

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD JUNE 14, 2018**

For the Council Meeting of June 14, 2018, the Committee recommends the following:

1. **1418 Lang Street - Rezoning Application No. 00630, Development Permit with Variances Application, and Development Variance Permit Application (Oaklands)**  
***Application to subdivide the property and construct a new small lot house.***

**Rezoning Application No. 00630 for 1418 Lang Street**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00630 for 1418 Lang Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.

**Development Permit with Variances and Development Variance Permit Application for 1418 Lang Street**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00630, if it is approved, consider the following motions:

1. "That Council authorize the issuance of a Development Permit with Variances Application for the north portion of 1418 Lang Street (new house), in accordance with:
  - a. Plans date stamped April 23, 2018.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. reduce the front yard setback from 6.0m to 1.98m
    - ii. reduce the rear yard setback from 6.0m to 2.07m
    - iii. permit a roof deck
  - c. The Development Permit lapsing two years from the date of this resolution."
2. "That Council authorize the issuance of a Development Variance Permit Application for the south portion of 1418 Lang Street (existing house), in accordance with:
  - a. Plans date stamped April 23, 2018.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. reduce the rear yard setback from 6.0m to 2.51m
  - c. The Development Permit lapsing two years from the date of this resolution."

2. **1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Earl's Restaurant, located at 1199 Government Street to change hours from 9:00 am to 12:00 am, Sunday through Thursday and 9:00 am until 1:00 am, Friday and Saturday to 9:00 am to 1:00 am, Sunday through Thursday, and 9:00 am until 2:00 am Friday and Saturday.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered. Consideration of the application with respect to potential to generate noise related issues has not resulted in specific concerns associated to the operator or the change in hours.

- b. If the application is approved, the net impact on the community is expected to be positive economically as the approval supports the request of the business and presumably their long term viability as a local business and employer.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application and one letter from the Downtown Victoria Residents Association expressing neutrality. No letters were received in opposition.
- d. Council recommends support for approval to change the hours of operation for the licensee.

3. **210 Gorge Road East - Rezoning and Development Permit with Variances Application No. 00076 (Burnside)**

***Application to allow a six-storey multi-unit residential building.***

**Rezoning Application No. 00620 for 210 Gorge Road East**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 4.91m on Gorge Road East
  - b. Housing Agreement to ensure that the residential dwelling units would remain as rental and affordable for in perpetuity.
2. Following consideration of Rezoning Application No. 00620, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, to the satisfaction of the City staff.
3. The applicant complete exploratory digging around the Horse chestnut tree at the south west corner of the site to the satisfaction of City Staff in order to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.
4. That a shadow study be provided as a condition of advancing the application to a public hearing.

**Development Permit with Variances Application No. 00076 for 210 Gorge Road East**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped February 14, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the required number of parking spaces from 90 to 24.
3. The Development Permit lapsing two years from the date of this resolution.
4. The applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff.
5. The applicant provide two bikes and bike share parking spaces onsite to the satisfaction of City Staff.
6. A covenant to ensure that no more than 32 supportive housing units are within the project.”

4. **2732 Doncaster Drive - Rezoning Application No. 00635, Development Permit with Variances Application No. 00072, and Associated Official Community Plan Amendment (Oaklands)**

***Application to amend the Urban Place Designation from Traditional Residential to Urban Residential and rezone the property from the R1-B Zone, Single Family Dwelling District, to the R3-A1 Zone, Low Profile Multiple Dwelling District, in order to permit the construction of an eleven unit, multi-unit residential building.***

**Rezoning Application No. 00635 for 2732 Doncaster Drive and associated Official Community Plan Amendment**

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00635 for 2732 Doncaster Drive, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of a Housing Agreement to secure all units as rental housing for 25 years, executed by the applicant, to the satisfaction of City Staff.
2. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
3. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
4. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

**Development Permit with Variances Application No. 00072 for 2732 Doncaster Drive**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00635, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00072 for 2732 Doncaster Drive, in accordance with:

1. Plans date stamped May 17, 2018.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the site area from 920.0m<sup>2</sup> to 638.70m<sup>2</sup>
  - b. reduce the dwelling unit floor area from 33.0m<sup>2</sup> to 28.40m<sup>2</sup>
  - c. reduce the front yard setback from 7.50m to 4.50m
  - d. reduce the south side yard setback from 4.75m to 1.70m
  - e. reduce the north side yard setback from 4.75m to 4.0m
  - f. reduce the open site space from 30.0% to 22.22%
  - g. reduce the number of vehicle parking stalls from 12 to 8
3. The Development Permit lapsing two years from the date of this resolution.”

**5. 1622-1628 Store Street - Development Permit with Variances Application No. 00068 (Downtown)**

***Application to construct a seven-storey residential building with ground-floor commercial.***

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the height from 15m to 18.00m
  - ii. increase the interior floor area access length from 4.5m to 6.5m
  - iii. allow residential uses below the second storey.
3. Registration of legal agreements on the property’s title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.
5. That notification be included in a newspaper ad.
6. Reconsideration of the colour of the metal panels on the west side of the building to provide a more contextual response to the colour pallet of Old Town.

**6. Park Furnishings Dedication Program**

That Council:

1. Approve amendment of the Recreation Fee Bylaw to include the Park Furnishing Dedication Program and fee schedule;
2. Direct staff to bring forth amendment to the Reserve Fund Bylaw and the Reserve Fund Policy to create a new reserve fund for Park Furnishing Dedication; and,
3. Authorize the Mayor and City Clerk to execute an agreement with the Parks and Recreation Foundation of Victoria to administer the program with all terms to the satisfaction of the City Solicitor.

**7. Capital City Station Bus Depot and BC Transit Downtown Terminal Pilot Project – Update**

That Council:

1. Conclude the 18-month trial, maintain the current configuration of Capital City Station for the next four years beyond the current term ending September 30, 2018, and continue to monitor and assess performance, as appropriate.
2. Maintain the current BC Transit turnaround/layover configuration at Government/Superior, and continue to monitor and assess performance, as appropriate.

**8. Ship Point Pier Repairs**

That Council:

1. Direct staff to proceed with detailed design and construction of repairs required to re-open the closed portion of Ship Point Pier.
2. Reallocate \$1.21 million for the structural repairs at Ship Point Pier from the Belleville Street Complete Streets project.
3. Authorize the Mayor and City Clerk to execute, on behalf of the City, an agreement with the Greater Victoria Harbour Authority (GVHA), on the terms acceptable to the Director of Engineering and Public Works and in a form satisfactory to the City Solicitor, to allow joint tender and repair work of the City's portion of pier in conjunction with GVHA repairs of their portion of the pier.

**9. Amendments to the Animal Responsibility Bylaw**

That Council give three readings to the Animal Responsibility Bylaw Amendment Bylaw (No. 1) Bylaw No. 18-077.

**10. Fairfield Plaza**

1. That Council direct staff to work with the community to find a suitable compromise between the current proposed land use designation in the draft Fairfield Plan and the current proposal in the Fairfield Plaza Group Collaborative Community Plan and to develop site specific guidelines and a regulatory framework to achieve a form of development for this site that would:
  - a. Achieve the type of commercial development that is similar to the small scale shops and services that currently exist on the site.
  - b. Ensure transition from the site to the surrounding neighbourhood which is to retain largely the same look and feel as it currently does.
  - c. Take into consideration the site specific issues that exist relative to soil stability and seismic amplification potential.
2. That staff and the community participate in a session with a skilled, third party facilitator to have the conversations laid out in #1.

**11. Process Improvements for Development Process**

1. That Council direct staff to report back to Council with a proposed amendment to the CALUC process that requires an initial meeting between the developer, the community, and city staff. The meeting would be facilitated by a neutral, third party facilitator with experience in bringing together disparate and diverse points of view.
2. That staff report back to Council on the appropriate threshold for requiring such a meeting to ensure that this is not an added, unnecessary step for most developments. Criteria might include a rezoning that increases density a certain percentage over the existing zoning or changes to the OCP.
3. That staff report back to Council on the budget implications of this proposal and suggest potential funding mechanisms for the mailout costs to be covered by the city.
4. Engage with CALUCs on this proposal.

**12. Affordable Housing Units Through Community Amenity Contribution Policy**

That Council direct staff to ensure that the new CAC/Inclusionary Housing Policy is structured in such a way as to deliver, by 2026, at least 800 units of affordable housing that rent at between \$500 and \$875 per month and at least 450 units of affordable rental housing for families that rent at between \$875 and \$1375 per month.