

**COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 02, 2024**

For the Council meeting of May 16, 2024, the Committee recommends the following:

**E.1 530 Chatham Street and 1824, 1900, 1907, 1908, 1924 and 2010 Store Street:
Rezoning Application No. 00796 and associated Official Community Plan
Amendment (Downtown)**

**Alternate Option 1: Advance to OCP Consultation with Changes
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 February 29, 2024 for 1824, 1900, 1907, 1908, 1924 and 2010 Store Street and 530 Chatham Street.
2. 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) 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.
 - 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.
 - 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.
 - 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. 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.
 - ii. 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.
 - iii. 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.

- e) Revise plans to retain trees 276, 277, 278.
 - f) 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.
 - g) 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.
 - h) 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) Remove references to undefined land-uses and automotive sales, parkade, parking lot and storage facility land uses on the plans and the rezoning booklet.
 - 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.
 - k) Confirm that proposed buildings W1, W2 and W8 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.
 - l) Provide a sewer attenuation report that identifies attenuation requirements for the development as a whole.
 - m) Confirm commitment to heritage designate the three existing heritage registered buildings on-site.
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 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:
- a) Provision of a Master Development Agreement to secure:
 - 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 / Shaw on Government Street) and 120,000 square feet (approximately 160 units) secured rental dwelling units. Subsequent phases (DA1,2,3) or (DA 5) can occur in any order, however DA1,2,3 must occur concurrently and provide the Harbour Pathway and its associated SRW.
 - ii. 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.
 - iii. 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.
 - iv. Interim site conditions.

- v. 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.
- vi. 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.
- vii. 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.
- viii. Provisions and maintenance of a 6m wide volumetric SRW on the mid-block lane between Chatham and Discovery Streets to be open for public access between 8am and 8pm, 7 days a week.
- ix. 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.
- x. Provision of a 3.0 m wide SRW at the northern most boundary of Development Area 2 and Development Area 3.
- xi. 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.
- xii. 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.
- xiii. Encroachment agreements for decorative features that may extend over the City ROW, prior to applying for a building permit.
- xiv. 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.
- xv. Provision of a 5m underground parkade setback on Chatham Street to accommodate the location of mature trees.
- xvi. Land use and noise and nuisance mitigation measures identified within report by a qualified professional at each DP phase to ensure residential and industrial land use compatibility.
- xvii. Green building/ sustainability measures including a commitment to provide:
 - green roofs as indicated on page 54 of the Rezoning Booklet dated June 16, 2023
 - a rain garden and wetland water treatment feature at the waterfront edge, used to treat stormwater prior to its discharge into the harbour
 - storm water treatment features as indicated on page 50 of the Rezoning Booklet dated June 16, 2023
 - a report that demonstrates how the proposed stormwater designs will meet the City's Rainwater Management Standards required prior to DP issuance.
- xviii. TDM measures where parking standards are not met to the satisfaction of the Director of Planning.

- xix. Provision of proposed shoreline design and bank retention details, prior to a development permit application being submitted for development proposals within DA1 and DA2.
 - xx. Heritage designation and seismic upgrading of 1824, 1900 and 1910 Store Street in association with the DP applications for these properties.
- b) 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. 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.
 - ii. 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.
 - iii. Discover 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.
 - c) 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 in Phase 1.
 - d) Cost sharing agreement for the design and construction of frontage upgrades north of the centre line on Discovery Street between Store and Government Street.
 - e) All required main extensions or realignments of storm drains and sanitary sewers to the satisfaction of the Director of Engineering.
 - f) The Requirements of the Sanitary Attenuation Report.
 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.

OCP Amendment

1. That Council instruct the Director of Sustainable Planning and Community Development to explore the possibility of amending the Official Community Plan to amend the Core Employment Urban Place Designation of 1824, 1900, 1907, 1908, 1924 and 2010 Store Street and 530 Chatham Street to change the location of permitted residential uses from the south half of the block bounded by Discovery, Chatham, Government and Store Street and to increase the density of this block from 3.0:1 FSR to approximately 4.4: 1 FSR and to permit residential uses within the block west of Store Street, south of Discovery Street and North of Swift Street, and to increase building heights.
2. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:

- a) those within a 200 m radius of the subject property
 - b) the Songhees and Esquimalt First Nations
 - c) the Port of Victoria/ Transport Canada
 - d) Gorge Waterway Initiative.
3. 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 Amendment to the persons organizations, and authorities listing in 2 a-d.
 - 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.

F.1 Bylaw Amendments Pursuant to Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023, Bill 46: Housing Statutes (Development Financing) Amendment Act, 2023, & Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023

1. That Council instruct the Director of Sustainable Planning and Community Development (the “**Director**”) to prepare the necessary Zoning Regulation Bylaw amendments in order to:
 - a) Comply with the requirements of Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023 and allow the required number of housing units in accordance with the legislated requirements for small-scale multi-family housing while utilizing the zoning requirements contained in the Missing Middle Regulations (the “**SSMUH Bylaw**”), and
 - b) Comply with the requirements of Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023 and designate the Legislature Exchange as a transit-oriented area and eliminate parking requirements for residential uses in that area (the “**TOA Bylaw**”).
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing with respect to the TOA Bylaw.
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the SSMUH Bylaw and TOA Bylaw be considered by Council.
4. That Council instruct the Director to draft a bylaw to amend the *Land Use Procedures Bylaw* to delegate Development Permits and Development Permits with Variances, related to small-scale multi-unit housing in restricted zones, to the Director.
5. That Council:
 - a) Consider who would be affected by an Amenity Cost Charge Bylaw to support anticipated changes to zoning and land use as part of the ongoing OCP 10-year Update and the SSMUH Bylaw and determine that the following persons, organizations and authorities will be affected:
 - i. the general public;
 - ii. the development community;
 - iii. the Esquimalt and Songhees Nations;
 - iv. the Township of Esquimalt;
 - v. the District of Saanich;

- vi. the District of Oak Bay;
 - vii. Greater Victoria Public Library; and
 - viii. School District 61 Board.
- b) Provide an opportunity for broad public consultation pursuant to section 570.3 of the *Local Government Act* and instruct the Director to engage the entities identified in 5.a) on amenity needs associated with projected growth to inform an Amenity Cost Charge Bylaw as part of the OCP 10-year Update Process currently underway.
- c) Instruct the Director to report back to Council with a summary of the feedback received pursuant to the above resolution and any additional technical analysis required prior to seeking instructions to draft a bylaw.
6. That Council advance this matter for ratification at the May 2, 2024 daytime Council meeting.

F.2 Bastion Square Projects and Upgrades

That Council:

Direct staff to bring forward amendments to the Financial Plan Bylaw, 2024 to include \$150,000 for Bastion Square Upgrades with funding from the Bastion Square Revitalization Trust.