

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 6, 2021

For the Council meeting of May 13, 2021, the Committee recommends the following:

E.4 819-823 and 825/827 Fort Street: Development Permit with Variance No. 00169 (Fairfield)

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. 00169 for 819-823 and 825/827 Fort Street, in accordance with:

1. Plans date stamped March 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking from 80 stalls to 57 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

F.3 First Nations Participation in Climate Change Adaptation Planning

That Council:

1. Approve the Community Chapter of the Climate Change Adaption Plan, and the associated Climate Action Working Group as a designated project that would benefit from First Nations input and participation.
2. Confirm that First Nations participation in this project be eligible for remuneration per the City’s Committee Remuneration Policy.
3. Waive the requirement in Section D of the City’s Committee Remuneration Policy for specific individuals to be appointed by Council and authorize staff to work with both the Songhees and Esquimalt First Nations to select suitable participants for the City’s Climate Action Working Group.

H.3 Council Member Motion: Adjustment for Honouraria for Seniors' Task Force

That Council authorize a one-time allocation of \$1380 from the 2021 contingency to the Seniors’ Task Force budget, to provide honouraria in recognition of the contribution of Indigenous elders to the work of the City of Victoria Seniors’ Task Force, consistent with the City of Victoria’s Committee Remuneration Policy.

E.1 1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variances Application No. 00146 (Fairfield)

Rezoning Application No. 00734

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00734 for 1120, 1124 and 1128 Burdett Avenue, 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:

1. Plan revisions to include three new boulevard trees to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, for the following:
 - a) to secure all of the dwelling units in the building as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development

- b) to secure a minimum of thirteen two-bedroom and three three-bedroom units within the building, to the satisfaction of the Director of Sustainable Planning and Community Development
- c) to restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3. Discharge of all legal documents from past development proposals not attributable to the current proposal to the satisfaction of City staff.

Development Permit with Variances Application No. 00146

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. 00734, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00146 for 1120, 1124 and 1128 Burdett Avenue, in accordance with:

- 1. Plans date stamped October 8, 2020.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the site coverage from 40% to 53%
 - ii. reduce open site space from 50% to 44%
 - iii. reduce the rear yard setback from 10m to 5.87m (to building) and 5m (to balconies)
 - iv. reduce the west side yard setback from 6.0m to 3.5m (to building) and 2.5 (to balconies)
 - v. reduce the east side yard setback from 6.0m to 3.75m (to building) and 2.9m (to balconies)
 - vi. reduce the parking requirement from 47 stalls to 40 stalls.
- 3. The Development Permit with Variances lapsing two years from the date of this resolution.”

E.2 1314 and 1318 Wharf Street: Update Report for Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 (Downtown)

Rezoning Application No. 00701

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00701 for 1314 and 1318 Wharf Street, 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 the following agreements, registered on title by the applicant, to the satisfaction of City staff:
 - a) Statutory right-of-way for public access over the area dedicated to the Harbour Pathway and the internal alley between the two heritage buildings, to the satisfaction of City staff;
 - b) Housing Agreement to secure 47 residential rental units as rental in perpetuity, to the satisfaction of the City Solicitor;
 - c) A legal agreement to secure public realm improvements as indicated on Plans dated April 19, 2021; and
 - d) A legal agreement to ensure that building amendments would be made along the north property line to comply with building code requirements should a building be proposed for the property located at 1324 Wharf Street.
- 2. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:

- a) building encroachments in the City property at 1324 Wharf Street, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works;
- b) excavation encroachments in the City property at 1324 Wharf Street during construction at the fee of \$150/month per parking stall;
- c) excavation encroachments in Reeson Park (1300 Wharf Street) during construction at the fee of \$15/day for each 13 square meters of encroachment, with form and contents satisfactory to the City Solicitor, the Director of Engineering and Public Works, and the Director of Parks, Recreation and Facilities or \$750 plus \$25 for each square metre of excavation face supported with anchor rods, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works;
- d) anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Heritage Alteration Permit with Variances No. 00236

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. 00701, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00236 for 1314 and 1318 Wharf Street, in accordance with:

- 1. Plans date stamped August 10, 2020.
- 2. The Conservation Plan for the Caire and Grancini Warehouse at 1314 Wharf Street, date stamped October 22, 2019.
- 3. The Conservation Plan for the Fraser Warehouse at 1316-1318 Wharf Street, date stamped October 22, 2019.
- 4. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. Reduce the required short term bicycle parking spaces from 10 to 0; and
 - b. Increase the maximum permitted height from 8 metres to 21 metres.
- 5. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 6. The applicant provide details regarding their intended process for commissioning a story wall for the north elevation of the building, including an artist selection process, scope and content, and an explanation for how their project will consider the Indigenous cultural heritage of the waterfront public realm, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 7. The applicant providing a lighting plan for the heritage buildings, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 8. Heritage Alteration Permit lapsing two years from the date of this resolution.”

E.3 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and Development Permit with Variances Application No. 000527 (Fairfield)

Rezoning Application No. 00634

That Council receive this report for information and a Public Hearing date be set.

Development Permit with Variance No. 000527

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. 00634, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 000527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped October 9, 2019, with refinement of the artwork panels, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. increase the building height from 13.5m to 16.2m (to the projecting portions of the roof).
3. The Development Permit lapsing two years from the date of this resolution."

E.5 714 Cormorant Street: Application for a New Liquor Primary Licence for Tora Tiki (Downtown)

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Tora Tiki located at 714 Cormorant Street having hours of operation from 12:00 pm to 1:00 am daily with a total occupant load of 60 people.

Providing the following comments on the prescribed considerations:

- a) The impact of noise on the community near the establishment was considered in relation to the request, and approval of the licence as recommended is not expected to result in unacceptable levels of noise.
- b) If the application is approved, it is anticipated to have a positive economic impact on the community as support for the liquor licence, a component of the business model, will support the viability of the business.
- c) The views of residents were solicited through a mailout that was sent to neighbouring property owners and occupants within 100 metres of the licensed location (a total of 778 notices) and through a notice posted at the property. In response to the notification, the City received 27 letters of which 14 letters stated opposition including one from the Downtown Residents Association and 13 letters expressed support.
- d) Council recommends the license be approved.

F.1 Permissive Tax Exemption Policy - Ethno-Cultural Groups Community Centres

That Council receive this report for information.

F.4 Sheltering Update

That the report be received for information.

H.4 Council Member Motion: Advocating for Startups Impacted by Covid19

Whereas COVID-19 has resulted in a crisis in the Small Business sector;

AND WHEREAS During the pandemic revenues were catastrophically impacted as a result of closures, capacity limits & social restrictions;

AND WHEREAS Operating costs have spiked during the pandemic;

AND WHEREAS government programs have provided support for businesses including CEWS, CERS, CEBA & HASCAP playing a critical role in saving jobs and bolstering local economies, but these programs have left some businesses behind and deemed them ineligible due only to the timing of their projects;

THEREFORE BE IT RESOLVED THAT the City of Victoria endorse the Save Startups campaign;

AND THAT Council request the Mayor write to the Prime Minister of Canada, the Minister of National Revenue, Minister of Economic Development and Official Languages, and the Minister of Finance advocating for support for businesses that have fallen through the cracks of government support programs including:

- a. Adjusting eligibility for these programs to include both New and Newly-Expanded Businesses, that can demonstrate their project was non-reversible at the outset of the pandemic
- b. Implementing an alternate method for determining CEWS and CERS rates for these businesses
- c. Back pay to March 15th, 2020 both CEWS & CERS to these businesses based on the alternate rate