

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JANUARY 19, 2023

For the Council meeting of February 9, 2023, the Committee recommends the following:

E.1 2848 and 2852 Shelbourne Street: Rezoning Application No. 00768 and Development Permit with Variances Application No. 000595 (Oaklands)

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00768 for 2848 and 2852 Shelbourne Street.
2. That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the applicant provided the following items:
 - a. corrections to the data table to accurately reflect the maximum exclusion for parking stalls and to ensure the visitor stall meets the minimum required drive aisle clearance in the Zoning Regulation Bylaw to the satisfaction of the Director of Planning and Sustainable Development;
 - b. an updated shadow study to accurately reflect the current design to the satisfaction of the Director of Planning and Sustainable Development;
 - c. revised plans to clearly label the solar panels and EV chargers as referenced in the applicant letter;
 - d. revised plans to include a sight triangle on each side of the driveway crossing that meets the requirements of Schedule C of the Highway Access Bylaw, to the satisfaction of the Director of Engineering and Public Works;
 - e. a revised site plan to indicate that any signage proposed in the Statutory Right of Way (SRW) is temporary until such a time that the SRW will be utilized by the City, to the satisfaction of the Director of Engineering and Public Works;
 - f. an updated Arborist Report and Tree Management Plan to accurately reflect the proposed landscape plan to the satisfaction of the Director of Parks, Recreation and Facilities;
 - g. a revised site plan and landscape plan that comply with the Tree Protection Bylaw with respect to tree identification, critical root zones, soil volumes and tree replacement to the satisfaction of the Director of Parks, Recreation and Facilities;
 - h. a revised civil plan to show the extent of curb to be retained adjacent to the municipal street trees and accurate tree protection fencing to the satisfaction of the Director of Parks, Recreation and Facilities; and
 - i. revised plans to ensure the proposed guardrails meet the requirements of the BC Building Code (BCBC).
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor, prior to final adoption of the bylaw:
 - a. that a future strata cannot restrict long-term rental to non-owners, with contents satisfactory to the Director of Sustainable Planning and Community Development;
 - b. a Statutory Right of Way (SRW) of 7.0 metres width along the Shelbourne Street frontage, with contents satisfactory to the Director of Engineering and Public Works; and

- c. to ensure the delivery and installation of green building features including solar panels and construction to the standard of Step 4 of the BC Energy Step Code, with contents satisfactory to the Director of Sustainable Planning and Community Development.
4. 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 to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or 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 with Variances Application

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. 00768, if it is approved, consider the following motion:

1. That subject to the adoption of Zoning Regulation Bylaw Amendment, Council authorize the issuance of Development Permit with Variance Application No.000595 for 2848 and 2852 Shelbourne Street, in accordance with:
 - a. Plans date stamped November 16, 2021.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of units in an attached dwelling from four to seven;
 - ii. reduce the setback to the west side of Shelbourne Street from 10.7m to 8.27m.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

E.2 633 Belton Avenue: Rezoning Application No. 00811 and Development Permit with Variances Application No. 00196 (Victoria West)

Rezoning

That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated November 17, 2022 for 633 Belton Avenue.

1. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Revised plans and Arborist Report, to the satisfaction of the Director of Parks, Facilities and Recreation, providing further information from the arborist on the feasibility of retaining the existing trees and the viability of the proposed trees.
2. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Provision of no less than two adaptable units, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook.
3. That subject to approval in principle at the Public Hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of

Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:

- a. Provision of transportation demand management measures including:
 - i. Six car share memberships,
 - ii. One car share vehicle
 - iii. One bicycle repair station
 - iv. A minimum of seven cargo bicycle stalls
- b. Provision of a dual on-street level 2 electric vehicle charging station for use by both the car share vehicle and the public.
4. 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 to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or 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 with Variance Application

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. 0811, if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00196 for 633 Belton Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on May 24, 2022, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the east side yard setback from 1.85m to 1.37m;
 - ii. reduce the residential vehicle parking from 9 stalls to 0 stalls; and,
 - iii. reduce the visitor vehicle parking from 1 stall to 0 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

E.3 349 Kipling Street and 1400 Fairfield Road: Rezoning Application No. 00702 and Development Permit with Variances Application No. 00219 (Fairfield)

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated December 12, 2022, for 349 Kipling Street and 1400 Fairfield Road, such bylaw to include density bonus provisions at the amounts of \$38,750 towards the City of Victoria's Housing Reserve Fund and \$38,750 towards the Local Amenities Fund.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set subject to the developer building the core mechanical systems by electrification.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:

- a. Secure a 0.86m wide statutory right of way along Fairfield Road to the satisfaction of the Director of Engineering and Public Works.
4. 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 to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or 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 with Variance Application

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. 00702, if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00219 for 1400 Fairfield Road and 349 Kipling Street, generally in accordance with plans submitted to the Planning department and date stamped by Planning on November 15, 2022, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the flanking street setback (Kipling Street) from 6m to 1.67m;
 - ii. reduce the rear yard setback (Fairfield Road) from 6m to 3.36m;
 - iii. reduce the front yard setback (Thurlow Road) from 6m to 4.80m;
 - iv. reduce the south side setback from 4m to 1.66m;
 - v. permit roof decks in the form of balconies;
 - vi. locate the accessory building (garbage) in the rear/side yard, increase the height from 3.50m to 4.05m and reduce the separation space from the main building from 2.40m to 1.32m;
 - vii. increase site coverage from 50% to 51.1%;
 - viii. decrease the floor area per attached dwelling unit from 100m² to 92.3m² ;
 - ix. reduce the number of residential vehicle parking stalls from 9 to 8;
 - x. reduce the number of visitor parking stalls from 1 to 0;
 - xi. reduce the required aisle depth clearance behind the two garage parking stalls along Thurlow Road from 7m to 5.27m at the centre and to 3.43m at both ends.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution”.

F.1 Park Washrooms Accessibility Assessment

That Council direct staff to implement a workplan to address the barriers identified in the Park Washroom Accessibility Audit Report (Attachment A), by the end of 2030, with funding to be considered for approval through the annual Financial Plan.

F.2 Delegation of Minor Variances associated with Development Variance Permits, Development Permits and Heritage Alteration Permits

That Council direct staff to:

1. Seek input from the Urban Development Institute and Community Association Land Use Committees relating to the delegation of minor variances.
2. Prepare draft Land Use Procedures Bylaw amendments to delegate minor variances associated with Development Variance Permits, Development Permits and Heritage Alteration Permits to the Director of Sustainable Planning and Community Development.
3. Bring forward the draft Land Use Procedures Bylaw amendments for Council's consideration along with any feedback received.