

DAU #1931

Capital Culture District – Council Resolution Review

November 13, 2024

	City of Victoria – Council Resolution May 17, 2024 <i>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:</i>	RAB = Rezoning Application Book CoV = City of Victoria Response (aligned with Resolution): Response (not aligned with Resolution):
2	<i>a) Allow for a maximum density in Block B of approximately 4.4 FSR (14 storeys max), distributed across Block B, and allow for an 8th storey at W5 (an increase in FSR of 0.07 for a total of 2.05 FSR for Block A), to support the site's overall lower massing reconfiguration and waive the requirement for additional CALUC meeting.</i>	The proposal has been revised to include: Block A FSR of 2.05:1 (8 storeys max) Block B FSR of 4.5:1 (14 storeys max)
	<i>b) Revise plans to include an alternate interim harbour pathway route along Discovery Lane with 3m sidewalks, pedestrian lighting, and tree planting and a 5.0m SRW, east of buildings W1 and W2. This pathway will provide a public access route while the Harbour Pathway is closed to accommodate marine industrial uses on the waterfront.</i>	Refer to RAB Section 3.5, pg 45. An interim 3m sidewalk in a 5m SRW will be provided including sidewalk and trees in an above grade planter.
	<i>c) Revise plans to include a 5m underground parking setback from the property line on the west side of the plaza on Store Street to allow for mature trees.</i>	Plans have been revised along the length of the plaza and a SRW has been for the purpose of accommodating trees. The proposed width is 3m up to a maximum of 5m.
	<i>d) Revise plans to include frontage improvements surrounding the site to the satisfaction of the Director of Engineering, for the purposes of securing these improvements as a condition of Rezoning, include:</i>	
	<i>i. Store Street, for the full street width from Chatham to Discovery Street, as an All Ages and Abilities shared use roadway that is traffic calmed, grade-raised, of higher quality materiality, and that supports time-limited vehicle closures for public events.</i>	The streetscapes have been revised in general accordance with CoV staff direction. Refer to A2.1 Site Plan and RAB Section 2.2 - Street Sections, pg 29.

	<p>ii. <i>Chatham Street frontage that includes one-way protected bike lanes, widened sidewalks, street trees, and a midblock pedestrian crossing consistent with the Downtown Public Realm Plan, Downtown Core Area Plan and Greenway objectives.</i></p>	<p>The streetscapes have been revised in general accordance with CoV staff direction. Refer to A2.1 Site Plan and RAB Section 2.2 - Street Sections, pg 29.</p>
	<p>iii. <i>Discovery Street, for the full street width from Store Street to Government Street, that accommodates an enhanced public realm and spaces for performance and festival uses, consistent with the Burnside Gorge Neighbourhood Plan, delineating the extent of work to be considered for cost sharing by the City on the portion of the roadway north of the centreline.</i></p>	<p>The streetscapes have been revised in general accordance with CoV staff direction. Refer to A2.1 Site Plan and RAB Section 2.2 - Street Sections, pg 29.</p>
	<p>e) <i>Revise plans to retain trees 276, 277, 278.</i></p>	<p>The massing has been adjusted to retain these trees.</p>
	<p>f) <i>Revise plans to provide an underground parking setback on Chatham Street to allow for a 4.5m x 9m below-grade sanitary pump station expansion, including an SRW or road dedication.</i></p>	<p>The plans have been revised to accommodate the requested SRW. Refer to RAB Section 3.5, pg 44.</p>
	<p>g) <i>Provide a landscape plan showing an enlarged plaza area on the air space parcel as an alternative amenity in the event that the development of a not-for profit art gallery or other cultural facility is unsuccessful.</i></p>	<p>Understood.</p> <p>Refer to the plan has been provided with this resubmission in Appendix C.</p>
	<p>h) <i>Provide a plan that illustrates the scope of works to enter into an agreement to cost share the design and construction related costs for improvements on Discovery Street north of centreline and up to property line that are above and beyond typical frontage improvements.</i></p>	<p>A2.1 Site Plan illustrates the design intent for Discovery Street. Refer to the street section on page 29 of the RAB and the proposed surfacing materials on page 26 of the RAB. Also refer to Civil drawing 2243-00-C-501.</p>
	<p>i) <i>Remove references to undefined land-uses and automotive sales, parkade, parking lot and storage facility land uses on the plans and the rezoning booklet.</i></p>	<ul style="list-style-type: none"> • In accordance with CoV staff direction, the following uses are removed: Construction and Marine Equipment, Marina, Parkade, Parking lot, Surface Storage • The following use and definition is proposed to be included: <ul style="list-style-type: none"> ◦ Automotive Sales (interior)⁵ means the sale and storage of

		automobiles within an indoor space and excludes surface storage of automobiles.
	j) Provide a replacement tree plan to show how the siting and soil volume requirements of the tree bylaw will be met on private property.	Replacement Tree plan shown on Landscape Drawing L0.04. Soil volume calculations as well as siting of proposed trees are shown for private property.
	k) Confirm that proposed buildings W1, W2 and W[8] meet BC Building Code requirements for Access Route Design (BCBC 3.2.5.6.) and/ or revise plans to ensure this code requirement is met.	The noted access requirements have been met. Please refer to the driveway access review by WATT Consulting Group, dated October 16, 2024.
	l) Provide a sewer attenuation report that identifies attenuation requirements for the development as a whole.	A sewer demand memo was previously provided with the application and re-provided in July 2024. CoV staff noted that they would reach out if any more info was to be required. No further requests were made by CoV. A revised memo that captures the increased FSR will be provided under separate cover.
	m) Confirm commitment to heritage designate the three existing heritage registered buildings on-site.	Designation will occur concurrent with development permit/ heritage alteration permit for each building. Refer to RAB Section 3.6, pg 45.

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, Director of Engineering and Public Works, Director of Parks, Recreation and Facilities and form satisfactory to the City Solicitor prior to adoption of the bylaw:

		Response (aligned with Resolution) Response (not aligned with Resolution)
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3a	<i>Provision of a Master Development Agreement to secure:</i>	
	<p>i. <i>Phasing with associated utility and frontage upgrades, with the first phase including the provision of an air space parcel for a not-for-profit art gallery or other cultural facility, a public plaza, a mid-block lane, utility relocation (including underground of Hydro on Discovery Street, and Telus I Shaw on Government Street) and 120,000 square feet (approximately 160 units) secured rental dwelling units. Subsequent phases (DA 1,2,3) or (DA 5) can occur in any order, however DA 1, 2,3 must occur concurrently and provide the Harbour Pathway and its associated SRW</i></p>	<p>The massing has been adjusted to decrease the height of the buildings. As such, the amount of rental has been slightly reduced to approximately 117,825 sf (157 units) and is located within DA-4 and DA-5. Refer to RAB Section 3.6 pg 45 Timing of Frontage Improvements and Open Space.</p> <p>The phasing order of DA-1/DA-2/DA-3 is unknown as is whether or not the use of DA-2 will be compatible with public access to the Harbour Pathway. In all phasing scenarios, a publicly accessible Harbour Pathway will be provided along the waterfront or via the alternate alignment with the development of DA-3.</p> <p>Refer to RAB Section 3.6 pg 45 and Appendix E – Harbour Pathway Phasing Scenarios.</p>
	<p>ii. <i>Provision and maintenance of a continuous waterfront pathway (Harbour Pathway) from the property's southernmost boundary to its northern most boundary, including a 5m Statutory Right of Way over the entire portion of pathway that secures public access 24 hours a day, 7 days a week, with limited restrictions when required to support marine industrial uses.</i></p>	<p>Understood. Refer to RAB Section 3.5, pg 44.</p>
	<p>iii. <i>Provision and maintenance of an alternate, interim pathway route along Discovery Lane with 3m sidewalks, pedestrian lighting, and tree planting and a 5.0m SRW, east of buildings W1 and W2. This pathway will accommodate a public access route while the Harbour Pathway is closed to accommodate marine industrial uses on the waterfront.</i></p>	<p>Understood. Refer to RAB Section 3.5, pg 44.</p>
	<p>iv. <i>Interim site conditions</i></p>	<p>To be coordinated between the applicant and the City. This is expected to accommodate existing permitted land uses until redevelopment.</p>

v.	<i>Provision and maintenance of a SRW for a portion of the Harbour Pathway with a width of between 5m and 10m and an area no less than 478m², open to public access 24 hours a day, 7 days a week.</i>	Understood. Refer to RAB Section 3.5, pg 44. The area noted is approximate and should not be considered a minimum. Areas to be determined in the MDA.
vi.	<i>Provision and maintenance of a volumetric SRW between buildings W6 and W7 to secure public access between Store Street and the waterfront, and for the realignment of the storm drain, of an area no less than 745m² and a width no less than 5.4m that includes underground utilities, a publicly accessible/ universally accessible elevator and is open to the public between 8am and 8pm.</i>	Understood. Refer to RAB Section 3.5, pg 44. The area noted is approximate and should not be considered a minimum. Similarly, the width is informed by the existing heritage buildings and should not be considered a minimum. Areas to be determined in the MDA.
vii.	<i>Provision and maintenance of a SRW over a public plaza at the corner of Chatham and Store Street of an area no less than 780m² open to the public 24 hours a day, 7 days a week.</i>	Understood. Refer to RAB Section 3.5, pg 44. The area noted is approximate and should not be considered a minimum. Areas to be determined in the MDA.
viii.	<i>Provisions and maintenance of a 6m wide volumetric SRW on the midblock lane between Chatham and Discovery Streets to be open for public access between 8am and 8pm, 7 days a week.</i>	Understood. Refer to RAB Section 3.5, pg 44.
ix.	<i>Provision and maintenance of a 6m wide SRW on Government Street for a linear park of approximately 442m² and to secure the retention of the existing street trees.</i>	Understood. Refer to RAB Section 3.5, 3.6, pgs 44-45. An enhanced pedestrian boulevard will be provided (not a park). The area noted is approximate and should not be considered a minimum. Areas to be determined in the MDA.
x.	<i>Provision of a 3.0 m wide SRW at the northern most boundary of Development Area 2 and Development Area 3.</i>	Understood. Refer to RAB Section 3.5, 3.6, pgs 44-45 Harbour View Corridor.
xi.	<i>Provision of an airspace parcel to be provided to a not-for-profit art gallery or other cultural institution at no cost and of a size no less than 1416m².</i>	Understood. Refer to RAB Section 3.5, pg 44. The area noted is approximate and should not be considered a minimum. Areas to be determined in the MDA.
xii.	<i>Provision of a plaza in the area designated for an air space parcel for an art gallery or other cultural institution should construction not commence prior to submitting a development permit within the last development area.</i>	Understood. Refer to response 2.g. above.

	xiii. <i>Encroachment agreements for decorative features that may extend over the City ROW, prior to applying for a building permit.</i>	Understood.
	xiv. <i>Provision of a 4.5m x 9m SRW on a portion of the plaza at Chatham and Store street to accommodate a below grade sewer pump station.</i>	Understood. Refer to response 2.f above.
	xv. <i>Provision of a 5m underground parkade setback on Chatham Street to accommodate the location of mature trees.</i>	Understood. Refer to response 2.f above.
	xvi. <i>Land use and noise and nuisance mitigation measures identified within report by a qualified professional at each DP phase to ensure residential and industrial/and use compatibility.</i>	Understood.
	xvii. <i>Green building/ sustainability measures including a commitment to provide:</i> <ul style="list-style-type: none"> <i>green roofs as indicated on page 54 of the Rezoning Booklet dated June 16, 2023</i> <i>a rain garden and wetland water treatment feature at the waterfront edge, used to treat stormwater prior to its discharge into the harbour</i> <i>storm water treatment features as indicated on page 50 of the Rezoning Booklet dated June 16, 2023</i> <i>a report that demonstrates how the proposed storm water designs will meet the City's Rainwater Management Standards required prior to DP issuance.</i> 	<ul style="list-style-type: none"> The 'green roofs' section has been revised to more fully address considerations for usable rooftops. Refer to RAB Section 2.5, pg 33. Water treatment at the waterfront edge: A shoreline improvement approach is discussed in RAB Section 2.3, pg 31. Stormwater Treatment features are discussed in RAB Section 2.3, pg 31. A stormwater design report will be provided at DP. All future designs will be subject to existing and future environmental requirements and the terms of the CoC.
	xviii. <i>TDM measures where parking standards are not met to the satisfaction of the Director of Planning.</i>	Understood.
	xix. <i>Provision of proposed shoreline design and bank retention details, prior to a development permit application being submitted for development proposals within DA 1 and DA2.</i>	Understood. Note there are contaminated soils along the shoreline, all standards related to retaining or replacing existing geotextiles or appropriate removal of contaminated soils offsite will be

		followed, consistent with the Certificate of Compliance. Refer to Appendix E Harbour Pathway.
	xx. <i>Heritage designation and seismic upgrading of 1824, 1900 and 1910 Store Street in association with the DP applications for these properties.</i>	Understood. Refer to response 2.m. above.
3b	<i>Provisions of the following frontage improvements that are in addition to the standard works and services required in the Subdivision and Development Servicing Bylaw:</i>	
	i. <i>Store Street, for the full street width from Chatham to Discovery Street, as an All Ages and Abilities shared use roadway that is traffic calmed, grade-raised, of higher quality materiality, and that supports time-limited vehicle closures for public events.</i>	Understood. Refer to response 2.d.i. above.
	ii. <i>Chatham Street frontage that includes one-way protected bike lanes, widened sidewalks, street trees, and a midblock pedestrian crossing consistent with the Downtown Public Realm Plan, Downtown Core Area Plan and Greenway objectives.</i>	Understood. Refer to response 2.d.ii. above.
	iii. <i>Discovery Street, for the full street width from Store Street to Government Street, that accommodates an enhanced public realm and spaces for performance and festival uses, consistent with the Burnside Gorge Neighbourhood Plan.</i>	Understood. Refer to response 2.d.iii. above.
3c	<i>Housing agreement to secure no less than 120,000 square feet (approximately 160 units) of purpose-built market, residential rental units in perpetuity at building S1[E1] in Phase 1.</i>	Understood. Refer to response 3.a.i. above. Note rental housing is now proposed to be distributed across 2 phases.
3d	<i>Cost sharing agreement for the design and construction of frontage upgrades north of the centre line on Discovery Street between Store and Government Street.</i>	Understood. Refer to response 2.h.

3e	<i>All required main extensions or realignments of storm drains and sanitary sewers to the satisfaction of the Director of Engineering.</i>	Understood. Refer to Conceptual Civil Plan 2243-00-C-101
3f	<i>The Requirements of the Sanitary Attenuation Report.</i>	Understood. Refer to response 2.i. above.
4	<i>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.</i>	Understood.
5	<i>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.</i>	Understood.