

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 11, 2021

For the Council meeting of March 18, 2021, the Committee recommends the following:

G.2 161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

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 Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

G.3 540 Dallas Road: Development Variance Permit Application No. 00251 (James Bay)

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 Variance Permit Application No. 00251 for 540 Dallas Road in accordance with:

1. Plans date stamped November 12, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the maximum site coverage from 40.0% to 44.15%;
 - ii. reduce the minimum open site space from 60.0% to 46.7%.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

G.4 123/125 Government Street: Development Variance Permit Application No. 00252 (James Bay)

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 Variance Permit Application No. 00252 for 123/125 Government Street in accordance with:

1. Plans date stamped October 2, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the required parking from two stalls to one stall;
 - ii. Reduce the setback requirement for a lower storey window on the side elevation (south) from 3.0 m to 2.4 m.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

G.5 506 and 514 Government Street: Request to Modify Covenants CA3641378 and CA3641382 (James Bay)

That Council authorize City Legal staff to modify Covenants CA3641378 and CA3641382 to remove clauses concerning the heritage restoration of 506 and 514 Government Street.

H.1 Fire Prevention and Regulation Bylaw and False Alarms Bylaw Update

That Council:

1. Direct staff to bring forward amendments, as outlined in this report, to the Fire Prevention and Regulation Bylaw No. 14-100, including consolidation of Smoke Alarm Bylaw 92-108 and,
2. Direct staff to bring forward amendments, as outlined in this report, to the False Alarms Bylaw No. 10-073.

G.1 749-767 Douglas Street: Rezoning Application No. 00746, Associated OCP Amendment, and Development Permit with Variances Application No. 000155 (Downtown)

Rezoning Application No. 00746 and Associated OCP Amendment.

1. Council, having put their minds to the OCP Amendment considerations outlined in Alternate Motion 1 of the staff report dated February 25 2021 and that subject to resolution of outstanding site servicing, tree preservation and tree replacement issues, the removal of the digital screen and that subject to extending the Humboldt Street Plaza Street to Penwill Street and adding a water/play feature to the satisfaction of City staff, 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(s) that would authorize the proposed development outlined in Rezoning Application No.00746 for 749-767 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Preparation of legal agreements, executed by the applicant, in a form to the satisfaction of the City Solicitor to secure:
 - i. a statutory right-of-way along Humboldt Street to accommodate public vehicle turn-around movements;
 - ii. off-site public furniture maintenance agreement to secure the ongoing maintenance of unique street furniture over a period of ten years;
 - iii. a statutory right-of-way along Douglas street to include the seating and weather protection and the building face;
 - iv. a statutory right-of-way to secure the through block access path proposed along the easter property boundary;
 - v. public realm improvements as indicated on the plans dated December 4, 2020 and the extension of the Humboldt Street Plaza to Penwill Street along with a water / play feature;
 - vi. sustainability and active transportation features identified in the staff report and as committed to by the applicant, including provision of a minimum of 94 BC Transit EcoPasses for a three-year period;
 - vii. a commitment to achieve Step Code 3 of the British Columbia Building Code.
 - viii. A commitment to ensuring community use space in the building.
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.
9. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - i. anchor-pinning in the City Right-Of-Way.
10. That council request the applicant provide detailed explanation of how they are planning to ensure bird-friendly design;
11. That Council request that the application lower the north facing sign to mitigate intrusion into the Douglas Street view corridor.

Development Permit with Variances Application No. 000155

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.00746, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000155 for 749-767 Douglas Street, in accordance with:

1. Plans date stamped December 4, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the interior south west setback from 4.5m to 0m;
 - ii. Reduce the interior south east side yard setback from 4.5m to 4.0m
 - iii. Increase the height to 53m;
 - iv. Relax the requirement for a 1:5 setback ratio from Douglas Street and Humboldt Street
 - v. Reduce the required number of vehicle parking stalls from 221 to 127.
3. The Development Permit lapsing two years from the date of this resolution.”

J.1 Council Member Motion: Mental Health and Addiction Services

Council writes to Island Health, the BC Ministry of Health, the Ministry of Mental Health and Addictions and the BC Solicitor General to request:

1. Island Health Security be given “Special Constable Status” to take custody of patients apprehended under the Mental Health Act on arrival at hospital, subject to

- such security staff completing training equivalent to that provided to Victoria Police Department special constables, including trauma informed care training.
2. Island Health assume responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody as required.
 3. Island Health finds alternative ways to return patients home following mandated mental health and/or addiction treatment.

J.2 Council Member Motion: Streets and Traffic Bylaw

Council directs staff to report back on the implications of vehicles violating the bylaw and provide council with suggestions to manage the issue, in a manner consistent with the Provincial Health Officer's advice in the letter dated June 8, 2020 and in the BC Centre for Disease Control's accompanying *Response to Homeless Encampment Health Issues in the Context of COVID-19: Guidelines and Best Practices*, dated June 8, 2020, including the advice that:

1. "Local governments should consider short-term policy adjustments to the enforcement of local bylaws regarding overnight sheltering or camping in public parks or elsewhere, as well as overnight parking bylaws that prevent people from parking in vehicles or RVs overnight on public streets" (p. 6); and
2. "People experiencing homelessness have rights like all citizens, including privacy, safety, property, the right to live without threat, harassment, and fear of violence and the right to not be libeled. Public communications should be developed carefully to ensure that these rights are protected even as local governments seek to explain their objectives and approach." (p. 2)

H.2 Curbside Yard Waste Collection

That Council direct staff to:

1. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable curbside comingled organics (kitchen scraps and yard waste) collection.
2. Initiate service changes and user outreach to transition from backyard to curbside garbage and comingled organics collection.