

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JANUARY 28, 2021

For the Council meeting of February 4, 2021, the Committee recommends the following:

E.3 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736 (James Bay)

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell 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 Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
 - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

D.1 1140 Government Street: Application for a Structural Change to increase the Occupant Load for the Churchill's Liquor Primary License (Downtown)

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

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of The Churchill located at 1140 Government Street to increase the occupant load from 90 to 144 people with no change to hours of operation which are 11:00 am to 1:00 am Monday to Saturday and 11:00 am to 12:00 am Sunday.

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 in relation to the request, and assumptions are that the noise impacts would be negligible as the increased occupant load affects interior space only and the establishment has a reputation of responsible operation. The requested hours of operation in conjunction with the proposed occupant load are not expected to result in negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
- c. The views of residents were solicited via a mail-out which included 587 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice was posted at the property. The City did not receive any correspondence in reply to the public notification.
- d. Council recommends the license endorsements be approved.

D.2 Parks Regulation Bylaw Amendments - Mitigating the Impacts of Sheltering - Maps

That Council direct staff to prepare the following amendments to Section 16A of the Parks Regulation Bylaw;

1. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards, and
2. Add Central Park to the list of parks where sheltering is prohibited.

E.1 1475 Fort Street: Update on Development Permit with Variances Application No. 00120 (Rockland)

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure rental tenure of the dwelling units in perpetuity while allowing all or a portion of the dwelling units to be leased to a third party housing provider for non-market housing, to the satisfaction of the Director of Sustainable Planning and Community Development

- b. A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development
- c. A section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street, to the satisfaction of the Director of Engineering and Public Works.
- d. An agreement to secure sixteen car share memberships, to the satisfaction of the Director of Engineering and Public Works

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 with Variance Application No. 00120 for 1475 Fort Street, in accordance with:

1. Plans date stamped October 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);
 - vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped October 19, 2020 with the following revisions:
 - i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution.”

E.2 496 and 498 Cecelia Road and 3130 Jutland Road: Rezoning Application No. 00655 and OCP amendment and Development Permit Application No. 000532 (Burnside)

Rezoning application no. 000532

1. 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. 00655 for 496 and 498 Cecelia Road and 3130 Jutland Road and 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:
 - a. Preparation and execution of the appropriate legal agreements to secure the following:
 - i. that the 88 dwelling units would remain below-market rental for 60 years in accordance with BC Housing's Community Housing Fund program requirements to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor;
 - ii. that a minimum of 26 two-bedroom and 20 three-bedroom dwelling units are provided in the development to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iii. provide a daycare on-site for a minimum of 15 years to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iv. construction and maintenance of a 1290m² plaza in accordance with the landscape plans dated December 11, 2020 to the satisfaction of the Director of Sustainable Planning and Community Development;
 - v. public access of the plaza area to the satisfaction of the Director of Sustainable Planning and Community Development;
 - vii. Statutory Right-of-Way on 496 and 498 Cecelia Road to allow for a portion of the sidewalk to be on site to mitigate impacts on an existing London Plane tree.
 - b. That the applicant provide road dedication of 1.38m on Cecelia Road for boulevard and sidewalk improvements at the time of subdivision to the satisfaction of the Director of Engineering and Public Works.
 - c. 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.
 - d. 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.

- e. 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.
- f. That Council give first reading to the Official Community Plan Amendment Bylaw.
- g. 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.
- h. That Council give second reading to the Official Community Plan Amendment Bylaw.
- i. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit Application No. 000532

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. 00655, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000532 for 496 and 498 Cecelia Road and 3130 Jutland Road, in accordance with:

- 1. Plans date stamped December 17, 2020.
- 2. The applicant provide further details on how the fibre cement panels are fastened to the building to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. The Development Permit lapsing two years from the date of this resolution.”

E.4 1035 Joan Crescent: Update on Development Permit with Variance Application No. 00129 (Rockland)

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 with Variance Application No. 00129 for 1035 Joan Crescent, in accordance with:

- 1. Plans date stamped September 29, 2020.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
reduce the front yard setback from 10.50 metres to 3.22 metres.
 - i. reduce the front yard setback from 10.50 metres to 3.22 metres.
3. The Development Permit lapsing two years from the date of this resolution.”

F.1 My Great Neighbourhood Grant 2020 Program Summary

That Council approves the following:

1. Continue accepting applications for the interim category of *Community Recovery & Resiliency* to be funded from the regular funding stream
2. Continue with a rolling intake giving the City Manager the decision-making power to approve the grants following the internal adjudication process, and
3. Accept proposed language changes to the grant policy
4. Direct staff to return to Council with current information on existing Arts and Culture grant policies.

F.2 2020 Everyday Creativity Grant Update

That Council receive this report for information.