

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD DECEMBER 7, 2023

For the Council meeting of December 14, 2023, the Committee recommends the following:

F. LAND USE MATTERS

F.1 1050 Yates: Development Permit with Variances No. 00230 (Downtown)

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances No. 00230 for 1050 Yates Street, in accordance with plans submitted to the Planning department and date stamped by Planning on November 3, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the maximum building height in Development Area 2 (DA 2) and Development Area 3 (DA 3) from 45m to 47.5m
 - ii. increase the maximum building height in Development Area 4 (DA 4) from 50m to 75.5m
 - iii. reduce the south building separation distance in DA 2 above 20m from 12m to 0m
 - iv. reduce the north building separation distance in DA 3 above 20m from 12m to 0m
 - v. reduce the building separation distance in DA 4 for residential uses between 020m above grade from 6m to 5.42m
 - vi. reduce the building separation distance between DA2 and DA3 above 20m from 12m to 0m
 - vii. encroach into the 1:5 setback incline on Cook Street by 11.70m
 - viii. encroach into the 1:5 setback incline on Yates Street by 0.35m
 - ix. encroach into the 1:5 setback incline on Johnson Street by 4.90m
 - x. reduce the required number of parking stalls from 300 to 166
 - xi. reduce the required number of visitor parking stalls from 48 to 10.
 - b. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
 - i. provision of a housing agreement to secure the residential units as rental for the greater of 60 years or the life of the building
 - ii. provision of transportation demand management measures including:
 - a. restrictions on the charging of fees for long terms bicycle parking for a period of ten years
 - b. four carshare electric vehicles (EV) with a minimum developer funded financial contribution of \$55,000 per vehicle towards its purchase and operation
 - c. a Modo carshare membership provided to each residential unit, including \$100 usage credit.
 - iii. provision of public realm improvements including:
 - a. Boulevard raingarden on the municipal frontage on Yates Street as shown on Plan L1.02.

- c. Plan amendments to shift the proposed servicing (city services and hydro vault) to retain the existing street tree at the corner of Cook Street and Yates Street.
 - d. The applicant continues working with the City to retain the Cook Street Municipal trees currently proposed for removal and replacement and to revise the Arborist Report, and Geotech Report to reflect their retention.
 - e. Plan amendments to revisit the design of the Cook Street frontage to optimize curb alignments and the boulevard space available to support large canopy trees and an improved public realm if the retention of municipal street trees proves infeasible, to the satisfaction of the Director of Parks, Recreation and Facilities and the Director of Engineering and Public Works.
2. That the Development Permit with Variances (DPV), if issued, lapses two years from the date of issuance, or, if the DPV is not issued within two years from the date of this resolution, then the DPV lapses two years from the date of this resolution.
 3. That subject to issuance of the Development Permit with Variances, Council authorize the projecting encroachments over the City right of way on Cook Street and Yates Street generally as shown on the plans submitted to the City and date stamped November 3, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.”

F.2 1733, 1735 and 1737 Fairfield Road - Rezoning application No. 00821 and Development Permit with Variances Application No.00204 & 1964 Fairfield and 507 Foul Bay Road Rezoning Application No. 00845 and Heritage Designated Amendments (Gonzales)

OCP Amendments with Rezoning

1. That Council consider who is affected by the proposed changes to the Official Community Plan (OCP) and determine that those within a 200m radius of the subject properties will be affected.
2. 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:
 - a. mail a notice of the proposed OCP Amendments to the persons within a 200m radius of the subject property
 - b. 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.
3. That Council consider that no consultation is necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; or the provincial or federal governments or their agencies because the proposed OCP Amendments do not affect them.
4. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaws 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. REZ00821 for 1733, 1735 and 1737 Fairfield Road and proposed zoning changes outlined in Rezoning Application No. 00845 for

1964 Fairfield Road and 507 Foul Bay Road, 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. the following revisions to the plans for 1733, 1735 and 1737 Fairfield Road to the satisfaction of the Director of Sustainable Planning and Community Development:
 - i. add an additional two-bedroom unit and convert a one-bedroom unit to a two bedroom unit, as outlined in the applicant's letter, dated September 12, 2023
 - ii. improve the transition to lower density buildings (northeast building elevation)
 - iii. increase outdoor amenity space, which may include providing parking underground, reducing parking or adding a rooftop amenity area.
 - b. the following revisions to the plans for 1733, 1735 and 1737 Fairfield Road, to the satisfaction of the Director of Engineering and Public Works:
 - i. increase permeable paved area to improve onsite stormwater management
 - ii. to provide 50% of required long term bicycle parking stalls as standard ground mounted stalls.
 - c. plan revision for 1733, 1735 and 1737 Fairfield Road to accommodate more replacement trees required under the Tree Protection Bylaw, to the satisfaction of the Director of Parks, Recreation and Facilities.
5. 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 bylaws:
- a. provision of a 0.86m wide statutory right-of-way for 1733, 1735 and 1737 Fairfield Road, with terms to the satisfaction of the Director of Engineering and Public Works
 - b. provision of no less than nine two-bedroom units, six two-bedroom units with a den and one three-bedroom unit for 1733, 1735 and 1737 Fairfield Road, to the satisfaction of the Director of Sustainable Planning and Community Development
 - c. securing continued public access to the property at 1964 Fairfield Road, consistent with existing public access hours and locations and permitting temporary closures for private events, to the satisfaction of the Director of Sustainable Planning and Community Development
 - d. provision of transportation demand management measures for 1733, 1735 and 1737 Fairfield Road, to the satisfaction of the Director of Engineering and Public Works, including:
 - i. car share memberships and usage credits for all residential units;
 - ii. on-street electric car share vehicle;
 - iii. on-street (Beechwood Avenue), level 2, dual head electrical charger, and all associated infrastructure and connections;
 - iv. bicycle parking to accommodate oversized bicycles (10% of required long-term spaces);
 - v. bicycle parking with access to an electrical outlet (50% of required long-term spaces) and
 - vi. bicycle repair and maintenance station.
6. 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 (1733, 1735 and 1737 Fairfield Road)

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. 00821 and Rezoning Application No. 00845, if they are 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. 00204 for 1733, 1735 and 1737 Fairfield Road, in accordance with plans submitted to the Planning department and date stamped by Planning on August 22, 2023, subject to:
 - a. the proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reducing the minimum front yard setback (Beechwood Avenue) from 4.00m to 2.70m and increasing stairs projection from 1.80m to 2.73m;
 - ii. reducing the minimum rear yard setback from 10.00m to 2.60m;
 - iii. reducing the minimum side yard setback (Fairfield Road) from 4.00m to 2.30m;
 - iv. reducing the minimum side yard setback (southeast) from 6.00m to 0.50m;
 - v. increasing the maximum site coverage from 40% to 65%;
 - vi. decreasing the open site space from 50% to 23%;
 - vii. reducing vehicle parking from 40 spaces to 23 spaces;
 - viii. permitting long-term bicycle parking to be provided in a stacked format.
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Heritage Designation Amendment Application (1964 Fairfield Road and 507 Foul Bay Road)

That Council instruct the Director of Sustainable Planning and Community Development to:

1. prepare a heritage designation bylaw to amend Heritage Designation (1964 Fairfield Road) Bylaw (No. 530) No. 05-75 to add the property at 507 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a joint public hearing date be set with Rezoning Application No. 00821 and Rezoning Application No. 00845;
2. add the Statement of Significance for 1964 Fairfield Road and 507 Foul Bay Road, attached as Attachment G to this report, recognizing the building exterior and natural landscape elements as the historic features of the property, to the above noted heritage designation bylaw.

G. STAFF REPORTS

G.1 Development Cost Charges (DCC) Review – Policy Direction

That Council:

1. Approve the following policy decisions for development cost charges
 - a. Maintain current approach of not waiving development cost charges for any classes of eligible developments, and direct staff to develop a grant program for the purpose of paying development cost charges for non-government not-for-profit non-market rental housing projects
 - b. Maintain current approach of not charging development cost charges on residential developments with fewer than four dwelling units
 - c. Maintain current exemption threshold for residential units of 29 m2 or less in area
 - d. Maintain the current exemption threshold of \$50,000 of building permit value
2. Direct staff to engage the development community on the proposed rate changes

G.2 Yates Artwork Donations

That Council:

1. Approve the donation of two paintings, Enerspace and Landspace 241 (the “Artworks”) into the City’s Public Art Collection.
2. Authorize the City to enter into Donation Agreements with the Art Gallery of Greater Victoria and David Babiuk (the “Donors”), and Copyright License and Moral Rights Waiver Agreements for the Artworks with the Estate of Norman Yates (the “Artist”), on terms to the satisfaction of the Director of Business and Community Relations and in a form to the satisfaction of the City Solicitor, and authorize the Director of Business & Community Relations to execute the donor agreements and all documents necessary to complete the donation.

G.3 Proposed Amendments to Recreation Fees Bylaw (06-056)

That Council direct staff to amend the *Recreation Fees Bylaw* (No. 06-056) as outlined in Appendix 1 – Proposed Recreation Fee Schedule Amendments.

I. NEW BUSINESS

I.1 Council Member Motion: Call on Federal Government to Double Social Housing

That Council hereby calls on the Federal Government to create and implement a coordinated plan with all three orders of government, including a blueprint to immediately and rapidly increase funding of deeply affordable housing, co-operative housing, supportive housing, seniors housing and student residences, and double the relative share of non-market community housing, and ask the Mayor to share the resolution with the Federation of Canadian Municipalities.

I.3 Council Member Motion: Fee Change to Short Term Rental Bylaws

That Council set the non-principal resident operator fee to be \$1500. Starting May 1, 2024, these licenses will no longer be permitted by provincial law.