 2'10" X 6'8" (34" X 80")
UNIT B:	546.83 ft ² (50.80 m ²)	G 2'8" X 6'8" (32" X 80")
UNIT C:	527.50 ft ² (49.00 m ²)	H 2'6" X 6'8" (30" X 80")
UNIT D:	546.85 ft ² (50.80 m ²)	J 2'4" X 6'8" (28" X 80")
UNIT E:	523.00 ft ² (48.59 m ²)	K 2'0" X 6'8" (24" X 80")
UNIT F:	524.50 ft ² (48.73 m ²)	L 1'6" X 6'8" (18" X 80")
UNIT G:	545.33 ft ² (50.66 m ²)	
UNIT H:	512.17 ft ² (47.58 m ²)	
TOTAL:	4257.51 ft ² (395.83 m ²)	





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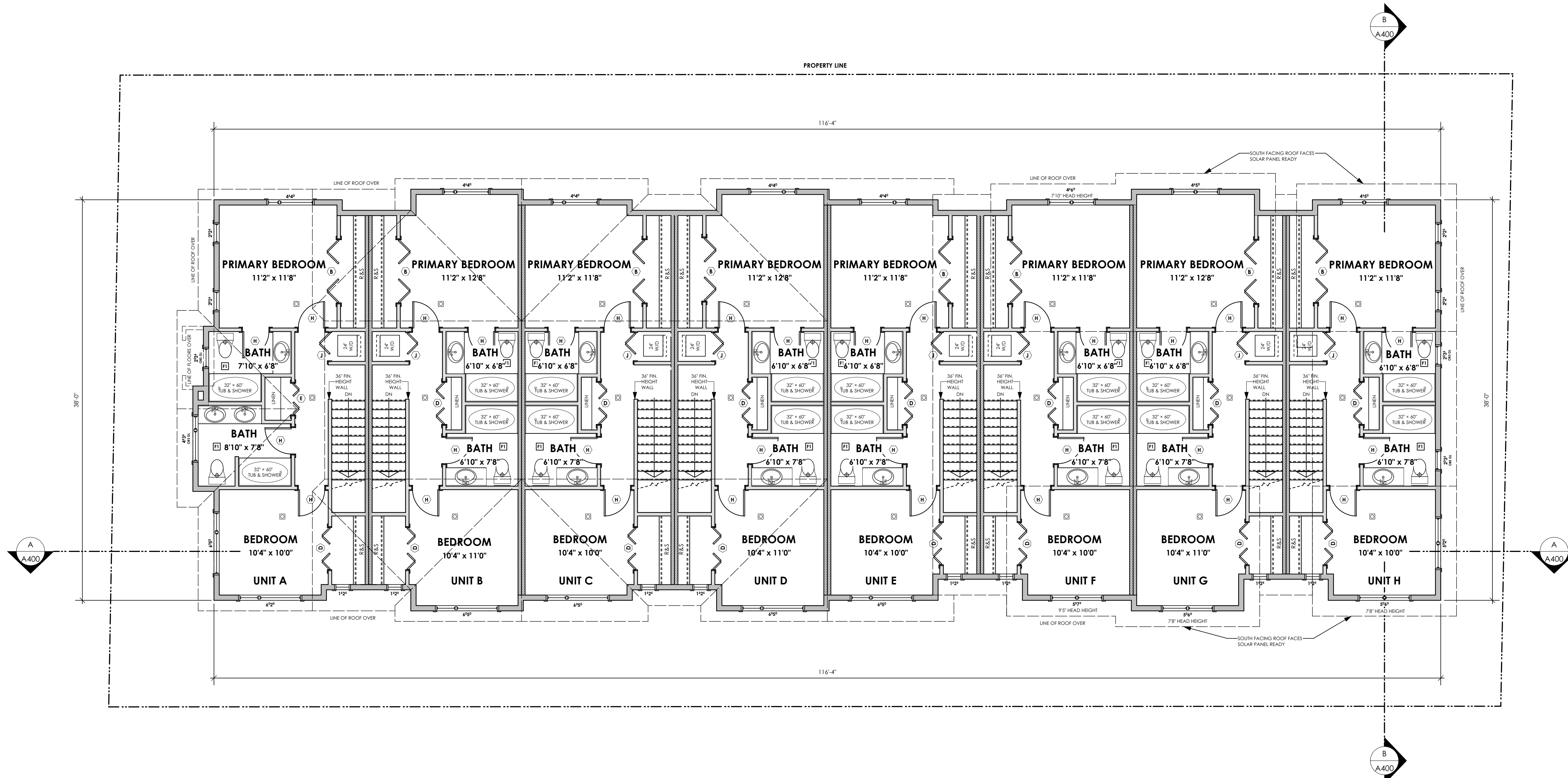


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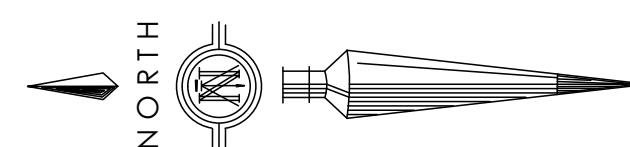
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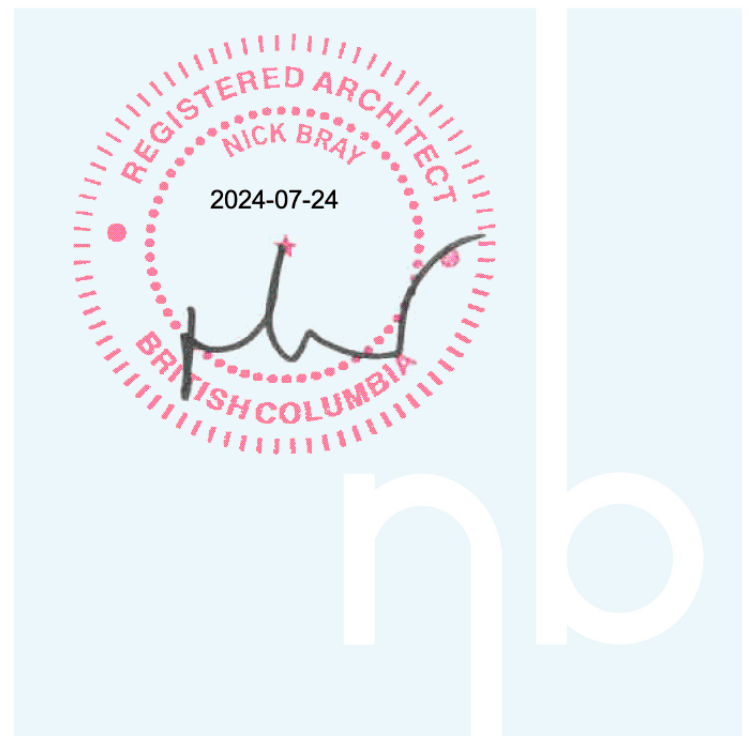
SHEET # **A202**



1 Third Storey Plan
Scale: 3/16" = 1'-0"

UNIT A:	539.00 ft ² [50.07 m ²]	DOOR SCHEDULE	(F)	2'10" X 6'8" (34" X 80")	
UNIT B:	546.83 ft ² [50.80 m ²]	(A)	8'0" X 6'8" (96" X 80")	(G)	2'8" X 6'8" (32" X 80")
UNIT C:	527.50 ft ² [49.00 m ²]	(B)	6'0" X 6'8" (72" X 80")	(H)	2'6" X 6'8" (30" X 80")
UNIT D:	546.83 ft ² [50.80 m ²]	(C)	5'0" X 6'8" (60" X 80")	(J)	2'4" X 6'8" (28" X 80")
UNIT E:	523.00 ft ² [48.59 m ²]	(D)	4'0" X 6'8" (48" X 80")	(K)	2'0" X 6'8" (24" X 80")
UNIT F:	524.50 ft ² [48.73 m ²]	(E)	3'0" X 6'8" (36" X 80")	(L)	1'6" X 6'8" (18" X 80")
UNIT G:	545.33 ft ² [50.66 m ²]				
UNIT H:	512.17 ft ² [47.88 m ²]				
TOTAL:	4265.22 ft ² [396.24 m ²]				





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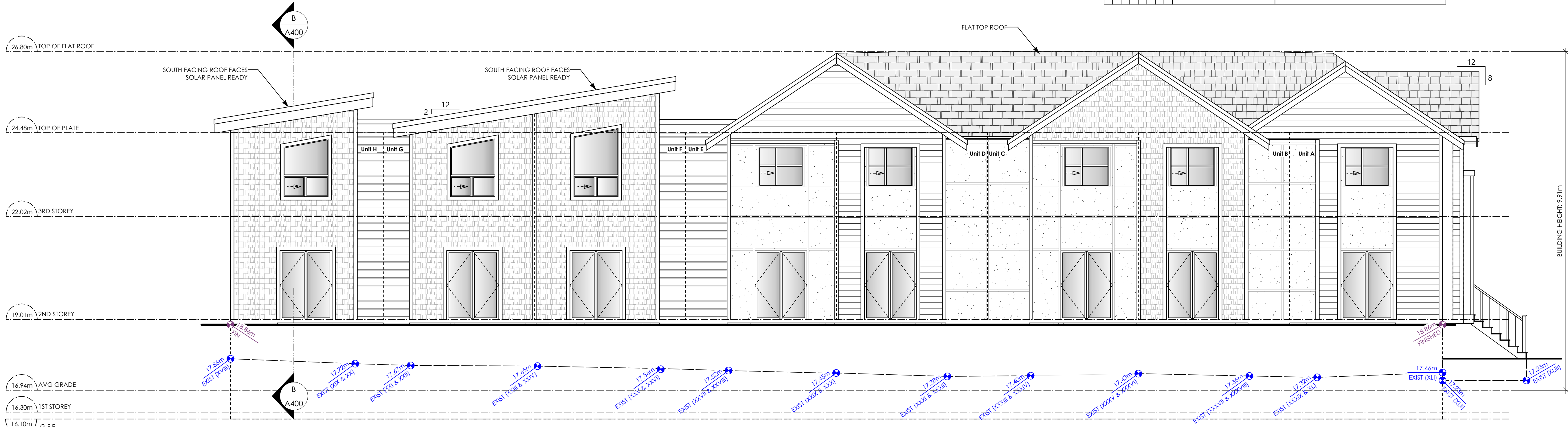
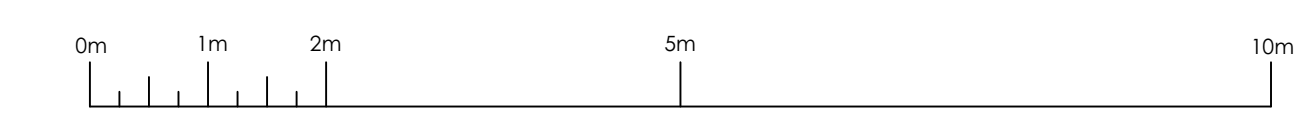


1 West (Right) Elevation
A300 Scale: 3/16" = 1'-0"

1	LAMINATED ASPHALT SHINGLES	7	FIBRE CEMENT 7" LAP SIDING (JAMESHARDIE OR EQ.)	13	CORRUGATED METAL SIDING
2	PRE-FAB. ALUMINIUM GUTTER	8	1X6 TRIM	14	FINISHED GRADE
3	METAL FLASHING ON 2X6 TRIM ON 2X12 FASCIA	9	FIBRE CEMENT PANEL (JAMESHARDIE OR EQ.)	15	EXISTING GRADE
4	SOFFIT	10	FIBRE CEMENT SHINGLE SIDING (JAMESHARDIE OR EQ.)		
5	2X6 TRIM ON 2X10 BARGE BOARD	11	FIBRE CEMENT TO 3/4" LAP SIDING (JAMESHARDIE OR EQ.)		
6	1X4 TRIM	12	BRUSHED METAL SIDING		

Elevation	Area of Exposed Building Face	Limiting Distance	Opening % Permitted	Opening % Proposed	FRR	Type of Construction ¹	Type of Cladding ¹
West (Right)							
Unit A	39.33 sq.m.	2.57 m.	100.00 %	14.98 %	45 min.	A/B	A/B
Unit B	36.16 sq.m.	2.57 m.	100.00 %	22.51 %	45 min.	A/B	A/B
Unit C	36.16 sq.m.	2.57 m.	100.00 %	27.65 %	45 min.	A/B	A/B
Unit D	36.16 sq.m.	2.57 m.	100.00 %	30.22 %	45 min.	A/B	A/B
Unit E	36.16 sq.m.	2.57 m.	100.00 %	30.22 %	45 min.	A/B	A/B
Unit F	38.72 sq.m.	2.57 m.	100.00 %	25.80 %	45 min.	A/B	A/B
Unit G	38.97 sq.m.	2.57 m.	100.00 %	20.94 %	45 min.	A/B	A/B
Unit H	36.77 sq.m.	2.57 m.	100.00 %	27.17 %	45 min.	A/B	A/B

¹ Type of Construction Used:
A = Combustible
B = Non Combustible
*TABLE COMPLIES WITH BCBC 9.10.14.4.(1)(a), 9.10.14.4.(7), and Table 9.10.14.5-A



2 East (Left) Elevation
A300 Scale: 3/16" = 1'-0"

Elevation	Area of Exposed Building Face	Limiting Distance	Opening % Permitted	Opening % Proposed	FRR	Type of Construction ¹	Type of Cladding ¹
East (Left)							
Unit A	27.76 sq.m.	3.29 m.	25.50 %	12.90 %	45 min.	A/B	B
Unit B	24.18 sq.m.	3.29 m.	25.50 %	14.81 %	45 min.	A/B	B
Unit C	24.18 sq.m.	3.29 m.	25.50 %	14.81 %	45 min.	A/B	B
Unit D	24.18 sq.m.	3.29 m.	25.50 %	14.81 %	5 min. hour	A/B	B
Unit E	24.18 sq.m.	3.29 m.	25.50 %	14.81 %	45 min.	A/B	B
Unit F	27.34 sq.m.	3.29 m.	25.50 %	15.91 %	45 min.	A/B	B
Unit G	25.07 sq.m.	3.29 m.	25.50 %	15.80 %	45 min.	A/B	B
Unit H	25.88 sq.m.	3.29 m.	25.50 %	15.30 %	45 min.	A/B	B

¹ Type of Construction Used:
A = Combustible
B = Non Combustible
*TABLE COMPLIES WITH BCBC 9.10.14.4.(1)(a), 9.10.14.4.(7), and Table 9.10.14.5-A



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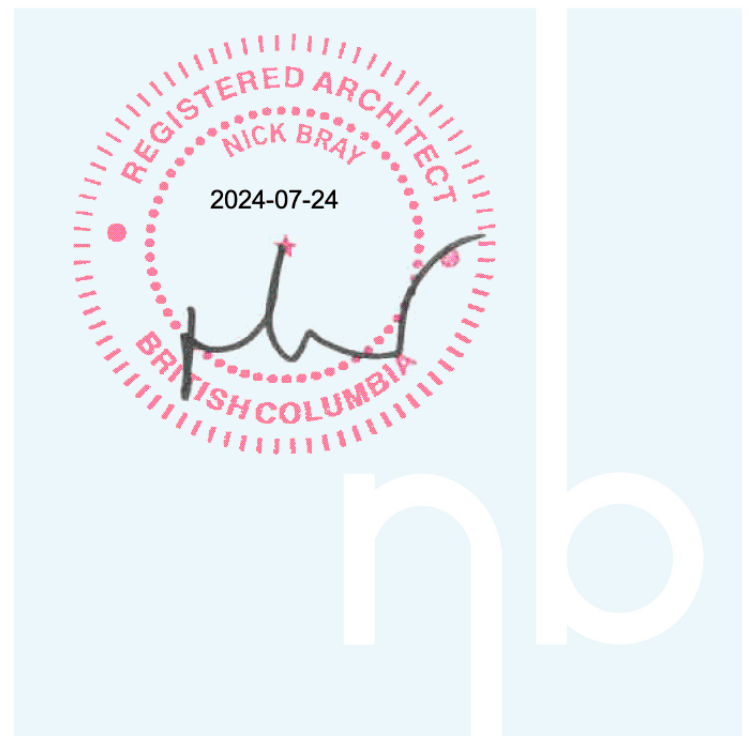


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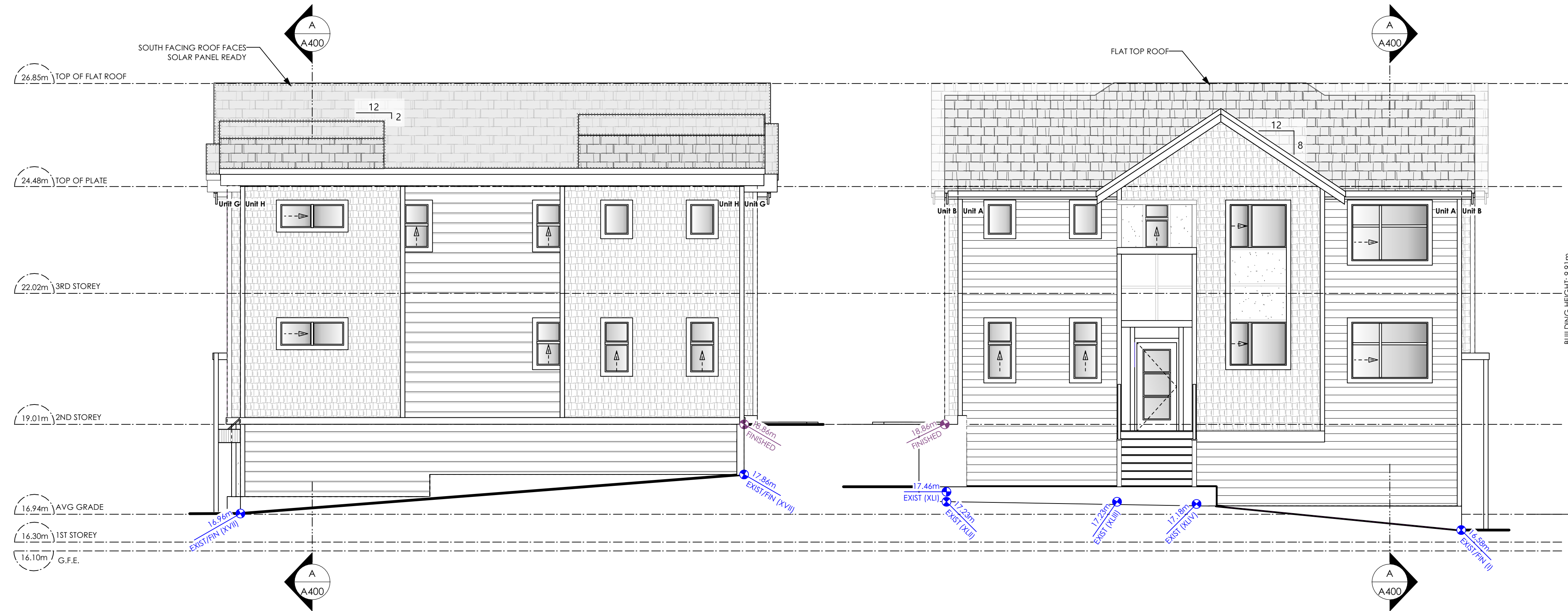


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4	SOFFIT
5	2X6 TRIM ON 2X10 BARGE BOARD
6	1X4 TRIM
7	FIBRE CEMENT 7" LAP SIDING (JAMESHARDIE OR EQ.)
8	1X6 TRIM
9	FIBRE CEMENT PANEL (JAMESHARDIE OR EQ.)
10	FIBRE CEMENT SHINGLE SIDING (JAMESHARDIE OR EQ.)
11	FIBRE CEMENT 10 3/4" LAP SIDING (JAMESHARDIE OR EQ.)
12	BRUSHED METAL SIDING
13	CORRUGATED METAL SIDING
14	FINISHED GRADE
15	EXISTING GRADE

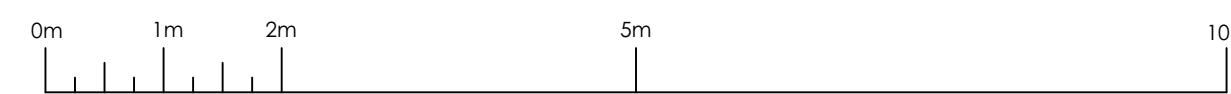


1 South (Rear) Elevation
A301 Scale: 3/16" = 1'-0"

2 North (Front) Elevation
A301 Scale: 3/16" = 1'-0"

Elevation	Area of Exposed Building Face	Limiting Distance	Opening % Permitted	Opening % Proposed	FRR	Type of Construction	Type of Cladding
South (Rear)							
Unit H	78.96 sq.m.	1.50 m.	8.00 %	8.00 %	1 hr.	B	B
Unit G	3.78 sq.m.	1.50 m.	8.00 %	0.00 %	1 hr.	B	B
Front							
Unit A	85.20 sq.m.	12.9 m.	100.00 %	15.97 %	.45 min.	A/B	A/B
Unit B	1.80 sq.m.	12.9 m.	100.00 %	0.00 %	.45 min.	A/B	A/B

¹Type of Construction Used: A = Combustible, B = Non Combustible. *TABLE COMPLIES WITH BCBC 9.10.14.4.(1)(a), 9.10.14.4.(7), and Table 9.10.14.5-A



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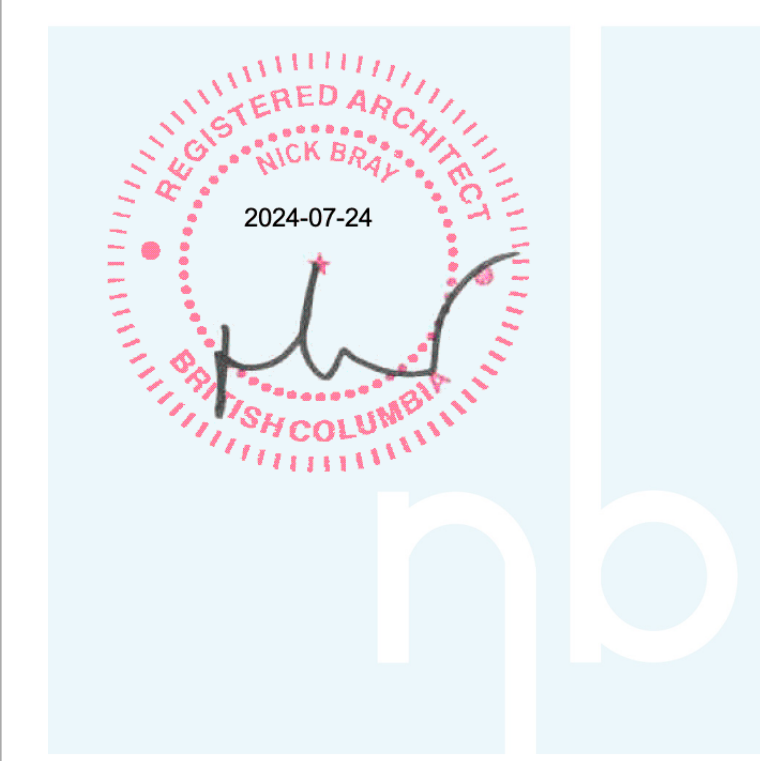
1
A302 West (Right) Elevation
Scale: 3/16" = 1'-0"

ROOF	BLACK SHINGLE
SOFFIT	HARDIE SOFFIT PANELS VENTED CEDARMILL - ARCTIC WHITE
DOWNSPOUTS	GENTEK - ICE WHITE 429
GUTTER	GENTEK - ICE WHITE 429
CONCRETE	GREY
TRIM	JAMESHARDIE - ARCTIC WHITE
TRIM	JAMESHARDIE - OCEAN BLUE
SHINGLE SIDING	HARDIE SHINGLE SIDING STRAIGHT EDGE - OCEAN BLUE
PANEL SIDING	HARDIE PANEL VERTICAL SIDING - ARCTIC WHITE
PANEL SIDING	HARDIE PANEL VERTICAL SIDING - OCEAN BLUE
LAP SIDING	HARDIE PLANK LAP SIDING CEDARMILL - PEARL GREY
ENTRY & GARAGE DOORS	JAMESHARDIE - OCEAN BLUE
ENTRY OVERHANG	BLACK BRUSHED METAL
ENTRY ENCLOSURE	JAMESHARDIE - ARCTIC WHITE

ROOF	BLACK SHINGLE
SOFFIT	HARDIESOFFIT PANELS VENTED CEDARMILL - OCEAN BLUE
DOWNSPOUTS	GENTEK - ICE WHITE 429
GUTTER	GENTEK - ICE WHITE 429
CONCRETE	GREY
TRIM	JAMESHARDIE - ARCTIC WHITE
TRIM	JAMESHARDIE - OCEAN BLUE
SHINGLE SIDING	HARDIESHINGLE SIDING STRAIGHT EDGE - OCEAN BLUE
SHINGLE SIDING	HARDIESHINGLE SIDING STRAIGHT EDGE - PEARL GREY
LAP SIDING	HARDIE PLANK LAP SIDING CEDARMILL - OCEAN BLUE
ENTRY & GARAGE DOORS	JAMESHARDIE - ARCTIC WHITE
ENTRY OVERHANG	CORRIGATED METAL



2
A302 East (Left) Elevation
Scale: 3/16" = 1'-0"



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1035 Russell Street
Victoria, BC

SHEET #
A302

ROOF		BLACK SHINGLE
SOFFIT		HARDIE SOFFIT PANELS VENTED CEDARMILL - OCEAN BLUE
DOWNSPOUTS		GENTEK - ICE WHITE 429
GUTTER		GENTEK - ICE WHITE 429
CONCRETE		GREY
TRIM		JAMESHARDIE - ARCTIC WHITE
TRIM		JAMESHARDIE - OCEAN BLUE
SHINGLE SIDING		HARDIESHINGLE SIDING STRAIGHT EDGE - OCEAN BLUE
SHINGLE SIDING		HARDIESHINGLE SIDING STRAIGHT EDGE - PEARL GREY
LAP SIDING		HARDIE PLANK LAP SIDING CEDARMILL - OCEAN BLUE
ENTRY & GARAGE DOORS		JAMESHARDIE - ARCTIC WHITE
ENTRY OVERHANG		CORRIGATED METAL

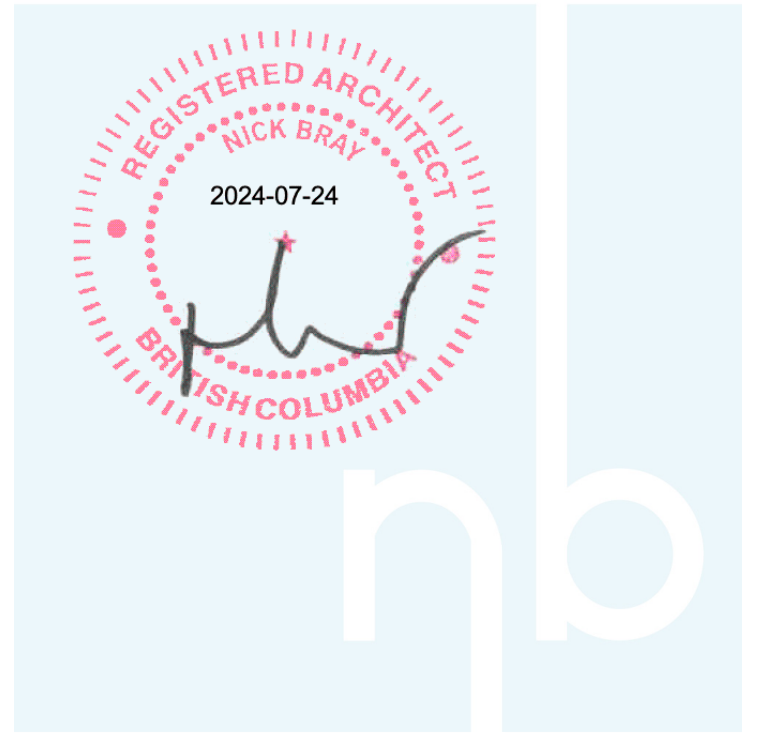


1 South (Rear) Elevation
A303 Scale: 3/16" = 1'-0"

ROOF		BLACK SHINGLE
SOFFIT		HARDIE SOFFIT PANELS VENTED CEDARMILL - ARCTIC WHITE
DOWNSPOUTS		GENTEK - ICE WHITE 429
GUTTER		GENTEK - ICE WHITE 429
CONCRETE		GREY
TRIM		JAMESHARDIE - ARCTIC WHITE
TRIM		JAMESHARDIE - OCEAN BLUE
SHINGLE SIDING		HARDIE SHINGLE SIDING STRAIGHT EDGE - OCEAN BLUE
PANEL SIDING		HARDIE PANEL VERTICAL SIDING - ARCTIC WHITE
PANEL SIDING		HARDIE PANEL VERTICAL SIDING - OCEAN BLUE
LAP SIDING		HARDIE PLANK LAP SIDING CEDARMILL - PEARL GREY
ENTRY & GARAGE DOORS		JAMESHARDIE - OCEAN BLUE
ENTRY OVERHANG		BLACK BRUSHED METAL
ENTRY ENCLOSURE		JAMESHARDIE - ARCTIC WHITE



2 North (Front) Elevation
A303 Scale: 3/16" = 1'-0"



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10	Jan 16 2023	Coloured Elevations for Review
11	Jan 18 2023	Submission for Architect Review
12	Jan 23 2023	Issued for Rezoning
13	July 5 2023	Revised Site Plan - Landscape Design
14	July 12 2023	App. Review Summary Revisions
15	July 24 2023	Reissued for Rezoning
16	Nov 9 2023	Reissued for Rezoning
17	Dec 6 2023	Reissued for Rezoning
18	July 8 2024	City Comments
19	July 24 2024	Reissued for Rezoning

General Contractor and/or Owner to verify and thoroughly review all aspects of this and any required consultants' plan(s) prior to commencement and setting out of all work. Any discrepancies are to be reported to the Building Designer (VDG) immediately. VDG is not liable for plan modifications or discrepancies not reported. Refer to General notes.

BCLS and/or Contractor to verify placement and siting of all structures on the lot. VDG is not responsible for encroachments of any kind with regard to siting or placement of structures on lot(s).

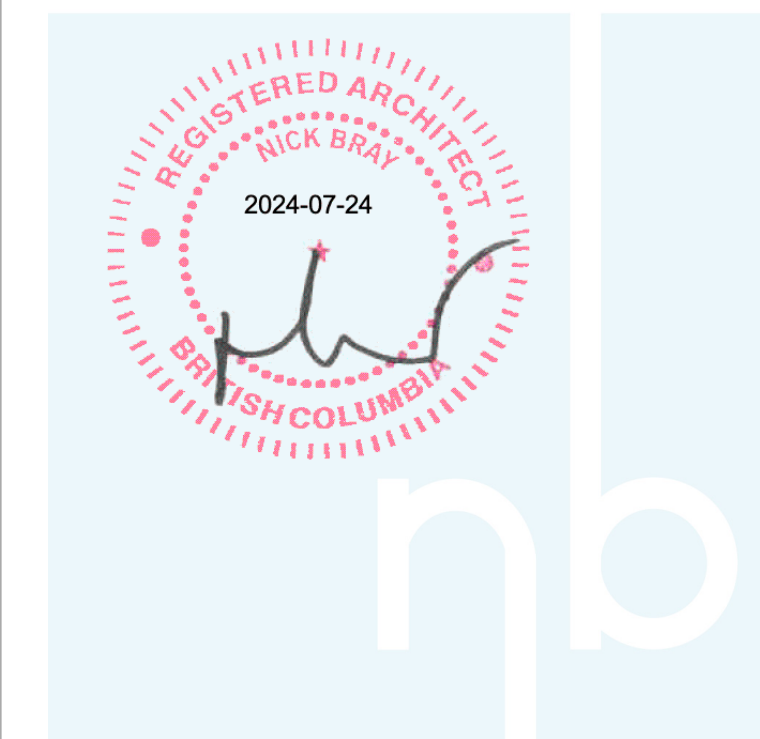


103 - 891 Athlree Avenue P. 250.382.7374
Victoria, BC F. 250.382.7364
V9B 0A6 www.victoriadesigngroup.ca

DATE	July 24 2024	DRWG #	8521
DRAWN BY	MIS	REVIEWED BY	OW

Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A303**



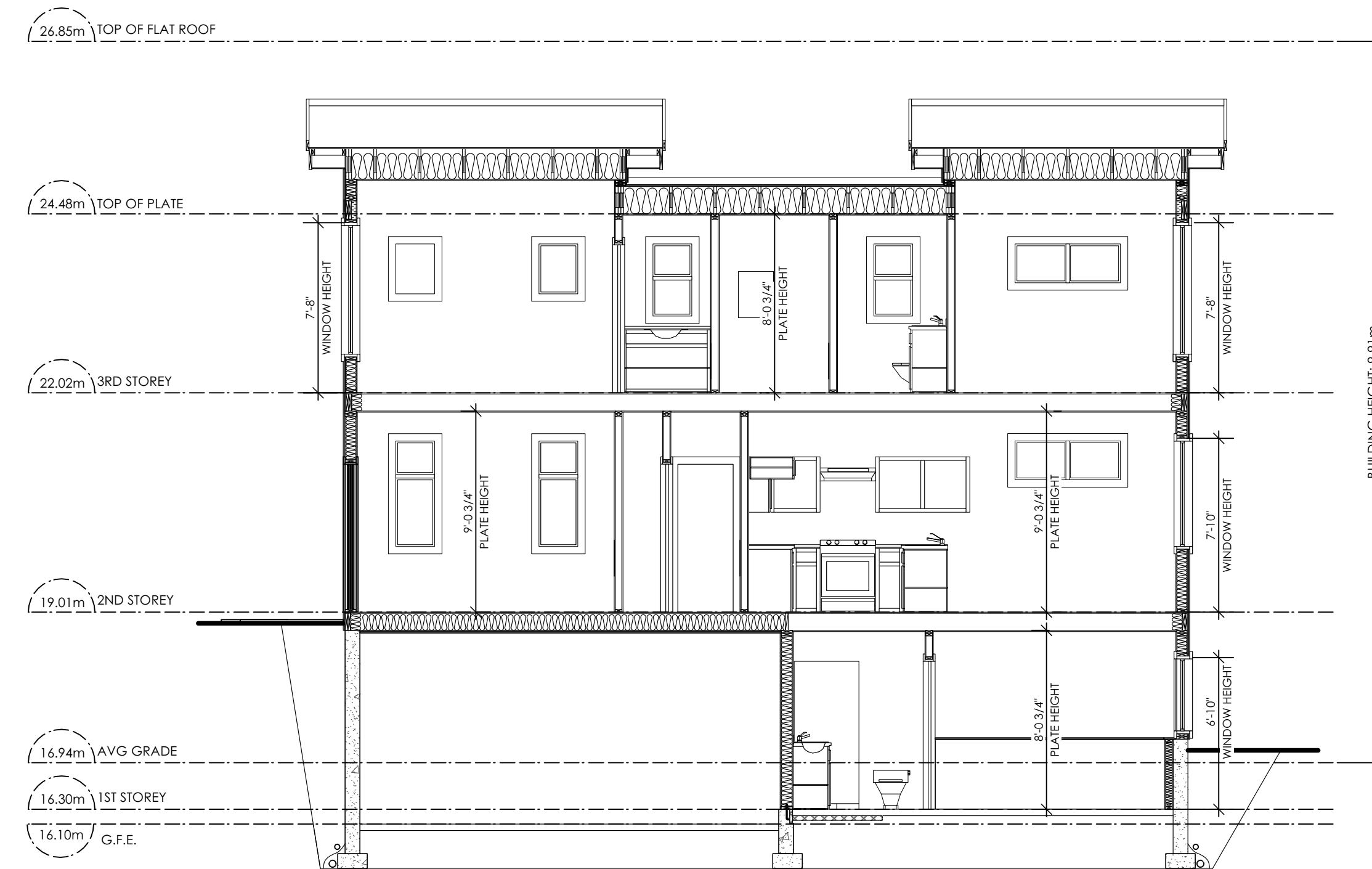
NOT FOR CONSTRUCTION

ISSUED/REVISED

NO	DATE	DESCRIPTION
1	Oct 24 2022	Client Communications
2	Oct 31 2022	Client Communications
3	Nov 2 2022	Client Communications
4	Nov 9 2022	Pre-Submission For Review
5	Nov 17 2022	Streetscape For Pre-Submission
6	Dec 19 2022	Submission For Architect Review
7	Dec 22 2022	Resubmission For Architect Review
8	Jan 4 2023	Submission for Client Review
9	Jan 5 2023	Coloured Elevations for Review
10	Jan 16 2023	Coloured Elevations for Review
11	Jan 18 2023	Submission for Architect Review
12	Jan 23 2023	Issued for Rezoning
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19	July 24 2024	Reissued for Rezoning



1 Section A
A400 Scale: 3/16" = 1'-0"



2 Section B
A400 Scale: 3/16" = 1'-0"

General Contractor and/or Owner to verify and thoroughly review all aspects of this and any required consultants' plan(s) prior to commencement and setting out of all work. Any discrepancies are to be reported to the Building Designer (VDG) immediately. VDG is not liable for plan modifications or discrepancies not reported. Refer to General notes.

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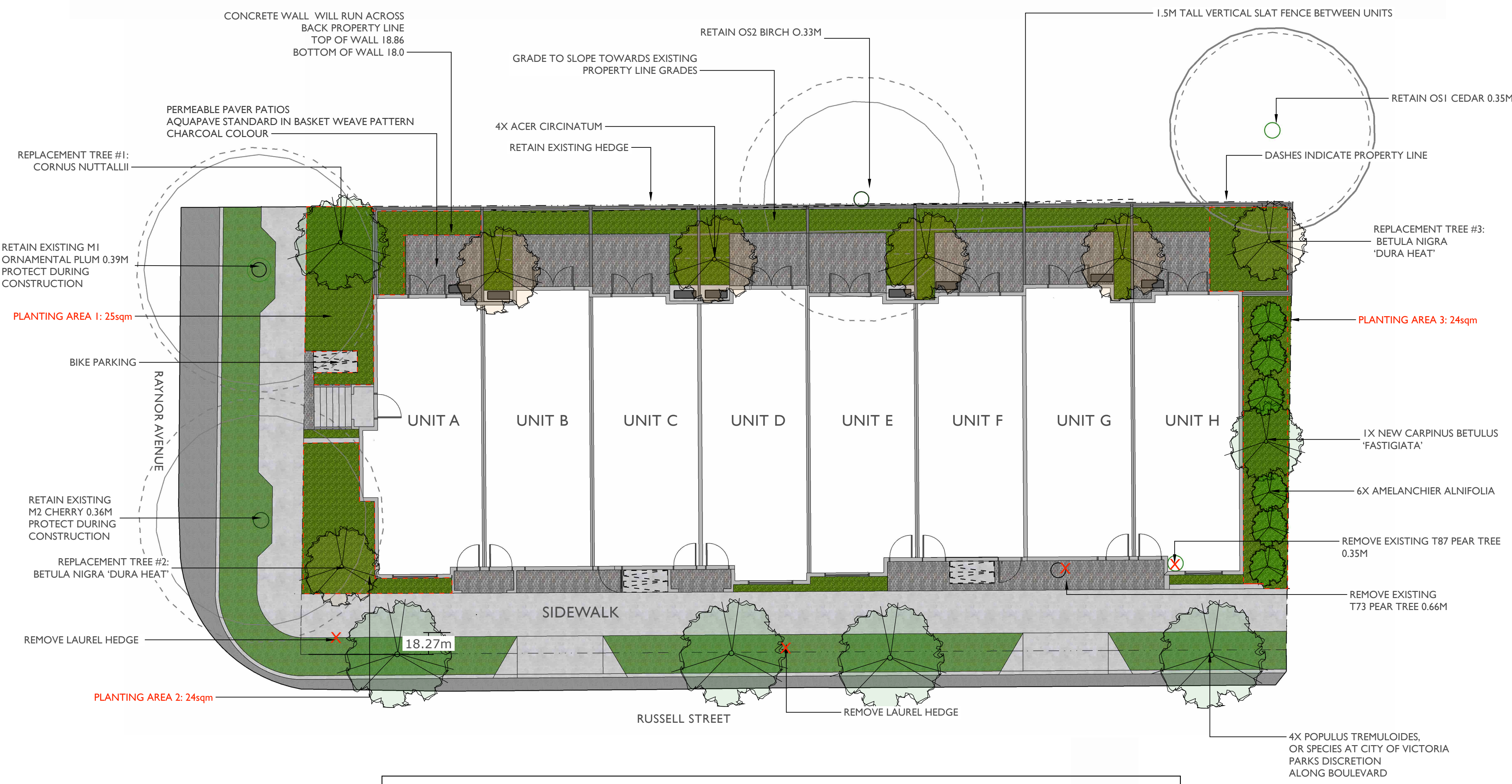
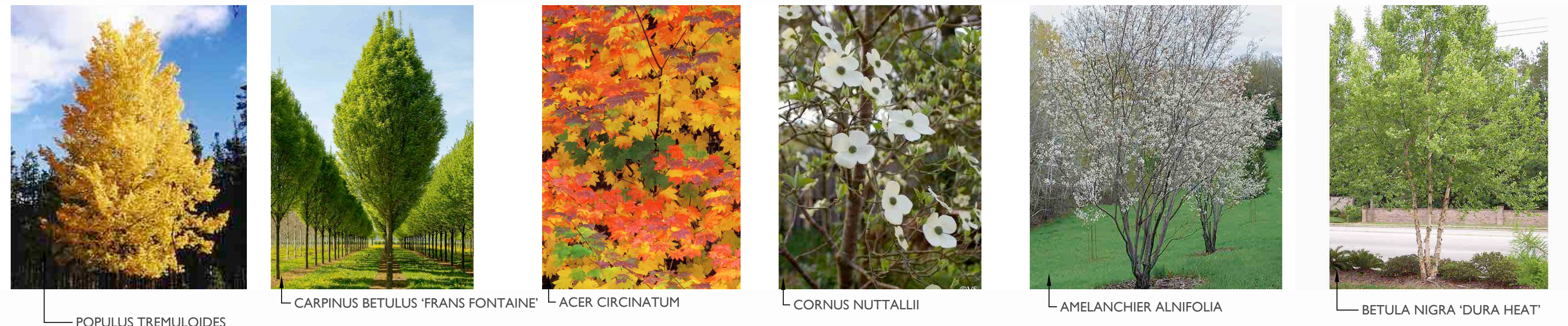
103 - 891 Athree Avenue P. 250.382.7374
Victoria, BC F. 250.382.7364
V9B 0A6 www.victoriadesigngroup.ca

DATE	DRWG #
July 24 2024	8521
DRAWN BY MIS	REVIEWED BY OW

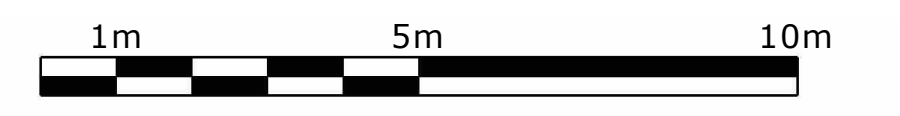
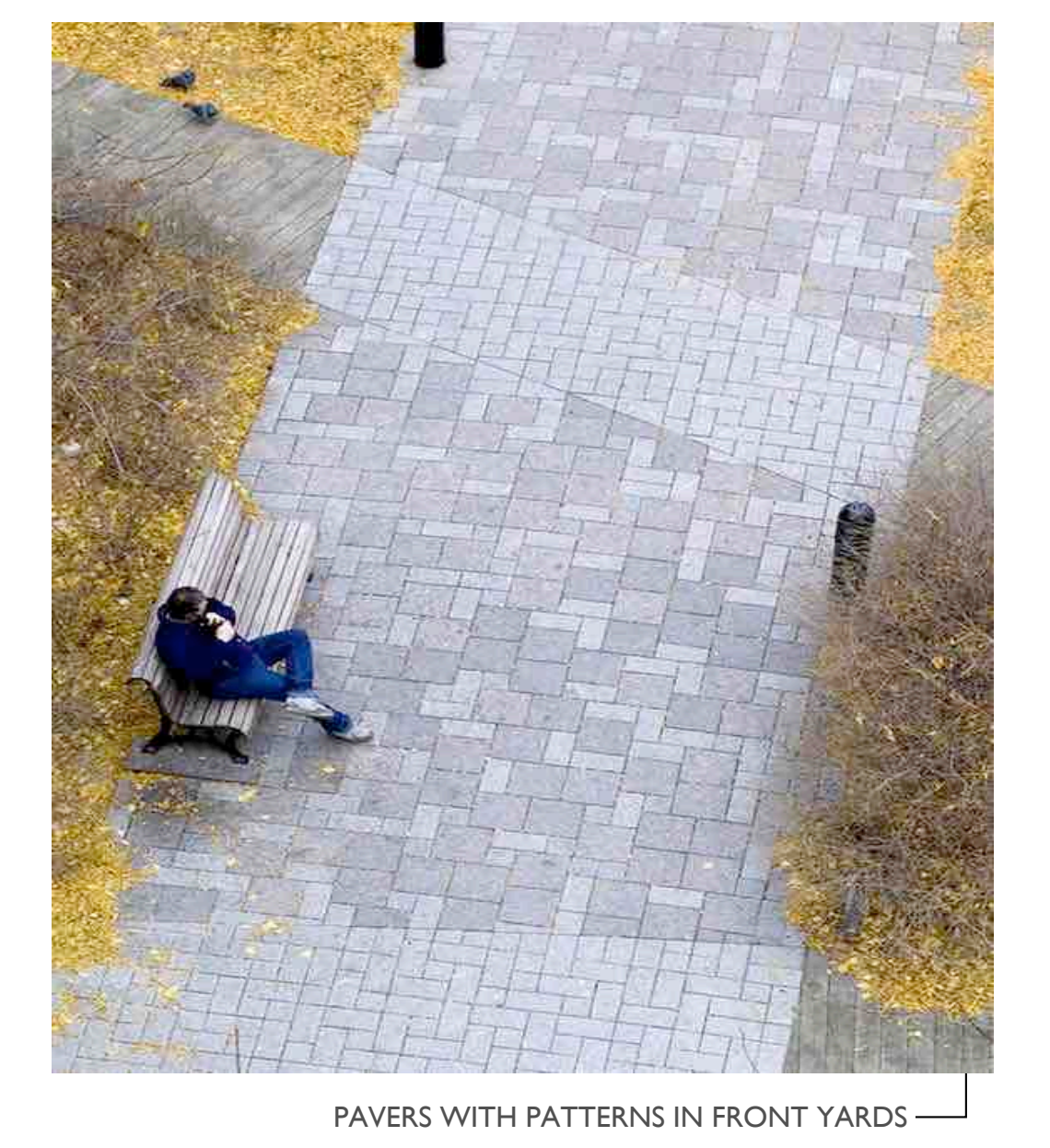
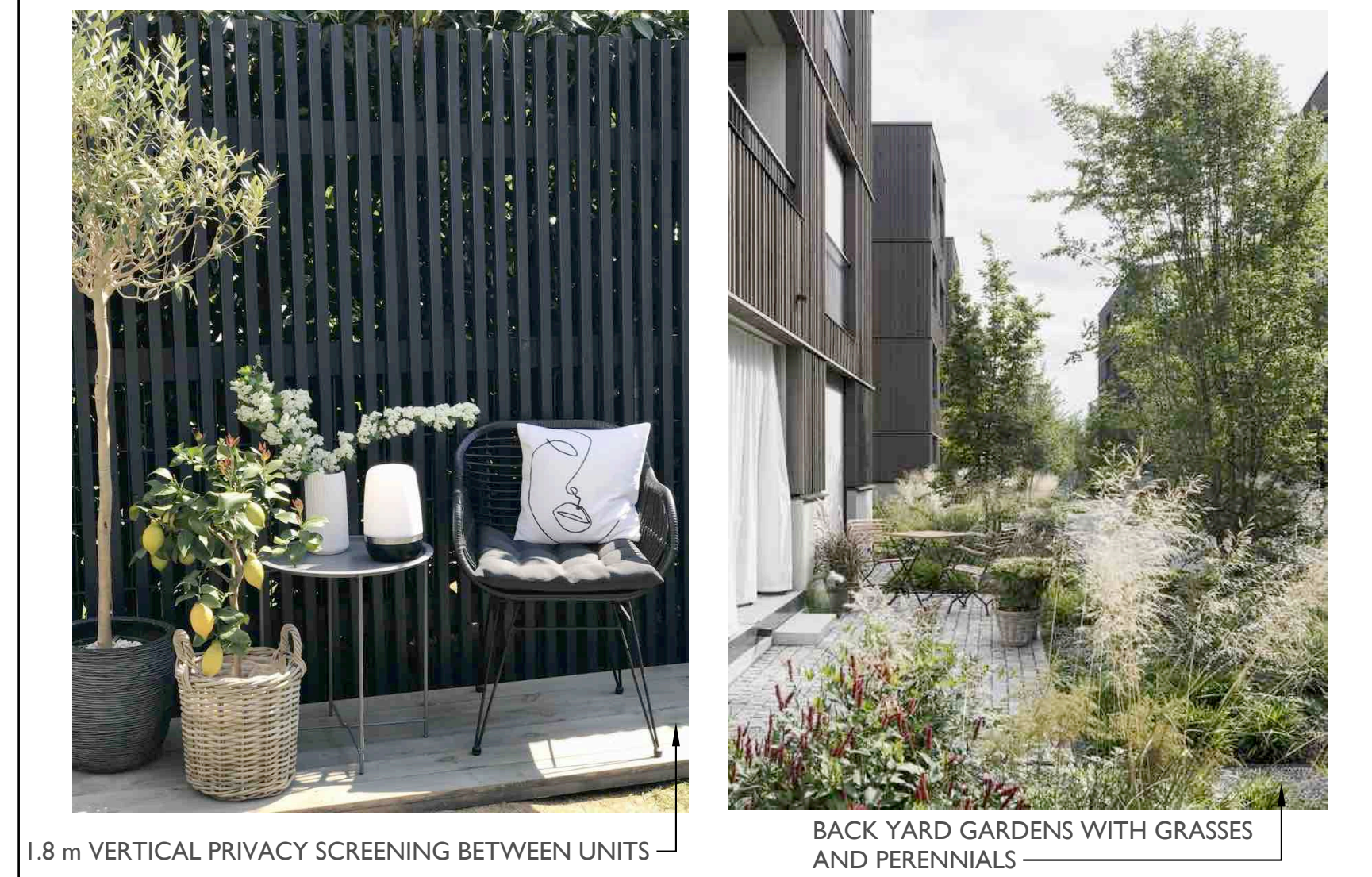
Proposed Townhomes
1035 Russell Street
Victoria, BC

SHEET # **A400**

1035 RUSSELL STREET SITE PLAN, TREE REMOVAL AND REPLACEMENT PLAN



PLANTING AREA ID	AREA (m2)	SOIL VOLUME MULTIPLIER	REPLACEMENT TREES PROPOSED				SOIL VOLUME REQUIRED (m3)		TOTAL
			A. ESTIMATED SOIL VOLUME	B. #SMALL	C. #MEDIUM	E. #SMALL	C. #MEDIUM		
PLANTING AREA #1	25.0	1	25.0		1		20.0	25.0	
PLANTING AREA #2	24.0	1	24.0		1		20.0	24.0	
PLANTING AREA #3	24.00	1	24.00		1		20.0	20.0	



Greenspace Designs
Sustainable Landscape Design

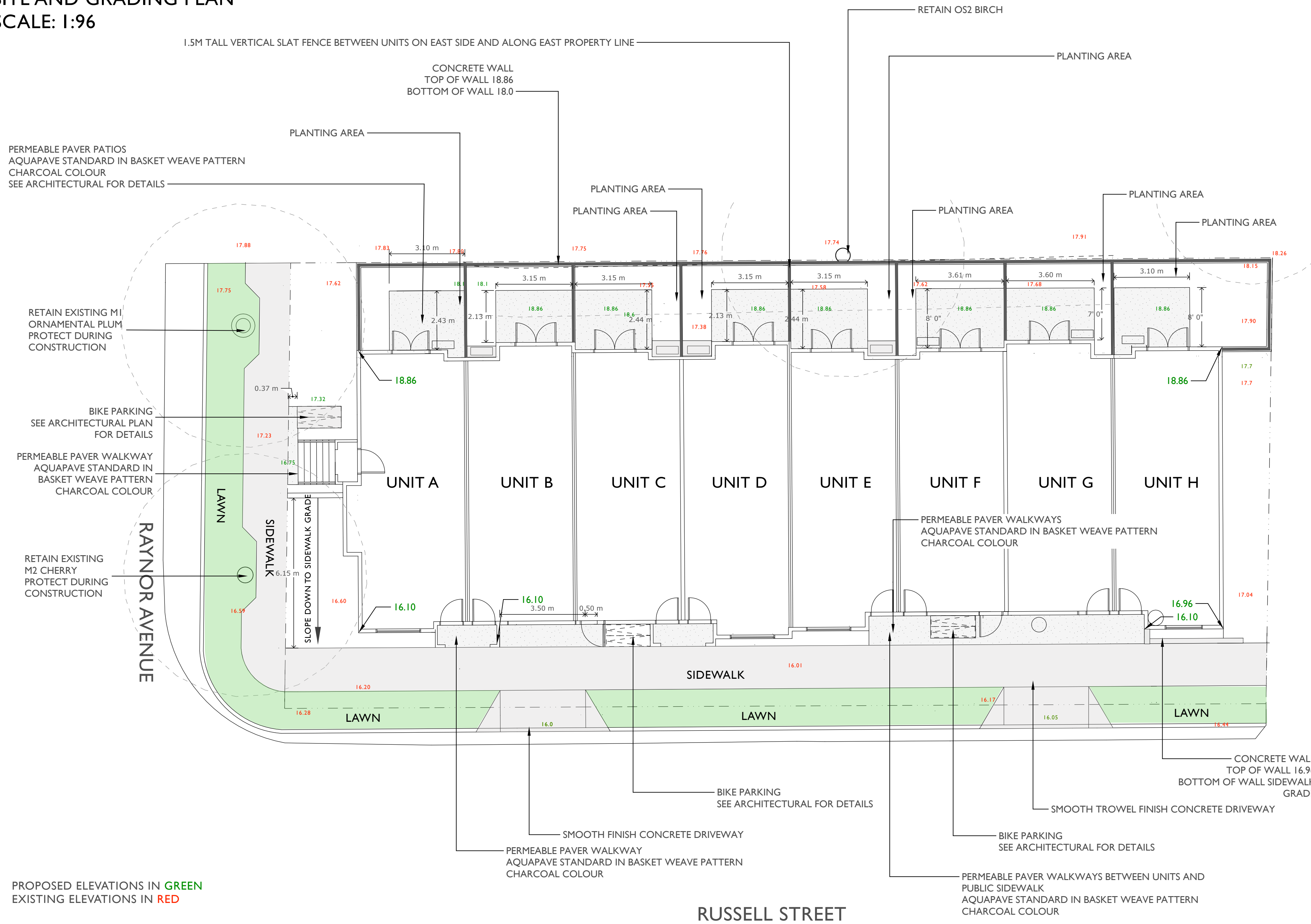
PROJECT TITLE :
PROPOSED LANDSCAPE CONCEPT for
ANDREW MILLS
1035 RUSSELL STREET, VICTORIA, BC

PAGE TITLE :
SITE PLAN, TREE REMOVAL AND REPLACEMENT PLAN
PAGE ONE OF FOUR

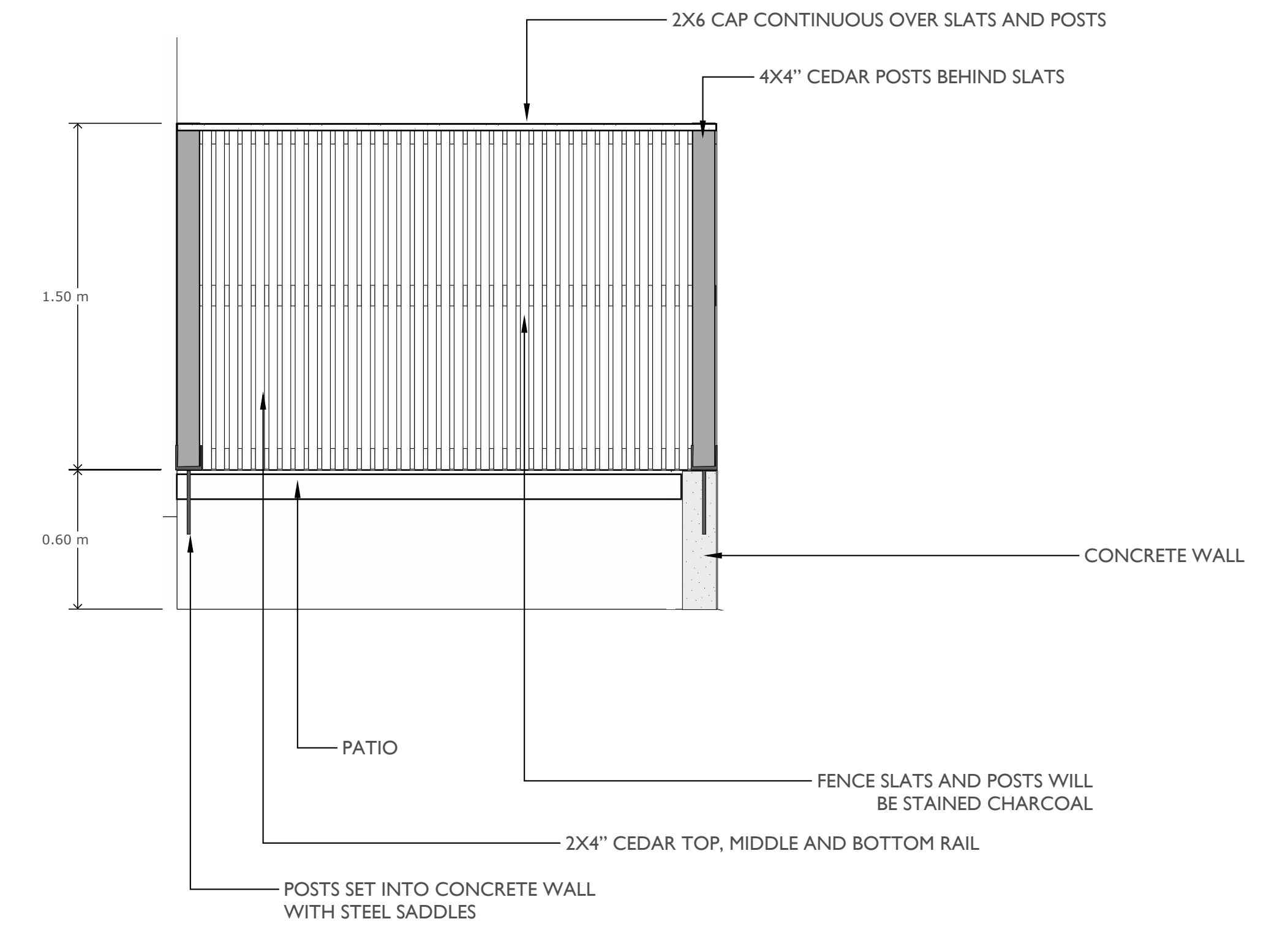
DATE :
NOVEMBER 16, 2022
Revised Feb 17, 2023
Revised DECEMBER 1, 2023
Revised AUGUST 19, 2024

SCALE :
1:100

SITE AND GRADING PLAN
SCALE: 1:96



VERTICAL SLAT FENCE DETAIL
Scale: 1:20

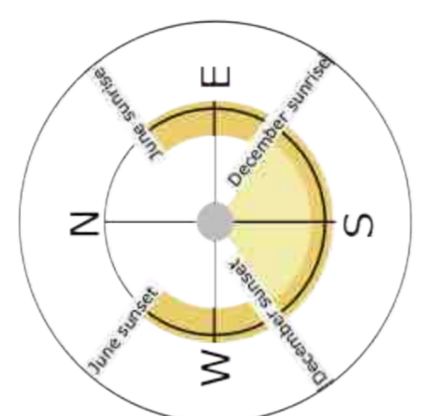


PROJECT TITLE ::
PROPOSED LANDSCAPE CONCEPT for
ANDREW MILLS
1035 RUSSELL STREET, VICTORIA, BC

PAGE TITLE ::
SITE, GRADING, AND DETAIL PLAN, PAGE THREE of FOUR

DATE ::
NOVEMBER 16, 2022
Revised Feb 17, 2023
Revised DECEMBER 1, 2023
Revised AUGUST 19, 2024

SCALE ::
AS SHOWN



OVERALL NOTES

1. Plantings, landscape installation, and irrigations should all be installed in accordance with the BCLNA/BCSLA standard (2020)
2. Any plant substitutions shall be made in consultation with the landscape architect.
3. The Landscape and Irrigation Contractor shall determine the location of all underground services prior to the commencement of landscape work and shall be responsible for the repair of all damage caused by landscape work to the Owner's satisfaction.
4. All topsoil and plants shall conform to BCNTA / BCSLA specifications.
5. BCLNA/BCSLA standard (2020) is the guiding resource for all notes on this page

MATERIALS

CAST-IN-PLACE CONCRETE

1. Cast-in-place concrete may have a finish of trowel finish, broom finish, exposed aggregate, or parging. To be finished as specified on landscape plans.
2. Concrete should be reinforced with rebar.

PERMEABLE PAVERS

Permeable pavers should be installed according to figures 12.2, 12.3, or 12.4.

STOCKPILES

1. Site materials should be stockpiled separately from the growing medium to avoid contaminating the growing medium.
2. Ideally, the growing medium is delivered on the day of installation.
3. Soils, fill, sand, gravel, or any construction materials should not be stockpiled within the t critical protection zones.
4. Soil or subsoil should not be stockpiled in low areas to avoid erosion or water pooling.

TOPSOIL

1. On-site topsoil should be used if it meets the standards for a growing medium.
2. Topsoil should have a pH range of pH 5.5-7.5 and contain not less than 2 % Organic Matter [OM] by weight and a salt conductivity of less than 2.5 dS/m.
3. Both imported and on-site topsoil should be tested and amended before landscape work commences on-site by the contractor or soil supplier. Modification costs should be included in the overall budget.
4. Topsoil depths shall be as follows:
 - Trees 2m x 2m x 2m soil per tree
 - shrubs 600 mm depth
 - ground covers 150 mm depth

MULCH

1. All planted beds shall be covered with a 55 mm layer of high organic low-wood content mulch.
2. Mulch should be a minimum of 10cm (4in.) from the crown of any plant. It is never to be mounded up around the stem of the plant.
3. Mulch depths should be at most 10cm (4in.) around larger plants and 5cm (2in.) for smaller plants such as groundcovers.
4. Trees installed in lawns should have a mulch ring of 1m diameter that will be maintained for a minimum of 8 years.
5. Mulch is to be of a type suitable for the material planted.

PLANTING

1. All trees shall be secured with two 75 mm diameter x 1.8 m long round poles set 1m into the ground.
2. Plants determined to be dead or dying at the end of one year from the installation date shall be replaced by the Contractor at the Contractor's expense.
3. Growing media settlement should be corrected prior to mulching.
4. Immediately after planting, trees shall be stabilized, ensuring that the tree's crown has free movement, but wind, snow loading, or human force will not disturb the buttress root system or cause the rootball to shift in the ground.
5. Trees may not need stabilization if the subsoil and growing medium are stable and can hold the rootball in place, and the rootball is solid and contained and shaped where it can resist shifting.
6. Planting debris and materials shall be removed promptly from the site.
7. Plants must be watered immediately after planting to the depth of their root systems.
8. The contractor is responsible for scheduling the delivery of plants to the site in conformance with the contract documents.
9. Plants should spend a minimal amount of time in the storage on site.

SEED

1. All grass areas shall be seed.
2. The finished grade should be smooth, firm against footprints, loose textured, and free of all stones, roots, and branches.
3. Areas with heavy compaction should have their surfaces loosened employing thorough scarification, discing, or harrowing to a minimum of 150mm (6in.) depth.
4. Slope soil away from house and level soil by dragging a 6'x6" board over area, rake the soil even, then roll over the soil three times in opposite directions until soil is firm.
5. Add a light dressing of peat moss, just as a measure to retain moisture.
6. A mix of 3 grass species is better than one species. The following grasses are known for their hardiness and have been tested for turf quality and resistance to many diseases and insects. A good basic mix would be 30% Kentucky blue, 30% perennial rye and 40% tall fescue. These do well in cool-season climates such as ours.
7. Seed should be applied at a rate of one pound per 200 square feet and spread in opposite directions.
8. After application seed should be lightly and gently raked.
9. After seeding the newly seeded area must be watered evenly, and kept moist until lawn is established.

IRRIGATION

1. All planting beds shall be irrigated with an automatic underground system with automatic rain shut-off.
2. Irrigation sleeving is to be 150mm in diameter. Schedule 40 or SDR 28.
3. Must be installed 12" below finished grade for all lateral lines and 18" below finished grade for irrigation main lines.
4. All irrigation materials and installation methods shall conform to IABC standards.
5. Irrigation within municipal rights of way shall conform to the City of Victoria requirements.
6. Backflow preventer requirements for irrigation lines shall conform to City of Victoria municipality requirements.
8. The Irrigation Contractor shall test the irrigation system and ensure that it is fully operational prior to acceptance by the owner.

WATERING

1. Plants shall be monitored for moisture at delivery and watered as necessary until planting with on-site irrigation during storage.
2. Plants and soil moisture should be monitored during the first and second growing seasons for a sufficient irrigation schedule and to ensure that the plants are healthy with the irrigation setup. If the plants are wilting or showing stress due to water, there shall be an increase in watering frequency.
3. Watering should reach the depth of the root zone.
4. Irrigation schedules may be skipped if rainfall has penetrated the full depth of the root zone.
5. Soil moisture should be maintained at 50 to 100 percent field capacity.

LANDSCAPE LIGHTING

1. Landscape lighting must adhere to the Canadian Electrical Code, British Columbia electrical and building codes, and Municipal by-laws regarding electrical, lighting, and light pollution.

PERMEABLE PAVER DETAILS

FIGURE 12.2. PERMEABLE PAVEMENT WITH FULL INFILTRATION TO SOIL SUBGRADE

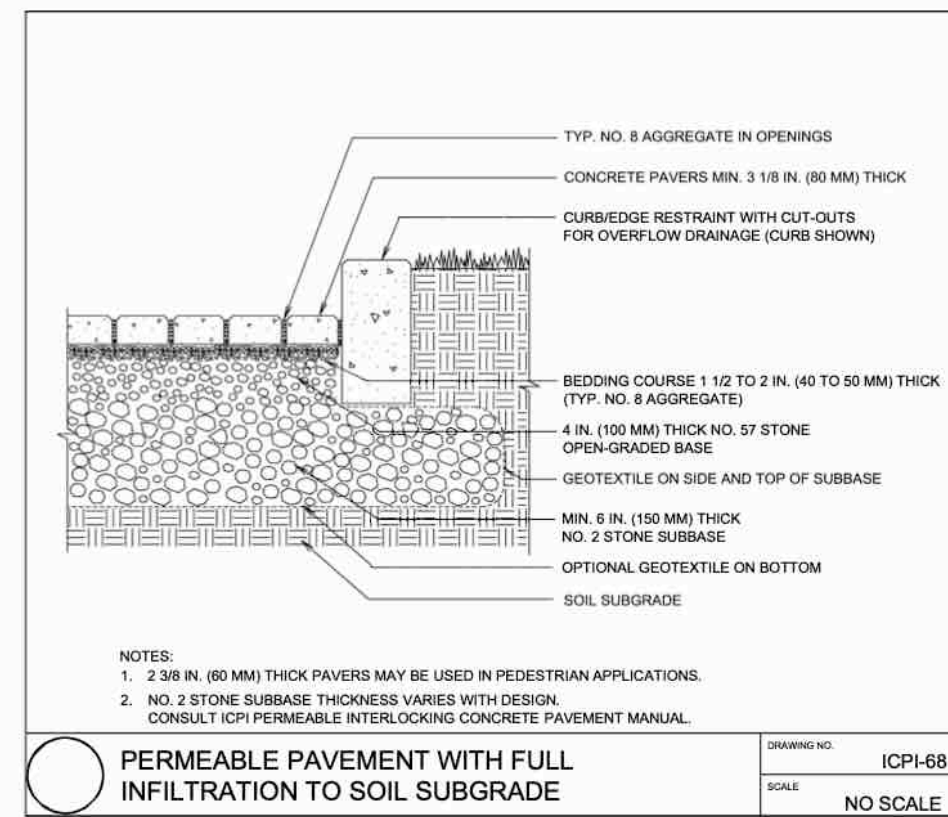


FIGURE 12.4. PERMEABLE PAVEMENT WITH NO INFILTRATION TO SOIL SUBGRADE

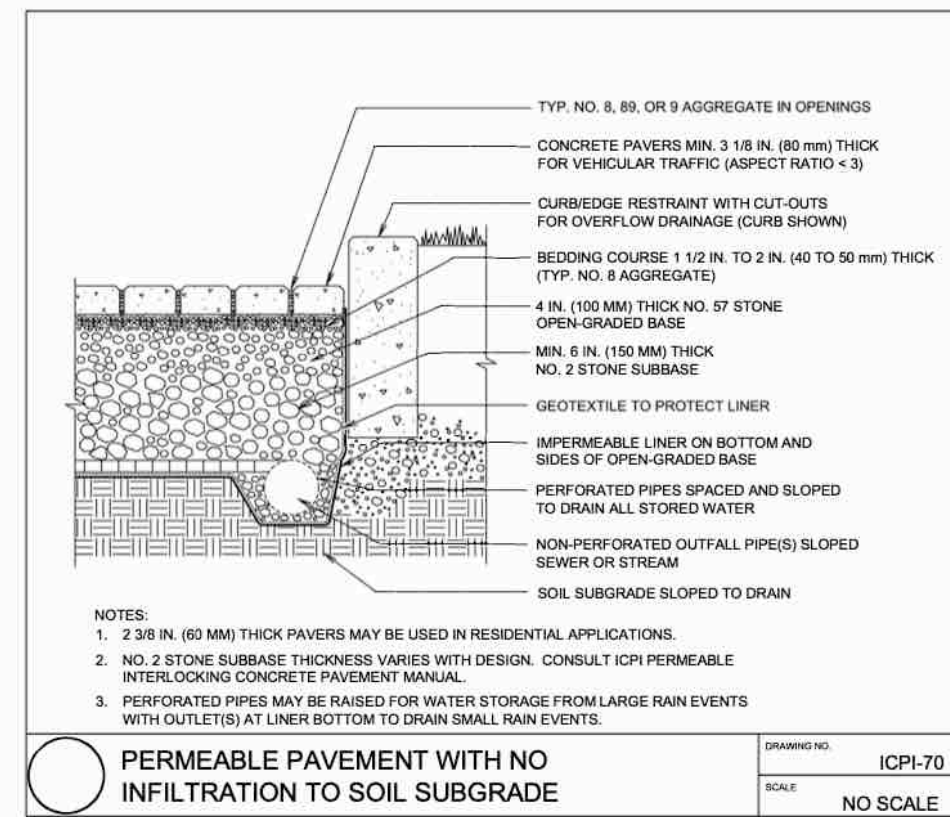
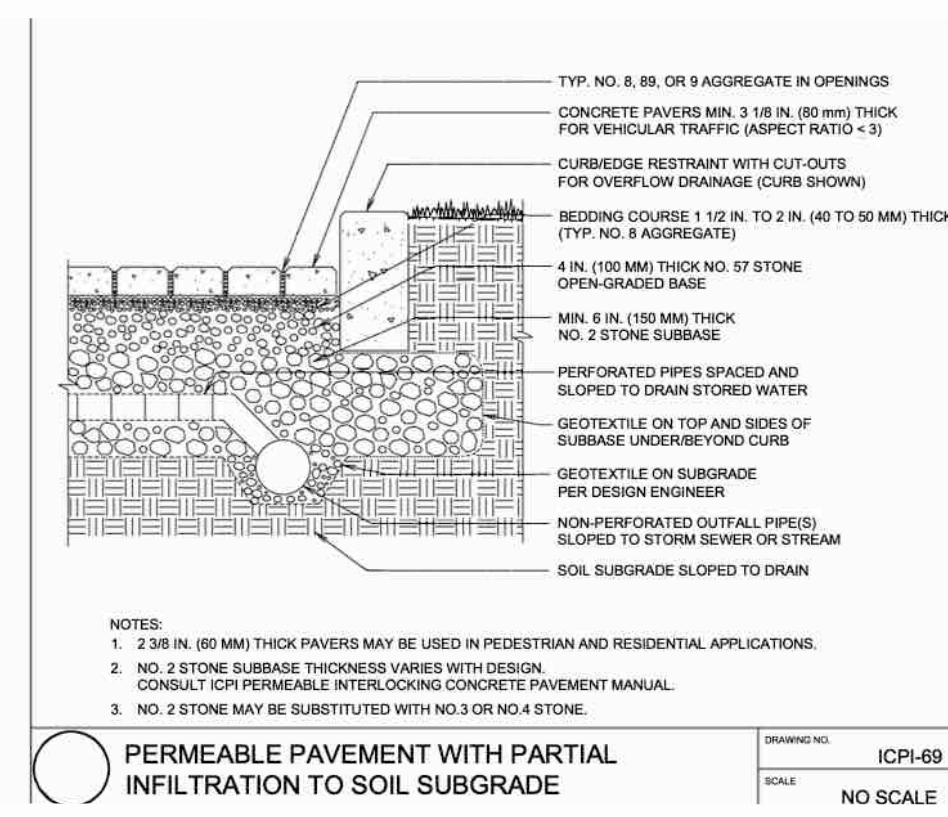
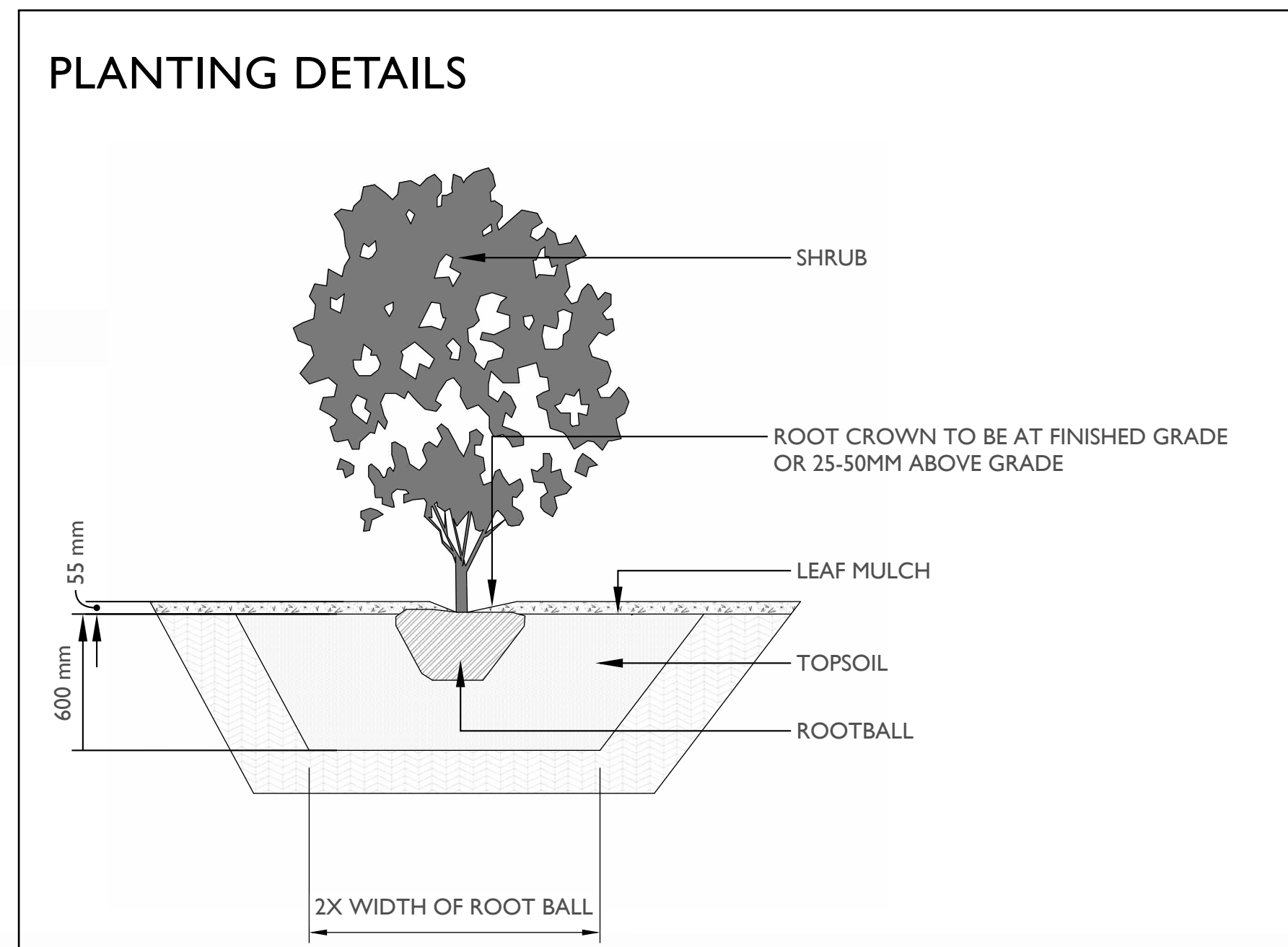


FIGURE 12.3. PERMEABLE PAVEMENT WITH PARTIAL INFILTRATION TO SOIL SUBGRADE



PLANTING DETAILS



PROJECT TITLE :
 PROPOSED LANDSCAPE CONCEPT for
 ANDREW MILLS
 1035 RUSSELL STREET, VICTORIA, BC

PAGE TITLE :
 LANDSCAPE NOTES, PAGE FOUR OF FOUR

DATE :
 NOVEMBER 16, 2022
 Revised Feb 17, 2023
 Revised DECEMBER 1, 2023
 Revised AUGUST 19, 2024



Committee of the Whole Report

For the Meeting of May 23, 2024

To: Committee of the Whole **Date:** May 9, 2024

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00844 and Development Permit with Variances Application No. 00266 for 1035 Russell Street**

RECOMMENDATION

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 9, 2024 for 1035 Russell 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. Revise the plans to provide one van accessible parking stall and adjust the proposed variances if necessary, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Revise the Tenant Assistance Plan, to the satisfaction of the Director of Sustainable Planning and Community Development, to meet expectations of the Tenant Assistance Policy, and more specifically to include:
 - i. Rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant's rent, whichever is higher.
 - ii. Relocation support for eligible tenants with at least three housing options that are comparable in size, location and price, and which meet tenant needs.
 - c. Revise the arborist report, site survey, landscape plan and civil plan to the satisfaction of the Director of Parks, Recreation and Facilities.
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. a 2.47m wide Statutory Right of Way on Russell Street.
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.

Development Permit with Variances

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. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning department and date stamped by Planning on December 1, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the side (east) setback from 4.0m to 3.01m;
 - ii. reduce the rear (south) setback from 4.0m to 1.52m;
 - iii. increase the site coverage from 50% to 53.3%;
 - iv. decrease the open site space requirement from 45% to 40.18%;
 - v. decrease the number of required visitor parking stalls from 1 to 0; and
 - vi. decrease the number of required van accessible parking stalls from 1 to 0.
 - b. Final plans generally in accordance with the plans date stamped December 1, 2023, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.
 - ii. Revised plans to the satisfaction of the Director of Engineering are required that addresses the following:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include increasing the density and permitting attached dwellings on the subject site.

Relevant Development Permit with Variance considerations include the application’s consistency with design guidelines and impact of variances.

Enabling Legislation

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 1035 Russell Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new zone based on the Missing Middle Regulations for Corner Townhouses, to permit eight ground-oriented townhouse units in a single building.

The following points were considered in assessing the Rezoning Application:

- The proposal is consistent with the Traditional Residential urban place designation in the *Official Community Plan, 2012* (OCP), which envisions residential uses in a wide range of primarily ground-oriented building forms to support a diverse, inclusive, and multigenerational community.
- The rezoning application is also consistent with the *Victoria West Neighbourhood Plan* which identifies the property as Traditional Residential and further identifies this property in the Craigflower Village Adjacent Sub-Area. Within this sub-area, a range of attached housing including ground-oriented townhouses with density up to 1.5:1 floor space ratio (FSR) is supported.
- The proposal exceeds the floor space ratio for a corner townhouse in the Missing Middle regulations resulting in the need for the application to proceed through the rezoning process.
- The proposal includes a 2.47m wide statutory right-of-way along the Russell Street frontage which contributes to achieving a standard road width and provides space for an improved sidewalk and boulevard at this location.
- The applicant has provided a Tenant Assistance Plan (TAP), however, it does not meet the expectations of the *Tenant Assistance Policy* because it fails to provide sufficient rent compensation and relocation support for eligible tenants.

There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to reducing setbacks, site coverage, and visitor and accessible parking. The following points were considered in assessing the Development Permit with Variances.

- The proposal is generally consistent with Development Permit Area 15F: Missing Middle objectives and guidelines, and with the *Victoria West Neighbourhood Plan* design guidelines in terms of visual character and siting.
- The variance to the side (east) setback is considered supportable with landscaping and fencing being added along the property line and there would be minimal overlook on the adjacent residence because it is at a higher elevation than the proposed townhouses.
- The variance to the rear (south) setback is also considered supportable due to landscaping that will be added between the building and the lot line, minimal impact of windows on the south elevation and the distance to the residence on the adjacent lot.
- The variances to the site coverage and open site space requirements are nominal and unlikely to have a noticeable impact on the street or adjacent properties.
- The variance to visitor parking is considered supportable because of the proximity to public transportation and bicycle routes and the nominal requirement for the provision of one visitor parking space.
- The variance to the van accessible parking requirement is not considered supportable because the applicant could, for example, merge two non-accessible stalls to create one van accessible stall.

BACKGROUND

Description of Proposal

This proposal is to rezone from the R-2, Two Family Dwelling District, to a new zone based on the Missing Middle Regulations, to increase the density from 0.5:1 floor space ratio (FSR) to 1.23:1 FSR and allow eight ground-oriented townhouse units in a single row fronting onto Russell Street. Parking would be located underneath the building.

The associated Development Permit with Variances is to allow the construction of one building with eight townhouses, underground parking, and landscaping. The proposed variances are related to:

- reducing the side (east) setback from 5.0m to 3.01m;
- reducing the rear (south) setback from 5.0m to 1.52m;
- increasing the site coverage from 50% to 53.3%;
- decreasing the open site space from 45% to 40.18%;
- decreasing the number of required visitor parking stalls from 1 to 0; and,
- decreasing the number of required van accessible parking stalls from 1 to 0.

Land Use Context

The subject site is one of two properties on a short section of Russell Street. Across Raynor Street to the north and adjacent to the subject site on the east and south, the area is characterized by a mix of single family and two-family dwellings. Immediately across Russell Street to the west is a restaurant and just beyond that across Craigflower Road is the Craigflower Village. Also, nearby to the north of the subject site is Victoria West Community Centre and Banfield Park.

Data Table

The following data table compares the proposal with the Missing Middle Regulations for Corner Townhouses . An asterisk is used to identify where the proposal does not meet the requirements of the Missing Middle Regulations.

Zoning Criteria	Proposal	Missing Middle Regulations – Corner Townhouse	Victoria West Neighbourhood Plan
Site area (m ²) – minimum	735.6	n/a	
Number of units – maximum	8	12	
Density (Floor Space Ratio) – maximum	1.23:1*	1.1:1 (where road dedication is provided as an amenity)	1.5:1
Total floor area (m ²) – maximum	906.54	1410	
Lot width (m) – minimum	18.29	18	
Height (m) – maximum	8.7	12	10.7
Storeys – maximum	3	n/a	3
Site coverage (%) – maximum	53.27*	50	
Open site space (%) – minimum	40.18*	45	
Number of buildings on a lot	1	1	Townhouse in a single row
Setbacks (m) – minimum			
Front - Raynor	2.23	2.0	
Front yard projections (max)	1.55	2.0	
Rear – South	1.52*	5.0	
Side (east)	3.01*	5.0	
Side on flanking street – Russell	3.4	2.0	

Zoning Criteria	Proposal	Missing Middle Regulations – Corner Townhouse	Victoria West Neighbourhood Plan
Vehicle parking – minimum	8	7	
Visitor parking included in the overall units – minimum	0*	1	
Van accessible stalls – minimum	0*	1	
Bicycle parking - long term	12	8	
Bicycle parking - short term	6	6	

Sustainable Mobility

The application proposes 12 long term bicycle parking spaces, and each residential unit will be provided with electric vehicle and e-bike charging capabilities which supports multimodal transportation.

Public Realm

The proposal includes a 2.47m wide statutory right-of-way along the Russell Street frontage which contributes to achieving a standard road width and provides space for an improved sidewalk and boulevard at this location.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on March 21, 2023. The applicant participated in a community meeting with the CALUC. A letter dated June 19, 2023, summarizing the comments from that meeting is attached to this report. Revised plans were referred to the CALUC on August 3, 2023, and December 7, 2023, but additional comments from the CALUC have not been received.

In response to the consultation the applicant moved the building closer to Russell Street to increase the distance of the building from the east lot line and the adjacent residence. A new fence and additional landscaping will also be installed to mitigate impacts to the neighbouring residence.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the zoning regulation bylaws.

Advisory Design Panel

This application was reviewed by the Advisory Design Panel (ADP) on March 27, 2024. A copy of the minutes from this meeting are attached. At that meeting, the following motion was passed:

That the following modifications are recommended for the townhouse building subject to Development Permit with Variances Application No. 00266 for 1035 Russell Street:

- *Consider moving the building away from the Russell Street lot line.*
- *Consider simplifying the design of the building.*

In response, the applicant committed to moving portions of the building further away from the sidewalk and in those locations providing additional landscaping. The applicant also committed to simplifying the design of the building. These changes would be required prior to the issuance of the Development Permit with Variances.

ANALYSIS

Rezoning Application

Official Community Plan

The *Official Community Plan* (OCP) designates the property within the Traditional Residential urban place designation, which envisions residential and accessory uses in a wide range of primarily ground-oriented building forms including single-family, duplexes, townhouses, and row-houses, house conversions, and low-rise multi-unit residential and mixed-use buildings up to three storeys in height. The proposal to allow eight ground level townhouse units is consistent with OCP objectives to encourage and expand housing options and that a wide range of housing choice be available within neighbourhoods to support a diverse, inclusive, and multigenerational community.

The proposal is subject to Development Permit Area 15F: Missing Middle Housing and is generally consistent with the objectives to integrate an eight-unit ground level townhouse development within Traditional Residential areas in a manner that is compatible with and respects the established character of the neighbourhoods.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* identifies the property as Traditional Residential and locates the property within the Craigflower Village Adjacent sub-area, which provides opportunities for development complementary to the adjacent small urban village. This sub-area envisions various housing types including townhouses in a single row with up to a maximum density of 1.5:1 FSR. The *Victoria West Neighbourhood Plan* supports units to be built close to the street and for residential development that complements the village in form, scale and design. The application, to rezone to a new zone based on the Missing Middle Regulations, is consistent with this policy direction.

Housing

The application, if approved, would add eight new market residential townhouse units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

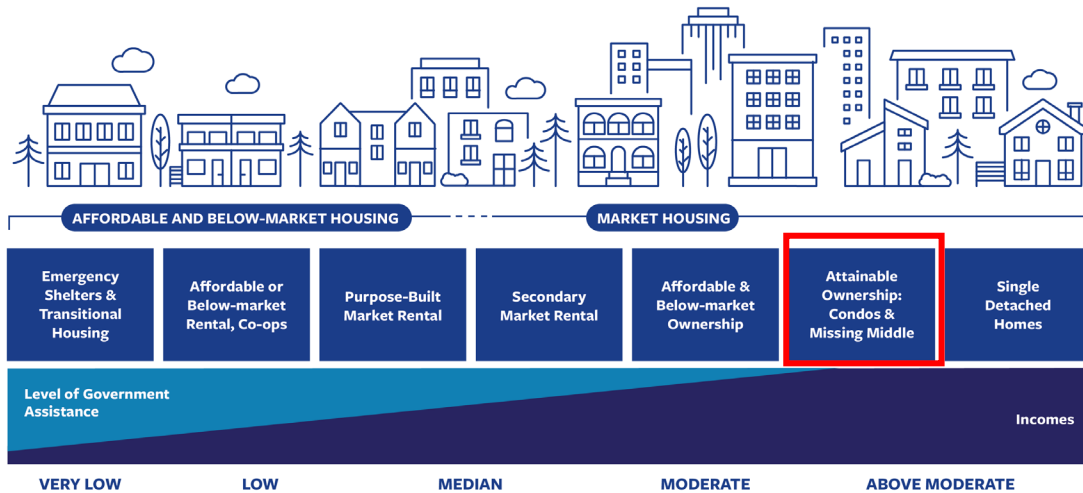


Figure 1. Housing Continuum

Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. As submitted, this application proposes eight two-bedroom townhouse units with three units being designed with the option of a third bedroom or separate studio suite on the ground floor.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of four existing two-bedroom residential rental units. The applicant has provided a Tenant Assistance Plan (TAP), however, it does not meet the expectations of the *Tenant Assistance Policy* because it fails to provide:

- rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant’s rent, whichever is higher
- relocation support for eligible tenants with at least three housing options of comparable size, location and price, and which meet tenant needs.

There is only one eligible tenant, however, the applicant has indicated they do not want to make further changes to the TAP to bring it into alignment with policy. Nevertheless, should Council choose to advance the application, the recommendation includes a condition to update the TAP to meet the policy prior to Council consideration of the zoning amendment bylaw.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The OCP identifies this property within DPA 15F: Missing Middle Housing. This proposal is consistent with these guidelines that support multi-unit residential developments that provide a sensitive transition to and complement adjacent and nearby areas with a built form of up to three storeys.

Victoria West Neighbourhood Plan

The proposal is also consistent with the design guidelines and objectives in the *Victoria West Neighbourhood Plan* for ground-oriented residential infill development with consideration for the following:

- provide a range of ground-oriented forms of housing appropriate to lot size and context;
- for townhouses oriented to the longer frontage of a corner lot, front setbacks of 2.5 metres; may be considered where sufficient green space is provided in the boulevard to support at least medium-sized canopy street trees; and
- to provide sensitive transitions to adjacent lower-scale development, considering massing, access to sunlight, appearance of buildings and landscape, and privacy.

Variances

This application is seeking variances to the front, rear and side setbacks, site coverage and the number of visitor and accessible parking stalls,

Side (east) setback

This is a variance to reduce the side setback from 4.0m to 3.01m. With the front doors of the building oriented onto Russell Street, the east side of the lot becomes the rear yard of the townhouse units.

Complying with the side (east) setback requirement is challenging given the narrow width of the lot, the provision of a 2.47m SRW for Russell Street and locating the sidewalk on the subject property. The proposed location of the building is 3.07m from the Russell Street lot line, however, the building is proposed to be less than 0.50m from the sidewalk in certain locations. Increasing the side setback would result in the building abutting the sidewalk and leaving no room for landscaping or additional space. After the Advisory Design Panel meeting, the applicant committed to modifications to the building frontage on Russell Street that would create additional space between the building and the sidewalk and in those areas installing additional landscaping.

At the rear of each townhouse unit there would be a small patio area; a new fence and landscaping are proposed for the privacy of the units and to mitigate impacts on the adjacent property. The adjacent property is at a slightly higher elevation which further limits potential negative impacts with the reduced side setback. Therefore, support for this variance is recommended.

Rear (south) Setback

This is a variance to reduce the rear setback from 4.0m to 1.52m. While this is technically the rear setback, given the orientation of the building towards Russell Street, it reads more like a side setback. The windows on the end unit townhouse on this side of the building are not large and would have minimal overlook onto the adjacent property. Landscaping and a new fence are also proposed on this side of the property which would further mitigate impacts on the adjacent property. Therefore, support for this variance is recommended.

Site Coverage and Open Site Space

With a depth of 18.29m, this property is slightly above the minimum requirement in the Missing Middle regulations. Variances are proposed to increase the maximum site coverage from 50% to 53.27% and to decrease the minimum open site space requirement from 45% to 40.18%. Given

that these variances are not significant, and that any resulting impacts would be negligible, support for these variances is recommended.

Parking (visitor)

This is a variance to reduce the number of visitor parking stalls from one to zero spaces. The site is close to a major public transit route and bicycle route and reducing the visitor space by one would have minimal impact on the proposed development or adjacent properties. Therefore, support for this variance is recommended.

Parking (accessible)

This is a variance to reduce the number of van accessible parking stalls from one to zero spaces. The application proposes a total of eight standard size parking stalls configured as two four-stall underground parking areas beneath the row of townhouses. The *Zoning Regulation Bylaw* requires the provision of seven parking stalls and one van accessible parking stall. To address this, it was requested that two standard parking stalls be merged to create one van accessible stall; however, the applicant has maintained the eight parking stalls to provide a parking stall for each dwelling unit, which does not leave space for a larger accessible stall. As an alternative, they proposed that an accessible parking stall be provided on the street immediately adjacent to the site but this would not meet the intent of the bylaw to provide accessible parking stalls on-site for residents of the development.

The accessible parking requirements were recently introduced to support housing options for people of all abilities. The property is within walking distance of the Craigflower Village and close to a major public transit route and bicycle route; therefore, a one stall parking variance to accommodate a van accessible parking stall is considered supportable. The recommendation includes the appropriate language to ensure the plans are revised to provide a van accessible stall prior to introduction of the zoning amendment bylaw.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighborhoods.

A total of eight trees have been inventoried, of which two are on municipal property. Two on-site bylaw protected trees are proposed for removal to accommodate a new driveway crossing and the proposed sidewalk on Russell Street. The *Tree Protection Bylaw* requires four replacement trees. The current proposal shows three replacement trees; therefore, the applicant will be required to pay \$2000 for cash-in-lieu towards the City's Tree Reserve Fund (\$2,000 X 1 replacement trees not planted). Four municipal trees with irrigation are proposed in a new grass boulevard on Russell Street.

CONCLUSIONS

The proposal to rezone the subject property to permit the construction of an eight-unit ground level townhouse development is consistent with the objectives found in the *Official Community Plan, 2012* and the *Victoria West Neighbourhood Plan*. The development, as proposed, would provide a transition between the residential land uses and the adjacent Craigflower Village. The rezoning and variances would allow the construction of the eight-unit townhouses that would fit in

with the surrounding neighbourhood with minimal impact. It is therefore recommended that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00844 for the property located at 1035 Russell Street.

Respectfully submitted,

Gerry Hamblin
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Plans date stamped December 1, 2023
- Attachment B: Letter from applicant to Mayor and Council dated April 25, 2024
- Attachment C: Arborist report dated December 1, 2023
- Attachment D: Community Association Land Use Committee Comments dated June 19, 2023
- Attachment E: Tenant Assistance Plan
- Attachment F: Advisory Design Panel minutes of March 27, 2024



**Council Report
For the Meeting of October 17, 2024**

To: Council **Date:** October 10, 2024
From: Curt Kingsley, City Clerk
Subject: Council Procedures Bylaw Update

RECOMMENDATION

That Council

1. Rescind third reading of Council Procedures Bylaw, Amendment Bylaw (No. 1) No., 24-074;
2. Amend Council Procedures Bylaw, Amendment Bylaw (No. 1) No., 24-074 with the amendments outlined in this report; and
3. Give third reading to Council Procedures Bylaw, Amendment Bylaw (No. 1) No. 24-074 as amended.

EXECUTIVE SUMMARY

At the October 3, 2024, Committee of the Whole, Council passed the following resolution:

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

At the October 3, 2024, Council meeting, Council gave three readings to *Council Procedures Bylaw, Amendment Bylaw (No. 1) No. 24-074* to make changes to accommodate a Council meeting calendar with additional opportunities to appear as visitors and delegations to Council.

Bylaw No. 24-074 and the October 3, 2024, Committee of the Whole Report are attached.

Amendments

If Council ratifies its October 3, 2024, Committee of the Whole resolution, amendments will be needed to Bylaw No. 24-074 to incorporate the changes. Staff therefore recommend Council make the following amendments to Council Procedures Bylaw, Amendment Bylaw (No. 1) No., 24-074:

1. Subsection 2(a) is struck and replaced with the following subsection:

‘(a) in section 15(1), by inserting new subsections “(d) Consent agenda” and “(e) Mayor’s report” after subsection 15(1)(c) and renumbering the remaining subsections accordingly.

2. A new section 2(d) is inserted with the following:

‘(d) in section 18(9)(d), by deleting “a member may speak to an agenda item for a total of 15 minutes” and replacing it with “a member’s questions and deliberations may total a maximum of 12 minutes on any agenda item.”

3. A new section 2(e) is inserted with the following:

‘(e) by repealing section 19(1) entirely and replacing it with the following:

“19(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:

(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”.

(i) In order for a motion to be added to the agenda for that meeting as a 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.

(e) 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.

4. A new section 2(h) is inserted with the following:

‘(h) in section 35(1), deleting “2:00PM” and replacing it with “4:00PM”.

5. A new section 2(j) is inserted with the following:

‘(j) in section 37(1)(c), by deleting “a member may speak to an agenda item for a total of 15 minutes” and replacing it with “a member’s questions and deliberations may total a maximum of 12 minutes on any agenda item;”

Procedure

Staff have given the required statutory public notice of the proposed amendment to the bylaw as per the *Community Charter*.

Council's Procedure Bylaw allows it to make amendments to a bylaw at any point during first, second or third reading. Given the Procedures Bylaw requires formal public notice before it can be adopted, Staff recommend Council rescind third reading before making amendments, followed by giving the bylaw third reading again, as amended. Staff would then submit Bylaw 24-074 back to Council for adoption at the October 24, 2024, Council meeting.

If Council ratifies its October 3 Committee of the Whole resolution to make further amendments to its Procedures Bylaw, staff respectfully submits the above recommendation.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments

Appendix 1_Council Procedures Bylaw, Amendment Bylaw (No. 1)

Appendix 2_October 3, 2024, Committee of the Whole Report

COUNCIL PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish the general procedures to be followed by Council and Council committees in conducting their business.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 95 and 122 to 145 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Council Procedures Bylaw, Amendment Bylaw (No. 1)”.

Amendments

- 2 The Council Procedures Bylaw No. 23-061 is amended as follows:
 - (a) in section 15(1), by inserting a new subsection (d) “Mayor’s report” after “Approval of agenda”;
 - (b) in section 15(1), by deleting the words “(maximum of 6 requests)” and replacing them with “(maximum of 15 requests)”;
 - (c) by repealing section 16(3) entirely and replacing it with the following:
 - “16(3) Council must not permit a delegation to address a meeting of the Council regarding:
 - (a) a land-use bylaw or permit that is expected to be considered by Council;
 - (b) the promotion of commercial goods or services;
 - (c) a known candidate for election, or in support of a candidate for election; or,
 - (d) active litigation affecting the City.
 - (d) in section 20(1)(a), by deleting reference to subsection (a).
 - (e) By deleting sections 21(1) and (2) entirely.

- (f) in section 36, by inserting a new subsection (d) "Mayor's report" after "Approval of agenda";

Commencement

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the **3rd** day of **October** 2024

READ A SECOND TIME the **3rd** day of **October** 2024

READ A THIRD TIME the **3rd** day of **October** 2024

ADOPTED on the day of 2024

CITY CLERK

MAYOR

Appendix 1 to CMM_Council Procedures Bylaw Update.

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)	<p>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:</p> <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 noting the reason for the time sensitivity for the matter to be 	<p>(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:</p> <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 noting the reason for 	Clarifies existing procedures for notices of motion.

Section	Current Language	Proposed Language	Rationale
	considered at that meeting.	<p>the time sensitivity for the matter to be considered at that meeting.</p> <p>(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.</p> <p>(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.</p>	
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.

NO. 24-008

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CD-20 Zone, Gorge Road East Comprehensive Development District, and to rezone land known as 133 and 129/135 Gorge Road East from the T-1 Zone, Limited Transient Accommodation District to the CD-20 Zone, Gorge Road East Comprehensive Development District

The Council of The Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1331)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 12 – Comprehensive Development Zones by adding the following words:

“12.20 CD-20 Gorge Road East Comprehensive Development District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 12.19 the provisions contained in Schedule 1 of this Bylaw.
- 4 The lands known as 133 and 129/135 Gorge Road East, legally described as
 - (a) PID: 000-584-967 LOT 1, SECTION 10, VICTORIA DISTRICT, PLAN 22973, and
 - (b) PID: 002-608-421 LOT 2, SECTION 10, VICTORIA DISTRICT, PLAN 22973

and shown hatched on the attached map, are removed from the T-1 Zone, Limited Transient Accommodation District, and placed in the CD-20 Zone, Gorge Road East Comprehensive Development District.

READ A FIRST TIME the **7th** day of **March** 2024

READ A SECOND TIME the **7th** day of **March** 2024

READ A THIRD TIME the **7th** day of **March** 2024

ADOPTED on the day of 2024

CITY CLERK

MAYOR

PART 12.20 – CD-20 ZONE, GORGE ROAD EAST COMPREHENSIVE DEVELOPMENT DISTRICT

12.20.1 General Regulations

- a. This Zone is divided into Development Areas 1 and 2, as shown on the map attached as Appendix 1.
- b. Vehicle and bicycle parking are subject to the regulations in Schedule “C”.

12.20.2 Height, Storeys

- a. Principal building height (maximum) 18.5m
- b. Storeys (maximum) 6

12.20.3 Community Amenities

- a. As a condition of additional density pursuant to Part 12.20.4 the following community amenities must be provided:
 - i. All dwelling units must be secured through a legal agreement as rental in perpetuity.

12.20.4 Floor Area, Floor Space Ratio

- a. Floor space ratio (maximum) 1.2:1
- b. Floor space ratio where the amenities have been provided pursuant to Part 12.20.3 (maximum) 2:1

12.20.5 Site Coverage, Open Site Space

- a. Site Coverage (maximum) 40.0%
- b. Open site space (minimum) 50.0%

12.20.6 Development Area 1 (DA-1)

- a. The regulations in Part 12.20.7 to 12.20.9 apply to Development Area 1 (DA-1) only.

12.20.7 Uses - DA-1

The following uses are the only uses permitted in DA-1:

- a. Multiple dwelling
- b. Home occupation subject to the regulations in Schedule “D”
- c. Accessory Buildings subject to the regulations in Schedule “F”
- d. Commercial uses:
 - i. business offices
 - ii. professional businesses
 - iii. retail stores
 - iv. restaurants

Words that are underlined see definitions in Schedule “A” of the Zoning Regulation Bylaw

PART 12.20 – CD-20 ZONE, GORGE ROAD EAST COMPREHENSIVE DEVELOPMENT DISTRICT

- v. high tech
- vi. cultural facility
- vii. personal services
- viii. medical offices

12.20.8 Siting of Permitted uses - DA-1

- a. Commercial uses must be located within the first storey of any building.

12.20.9 Setbacks, Projections - DA-1

- a. Front yard setback (minimum) 5.0m
Except for the following maximum projections into the setback:
 - Balcony 0.50m
- b. Rear yard setback (minimum) 10.0m
- c. Side yard setback from interior lot lines (minimum) 6.0m

12.20.10 Development Area 2 (DA-2)

- a. The regulations in Part 12.20.11 to 12.20.12 apply to Development Area 2 (DA-2) only.

12.20.11 Uses - DA-2

The following uses are the only uses permitted in DA-2:

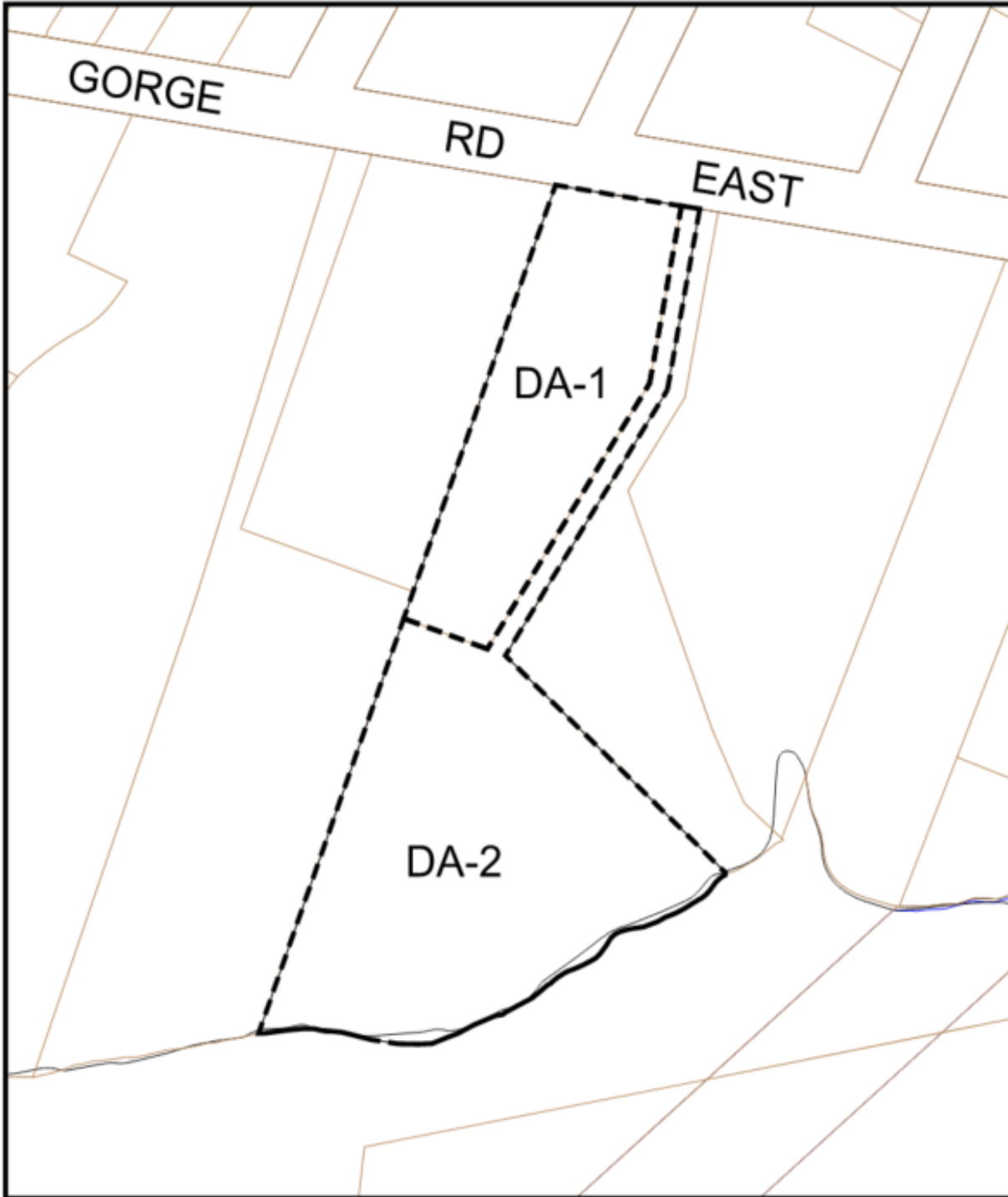
- a. Multiple dwelling
- b. Home occupation subject to the regulations in Schedule “D”
- c. Accessory Buildings subject to the regulations in Schedule “F”

PART 12.20 – CD-20 ZONE, GORGE ROAD EAST COMPREHENSIVE DEVELOPMENT DISTRICT

12.20.12 Setbacks, Projections - DA-2

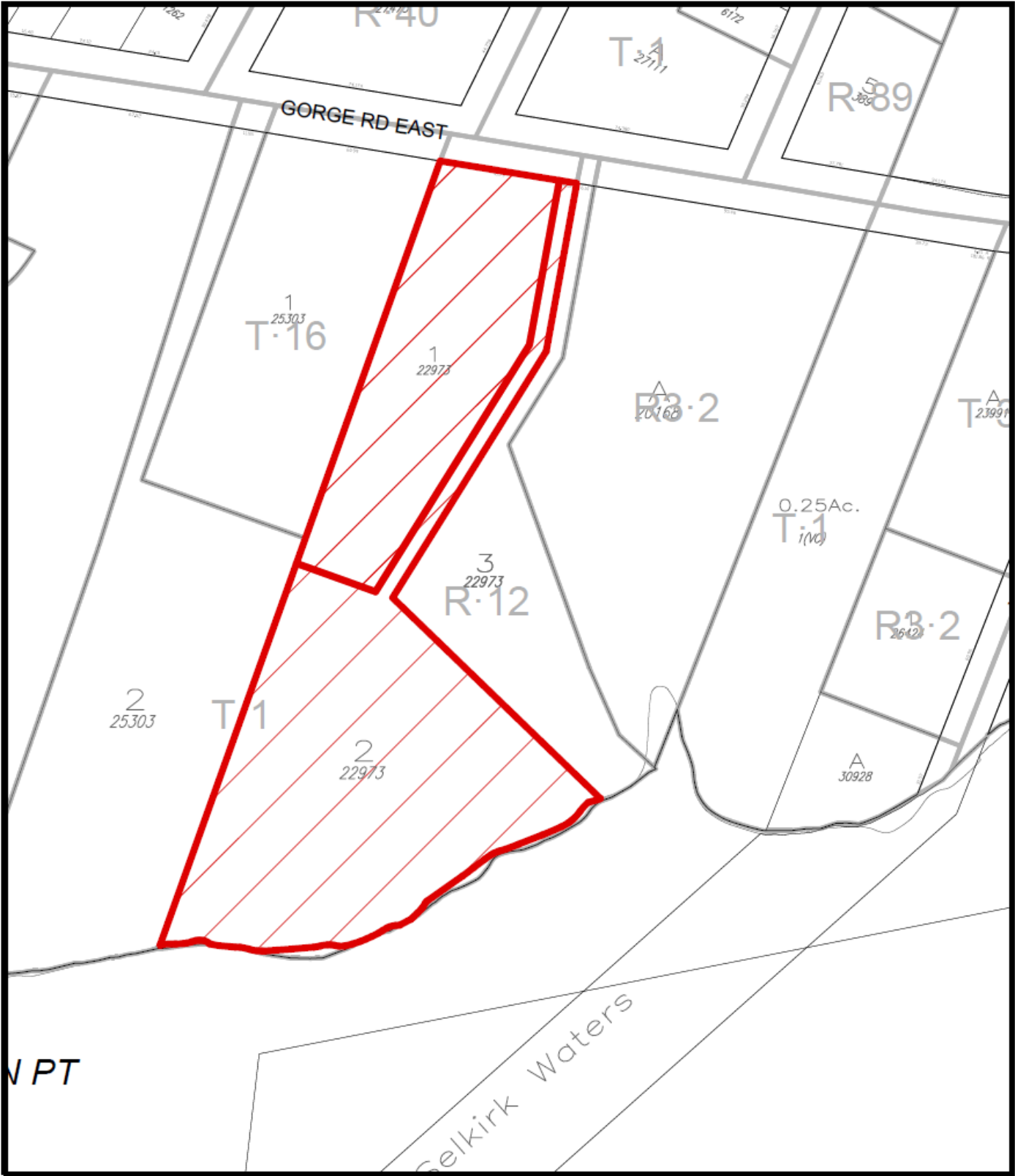
- | | |
|--|-------|
| a. <u>Front yard setback</u> (minimum) | 5.0m |
| b. <u>Rear yard setback</u> (minimum) | 15.0m |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 6.0m |

PART 12.20 – CD-20 ZONE, GORGE ROAD EAST COMPREHENSIVE DEVELOPMENT DISTRICT



Appendix 1
Development Areas
Gorge Road East
Comprehensive Development District





133 / 135 Gorge Road East
Rezoning No.00843



Schedule A

HOUSING AGREEMENT

(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

BASHA SALES CO. LTD. (INC.NO. BC1373359)
LEIBEL SALES CO. LTD. (INC.NO. BC1373352)
NEWPORT SALES CO. LTD. (INC.NO. BC0030298)
1810 – 1111 West Georgia Street
Vancouver, B.C. V6E 4M3

(the "Owner")

AND:

INTRACORP PROJECTS LTD.
600 – 550 Burrard Street
Vancouver, B.C. V6C 2B5

(the "Existing Chargeholder")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with civic addresses of 133 and 135 Gorge Road East, Victoria, B.C. and legally described as:

PID: 000-584-967
Lot 1 Section 10 Victoria District Plan 22973, and

PID: 002-608-421
Lot 2 Section 10 Victoria District Plan 22973

(collectively, the "Lands").

- D. The Owner has applied to the City to rezone the Lands to permit approximately four

hundred and eighty-eight (488) housing units within the Development in accordance with this Agreement.

- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" means the new one hundred and seventy-eight (178) unit building in Phase 1 and the new approximately three hundred and ten (310) units across four (4) buildings in Phase 2, all of which consists of residential housing and related facilities;

"**Dwelling Units**" means any or all, as the context may require, of the 178 self-contained residential dwelling units within Phase 1 and the approximately 310 self-contained residential dwelling units within Phase 2 and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"**Phase 1**" means the development of 133 Gorge Road East (PID: 000-584-967; Lot 1 Section 10 Victoria District Plan 22973) as a result of the Rezoning Bylaw;

"**Phase 2**" means the development of 135 Gorge Road East (PID: 002-608-421; Lot 2 Section 10 Victoria District Plan 22973) as a result of the Rezoning Bylaw;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or

- (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"Rezoning Bylaw" means Zoning Regulation Bylaw, Amendment Bylaw (No. 1331), No. 24-008;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any

reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

5.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 LIABILITY

6.1 The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

7.0 PRIORITY AGREEMENT

7.1 The Existing Chargeholder, as the registered holder of charges by way of mortgages against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CB704965 and CB1206607, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

8.0 GENERAL PROVISIONS

8.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
 #1 Centennial Square
 Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and Community Development
 Fax: 250-361-0386
 Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

Belmont Properties
 1810 – 1111 West Georgia Street
 Vancouver, B.C. V6E 4M3

Attention: Susan Williams
 Fax: 604-736-2386
 Email: susan@belmontproperties.ca

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

8.2 TIME. Time is of the essence of this Agreement.

8.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

8.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

8.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

8.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders

and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

- 8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

NEWPORT SALES CO. LTD.)
by its authorized signatory(ies):)

)

Print Name: Adam Golden)

Print Name: _____)

Date signed: 6/6/24)

INTRACORP PROJECTS LTD.)
by its authorized signatory(ies):)

Print Name: _____)

Print Name: _____)

Date signed: _____)

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NEWPORT SALES CO. LTD.
by its authorized signatory(ies):

Print Name: _____

Print Name: _____

Date signed: _____

INTRACORP PROJECTS LTD.
by its authorized signatory(ies):



Print Name: Mr ALICIA BELL

Print Name: _____

Date signed: JUNE 10, 2024