

E.1.c.b

50 Government Street: Rezoning Application No. 00861 and Development Permit with Variances Application No. 00251 (James Bay)

Rezoning Application

1. That Council instruct staff to return to Committee of the Whole prior to the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated November 28, 2024 for 50 Government Street.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:
 - a. revise the plans to meet the accessible parking requirements in the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Planning and Development.
 - b. revise replacement tree species and locations on the plans to meet the tree minimum requirements on-site and outside of the public SRW areas per the Tree Protection Bylaw No. 21-035 Schedule “F”, to the satisfaction of the Director of Parks, Recreation and Facilities.
 - c. revise the plans to meet the objectives and guidelines associated with Development Permit Area 16, and adjust the parking variances with Development Permit with Variances No. 00251 as necessary, to the satisfaction of the Director of Planning and Development, including:
 - i. reducing the amount of floor space if needed to meet the design objectives
 - ii. providing more usable outdoor space for residents
 - iii. providing more trees and landscaping
 - iv. improving the relationship to the public SRW
 - v. improving the massing transition to surrounding residential buildings
 - vi. reducing impacts on adjacent properties.
 - vii. Ensuring that if external staircases are being considered, that no external staircase face the adjacent properties
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. secure no less than two two-bedroom dwelling units
 - b. secure the rental tenure of all dwelling units in perpetuity
 - c. secure 10% of the dwelling units in the building (a total of two units) for a term of 60 years with the following requirements for each unit:
 - i. to be rented at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates
 - ii. to be rented to tenants with a total household income that does not exceed the Median Income Limit identified in the Victoria Housing Reserve Fund Guidelines.
4. That following the third reading of the zoning amendment bylaw, 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. 3.68m wide right of way along Government Street for highway purposes
 - b. provision of transportation demand management measures including:
 - i. one car share membership with a \$100 usage credit for each unit
 - ii. minimum \$55,000 contribution toward the purchase and operation of a shared, home based fully electric vehicle
 - iii. one on-site level two charger with radio frequency identification (RFID) and communications
 - iv. one on-site car share parking space
 - v. BC Transit EcoPass fund value of \$9,600
 - vi. minimum four cargo bicycle sized long term parking stalls
 - vii. one on-site bicycle maintenance and dog wash area
 - viii. access to 110v plugs for a minimum of 50% of the provided bicycle parking stalls
 - ix. additional bike parking beyond the amount required by the *Zoning Regulation Bylaw* (30 long-term spaces proposed instead of the required 18 spaces).
5. 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.
 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.
 7. For staff to further work with the proponent to address the core issues raised by the neighbours as pertains to setbacks, overlook, and other material factors.

Development Permit with Variance Application

That Council, after giving notice, 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. 00251 for 50 Government Street, in accordance with plans submitted to the Planning and Development department and date stamped on November 21, 2024, subject to:
 - a. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the minimum number of parking stalls from 16 to two (including one carshare)
 - ii. reduce the minimum space required behind a parking stall from 7.00m to 1.74m.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”