

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 13, 2025**

For the Council meeting of April 3, 2025, the Committee recommends the following:

G. LAND USE MATTERS

G.1 3106 Washington Avenue: Rezoning Application No. 00856, Development Permit with Variances No. 00289 and Development Variance Permit No. 00290 (Burnside)

Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated February 27, 2025 for the property located at 3106 Washington Ave.
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 Arborist Impact Assessment and Root Mapping report for the Sequoia #201 to include:
 - i. Confirm the line of excavation with measurements from the tree and proposed building and provide details on shoring techniques to be used to ensure retention of the tree.
 - ii. Additional information on pruning impacts including photos and anticipated building clearance that can be provided.
 - b. Revise the long-term bicycle parking for compliance with Schedule C – Off Street Parking Regulations
 - c. Securing the provision of four carshare memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
3. That prior to subdivision of the lot, the applicant dedicate as highway pursuant to section 107 of the *Land Title Act* a 1.38m right-of-way along Washington Avenue to the satisfaction of the Director of Engineering and Public Works.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variances (Panhandle Lot)

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

1. That subject to the adoption of the necessary *Zoning Regulation Bylaw*, Council authorize the issuance of Development Permit with Variances No. 00289 for 3106 Washington Avenue for the subdivision of the panhandle lot and subsequent construction of four single family dwellings with secondary suites, in accordance with plans submitted to the Planning and Development department and date stamped by Planning on February 6, 2025, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the number of buildings (not including accessory buildings) permitted on the lot from one to four
 - ii. reduce the minimum front yard setback from 7.50m to 2.79m
 - iii. reduce the minimum rear yard setback from 7.50m to 1.52m
 - iv. reduce the minimum south side yard setback from 7.5m to 2.42m
 - v. reduce the separation space between the accessory building and primary structures from 2.4m to 1.19m
 - vi. locate the accessory buildings in the side yard.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Development Variance Permit Application

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

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Variance Permit No. 00290 for 3106 Washington Avenue for the subdivision of the lot, in accordance with plans dated February 6, 2025, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the north rear yard setback for Lot B, as identified on the plans from 1.95m to 0.8m.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

H. STAFF REPORTS

H.2 Sheltering in Parks and the Parks Regulation Bylaw

That Council instruct the City Solicitor to bring forward the necessary bylaw amendments to the *Parks Regulation Bylaw* to:

- a. replace the definition of “homeless person” with “person experiencing homelessness” that better conforms to recent court decisions,
- b. define “temporary overnight shelter” to expressly limit it, in accordance with court decisions, to overhead protection used by persons experiencing homelessness to prevent exposure to the elements,

- c. clarify the existing regulations related to temporary overnight sheltering by persons experiencing homelessness,
- d. increase the distance between playgrounds and locations of temporary overnight shelters from 8 metres to 15 metres,
- e. expressly prohibit sheltering in all parks, except in the limited circumstances as directed by court decisions in the following parks:
 - i. Alexander Park,
 - ii. Alston Green,
 - iii. Banfield Park,
 - iv. Barnard Park,
 - v. Begbie Green,
 - vi. Begbie Parkway,
 - vii. Blackwood Green,
 - viii. Bushby Park,
 - ix. Chapman Park,
 - x. Charles Redfern Park,
 - xi. Clawthorpe Avenue Park,
 - xii. Clover Point,
 - xiii. Ernest Todd Park,
 - xiv. Fisherman's Wharf Park,
 - xv. Gonzales Beach Park,
 - xvi. Gower Park,
 - xvii. Holland Point Park,
 - xviii. Jackson Street Park,
 - xix. Johnson Street Green,
 - xx. Lime Bay Park,
 - xxi. Mary Street Park,
 - xxii. Mayfair Green/Tolmie Park,
 - xxiii. Oaklands Park,
 - xxiv. Olive Street Green,
 - xxv. Oswald Park,
 - xxvi. Pemberton Park,
 - xxvii. Redfern Park,
 - xxviii. Rupert Terrace Green,
 - xxix. Scurah Green,
 - xxx. Selkirk Green,
 - xxxi. Shelbourne Green,
 - xxxii. Sitkum Park,
 - xxxiii. Songhees Hillside Park, and
 - xxxiv. William Stevenson Memorial Park
- f. expressly prohibit any local government or public authority from directing any person experiencing homelessness to shelter in a park or transferring or transporting any person experiencing homelessness or at risk of homelessness to Victoria without first securing for them accessible shelter or housing.

J. NEW BUSINESS

J.1 Council Member Motion: Mitigating the Impacts of the Projected Multi-Year Interrupted Service to Victoria’s Aquatics and Wellness Centre

That, following the finalization of the Crystal Pool replacement project loan authorization bylaw and the decision on the location of the future facility,

1. Council directs staff, or Council members who are members of the Victoria Regional Transit Commission (VRTC), to advocate to the VRTC to consider options to alter transit routes, on a temporary basis, to accommodate current Crystal Pool users during periods of interrupted facility services.
2. Council directs staff to work with the staff from Esquimalt, Oak Bay, and Saanich to coordinate ways of mitigating the impacts on regional recreation centres of the Crystal Pool closure, and ensuring that Victorians have access to regional aquatics facilities throughout the redevelopment project.
3. Council directs the Mayor to advocate to Uvic to consider re-opening McKinnon Pool at least until the new Crystal Pool is completed, to accommodate the need for access to aquatic facilities from displaced Crystal Pool users.
4. Council directs staff to reach out to the operators of Victoria-based hotels with large pool amenities to discuss the possibility of increasing public access to one or more privately owned pools during periods of interrupted service at the Crystal Pool.

J.2 Council Member Motion: Advocacy to the Province to Modify Amenity Cost Charge Policy to Better Support Affordable Housing

That Council directs the Mayor to advocate to relevant provincial Ministries and MLAs, without slowing down or otherwise affecting the adoption of any City bylaws related to the Official Community Plan updating process, to request:

1. either amendments to the provincial Amenity Cost Charge (ACC) policy that would allow ACCs to be used to support non-predetermined affordable housing projects, for instance via the City’s Housing Reserve Fund, or the creation of an alternate cost charge tool that could be used to invest in affordable housing;
2. any additional minor amendments to the ACC policy, identified by staff and the Mayor, that would advance the City’s strategic interests; and
3. Soliciting co-signatories from across the Province