CITY OF VICTORIA

Council Report
For the Meeting of November 24, 2016

To:	Council	**Date:**	November 14, 2016
From:	Chris Coates, City Clerk		

Subject:
- Zoning Regulation Bylaw, Amendment Bylaw No. 16-090
- Housing Agreement (1041 Oliphant Avenue & 212 Cook Street, 214 Cook Street, 216 Cook Street and 220 Cook Street) Bylaw No. 16-091

RECOMMENDATION

That Council consider first and second readings for Bylaw No. 16-090.

That Council consider first, second and third readings for Bylaw No. 16-091.

EXECUTIVE SUMMARY

Attached as Appendix A for Council's initial consideration are copies of the proposed Bylaws No. 16-090 and No. 16-091.

This matter came before Council at the meeting of November 10, 2016 where Council passed the following resolution:

Update on Rezoning Application No. 00472 and Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212 - 220 Cook Street – Fairfield

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00472 for 1041 Oliphant Avenue and 212-220 Cook Street, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that staff set a Public Hearing date be set once the following conditions are met:

1. Design revisions to orient the ground floor exterior door towards Oliphant Avenue and to expand the metal siding above the commercial unit to the satisfaction of staff.
2. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
   a. Housing Agreement to secure the following:
      i. rental of nine units for a minimum of 20 years at a rental rate of at least 10% below market rate, if not more;
      ii. rental of eight units for a minimum of 10 years at market rental rate; and
      iii. that future strata bylaws cannot prohibit strata owners from renting residential strata units.
   b. Statutory Right-of-Way of 3m for the rear lane access off Oliphant Avenue to the satisfaction of City staff;

c. Section 219 Covenant for the paving/widening of the rear lane, to the satisfaction of City staff.

Development Permit Application No. 000402 (updated to reflect revised plans):
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. 00472, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variance No. 00402 for 1041 Oliphant Avenue and 212-220 Cook Street, in accordance with:

1. Plans date stamped October 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
   a. Schedule C, 16.A. 12(c) - Required residential parking is reduced from 1.4 spaces per dwelling unit to 0.9 spaces per dwelling unit.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. That Council authorize staff to execute an Encroachment Agreement for a fee of $750, plus $25 per m² of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure at the property line.
5. The Development Permit lapsing two years from the date of this resolution.
6. That council direct staff to engage the applicant on the provision of on-street cycling amenities within the roadway on the Cook Street frontage and report back to Council at Second Reading of the bylaw.

Accordingly, Bylaws No. 16-090 and No. 16-091 are brought forward for first readings.

Respectfully submitted,

Christine Havelka
Deputy City Clerk

Chris Coates
City Clerk

Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: _____
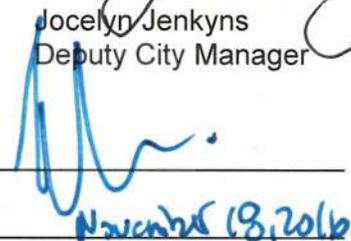
Date: _____ November 18, 2016

Appendix A
- Zoning Regulation Bylaw, Amendment Bylaw No. 16-090
- Housing Agreement (1041 Oliphant Avenue & 212 Cook Street, 214 Cook Street, 216 Cook Street and 220 Cook Street) Bylaw No. 16-091