



Council Report

For the Meeting of October 14, 2021

To: Council **Date:** September 29, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Update Report for Rezoning Application No. 00715 and Associated Official Community Plan Amendment and Development Permit Application No. 000567 for 1230 Grant Street, 1209-1215, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue**

RECOMMENDATION

1. That the following bylaws **be given introductory readings:**
 - i. Zoning Regulation Bylaw, Amendment Bylaw (No. 1234) No. 21-064
 - ii. Official Community Plan, Amendment Bylaw (No. 36) No. 21-065
 - iii. Housing Agreement (1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue) Bylaw (2021) No. 21-066
 - iv. Vining Street and North Park Street Road Closure and Dedication Removal Bylaw No. 21-067.
2. Subject to Council giving introductory readings to Vining Street and North Park Street Road Closure and Dedication Removal Bylaw No. 21-067, that Council direct staff to deliver notice of its intention to the following operators or utilities or transmission or distribution facilities or works that Council considers will be affected by the closure: Telus, BC Hydro, Shaw, and Fortis.

Development Permit Application No. 000567

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. 000567 for 1230 Grant Street, 1209-1215, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, in accordance with:

1. Plans date stamped **May 28, 2021**.
2. The Development Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit Applications for the properties located at 1230 Grant Street, 1209-1215, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue. The proposal is to rezone from the R-K Zone, Medium Density Attached Dwelling District, and R-2 Zone, Two-Family Dwelling District to a new residential rental tenure zone to increase the density and permit a multi-unit residential development consisting of approximately 158 affordable and below-market rental dwelling units within five buildings. An amendment to the *Official Community Plan* (OCP) from Public Facilities, Institutions, Parks and Open Space and Traditional Residential to Urban Residential is required to facilitate this development.

The application was considered by Council at the Committee of the Whole meeting on May 7, 2020, and it came before Council on May 14, 2020, and again on August 6, 2020, where the following resolutions were approved:

Council Motion - May 14, 2020

Rezoning Application No. 00715

1. *That Council instruct the Director of Sustainable Planning and Community Development 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 Amendments that would authorize the proposed development outlined in Rezoning Application No. 00715 for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, and change the OCP designation from Public Facilities, Institutions, Parks and Open Space and Traditional Residential to Urban Residential.*
2. *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 and execution of the appropriate legal agreements executed by the applicant in order to secure the following:*
 - i. *a housing agreement to ensure the residential rental units remain affordable or below market in perpetuity in accordance with the City's definition of affordability and below market in the Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022)*
 - ii. *that the applicant provides a minimum of 14 three-bedroom, eight four-bedroom dwelling units, 15 accessible dwelling units in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design, and private amenity space with a minimum floor area of 139m²*
 - iii. *a Statutory Right-of-Way of 3.928m on Grant Street and 1.90m on Vining Street be registered on title to the satisfaction of the Director of Engineering and Public Works*
 - iv. *a Statutory Right-of-Way of 10.85m along the proposed driveway at Grant Street be registered on title to the satisfaction of the Director of Engineering and Public Works*
 - v. *construction of a vehicle turnaround on Grant Street adjacent to the subject properties to the satisfaction of the Director of Engineering and Public Works*

- vi. *construction of community gardens or contribution of cash in lieu equivalent to the installation of such gardens within the 145m² road closure area on the north side of North Park Street in consultation with the Fernwood Community Association and the Compost Education Centre and to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering and Public Works*
 - vii. *construction of an 8m wide greenway on the Victoria High lands adjacent to the development site in accordance with the plans dated April 6, 2020 to the satisfaction of the Director of Parks, Recreation and Facilities and the Director of Sustainable Planning and Community Development.*
3. *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.*
 4. *That the applicant provide a revised site plan and civil drawing showing a Grant Street turnaround to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.*
 5. *That Council consider who is affected by the proposed changes to the Official Community Plan and 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.*
 6. *That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act and direct the Director of Sustainable Planning and Community Development to:

 - i. *mail a notice of the proposed OCP Amendment to the affected persons; and*
 - ii. *post 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.**
 7. *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 because the proposed OCP amendment does not affect them.*
 8. *That Council direct the Director of Engineering and Public Works to bring forward for Council's consideration, a report and bylaws for road closures and necessary restructuring on Vining St and North Park St to accommodate the project.*
 9. *That Recommendations 1 to 8 be adopted on the condition that they create no legal rights for the applicant or any other person, no 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 Application No. 000567

That, subject to:

1. *the preparation and execution of legal agreements to secure housing affordability, unit types, accessible dwelling units, and amenity space, Statutory Right-of-Ways, and the construction of a greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and Direction of Engineering and Public Works.*
2. *revisions to the driveway and underground parkade entrance of the four-storey, multi-unit residential building on Grant Street to accommodate the Grant Street turnaround, to the satisfaction of the Director of Community Planning and Sustainable Development and 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 Application No. 000567 for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, in accordance with:

- 1. Plans date stamped April 6, 2020.*
- 2. The Development Permit lapsing two years from the date of this resolution.”*

Council Motion – August 6, 2020

Rezoning Application No. 00715

That Council amend condition #2.a.i in the May 14, 2020 Council resolution for the Rezoning Application No. 00715 for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue so that it reads:

- i. a housing agreement to ensure the residential rental units remain affordable or below-market for sixty (60) years in accordance with the City’s definition of affordability and below-market in the Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022).*

COMMENTS

Community Input on Official Community Plan Amendment

On May 14, 2020, Council directed staff to consult with property owners and occupants within 200m of the subject properties through a mail-out and public notices on the City’s website. To date, the City has received correspondence from 17 members of the public (attached). Additional comments received prior to the Public Hearing will be included in the Council Agenda package at that time.

Plan Revision

The average grade, site coverage and open site space calculations were incorrect on the original plans dated April 6, 2021. The applicant updated the data table in accordance with the *Zoning Regulation Bylaw*. There were no design changes to the proposal. For consistency purposes, the recommendation for Council’s consideration includes the new date stamp of the revised plans.

Update on Tree Planting

In the Committee of the Whole report, it states that the applicant is proposing to plant 88 new trees with this development, which does not include the tree planting along the proposed Greenway. In fact, the applicant will be planting 121 new trees, which includes the following breakdown:

- 88 new trees, including four bylaw replacement trees and four municipal trees
- 33 new trees along the proposed greenway.

Grant Street Turnaround

In response to Council’s motion, the applicant has provided a civil drawing showing a truck turnaround at the end of Grant Street to the satisfaction of the Director of Engineering and Public

Works and the Director of Parks, Recreation and Facilities. To accommodate a truck turnaround area for larger trucks (e.g., garbage trucks, moving trucks, handy-dart, emergency vehicles, etc.), the applicant will remove the existing bollards at the entrance to Haegert Park, and install a new removable bollard in a different location to prevent trucks from driving into the park. If this work results in any disturbance to the existing landscaping and infrastructure, the applicant will return the area to its original condition to the satisfaction of the Director of Parks, Recreation and Facilities.

The applicant has also confirmed and indicated on the revised plans that the driveway access into the development on Grant Street, which forms part of the truck turnaround area, will have grades and vehicle clearances that comply with the requirements of the *Highway Access Bylaw* to the satisfaction of the Director of Engineering and Public Works. The applicant is working on design solutions with the structural and mechanical engineers for the building permit drawings and confirmed that there would be no significant changes to the design of the four-storey multi-unit residential building.

Vining and North Park Street Road Closures

To facilitate this development, the closure and removal of highway dedication for the portions of Vining Street and North Park Street would be required as shown on the road closure plan attached to this report. The proposed closure of these portions of Vining and North Park Streets will have no impact on the neighbourhood transportation network and would allow for the expansion of community gardens and the Compost Education Centre within the closed portion of North Park Street to compensate for the loss of community gardens adjacent to Vining Street. The remaining portions of Vining and North Park Streets will continue to service all adjacent properties. A road closure bylaw has been prepared for Council's consideration should Council wish to proceed with advancing the application to a Public Hearing.

Section 40(3) and (4) of the Community Charter require Council to provide notice prior to adopting road closure and dedication removal bylaws:

(3) Before adopting a bylaw under this section, the council must

(a) give notice of its intention in accordance with section 94 [public notice], and

(b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.

(4) In addition to the requirement under subsection (3), before adopting a bylaw under subsection (1) (a), the council must deliver notice of its intention to the operators of utilities whose transmission or distribution facilities or works the council considers will be affected by the closure.

Staff have prepared a public notice in accordance with section 40(3), which will also invite the public to make submissions to Council by those who consider they are affected by the bylaw. In addition, staff have identified that the following utilities have facilities or works in the proposed road closure areas and may be affected by the closure: Telus, BC Hydro, Shaw and Fortis. Should Council proceed to introductory readings of the road closure bylaw, staff are prepared to notify such utilities, so that reasonable accommodations can be made to the utilities if required.

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the following legal agreements have been executed by the applicant:

- a Housing Agreement to ensure that the residential rental units remain affordable or below-market in perpetuity in accordance with the City's definition of affordability and below-market in the *Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022)*
- a 3.928m statutory right-of-way (SRW) on Grant Street, 10.85m SRW along the driveway at Grant Street, 1.90m SRW on Vining Street and 8m SRW along the greenway
- Section 219 covenants securing the following items:
 - a minimum of 14 three-bedroom and eight four-bedroom dwelling units; 15 accessible dwelling units in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design; and private amenity space with a minimum floor area of 139m²
 - construction of a vehicle turnaround on Grant Street
 - construction of community gardens or contribution of cash in lieu equivalent to the installation of such gardens within the 145m² road closure area on the north side of North Park Street in consultation with the Fernwood Community Association and the Compost Education Centre
 - construction of an 8m wide greenway on the Victoria High lands adjacent to the development site.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Updated plans dated May 28, 2021
- Attachment B: Grant Street turnaround drawing dated May 27, 2021
- Attachment C: Updated Letter to Mayor and Council dated November 10, 2020
- Attachment D: Road Closure Plan
- Attachment E: Correspondence regarding Official Community Plan amendment.