



Council Report

For the Meeting of June 13, 2024

To: Council **Date:** May 30, 2024

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Update on Bylaw Amendments Pursuant to Bill 44: Housing Statutes (Residential Development) Amendment Act, 2023 & Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023**

RECOMMENDATION

That the following bylaws receive first, second and third readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035; and
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036.

That the following bylaws be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035; and
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036.

Notice to the Minister of Housing

That subject to adoption of the Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035, Council instructs the Director of Sustainable Planning and Community Development to notify the Minister of Housing as required by the legislation pertaining to Small-Scale Multi-Unit Housing.

BACKGROUND

Attached for Council's consideration is a copy of the proposed Bylaw No. 24-035 for Small Scale Multi-Unit Housing (SSMUH) and the proposed Bylaw No. 24-036 for Transit-Oriented Area (TOA).

The issue came before Council on May 2, 2024 where the following resolution was approved:

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.*

The bylaws are now ready for Council’s consideration, which would allow the City to meet the June 30, 2024, provincial deadline.

In addition, the City is required to notify the Minister of Housing that we have determined this is the last zoning bylaw necessary to comply with the SSMUH legislation and we must identify the land that is exempt from the legislation, and the reason for that exemption. The recommended motion would instruct staff to conduct this notification to the Minister, if the SSMUH Bylaw is adopted.

If the bylaw designating the Transit Oriented Areas is adopted, staff will also notify the Minister of Transportation and Infrastructure that we have designated the TOA, as required by the legislation.

CONCLUSIONS

It is recommended that Council consider the motion to give first, second and third readings to the SSMUH and TOA Bylaws (Attachments A & B) instruct staff to notify the Minister of Housing following adoption of the SSMUH Bylaw.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Zoning Regulation Bylaw, Amendment Bylaw (No. 1336), No. 24-035
- Attachment B: Zoning Regulation Bylaw, Amendment Bylaw (No. 1337), No. 24-036