



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, November 14, 2019, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Council is committed to ensuring that all people who speak in this chamber are treated in a fair and respectful manner. No form of discrimination is acceptable or tolerated. This includes discrimination because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or economic status. This Council chamber is a place where all human rights are respected and where we all take responsibility to create a safe, inclusive environment for everyone to participate.

Pages

A. Music Performance

By the Victoria Conservatory of Music.

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Addendum

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Addendum

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F. PUBLIC AND STATUTORY HEARINGS

F.1 1002-1008 Pandora Avenue: Rezoning Application No. 00696 46

Council is considering an application to permit an air space plan for the project.

F.1.a Public Hearing & Consideration of Approval 84

- Motion to give 3rd reading to:
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1205) No. 19-090
- Motion to adopt:
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1205) No. 19-090

F.2 Official Community Plan Amendment: Regional Context Statement 85

Council is considering an amendment to the Official Community Plan to Replace the Regional Context Statement with a new Regional Context Statement that highlights the alignment and consistency between the Official Community Plan and the Capital Regional District's new Regional Growth Strategy (2018).

F.2.a Public Hearing & Consideration of Approval 122

- Motion to give 3rd reading to:
 - Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 34) No. 19-102
- Motion to adopt:
 - Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 34) No. 19-102

F.3 2220 Cook Street: Rezoning Application No. 00684 and Development Permit with Variances Application No. 00107 130

Council is considering an application to subdivide the existing lot to two lots, retain the existing apartment on the northerly lot and construct a triplex on the southerly lot.

F.3.a Public Hearing & Consideration of Approval:

263

- **Motion to give 3rd reading to:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068
- **Motion to adopt:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068
 - Housing Agreement (2220 Cook Street) Bylaw (2019) No. 19-076
- **Approval of development permit with variances**

F.4 1175 Douglas Street: Development Variance Permit Application No. 00225

291

Council is considering an application to erect a sign in excess of the maximum sign size limitations.

F.4.a Opportunity for Public Comment & Consideration of Approval

- **Approval of development variance permit**

G. REQUESTS TO ADDRESS COUNCIL

***G.1 Chloe Dufort: QVNG**

Addendum

H. UNFINISHED BUSINESS

***H.1 Victoria Edelweiss Club Grant**

333

Addendum

A report from Councillors Isitt and Loveday, regarding a grant for the Victoria Edelweiss Club.

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the October 21 and 31, and November 4, 2019 Special COTW Budget Meetings

334

[Link to the October 21, 2019 Special COTW Agenda](#)

[Link to the October 31, 2019 Special COTW Agenda](#)

[Link to the November 4, 2019 Special COTW Agenda](#)

I.1.a.a October 21, 2019

I.1.a.b October 31, 2019

I.1.a.c November 4, 2019

I.1.b Report from the November 7, 2019 COTW Meeting

337

[Link to the November 7, 2019 COTW Agenda](#)

I.1.b.a 1442 Elford Street: Rezoning Application No. 00703
(Fernwood)

I.1.b.b 1442 Elford Street: Heritage Designation Application No.
000186 (Fernwood)

I.1.b.c Council Member Motion - Transit Week Challenge

I.1.b.d Council Member Motion - City of Victoria Input into
Provincial Old Growth Strategic Review

I.1.b.e Accessibility Framework - Endorsement and Next Steps

I.1.b.f Resource Assessment - Development of a Single-Use
Materials Regulation

I.1.b.g Zero Waste Strategy - Update and Considerations

I.1.b.h Council Member Motion - Protecting and Supporting Arts
and Cultural Spaces in the City

I.1.c Report from the November 14, 2019 COTW Meeting (Report to
Follow)

J. NOTICE OF MOTIONS

K. BYLAWS

K.1 Bylaw for Official Community Plan Amendment: Food-Bearing, Pollinator, and
Native Plant Landscape Design Guidelines

340

Referred from the October 24, 2019 Council Meeting.

A report recommending:

- 1st and 2nd readings of:

- Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 33) No. 19-079

The bylaw is ready to proceed to Public Hearing and proposes to revise the references to the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* (July 2012) and the *Design Guidelines for Attached Residential Development* (May 2018) in order to reflect an amendment to those guidelines that mandates native, adapted, food bearing, or pollinator plants in landscape design.

K.2 Bylaw for 605-629 Speed Avenue and 606-618 Frances Avenue: Development Permit with Variances Application No. 00115

361

A report recommending:

- **1st, 2nd, and 3rd readings of:**
 - Housing Agreement (605-629 Speed Avenue and 606-618 Frances Avenue) Bylaw (2019) No. 19-109

The application is ready to proceed to Public Hearing and proposes a multi-unit residential development consisting of two approximately 14-storey and 6-storey residential buildings.

K.3 Bylaw for 1811 Oak Bay Avenue: Development Permit with Variances Application No. 00060

399

A report recommending:

- **1st, 2nd, and 3rd readings of:**
 - Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment) Bylaw (2019) No. 19-098
 - Housing Agreement (1811 Oak Bay Avenue No Rental Restrictions) Bylaw (2019) No. 19-099

The application is ready to proceed to an Opportunity for Public Comment and proposes a five-storey building with multiple dwelling units.

K.4 Bylaw for Tree Preservation Amendments

418

A report recommending:

- **Rescind 3rd reading of:**
 - Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082
- **Amend the bylaw**

- **3rd reading as amended of:**
 - Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

The bylaw proposes to amend the *Tree Preservation Bylaw* to ensure that trees are not cut down unnecessarily in the process of construction and to update definition and internal references.

L. **CORRESPONDENCE**

M. **NEW BUSINESS**

N. **QUESTION PERIOD**

O. **ADJOURNMENT**



MINUTES - VICTORIA CITY COUNCIL

September 5, 2019, 12:31 P.M.
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE
VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Potts

ON LEAVE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, F. Work - Director of Engineering & Public Works, T. Zworski - City Solicitor, C. Moffat – Assistant City Solicitor, B. Eisenhauer – Head of Engagement, C. Mycroft – Manager of Executive Operations, P. Angelblazer - Committee Secretary

C. CLOSED MEETING

Moved By Councillor Loveday
Seconded By Councillor Young

MOTION TO CLOSE THE SEPTEMBER 5, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED UNANIMOUSLY

D. APPROVAL OF CLOSED AGENDA

Moved By Councillor Thornton-Joe
Seconded By Councillor Isitt

That the closed agenda be approved.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Legal Advice - Community Charter Section 90(1)(i)

Council received a verbal report regarding legal advice.

The motion was recorded and kept confidential.

H.2 Legal Advice - Community Charter Section 90(1)(i)

Council received a verbal report regarding legal advice.

The motion was recorded and kept confidential.

H.3 Employee Relations - Community Charter Section 90(1)(c)

Council received a verbal report regarding employee relations.

The motion was recorded and kept confidential.

J. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 3:10 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

October 10, 2019, 11:51 A.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Potts

LEAVE OF ABSENCE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, A. Hudson - Acting Director of Sustainable Planning & Community Development, A. James - Head of Strategic Operations, L. Van Den Dolder - Assistant City Solicitor, B. Cockle - Leader - Bylaw Services, S. Perkins, Manager - Bylaw Services, L. Milburn - Senior Planner - Housing Policy, M. Heiser - Committee Secretary

A. CONVENE COUNCIL MEETING

B. CLOSED MEETING

Moved By Councillor Young

Seconded By Councillor Dubow

MOTION TO CLOSE THE OCTOBER 10, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

CARRIED UNANIMOUSLY

C. APPROVAL OF CLOSED AGENDA

Moved By Councillor Potts

Seconded By Councillor Isitt

That the closed agenda be approved.

Amendment:

Moved By Councillor Potts

Seconded By Councillor Isitt

That the Closed Council Agenda be amended as follows:

Consent Agenda:

B.1 Minutes from the closed meeting held September 5, 2019

B.2 Minutes from the closed meeting held September 19, 2019

CARRIED UNANIMOUSLY

Main motion as amended:

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

That the following items be approved without further debate:

B.1 Minutes from the closed meeting held September 5, 2019

Moved By Councillor Alto

Seconded By Councillor Isitt

That the minutes from the closed meeting held September 5, 2019 be adopted.

CARRIED UNANIMOUSLY

B.2 Minutes from the closed meeting held September 19, 2019

Moved By Councillor Alto

Seconded By Councillor Isitt

That the minutes from the closed meeting held September 19 be adopted.

CARRIED UNANIMOUSLY

E. NEW BUSINESS

H.1 Intergovernmental Relations – Community Charter Section 90(2)(b)

Council received a verbal report regarding an intergovernmental relations matter.

The discussion was recorded and kept confidential.

H.4 Law Enforcement – Community Charter Section 90(1)(f)

Council received a report regarding a law enforcement matter.

The motion was recorded and kept confidential.

H.2 Legal Advice – Community Charter Section 90(1)(i)

Council received a report regarding a legal advice matter.

The motion was recorded and kept confidential.

H.3 Appointment – Community Charter Section 90(1)(a)

Council received a report regarding an appointment.

The motion was recorded and kept confidential.

H.5 Employee Relations – Community Charter Section 90(1)(c)

Council received a verbal report regarding an employee relations matter.

The conversation was recorded and kept confidential.

F. **ADJOURNMENT**

Moved By Councillor Young
Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 1:26 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

October 17, 2019, 3:51 P.M.
COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE
VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting
The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Dubow

ON LEAVE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, L. Van Den Dolder - Assistant City Solicitor, P. Angelblazer - Committee Secretary,

B. APPROVAL OF AGENDA

Moved By Councillor Potts
Seconded By Councillor Young

That the October 17, 2019 Council to follow Committee of the Whole agenda be approved.

CARRIED UNANIMOUSLY

C. BYLAWS

C.1 Bylaws for 589 Toronto Street: Rezoning Application No. 00661

Moved By Councillor Alto
Seconded By Councillor Potts

That the following bylaw **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1196) No. 19-074

Council to follow Committee of the Whole Minutes

October 17, 2019

2. Housing Agreement (589 Toronto Street) Bylaw (2019) No. 19-075

CARRIED UNANIMOUSLY

D. CLOSED MEETING AT 4:01 P.M.

Moved By Councillor Potts

Seconded By Councillor Loveday

MOTION TO CLOSE THE OCTOBER 17 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED UNANIMOUSLY

E. APPROVAL OF CLOSED AGENDA

Moved By Councillor Loveday

Seconded By Councillor Potts

That the closed agenda be approved.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That item I.2 be discussed before G.1.

CARRIED UNANIMOUSLY

On the motion:

CARRIED UNANIMOUSLY

F. READING OF CLOSED MINUTES

Council to follow Committee of the Whole Minutes

October 17, 2019

Moved By Councillor Potts
Seconded By Councillor Young

That the minutes from the October 3rd, 2019 Closed and Special Closed Meetings are approved.

CARRIED UNANIMOUSLY

I. NEW BUSINESS

I.2 Legal Advice - Community Charter Section 90(1)(i)

Council received a report regarding legal advice.

The discussion and motion were recorded and kept confidential.

G. UNFINISHED BUSINESS

G.1 Appointment - Community Charter Section 90(1)(a)

Council received a report regarding an appointment.

The discussion and motion were recorded and kept confidential.

I. NEW BUSINESS

I.3 Employee Relations - Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

K. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 4:20 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

October 24, 2019, 1:18 P.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Thornton-Joe, Councillor Young, Councillor Dubow, Councillor Potts

PRESENT VIA ELECTRONIC PARTICIPATION: Councillor Loveday

ON LEAVE Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, P. Rantucci - Head of Strategic Real Estate, A. Meyer - Assistant Director of Development Services, L. van den Dolder – Assistant City Solicitor, P. Angelblazer - Committee Secretary

A. CONVENE COUNCIL MEETING

C. CLOSED MEETING

Moved By Councillor Potts
Seconded By Councillor Young

MOTION TO CLOSE THE OCTOBER 24, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Council to follow Committee of the Whole

October 24, 2019

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(g) litigation or potential litigation affecting the municipality;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

D. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the closed agenda be approved.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

Add H.7 Legal Advice/Land - Community Charter Section 90(1)(i)&(e) to the agenda

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the motion be amended to include the following items on the consent agenda:

I.3 – Legal Advice/Potential Litigation – Community Charter Section 90(1)(i)&(g)

CARRIED UNANIMOUSLY

On the motion as amended:

CARRIED UNANIMOUSLY

E. CONSENT AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following items be approved without further debate

CARRIED UNANIMOUSLY

Council to follow Committee of the Whole

October 24, 2019

I.3 Legal Advice/Potential Litigation - Community Charter Section 90(1)(i)&(g)

Council received a confidential report dated October 18, 2019 from the City Solicitor providing legal advice on potential litigation.

The motion was recorded and kept confidential.

I. NEW BUSINESS

I.1 Appointment - Community Charter Section 90(1)(a)

Council received a confidential report dated October 4, 2019 from the City Clerk regarding municipal appointments.

The motion was recorded and kept confidential.

I.2 Legal Advice - Community Charter Section 90(1)(i)

Council received legal advice from the City Solicitor.

The motion was recorded and kept confidential.

I.4 Land - Community Charter Section 90(1)(e)

Council received a presentation from the Head of Strategic Real Estate regarding a land item.

The motion was recorded and kept confidential.

I.5 Labour Relations - Community Charter Section 90(1)(c)

Council received a confidential report dated October 22, 2019 from Councillors' Isitt and Loveday regarding labour relations.

The motion was recorded and kept confidential.

I.6 Labour Relations - Community Charter Section 90(1)(c)

Council received a confidential report dated October 23, 2019 from the Head of Human Resources regarding labour relations.

The motion was recorded and kept confidential.

I.7 Legal Advice/Land - Community Charter Section 90(1)(i)&(e)

Council received legal advice from the City Solicitor regarding a land item.

Council to follow Committee of the Whole

October 24, 2019

The motion was recorded and kept confidential.

All staff except the City Manager were excused from the meeting at 4:10 p.m.

I.8 Employee Relations - Community Charter Section 90(1)(c)

Council received a verbal update on a matter regarding employee relations.

The discussion was kept confidential.

K. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Potts

That the Closed Council Meeting be adjourned at 4:22 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

October 24, 2019, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ON LEAVE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, C. Mycroft - Manager of Executive Operations, M. Betanzo - Senior Planner, P. Martin - Council Secretary

GUEST: M. Quattrocchi - Barrister & Solicitor, Young Anderson

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the agenda be approved as amended.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Isitt

That the agenda be amended to add Paula Buchholz to the second Request to Address Council section of the agenda.

CARRIED UNANIMOUSLY

Main motion as amended:

CARRIED UNANIMOUSLY

B. Poetry Reading

The Poet Laureate, John Barton, read a poem titled "The sound of waves came in from the open door".

C. READING OF MINUTES

Moved By Councillor Alto

Seconded By Councillor Loveday

That the following minutes be adopted:

1. Minutes from the special daytime meeting held October 3, 2019
2. Minutes from the daytime meeting held October 3, 2019
3. Minutes from the evening meeting held October 10, 2019

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.2 Anne Topp: Preservation of Edelweiss Club Building for Community Use

Outlined why Council should rezone the property located at 108 Niagara Street, to address the property tax issue for the Victoria Edelweiss Club.

D.3 Jaz Snider: Zoning for Victoria Edelweiss Club

Outlined why Council should rezone the property located at 108 Niagara Street, to address the property tax issue for the Victoria Edelweiss Club.

D.4 Petra Kixmoller: Rezoning 108 Niagara Street

Outlined why Council should rezone the property located at 108 Niagara Street, to address the property tax issue for the Victoria Edelweiss Club.

D.5 Carla MacGillivray: Value of Victoria Edelweiss Club as Non-Profit Society

Outlined why Council should support the Victoria Edelweiss Club in addressing their property tax issue.

D.6 Brian Money: Rezoning the Edelweiss Club Property

Outlined why Council should rezone the property located at 108 Niagara Street, to address the property tax issue for the Victoria Edelweiss Club.

E. PROCLAMATIONS

E.1 "National Diabetes Awareness Month and World Diabetes Day" - November 2019 and November 14, 2019

Moved By Councillor Alto

Seconded By Councillor Potts

That the following proclamation be endorsed:

1. "National Diabetes Awareness Month and World Diabetes Day" - November 2019 and November 14, 2019

CARRIED UNANIMOUSLY

F. PUBLIC AND STATUTORY HEARINGS

F.1 2708 Graham Street and 1050-1054 Hillside Avenue: Development Permit with Variance Application No. 00043

Development Permit with Variances Application No. 00043:

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 2708 Graham Street & 1050-1054 Hillside Avenue, in Development Permit Area 16, for purposes of demolishing the existing single-family dwelling and constructing four new townhouses to the rear of the existing duplex.

F.1.a Opportunity for Public Comment & Consideration of Approval

Miko Betanzo (Senior Planner): *Advised that the application is to build four new townhouse units to the rear of the existing duplex.*

Mayor Helps opened the opportunity for public comment at 6:59 p.m.

Applicant: Provided information regarding the application.

James Jackson (Graham Street): Expressed concerns with the application, due the lack of provided parking and loss of trees.

Mayor Helps closed the opportunity for public comment at 7:13 p.m.

Moved By Councillor Isitt
Seconded By Councillor Loveday

That Council authorize the issuance of Development Permit with Variance Application No. 00043 for 2708 Graham Street and 1050-1054 Hillside Avenue, in accordance with:

1. Plans date stamped December 17, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of buildings from one to two
 - ii. decrease the site area from 920.0m² to 911.93m²
 - iii. decrease the rear (north) yard setback from 4.57m to 2.31m
 - iv. decrease the side (east) yard setback from the building from 4.57m to 2.42m
 - v. decrease the side (east) yard setback from the stairs from 3.0m to 0.0m
 - vi. increase the site coverage from 40.0% to 48.4%
 - vii. decrease the open site space from 60.0% to 51.6%.
3. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, to add canopies above the

- townhouse front doors, change the horizontal metal siding to wood, amend the landscape plan bicycle parking to be consistent with site plan, and change the garage door to wood.
4. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Housing Agreement (2708 Graham Street & 1050-1054 Hillside Avenue) Bylaw (2019) No. 19-039

CARRIED UNANIMOUSLY

F.2 1025-1031 Johnson Street and 1050 Yates Street: Official Community Plan Amendment, Rezoning Application No. 00660, and Development Permit Application No. 000536

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 31) No. 19-032:

To include all of the land known as 1025-1031 Johnson Street and 1050 Yates Street in the Core Residential Urban Place Designation with added text to specify a new density.

Phasing Agreement Bylaw, 2019 No. 19-108:

To enter into a phased development agreement with 1133863 B.C. Ltd. and Nadar Holdings Ltd for the land known as 1025-1031 Johnson Street and 1050 Yates Street for a period of ten years for the construction of a four phased comprehensive development including a twelve-storey, mixed-use firehall building with offices and affordable dwelling units and three mixed-use buildings of up to seventeen storeys.

Zoning Regulation Bylaw, Amendment Bylaw (No. 31) No. 19-033:

To rezone the land known as 1025-1031 Johnson Street and 1050 Yates Street from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District, to the CA-90 Zone, Mid Cook District, to increase the density and allow institutional and multi-unit uses at this location to allow for the construction of a four phased comprehensive development including a twelve-storey, mixed-use firehall building with offices and affordable dwelling units and three mixed-use buildings of up to seventeen storeys.

Development Permit Application:

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1025-1031 Johnson Street and 1050 Yates Street, in Development Permit Area 3 (HC), Core Residential, for the purposes of approving the exterior design and finishes for the first phase (twelve-storey, mixed-use firehall building with offices and affordable dwelling units) of the comprehensive development as well as landscaping.

F.2.a Public Hearing & Consideration of Approval

Miko Betanzo (Senior Planner): *Advised that the application is to increase the density and add residential uses for a phased development, that includes four development areas with four main buildings (12 storeys, 14 storeys, 15 storeys, and 17 storeys). Mixed housing, commercial and retail space, a public plaza, and a new post disaster building (Fire Hall No. 1) are proposed.*

Mayor Helps opened the public hearing at 7:17 p.m.

David Jawl and Alan Fox (Applicants): Provided information regarding the application.

Council discussed the following:

- *Why the application is coming forward as a phased development.*

Nora Lurch (Pandora Avenue): Asked various questions regarding the application, such as how the neighbourhood will be affected by the construction and the Fire Hall.

Brian Berth: Expressed concerns with the application, as the Fire Hall should not be combined with the remainder of the development.

Jane Butler McGregor (Victoria Conservatory of Music): Expressed support for the application, as it will provide a positive benefit to the neighbourhood, and due to the need for affordable housing in the City.

Amber Rainshadow: Expressed support for the application, in relation to her positive experiences with Pacifica Housing, and due to the need for affordable housing in the City.

William Hoar (Fisgard Street): Expressed support for the application, in relation to his positive experiences with Pacifica Housing, and due to the need for affordable housing in the City.

Kathrin Lake (Yates Street): Expressed concerns with the application, due to potential shadowing issues and the change to the character of the neighbourhood.

Ian Sutherland (Chair of the Downtown Residents Association): Expressed concerns with the application, due to the amount of the requested Floor Space Ratio, as well as the proposed massing, form, and character.

Ratinder Sahota (Pacifica Housing): Provided information regarding Pacifica Housing and their plan for the development.

Rachel Litton (Richmond Road): Expressed support for the application, due to the need for affordable housing in the City.

Ty Whittaker (St. Charles Street): Expressed support for the application, due to the need for affordable housing in the City.

Rob Wittman (Fernwood Street): Expressed concerns with the application, due to the proposed height and character of the building.

Shelly Urquhart (Johnson Street): Expressed concerns with the application, due to the potential increase of noise from the construction and Fire Hall.

Jim Mayer (Tyee Road): Expressed support for the application, due to the need for an emergency response centre, and because the development will provide a benefit to the neighbourhood and City.

Wendy Bowkelt: Expressed concerns with the application, due to the size, height, and massing of the proposed development.

Gail Caryn (Mount Douglas Senior Housing): Expressed support for the application, due to the need for affordable housing in the City.

Jenn Boulton-Stehle (Pacifica Housing): Provided information regarding Pacifica Housing and the need for affordable housing in the City.

Mike Nugent (Nugent Properties Ltd.): Expressed support for the application, due to the need for affordable housing.

Graham Bennett (Newton Street): Expressed concerns with the application, due first response risks related to the combination of the emergency management services in one location.

Jaime Hall (Pentrelew Place): Expressed support for the application, due to the need for affordable housing.

Fred Rohani (Hampshire Road): Expressed support for the application, due to the need for affordable housing.

Ed Adams (Johnson Street): Expressed support for the application, due to the need for affordable housing and need for an updated Fire Hall.

JC Scott (Fan Tan Alley): Expressed support for the application, due to the need for affordable housing, but also expressed concerns with the precedent he believes Council is setting in relation to the amendments required to the Official Community Plan.

Council recessed from 8:46 p.m. until 8:53 p.m. Councillors Alto, Dubow, and Isitt were not present when the meeting was reconvened.

Ken Greenwood (Johnson Street): Expressed concerns with the application, due to the phased process and needed changes to the Official Community Plan.

Councillor Dubow returned to the meeting at 8:54 p.m.

Councillor Alto returned to the meeting at 8:55 p.m.

Jayne Bradbury (Yates Street): Expressed support for the application, due to the positive benefit the development will bring to the neighbourhood.

Councillor Isitt returned to the meeting at 8:58 p.m.

Susanne Bradbury: Expressed support for the application, due to the need for affordable housing.

Patrick Hyde-Lay: Expressed support for the application, due to the need for affordable housing.

Bob June: Expressed concerns with the application, due to the requested changes required to the zoning and Official Community Plan.

Valerie Stanley-Jones: Expressed concerns with the application, due to the requested changes required to the zoning and Official Community Plan.

Reed Kip (Devon Properties): Expressed support for the application, due to the need for affordable housing.

Vicki Vukmirovich (Cormorant Street): Expressed support for the application, due to the need for affordable housing.

Blair Hagkull: Expressed support for the application, due to the inclusion of amenities in the development and the need for affordable housing.

Council discussed the following:

- *The engagement process followed by the City and developer.*
- *That the location falls in the recommended area for a Fire Station.*
- *The shadow studies and the potential impact on neighbouring properties, due to the height and massing of the proposed development.*
- *How the developer will ensure minimal disruption to neighbouring properties during the construction process.*
- *How the Fire Hall will be a good neighbour and the benefits of a combined first response centre.*

Mayor Helps closed the public hearing at 10:14 p.m.

Moved By Mayor Helps

Seconded By Councillor Loveday

That the following bylaw **be given third reading:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 31) No. 19-032
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1184) No. 19-033
3. Phased Development Agreement Bylaw No. 19-108, 2019

Council discussed the following:

- *The need for affordable housing in the City.*
- *The importance of being able to amend the Official Community Plan to meet the needs of the City.*
- *The importance of the seismically secure Fire Hall No. 1.*
- *Why the proposed setbacks are important to create proper spacing and livability.*

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Loveday

That the following bylaw **be adopted:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 31) No. 19-032
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1184) No. 19-033
3. Phased Development Agreement Bylaw No. 19-108, 2019
4. Housing Agreement (1025-1031 Johnson Street and 1050 Yates Street) Bylaw (2019) No. 19-106
5. Housing Agreement (1025-1031 Johnson Street and 1050 Yates Street) Bylaw (2019) No. 19-107

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council authorize the issuance of Development Permit Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Street, in accordance with:

1. Plans date stamped February 4, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of building permit approval, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. building encroachment(s) in the City Right-of-Way
 - b. anchor-pinning in the City Right-of-Way
4. Final plans to be generally in accordance with the plans identified above, to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Motion to extend:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That the meeting be extended to 12:00 a.m.

CARRIED UNANIMOUSLY

Council recessed from 11:01 p.m. to 11:11 p.m.

G. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Loveday

Seconded By Councillor Isitt

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

G.1 Robin Evans: Edelweiss Club 108 Niagara St.

Outlined why Council should support the Victoria Edelweiss Club in addressing their property tax issue.

G.2 John Lee & Deborah Cooper: Edelweiss Club

Outlined why Council should support the Victoria Edelweiss Club in addressing their property tax issue.

G.3 Edna Traynor: Downzone 108 Niagara St. Victoria, BC

Outlined why Council should support the Victoria Edelweiss Club in addressing their property tax issue.

G.4 Pat Warren: Approval of Our License Application

Outlined his appreciation for Council's decision at the Committee of the Whole meeting to send their comments to the Province for their consideration.

G.5 Bruce Webster: Cruise Industry Ogden Point

Outlined concerns relating to media that reported the number of cruise ships would be limited.

G.6 Valerie Stanley-Jones: Downzoning Edelweiss

Outlined why Council should support the Victoria Edelweiss Club in addressing their property tax issue.

H. UNFINISHED BUSINESS

H.1 Rescinding Earlier Plans Upon Approval of the Fairfield Neighbourhood Plan (2019)

Moved By Councillor Loveday

Seconded By Councillor Potts

That Council rescind the *Cathedral Hill Precinct Plan* (2004) and the *Humboldt Valley Precinct Plan* (2005).

CARRIED UNANIMOUSLY

H.2 Victoria Edelweiss Club Zoning Request - Referred from the October 17 Committee of the Whole

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council lift the following motion from the table:

That Council directs staff to initiate a rezoning and Official Community Plan amendment for the property at 108 Niagara Street to designate the existing use as the permitted use, with consideration of amendment bylaws for final adoption by Council prior to December 31, 2019.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council directs staff to initiate a rezoning and Official Community Plan amendment for the property at 108 Niagara Street to designate the existing use as the permitted use, with consideration of amendment bylaws for final adoption by Council prior to December 31, 2019.

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council replace the motion with the following:

That Council:

- 1. Supports the Victoria Edelweiss Club / German Canadian Cultural Society pursuing options if it wishes to reduce the market value of the property at 108 Niagara Street and limit annual property taxes owing (recognizing that land values are determined by the BC Assessment Authority based on a number factors), including consideration of the following possible options:**
 - a. Registering a Restrictive Covenant on title limiting the use to a community hall; and/or**
 - b. Applying to change the Zoning and/or Official Community Plan designation to the existing use.**
- 2. Indicates Council's willingness to consider providing a grant-in-aid to the Society equivalent to the cost of applying for a change in Zoning and/or Official Community Plan designation if the Society wishes to pursue this option.**

3. Directs city staff to share a sample Restrictive Covenant with the Society's legal counsel if they wish to pursue this option.
4. Directs city staff to provide information to the Society regarding the process of applying to change the Zoning or Official Community Plan designation if the Society wishes to pursue this option.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council:

1. Supports the Victoria Edelweiss Club / German Canadian Cultural Society pursuing options if it wishes to reduce the market value of the property at 108 Niagara Street and limit annual property taxes owing (recognizing that land values are determined by the BC Assessment Authority based on a number factors), including consideration of the following possible options:
 - a. Registering a Restrictive Covenant on title limiting the use to a community hall; and/or
 - b. Applying to change the Zoning and/or Official Community Plan designation to the existing use.
2. Indicates Council's willingness to consider providing a grant-in-aid to the Society equivalent to the cost of applying for a change in Zoning and/or Official Community Plan designation if the Society wishes to pursue this option.
3. Directs city staff to share a sample Restrictive Covenant with the Society's legal counsel if they wish to pursue this option.
4. Directs city staff to provide information to the Society regarding the process of applying to change the Zoning or Official Community Plan designation if the Society wishes to pursue this option.

CARRIED UNANIMOUSLY

Motion to extend:

Moved By Councillor Loveday

Seconded By Councillor Potts

That the meeting be extended to 12:20 a.m.

CARRIED UNANIMOUSLY

H.3 Letter from the Minister of Municipal Affairs and Housing

A letter of response dated September 4, 2019, regarding the importance of accessible parking.

Moved By Councillor Alto

Seconded By Councillor Loveday

That the correspondence dated September 4, 2019 from the Minister of Municipal Affairs and Housing be received for information and be referred to the Accessibility Working Group for advice on next steps.

CARRIED UNANIMOUSLY

H.4 Letter from the Minister of Municipal Affairs and Housing

A letter of response dated September 20, 2019, regarding amending the Community Charter to authorize local governments to engage in reconciliation dialogue with First Nations.

Moved By Councillor Alto
Seconded By Councillor Loveday

That the correspondence dated September 20, 2019 from the Minister of Municipal Affairs and Housing be received for information.

CARRIED UNANIMOUSLY

H.5 Rise and Report

H.5.a From the October 24, 2019 Closed Council Meeting:

1. That staff bring forward a revised Tree Protection Amendment Bylaw in an open meeting to introduce transitional provisions that don't impact existing applications already received by the City on or before October 24, 2019.
2. Staff to include in the amendments a provision for cash in lieu where a site cannot accommodate replacement trees.

Moved By Mayor Helps
Seconded By Councillor Alto

1. That staff bring forward a revised Tree Protection Amendment Bylaw in an open meeting to introduce transitional provisions that don't impact existing applications already received by the City on or before October 24, 2019.
2. Staff to include in the amendments a provision for cash in lieu where a site cannot accommodate replacement trees.

CARRIED UNANIMOUSLY

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the October 17, 2019 COTW Meeting

I.1.a.a Council Member Motion - Travel Request for Councillor Isitt - Climate Leaders Institute

Moved By Councillor Alto
Seconded By Councillor Loveday

That Council authorize the attendance and associated costs for Councillor Isitt to attend the Climate Leaders Institute in Richmond, BC, from November 7-8, 2019, with estimated costs as follows:

Registration:	\$245
Ferry (return):	\$35
Public Transit:	\$20
Accommodation:	\$250
Meals and Incidentals:	\$120
Estimated total costs:	\$670

CARRIED UNANIMOUSLY

I.1.a.b Service Delivery Improvement and Performance Measurement Resources

Moved By Councillor Potts
Seconded By Councillor Loveday

That Council:

Forward the recommended option of supporting both a service delivery improvement function and a performance measurement function to advance the 2019-2022 Strategic Plan for consideration in the 2020 Financial Plan as follows:

- Service Delivery Improvement Function (2.0 FTE): \$264,200 (On-Going)
- Performance Measurement Function (1.0 FTE): \$107,900 (On-Going)
- Survey Support (BC Stats): \$100,000 (One-Time)

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (2): Councillor Isitt, and Councillor Young

CARRIED (6 to 2)

I.1.a.c 2020 Financial Plan Introduction

Moved By Councillor Alto
Seconded By Councillor Isitt

That Council receive this report for information and further consideration on December 5, 2019.

CARRIED UNANIMOUSLY

I.1.a.d Corporate Equity - Next Steps Workshop

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council:

1. Direct staff to report back in early 2020 with a summary of Council input, as well as a plan to further the equity lens discussions with equity seeking groups and the community as a whole in early 2020.
2. Direct staff to bring forward financial costs associated with development and implementation of an equity lens as part of the 2020 Financial Plan.
3. Direct that the report from Councillor Dubow along with the other feedback from Council be referred to staff to inform the report back as noted in #1.

CARRIED UNANIMOUSLY

I.1.a.e Council Workshop - Crystal Pool and Wellness Centre Replacement Project

Moved By Councillor Isitt

Seconded By Councillor Dubow

That the pool project include consideration of a possible neighbourhood library branch.

CARRIED UNANIMOUSLY

I.1.a.f Renters' Advisory Committee - Terms of Reference and Work Plan

Moved By Councillor Loveday

Seconded By Councillor Alto

That Council:

1. Approve the revised Terms of Reference for the Renters Advisory Committee
2. Approve the Renters' Advisory Committee Work Plan

CARRIED UNANIMOUSLY

I.1.a.g Council Member Motion - Cruise Ship Emissions Report

Moved By Councillor Isitt

Seconded By Councillor Potts

1. That Council direct staff to report back on the City's jurisdiction on regulations for the cruise ship industry with respect to waste and emissions, and on the potential of requiring shore power by a particular date in order to significantly reduce and eventually eliminate the negative impact of waste, carbon emissions and particulate matter from the ships while they are in the City of Victoria.
2. That Council invite the Greater Victoria Harbour Authority to present the recent study it commissioned which outlines the impact of cruise operations on the environment in a workshop at an upcoming COTW meeting.
3. That Council request that the Greater Victoria Harbour Authority work more aggressively with the cruise ship industry to install shore power at Ogden Point.
4. That Council request that the Greater Victoria Harbour Authority not increase the number of cruise ships coming to Victoria, sign any long-term contracts, or consider home-porting cruise ships until the emissions and waste issues are dealt with to the satisfaction of Council based on the advice of the Director of Engineering and Public Works.
5. Council direct staff to work with GVHA and the CRD to reduce the volume of solid waste being disposed of from the cruise ship sector.

FOR (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (3): Councillor Dubow, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 3)

I.1.a.h Council Member Motion - Providing Stable Funding for the City of Victoria Butler Book Prize and the Children's Book Prize

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That Council provide an annual \$5,000 grant to the Victoria Book Prize Society for the Children's Book Prize beginning in 2020, and in perpetuity, to recognize and celebrate exceptional children's and youth literature in our community. This funding would be in addition to the \$5,000 prize for the City of Victoria Butler Book Prize and would allow for both awards to be branded as "City of Victoria" prizes.

And That Council direct staff to work with the Victoria Book Prize Society to rebrand the Children's Book Prize as the City of Victoria Children's Book Prize.

CARRIED UNANIMOUSLY

I.1.a.i Council Member Motion - Resolution of Support for Greta Thunberg and the Climate Strike Movement

Moved By Councillor Isitt

Seconded By Councillor Potts

That Council adopt the following resolution:

Resolution of Support for Greta Thunberg and the Climate Strike Movement

WHEREAS the global consensus of the scientific community is that human-induced climate change is undermining the ability of all species to survive and thrive on this small planet;

AND WHEREAS young people including Greta Thunberg of Sweden are leading the world-wide movement demanding action by all levels of government to curb greenhouse-house emissions in response to the climate crisis;

THEREFORE BE IT RESOLVED THAT the City of Victoria welcomes Greta Thunberg to Canada and expresses appreciation for her contribution and the contributions of millions of young people who are spearheading the world-wide movement toward an ecologically sustainable society and economy;

AND BE IT FURTHER RESOLVED THAT the City of Victoria condemns discriminatory attacks on Ms. Thunberg's character and capacity.

AND BE IT FURTHER RESOLVED THAT the City of Victoria reaffirms that we are in a climate emergency and renews its commitment to work with all levels of government to increase climate ambition in line with the science of keeping global warming below 1.5 degrees Celsius, including substantially reducing greenhouse gas emissions to achieve net carbon neutrality by 2030.

CARRIED UNANIMOUSLY

I.1.a.j Council Member Motion - Victoria Edelweiss Club Zoning Request

Moved By Councillor Alto

Seconded By Councillor Isitt

Motion Arising:

Direct staff to request that BC Assessment come to present at a Committee of the Whole meeting to provide information and the rationale on the taxation process.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Alto

Motion to refer:

That this item be referred to the quarterly update to report back on the resource implications and advisability:

1. That Council invites other community halls and cultural facilities in the City of Victoria to indicate their interest in pursuing a downzoning in order to align property taxation with the existing use of cultural facilities, thereby increasing their financial sustainability.

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the motion be amended as follows:

That this item be referred to the quarterly update to report back on the resource implications and advisability:

1. ~~That Council direct staff to work with the existing non-profit cultural facilities to assist them in identifying options for reducing the property tax burden, including zoning and other options invites other community halls and cultural facilities in the City of Victoria to indicate their interest in pursuing a downzoning in order to align property taxation with the existing use of cultural facilities, thereby increasing their financial sustainability.~~

CARRIED UNANIMOUSLY

Amendment:

On the main motion as amended:

That this item be referred to the quarterly update to report back on the resource implications and advisability:

1. That Council direct staff to work with the existing non-profit cultural facilities to assist them in identifying options for reducing the property tax burden, including zoning and other options.

CARRIED UNANIMOUSLY

Motion to extend:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That the meeting be extended to 12:30 a.m.

CARRIED UNANIMOUSLY

I.1.b Report from the October 24, 2019 COTW Meeting

I.1.b.a 2019 External Audit Plan

Moved By Councillor Dubow

Seconded By Councillor Thornton-Joe

That Council receive this report for information.

CARRIED UNANIMOUSLY

I.1.b.b 913-929 Burdett Avenue and 914-924 McClure Street - Update on Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 (Fairfield)

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

Rezoning Application No. 00466

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00466 for 913-929 Burdett Avenue and 914-924 McClure Street; and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council subject to the following conditions:
 - a. Preparation of a Housing Agreement Bylaw for the following:
 - i. to secure 50% of the total units as market rental for a minimum of 20 years;
 - ii. to secure a minimum of 26 units be used as assisted living for a minimum of 20 years;
 - iii. to secure a minimum of five affordable rental units for a minimum of 20 years;
 - iv. to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units; and
 - v. to repeal the formerly adopted Housing Agreement from a past development proposal.
 - b. Preparation of a Section 219 Covenant to secure the sustainability features and construction achieving a minimum BUILT GREEN® Bronze Certification level.
 - c. That Council request the applicant change the protection of rentals to 60 years instead of 20 years.
 - d. That Council give authorization for the following, if the Housing Agreement and Rezoning Bylaws are adopted:
 - e. Mayor and City Clerk to execute the documents required in order to discharge or terminate the following legal documents related to a past development proposal, which are not applicable to the current development proposal:

- f. 219 Covenant relating to the provision of full frontage works along the Burdett Avenue and McClure Street frontages;
- g. Statutory Right-of-Way for the provision of a 1.2m public walkway along the east of the property; and
- h. Heritage Revitalization Agreement dated February 14, 2008.
- i. Introduction of a bylaw to repeal the February 14, 2008 Heritage Revitalization Agreement, as required.

Heritage Alteration Permit No. 00214

Following consideration of Rezoning Application No. 00466, staff recommend that Council consider this updated motion with respect to Heritage Alteration Permit with Variances No. 00214:

"That Council authorize the issuance of the Heritage Alteration Permit No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street in accordance with:

1. Plans date stamped October 7, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increasing the building height from 16.5m to 20.55m;
 - ii. reducing the front yard setback from 10.6m to 8.75m;
 - iii. reducing the rear yard setback from 5.4m to 4.7m;
 - iv. reducing the west yard setback from 3.6m to 3.2m for the principal building and from 3.6m to 3.05m for the Cartreff Residence; and
 - v. reducing the vehicle parking requirement from 59 stalls to 56 stalls.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. The Heritage Alteration Permit is subject to the conditions for Mount St. Angela (917-923 Burdett Avenue), the Cartreff Residence (913 Burdett Avenue), and the Temple Residence (924 McClure Street), detailed in Appendix A, Appendix B, and Appendix C attached to this report.
5. The Heritage Alteration Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (6 to 2)

**I.1.b.c 844 Johnson Street - Development Permit with Variance
Application No. 00056 (Harris-Green)**

Moved By Councillor Young

Seconded By Councillor Potts

That the item be referred to staff to engage the applicant on time limitations related to the fence and that staff report back to Council by November 14, including closed meeting advice if necessary.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Potts, and Councillor Young

OPPOSED (2): Councillor Loveday, and Councillor Thornton-Joe

CARRIED (6 to 2)

I.1.b.d Local Area Planning - Next Phases

Moved By Mayor Helps

Seconded By Councillor Isitt

That Council direct staff to:

1. Undertake local area planning with a focus on integrated planning for land use, transportation, urban design and public realm, and limiting the scope to urban villages, town centres, frequent transit and mobility corridors in three phases as follows:
 1. Phase 1: Villages and corridors within Hillside-Quadra, North Park and Fernwood neighbourhoods
 2. Phase 2: Villages and corridors within Rockland, Fernwood, North and South Jubilee neighbourhoods (in particular, the Fort Street Corridor and Oak Bay Avenue).
 3. Phase 3: Town Centres, villages and corridors within Oaklands and James Bay neighbourhoods;
2. Initiate work with Neighbourhood Associations on community-led planning components to support local area planning in accordance with the Terms of Reference attached to this report;
3. Reallocate previously approved funding for pre-work and community-led planning based on revised timing of neighbourhood plans, as follows:
 1. \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, North Park, Fernwood, Rockland, North/South Jubilee, Gonzales;
 2. \$20,000 each for Phase 3 neighbourhoods: Oaklands and James Bay;
4. Use transportation planning funds previously allocated to local area planning, totalling \$180,000, for data collection, corridor planning or neighbourhood transportation management planning for the three phases.
5. Complete an update of the Neighbourhood Plan for each of these neighbourhoods by the end of this phased approach.

Amendment to the Terms of Reference in Attachment A:

That the working groups for all phases aim to represent the percentage of renters and owners in the City of Victoria according to the most recent census.

Staff bring the proposed composition of each working group to closed meetings for final approval by Council.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Dubow

That the motion be amended as follows:

3. Reallocate previously approved funding for pre-work and community-led planning based on revised timing of neighbourhood plans, as follows:
 1. \$10,000 each for Phase 1 and 2 neighbourhoods: Hillside-Quadra, **North Park**, Fernwood, Rockland, **North/South Jubilee**, Gonzales;
 2. \$20,000 each for Phase 3 neighbourhoods: Oaklands, James Bay, **North Park**, and **North/South Jubilee**;

FOR (4): Mayor Helps, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (4): Councillor Alto, Councillor Dubow, Councillor Isitt, and Councillor Potts

DEFEATED (4 to 4)

On the motion:

CARRIED UNANIMOUSLY

Motion to extend:

Moved By Councillor Alto

Seconded By Councillor Dubow

That the meeting be extended to 12:45 a.m.

CARRIED UNANIMOUSLY

I.1.b.e Recommendation for Pineapple Express at 608 Esquimalt Road

Moved By Councillor Isitt

Seconded By Councillor Potts

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of Pineapple Express located

at 608 Esquimalt Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to Pineapple Express located at 608 Esquimalt Road, subject to the condition that a license not be issued until after the applicant obtains a Development Permit for any proposed alterations to the building exterior that are required to operate the business, if required.
 - b. Bylaw Services and Sustainable Planning and Community Development reviewed the applicant and did not raise any concerns in terms of impacts on the community. The Victoria Police Department did not provide any comments.
 - c. The views of residents were solicited through a mail-out to neighboring property owners and occupiers within 100 meters of this address and to the relevant neighborhood association.
 - d. The City sent 645 notices and received 94 letters in response. 51 letters were from residents or businesses within 100 metres of the property, while 12 were from other Victoria residents, 21 were from residents of another municipality, and 10 did not specify an address. The City did not receive correspondence from the Vic West Community Association.
 - e. Of the 94 letters received, 63 support issuing a license and 29 oppose issuing a license. However, of the 51 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 22 support issuing a license, 27 oppose issuing a license, and 1 did not provide comments about a license.
 - f. Respondents raised concerns about increased traffic, insufficient parking for clients resulting in use of residential only parking, proximity spaces where there are children such as Vic West Elementary School, Vic West Park and skate park, and residential areas, and early hours of operation (e.g. 7:30 a.m.).
 - g. A Development Permit may be required to ensure alterations to the building exterior do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
 - h. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation for 10 months following legalization.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

Councillor Isitt requested that the motion be divided and that item "H" be voted upon separately.

Moved By Councillor Isitt
Seconded By Councillor Potts

- h. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation for 10 months following legalization.

Amendment:

Moved By Councillor Alto
Seconded By Councillor Potts

That the motion be amended as follows:

- h. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation for **approximately 9** ~~10~~ months following legalization.

CARRIED UNANIMOUSLY

On the main motion as amended:

- h. That Council wishes the province to make its own deliberations about the fact that this operation remained in operation for approximately 9 months following legalization.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

Moved By Councillor Isitt
Seconded By Councillor Potts

- 1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of Pineapple Express located at 608 Esquimalt Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to Pineapple Express located at 608 Esquimalt Road, subject to the condition that a license not be issued until after the applicant obtains a Development Permit for any proposed alterations to the building exterior that are required to operate the business, if required.

- b. Bylaw Services and Sustainable Planning and Community Development reviewed the applicant and did not raise any concerns in terms of impacts on the community. The Victoria Police Department did not provide any comments.
 - c. The views of residents were solicited through a mail-out to neighboring property owners and occupiers within 100 meters of this address and to the relevant neighborhood association.
 - d. The City sent 645 notices and received 94 letters in response. 51 letters were from residents or businesses within 100 metres of the property, while 12 were from other Victoria residents, 21 were from residents of another municipality, and 10 did not specify an address. The City did not receive correspondence from the Vic West Community Association.
 - e. Of the 94 letters received, 63 support issuing a license and 29 oppose issuing a license. However, of the 51 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 22 support issuing a license, 27 oppose issuing a license, and 1 did not provide comments about a license.
 - f. Respondents raised concerns about increased traffic, insufficient parking for clients resulting in use of residential only parking, proximity spaces where there are children such as Vic West Elementary School, Vic West Park and skate park, and residential areas, and early hours of operation (e.g. 7:30 a.m.).
 - g. A Development Permit may be required to ensure alterations to the building exterior do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

CARRIED UNANIMOUSLY

I.1.b.f Recommendation for High 5 Retail at 732 Tyee Road

Moved By Councillor Loveday

Seconded By Councillor Alto

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of High 5 Retail at 732 Tyee Road to receive a provincial cannabis retail store license with the following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to High 5 Retail at 732 Tyee Road, subject to the condition that this license not be issued until after the applicant obtains a Development Permit for any proposed alterations to the building exterior.
 - b. City staff did not raise any concerns about this application in terms of community impacts.
 - c. The views of residents were solicited through a mail-out to neighbouring property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.
 - d. The City sent 610 notices and received 15 letters in response. 12 letters were from respondents within 100 metres of the property, while 2 were from other Victoria residents, and 1 did not specify an address. The City did not receive correspondence from the Vic West Community Association.
 - e. Of the 15 letters received, 6 support issuing a license, 7 oppose issuing a license, and 2 do not provide a clear position on the application. However, of the 12 respondents within 100 metres of the proposed cannabis retail store that provided written comments, 5 support issuing a license, and 6 oppose issuing a license.
 - f. Respondents raised concerns about insufficient parking resulting in use of limited street parking, hours of operation near a residential area, increased nuisances such as loitering, consumption, and waste in the area, proximity to a residential area, and increased traffic.
 - g. A Development Permit is required to ensure alterations to the building exterior do not diminish the experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
 - h. The property currently permits cannabis retail use under a Temporary Use Permit that expires on October 12, 2020. The applicant must either obtain Council approval to renew the Temporary Use Permit or complete a successful rezoning process in order to operate a cannabis retail store at 732 Tyee Road after October 12, 2020. The City will notify the LCRB if cannabis retail use at 732 Tyee Road is approved or not.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

CARRIED UNANIMOUSLY

I.1.b.g Certification as a Living Wage Employer

Moved By Councillor Isitt

Seconded By Councillor Alto

That Council adopt the proposed Living Wage policy and direct staff to develop an implementation plan and apply for certification as a Living Wage Employer no later than January 31, 2020.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

I.1.b.h Commercial Loading Zone Permits

Moved By Councillor Potts

Seconded By Councillor Alto

That Council direct staff to bring forward amendments to the Streets and Traffic Bylaw to:

1. Authorize the use of loading zones and 20-minute meters when a valid City of Victoria commercial loading permit is displayed.
2. Establish an interim fee structure for City of Victoria commercial loading permits as follows:
 - a. Vehicles 6 metres or less in length - \$100 per year
 - b. Vehicles greater than 6 metres in length - \$300 per year

CARRIED UNANIMOUSLY

K. BYLAWS

K.1 Bylaw for Regional Context Statement, Official Community Plan Amendment

Moved By Councillor Potts

Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 34) No. 19-102

CARRIED UNANIMOUSLY

K.2 Bylaw for Food-Bearing, Pollinator, and Native Plant Landscape Design Guidelines, Official Community Plan Amendment

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council:

1. Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development and the Design Guidelines for Attached Residential Development as follows:

- a. To insert the following landscape design guideline in place of the guideline approved by Council on June 13, 2019: "A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats.
 - b. To remove from s.5.5 the requirement that landscape design should use plant species suited to the local climate and site-specific conditions.
2. Give the following bylaw first and second readings:
 - a. Official Community Plan Bylaw, 2012, Amendment Bylaw No. 33 (No. 19-079).

Motion to postpone:

Moved By Councillor Potts

Seconded By Councillor Isitt

That the motion be postponed to the November 14, 2019 Council Meeting.

CARRIED UNANIMOUSLY

L. CORRESPONDENCE

L.1 Letter from the Minister of Infrastructure and Communities

A letter dated August 29, 2019, in which the City was carbon-copied, regarding the Belleville Terminal.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the correspondence dated August 29, 2019 from the Minister of Infrastructure and Communities be received for information.

CARRIED UNANIMOUSLY

L.2 Letter from the Minister of Transportation and Infrastructure and the Minister of Tourism, Arts, and Culture

A letter dated September 9, 2019, in which the City was carbon-copied, regarding a funding partnership for the Belleville Terminal pre-construction phase.

Moved By Councillor Alto

Seconded By Councillor Potts

That the correspondence dated September 9, 2019 from the Minister of Transportation and Infrastructure and the Minister of Tourism, Arts, and Culture be received for information.

CARRIED UNANIMOUSLY

N. QUESTION PERIOD

A question period was held.

O. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Potts

That the Council meeting adjourn.
TIME: 12:44 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - SPECIAL VICTORIA CITY COUNCIL

October 31, 2019, 8:32 A.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Alto

ON LEAVE: Councillor Collins

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk , P. Bruce - Fire Chief, S. Thompson - Deputy City Manager / Director of Finance, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary

A. CONVENE COUNCIL MEETING

Moved By Councillor Loveday

Seconded By Councillor Potts

That the agenda be approved

CARRIED UNANIMOUSLY

C. CLOSED MEETING

Moved By Councillor Loveday

Seconded By Councillor Potts

MOTION TO CLOSE THE OCTOBER 31, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

90(1) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

90(1)(g) litigation or potential litigation affecting the municipality; and

90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

D. APPROVAL OF CLOSED AGENDA

Moved By Councillor Isitt

Seconded By Councillor Potts

That the agenda be approved.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

H.1 Legal Advice/Land - Community Charter Sections 90(1)(i)

The City Solicitor provided a confidential update regarding a Legal Advice item.

A motion was recorded and kept confidential.

H.2. Potential Litigation/Legal Advice – Community Charter Section 90(1)(g)

The City Solicitor provided a confidential update regarding a Potential litigation item.

A motion was recorded and kept confidential.

J. ADJOURNMENT

Moved by: Councillor Isitt

Seconded by: Councillor Loveday

That the Council meeting adjourn at 8:52 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

“ADOPTION AWARENESS MONTH”

WHEREAS *Adoptive families provide children with the love and support of a permanent family; and*

WHEREAS *The City of Victoria wishes to recognize the care, compassion and unselfish commitment of British Columbia adoptive families; and*

WHEREAS *There continues to be a need for adoptive families to nurture the growth and development of children, especially those with special needs because of physical, mental or emotional disabilities; and*

WHEREAS *There is a need to remind citizens during this time that there are many children and sibling groups who are waiting for adoption.*

NOW, THEREFORE *I do hereby proclaim the month of November 2019 as “ADOPTION AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this November 14th, Two Thousand and Nineteen.*

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

Sponsored by:
*Allie Davison
Adoptive Families Association of BC*

“CITIES FOR LIFE/CITIES AGAINST THE DEATH PENALTY DAY”

WHEREAS *being fully convinced that every community, through the voice of its representatives, can operate as a subject capable of improving the respect for human life and dignity all over the world;and*

WHEREAS *worried for the retention of the inhuman practice of the capitation punishment in many countries of the world;and*

WHEREAS *upon the proposal of the Community of Sant’Egidio, founder of the network of municipalities “Cities for Life / Cities against the Death Penalty”, united in Europe and in the world by a common desire to accelerate the end of capital punishment in the juridical and crime codes of countries around the world.*

NOW, THEREFORE *I do hereby proclaim Saturday, November 30th 2019 as “CITIES FOR LIFE/CITIES AGAINST THE DEATH PENALTY DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this November 14th, Two Thousand and Nineteen.*

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

**Sponsored by:
Prof. Marco Impagliazzo
President
Community of Sant’Egidio**

K. BYLAWS

K.3 Bylaw for 1002-1008 Pandora Avenue: Rezoning Application No. 00696

Moved By Councillor Loveday

Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1205) No. 19-090

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Isitt

CARRIED (7 to 1)



Council Report

For the Meeting of September 19, 2019

To: Council
From: C. Coates, City Clerk
Subject: 1002-1008 Pandora Avenue (Airspace Parcel Subdivision): Rezoning Application No. 00696
Date: September 11, 2019

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1205) No. 19-090

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-090.

The issue came before Council on July 25, 2019 where the following resolution was approved:

1002 Pandora Avenue: Rezoning Application No. 00696

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00696 for 1002 Pandora Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Coates'.

Chris Coates
City Clerk

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to read 'Jocelyn Jenkins'.
Date: Sept. 12, 2019

List of Attachments:

- Bylaw No. 19-090

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.b Report from the July 25, 2019 COTW Meeting

**I.1.b.c 1002 Pandora Avenue - Rezoning Application No. 00696
(Airspace Parcel Subdivision) (North Park)**

Moved By Councillor Loveday

Seconded By Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00696 for 1002 Pandora Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

E.1 1002 Pandora Avenue - Rezoning Application No. 00696 (Airspace Parcel Subdivision) (North Park)

Committee received a report dated July 11, 2019 from the Acting Director, Sustainable Planning and Community Development regarding the proposed rezoning application for 1002 Pandora Avenue to facilitate the creation of an air space subdivision for an existing building and recommending it move forward to a public hearing.

Committee discussed:

- *The pros and cons for this project*
- *The reason the applicant requires an Airspace Parcel Subdivision*

Moved By Councillor Loveday

Seconded By Councillor Alto

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00696 for 1002 Pandora Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of July 25, 2019

To: Committee of the Whole

Date: July 11, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00696 for 1002 Pandora Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00696 for 1002 Pandora Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may limit the vertical extent of a zone and provide for other zones above or below it and further regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1002 Pandora Avenue (referred to as 1008 Pandora Avenue by the applicant). The proposal is to amend the site-specific zoning applicable to the property (CA-75 Zone, Pandora Vancouver Mixed Use District) to facilitate the creation of an air space subdivision for an existing building.

The following points were considered in assessing this application:

- No further development rights would be facilitated with this airspace proposal.
- All existing agreements with the City of Victoria remain intact and will be assigned to the appropriate parcels.
- This application represents a technical amendment to the existing zone to accommodate the developer's request to simplify the ownership and management of the commercial component (six retail units) in relation to the residential component of the development.

BACKGROUND

Description of Proposal

This Rezoning Application is to amend the CA-75 Zone (Pandora Vancouver Mixed Use District) to allow an air space subdivision of the six commercial lease areas to accommodate the ownership and operational plan. In essence, the project developer is requesting that the commercial lease areas become separate entities from the residential component of the development for ease of long term management of the project.

Affordable Housing Impacts

The housing agreements that were part of the previous approvals for this property will not be affected by the air space subdivision.

Sustainability Features

The sustainability features that were part of the previous approvals for this property will not be affected by this application.

Active Transportation

The active transportation features that were part of the previous approvals for this property will not be affected by the airspace subdivision proposal.

Public Realm Improvements

The public realm and frontage works associated with development have been secured and will not be affected by the application.

Site Development

On October 8, 2015, Council approved the rezoning and development permit for the subject parcel to allow a mixed use development with a four storey and a six storey building. This project is currently under construction in accordance with the approved plans. It is anticipated that the first residential units will be occupied in August.

Any further consideration of development rights (density) for this property would require a rezoning application.

Relevant History

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant consulted the North Park CALUC at a Community Meeting held on May 15, 2019. A letter dated May 15, 2019 is attached to this report.

ANALYSIS

Official Community Plan and Local Area Plan

There is no specific policy guidance for this type of application. This application falls within the development permit exempted class of subdivisions.

Regulatory Considerations

The application is to create an air space parcel for each of the commercial units (six retail units in total) and for the residential portion, along with the associated parking and service areas for each component. The applicant's letter, dated May 17, 2019, provides more detail on each air space parcel. The proposed plan is also provided as an attachment.

The *Land Title Act* provides for air space parcels. The Act defines an "air space parcel" as:

"A volumetric parcel, whether or not occupied in whole or in part by a building or other structure, shown as such in an air space plan".

Basically, an air space plan (composed of a number of air space parcels) involves a 3-D profile (volumetric parcel) of the building, mechanical equipment, utilities and boundaries. In addition to the survey plan, the air space parcel agreement will contain the terms and conditions of easement and any covenants. The preparation and execution of the agreements associated with the air space parcel will be to the satisfaction of the Approving Officer and the City Solicitor. Through this process, the following will be detailed:

- the relationship between the commercial and residential interests, including any shared costs and liabilities
- the transfer of existing legal notation and charges to the appropriate air space parcels
- compliance with applicable City regulations, the *Local Government Act* and provincial building regulations.

The main consideration for the developer is that each commercial lease can be entered into separately without involvement of the residential component of the development. If the commercial units were part of a typical building strata then all units (including the commercial units) would form part of the strata corporation, and the decision-making on issues that affect the strata can become complicated based on the apportionment of votes and voting procedures.

As an air space parcel is considered a subdivision, each proposed parcel would have to meet the requirements set out in the *Zoning Regulation Bylaw* related to criteria such as:

- parcel size
- site coverage
- open site space
- setbacks
- vehicular and bicycle parking.

To facilitate this air space subdivision, an amendment to the site specific zone is required that would exempt air space parcels from the specific standards, but the standards would still be applicable to the overall development of the site, and no further development rights would be granted to the development.

Air space plans within the City of Victoria have been employed at Capital Park and The Hudson developments. The use of air space plans is a common tool used in larger municipalities, especially within the Lower Mainland. A common example of an air space parcel is an aerial walkway over a street that links the access to two buildings. Air space plans are frequently created for mixed use buildings.

Resource Impacts

The legal costs of preparing the air space agreement will be borne by the applicant.

CONCLUSIONS

Staff recommend for Council's consideration that Council forward the application for consideration at a Public Hearing. The proposal to amend the CA-75 Zone, Pandora Vancouver Mixed Use District, to facilitate an air space plan for six commercial units and the residential remainder will have no impact on the physical form, development and the previously approved agreements assigned to this development. The application represents a technical amendment to the *Zoning Regulation Bylaw* that is applicable only to this property and will assist the developer in the overall management of the project.

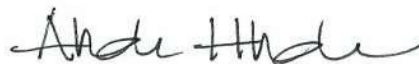
ALTERNATE MOTION

That Council decline Rezoning Application No. 00696 for the property located at 1002 Pandora Avenue.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

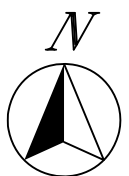
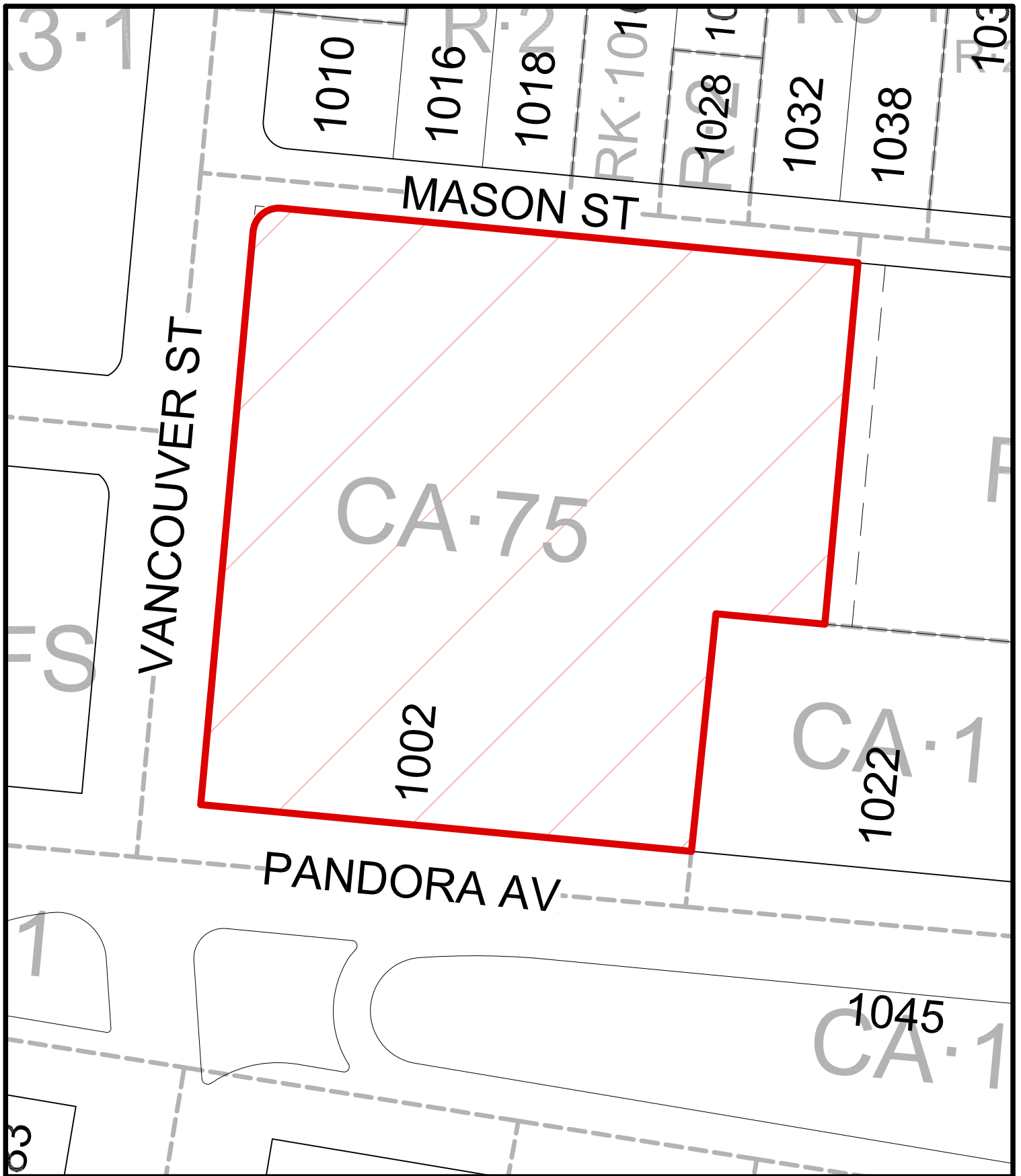
Report accepted and recommended by the City Manager:



Date: July 15, 2019

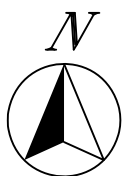
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped May 15, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 17, 2019
- Attachment E: Community Association Land Use Committee Comments dated May 15, 2019.



1002 Pandora
Rezoning No.00696





1002 Pandora
Rezoning No.00696



PLAN SHOWING PROPOSED AIR SPACE PARCELS PANDORA AVENUE, VICTORIA B.C.

Sheet 1 of 11 Sheets

LEGAL DESCRIPTION:

Lot A, Suburban Lot 15, Victoria City, Plan EPP61985

0 5 10 20 30 40 50
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

Dimensions and Elevations are in metres.

Property line dimensions are derived from Plan EPP61985.

Proposed air space parcel boundaries from developer's usage criteria and architectural design drawings are subject to revision.

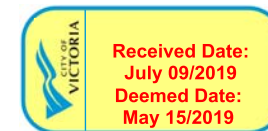
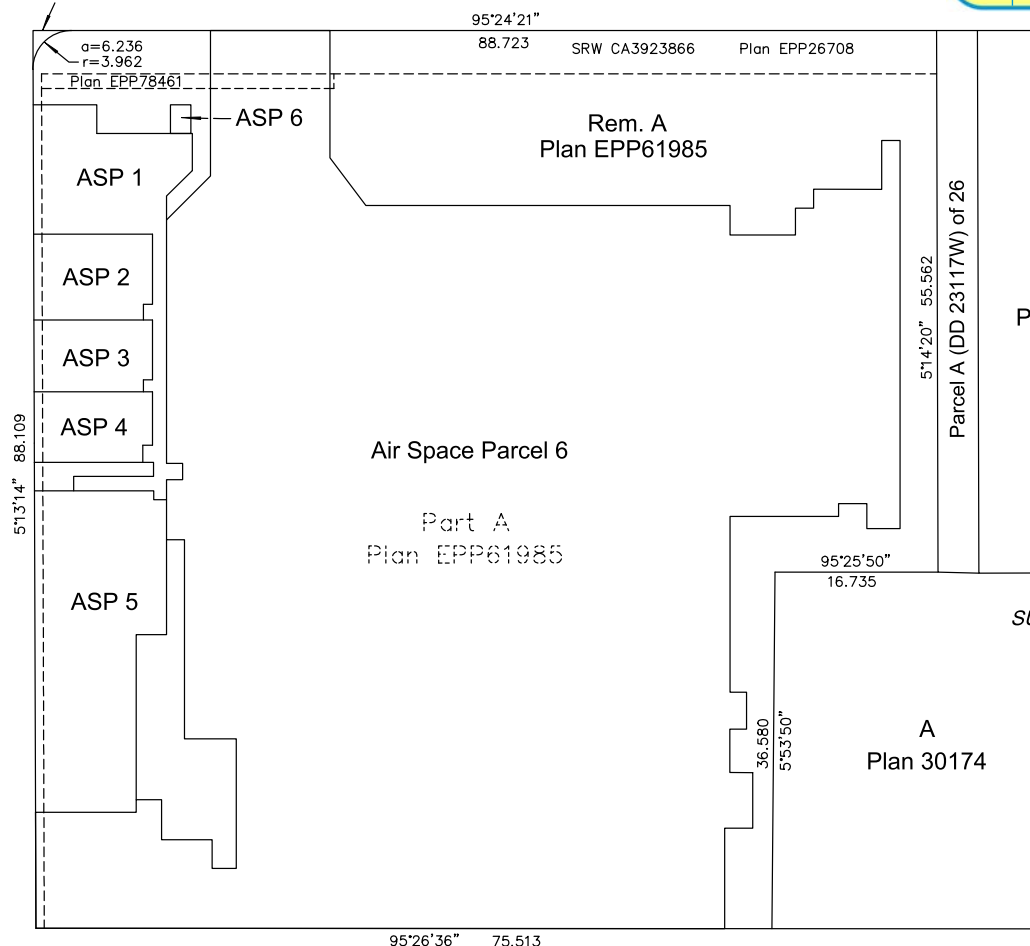
This plan is to be confirmed and read with current architectural design drawings. Individual sheets of this plan are referenced to architectural design drawings.



Name of Development:
Pandora

Street
Vancouver

Parcel A of 2
(DD C70855)
Plan 29435





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File: 27751

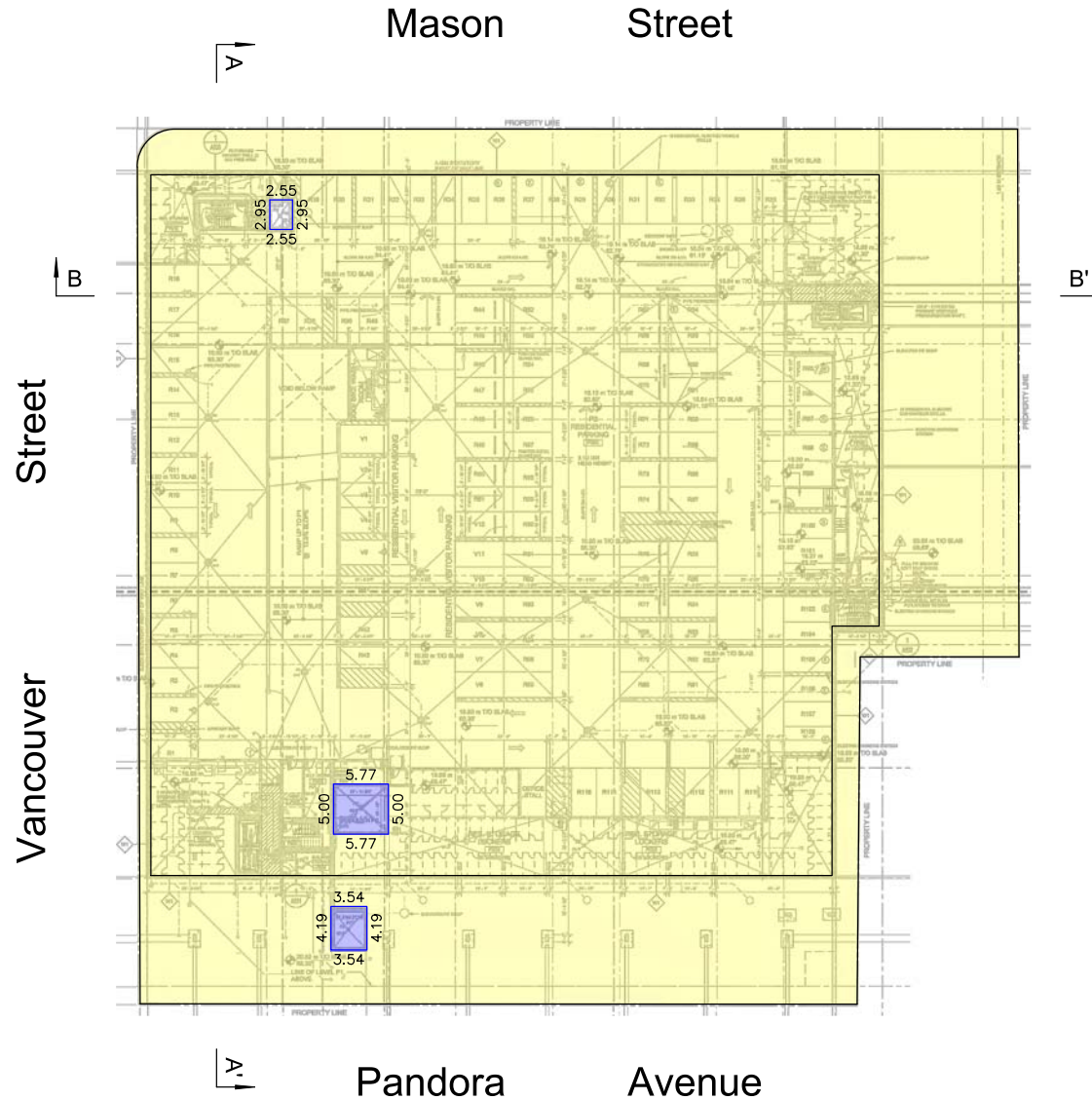
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PARKING LEVEL P2

Sheet 2 of 11 Sheets

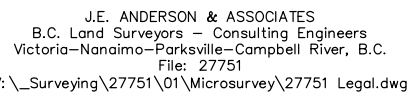
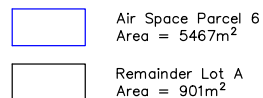
0 5 10 20 30 40 50
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

-  Air Space Parcel 6
Area = 50m²
-  Remainder Lot A
Area = 5530m²



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Sheet 3 of 11 Sheets



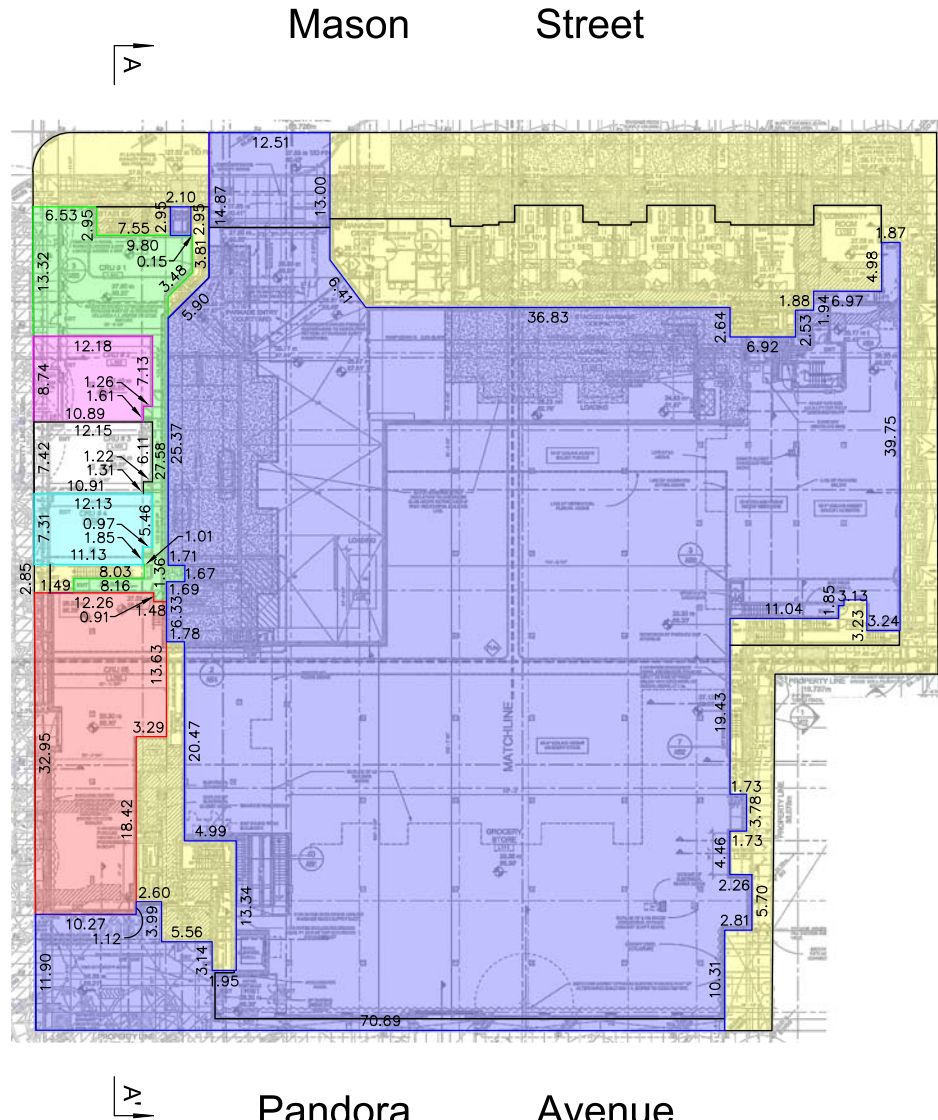
LEVEL 1

Sheet 4 of 11 Sheets

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The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

- Air Space Parcel 1
Area = 241m²
- Air Space Parcel 2
Area = 104m²
- Air Space Parcel 3
Area = 88m²
- Air Space Parcel 4
Area = 87m²
- Air Space Parcel 5
Area = 388m²
- Air Space Parcel 6
Area = 4735m²
- Remainder Lot A
Area = 820m²

Vancouver Street



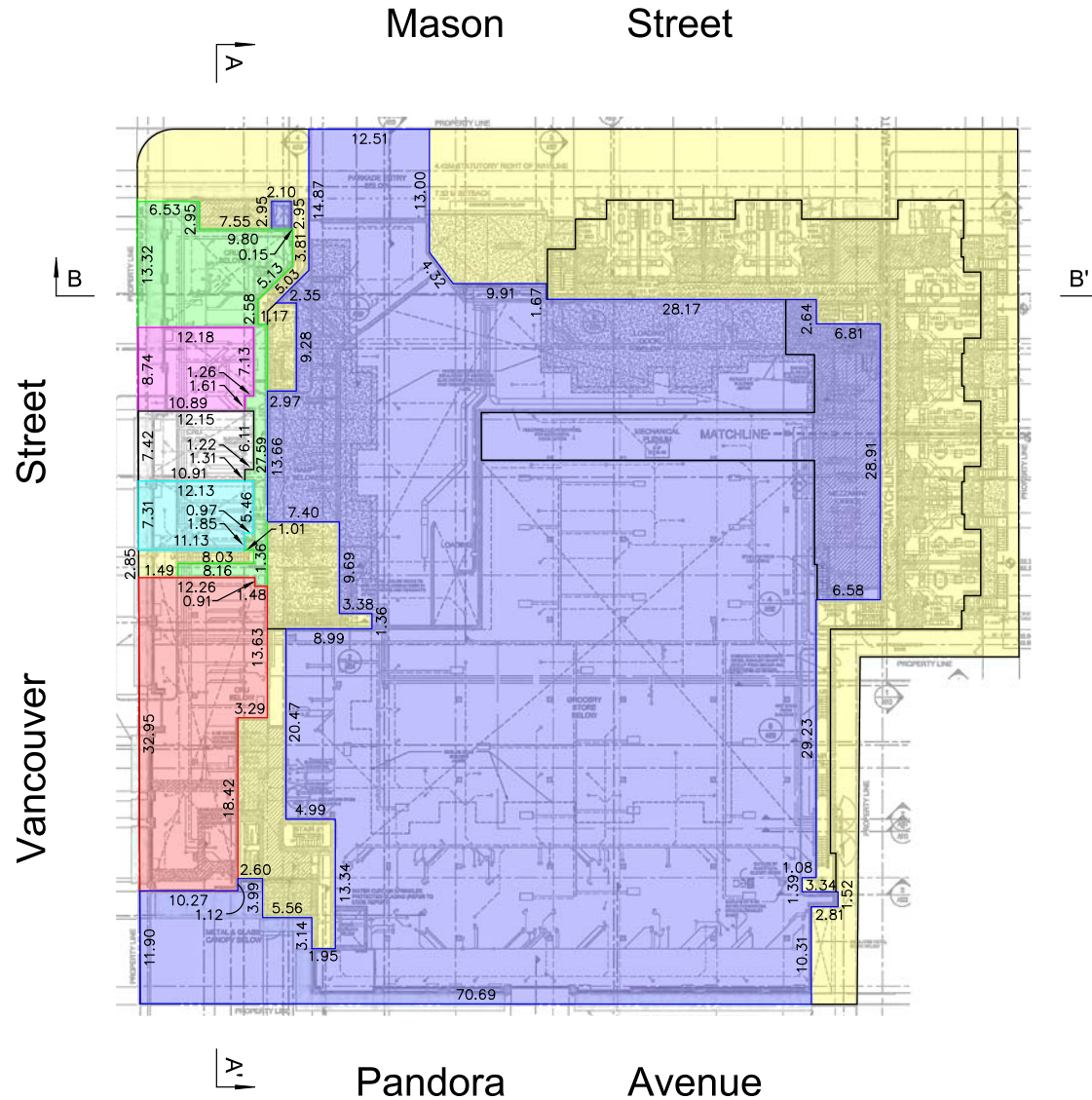
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LEVEL 1A

Sheet 5 of 11 Sheets

0 5 10 20 30 40 50
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

- Air Space Parcel 1
Area = 241m²
- Air Space Parcel 2
Area = 104m²
- Air Space Parcel 3
Area = 88m²
- Air Space Parcel 4
Area = 87m²
- Air Space Parcel 5
Area = 388m²
- Air Space Parcel 6
Area = 387m²
- Remainder Lot A
Area = 954m²



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LEVEL 2

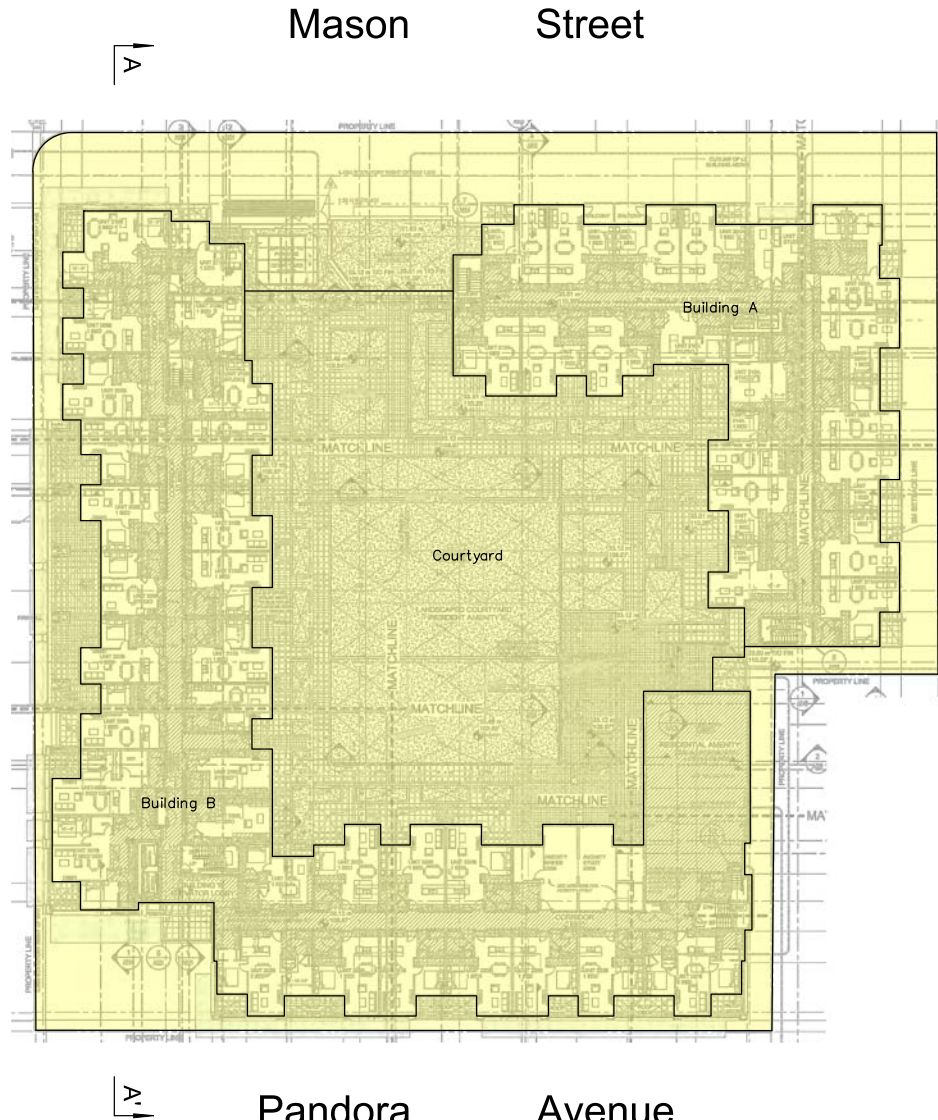
Sheet 6 of 11 Sheets

0 5 10 20 30 40 50
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

Building A
Area = 1219.8m²
Building B
Area = 2379.7m²
Courtyard
Area = 2265.7m²



Vancouver Street



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LEVEL 3

Sheet 7 of 11 Sheets

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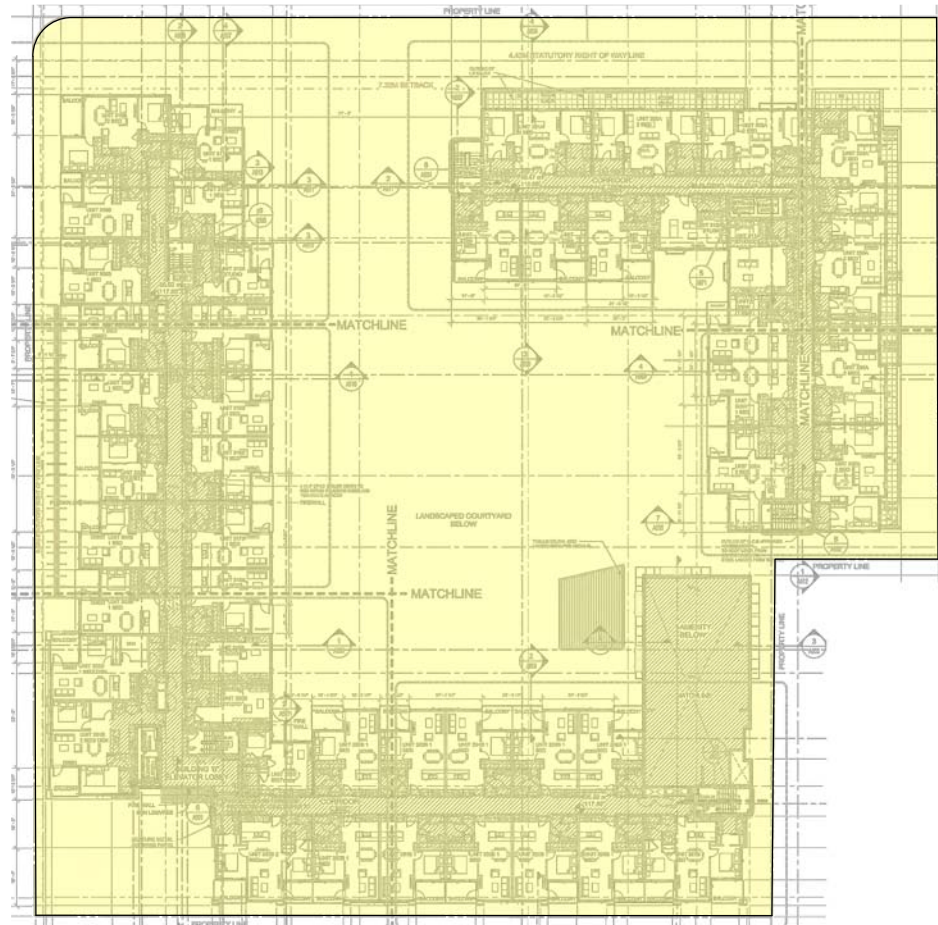
Building A
Area = 1157m²

Building B
Area = 2380m²

Remainder Lot A

Street

Vancouver



Pandora Avenue

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File: 27751

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LEVEL 4

Sheet 8 of 11 Sheets

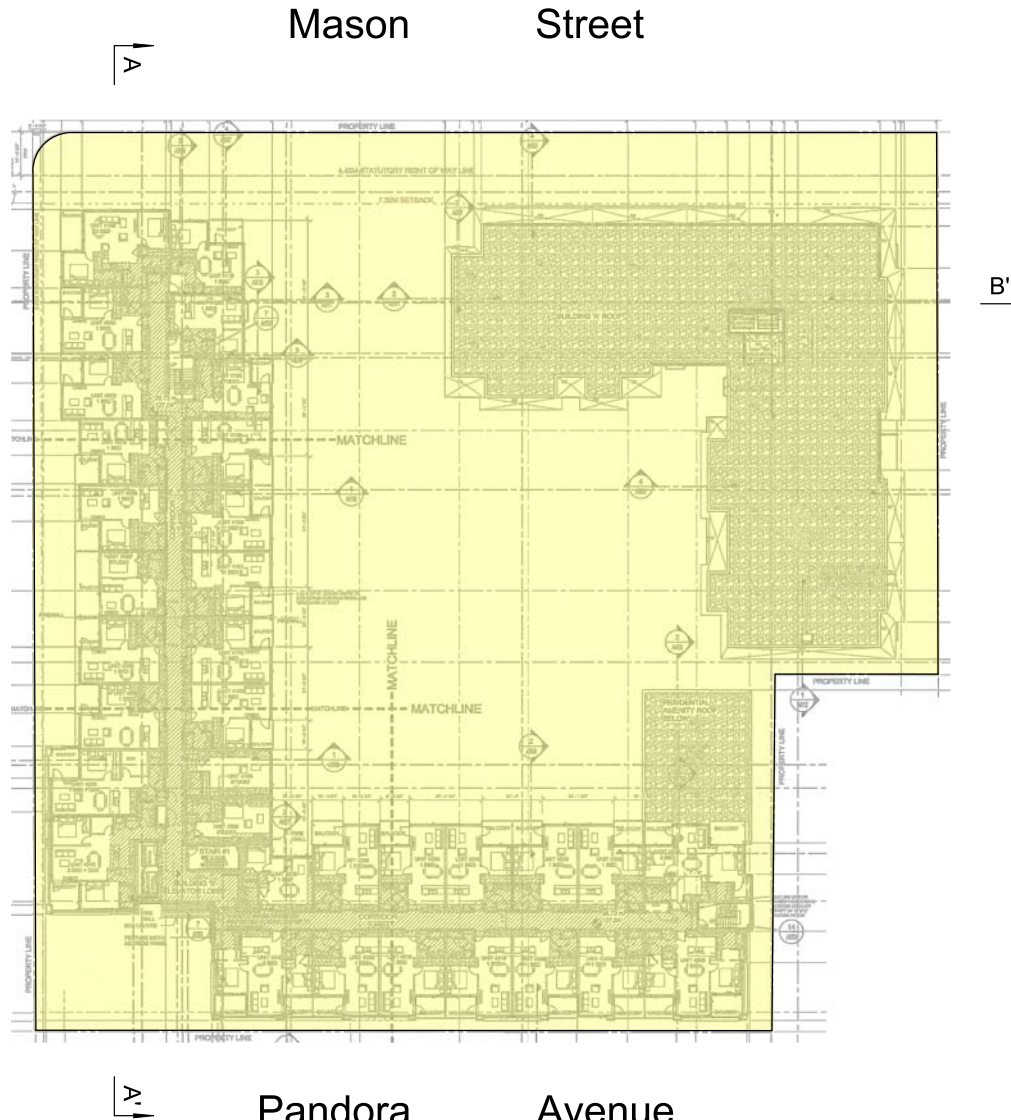
0 5 10 20 30 40 50
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

Building B
Area = 2215m²

Remainder Lot A

Street

Vancouver



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File: 27751

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LEVEL 5

Sheet 9 of 11 Sheets

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The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:500.

Building B
Area = 2152m²

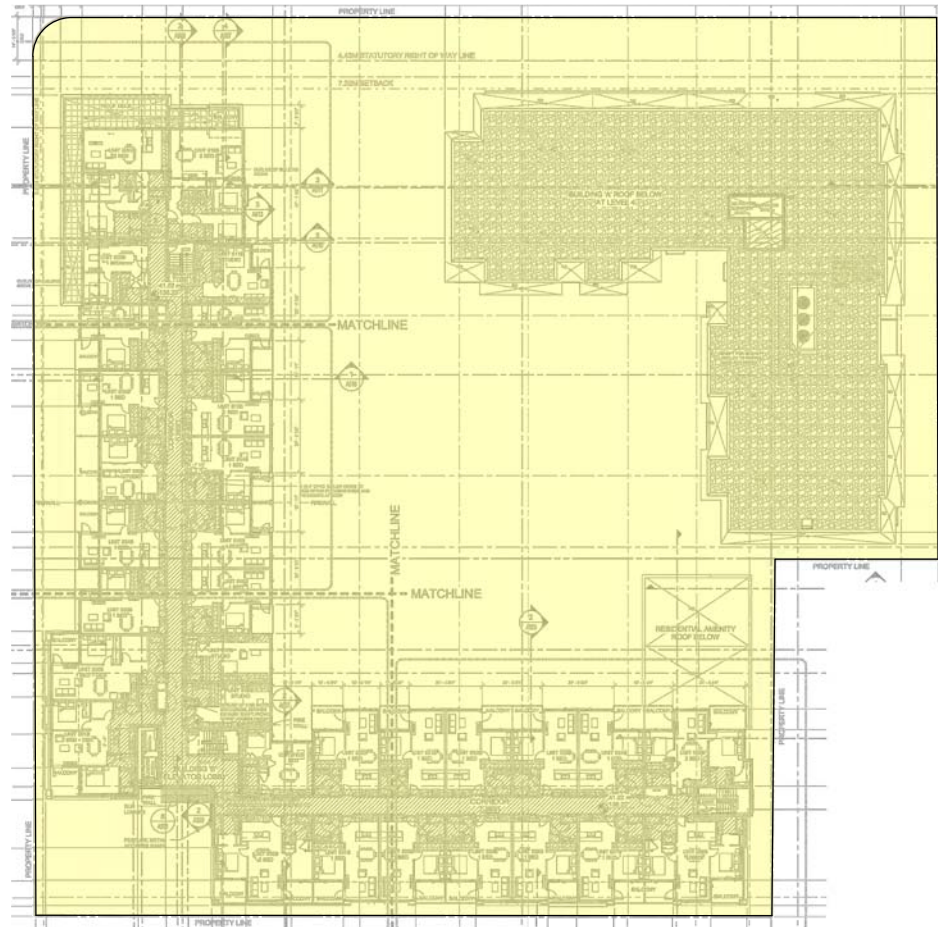
Remainder Lot A

Street

Vancouver

Mason Street

Pandora Avenue

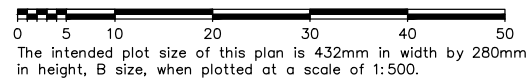


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LEVEL 6 TO ROOF

Sheet 10 of 11 Sheets



Building B
Area = 1936m²

Remainder Lot A



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SECTIONS

0 4 8 16 24 32 40
The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:400.

SECTION A - A'

- Air Space Parcel 1
- Air Space Parcel 2
- Air Space Parcel 3
- Air Space Parcel 4
- Air Space Parcel 5
- Air Space Parcel 6
- Remainder Lot A

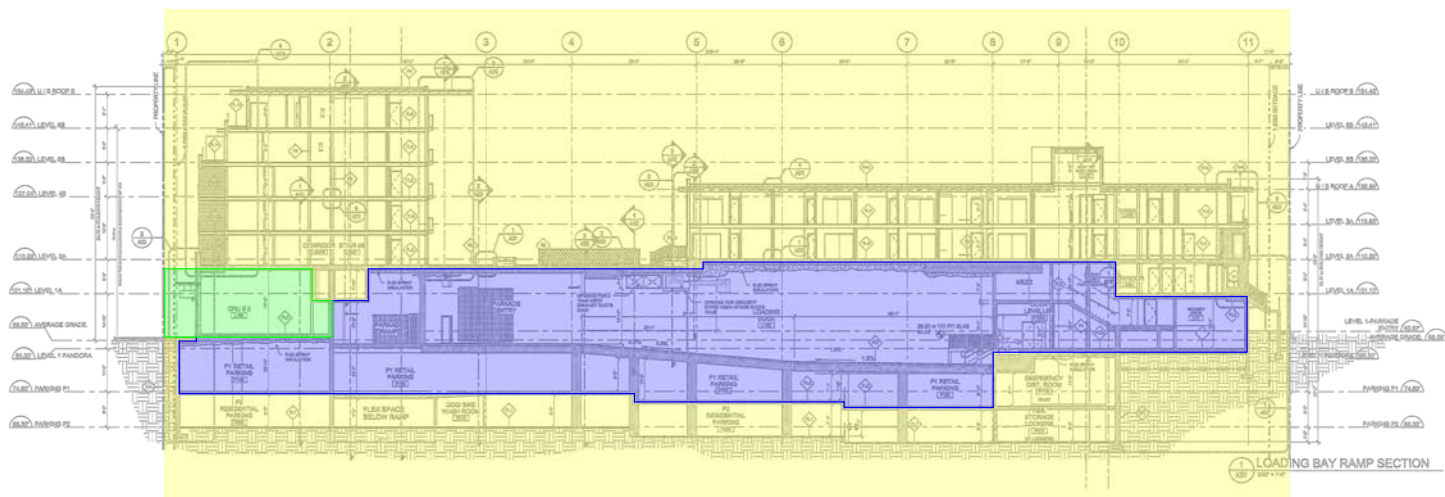
SECTION B - B'

Rem. A
Plan EPP61985

Sheet 11 of 11 Sheets



Rem. A
Plan EPP61985



Rem. A
Plan EPP61985

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File: 27751

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A BOSA FAMILY COMPANY

May 17, 2019

Mayor and Council
City Hall
1 Centennial Square, Victoria BC
V8W AP6

Re: 1008 Pandora [BP053228] – Air Space Parcel Subdivision Rezoning Application

Dear Mayor and Council,

We are writing to apply for an air space parcel subdivision rezoning for our project currently under construction at 1008 Pandora Avenue (BP053228). While the building is nearing completion, we propose a text amendment to the rezoning bylaw to allow for its air space parcel subdivision.

The building is comprised of residential dwelling units for rental purposes and commercial units at grade. Our rezoning application proposes subdividing the land by way of air space parcel subdivision to create 7 total parcels. As outlined in our air space parcel subdivision draft plan, the commercial component will be contained within Air Space Parcels 1-6 and the residential retail component will be contained within the Remainder. The following table outlines our proposed air space parcels and remainder:

Proposed Air Space Parcels		
Name	Description	Location
Air Space Parcel 1 – Retail Unit	CRU 1 and retail corridor	Level 1
Air Space Parcel 2 – Retail Unit	CRU 2	Level 1
Air Space Parcel 3 – Retail Unit	CRU 3	Level 1
Air Space Parcel 4 – Retail Unit	CRU 4	Level 1
Air Space Parcel 5 – Retail Unit	CRU 5	Level 1
Air Space Parcel 6 – Retail Parking, Entry Plaza, Grocery Store	A portion of Level P2, Commercial Elevator 1 (north), and retail parking located on Level P1. Commercial Elevator 1 (north), parkade entry, CRU 6 (grocery store), entry plaza, and loading area located on Level 1. CRU 6 (grocery store; double-height space), mezzanine retail office, and loading area (double-height space)	Level P2, Level P1, Level 1, Level 1A
Remainder Lot	The Remainder Lot will incorporate Buildings A and B residential component, associated residential parking located on Level P2, and remaining portions of Levels P1 to	Level P2, Level P1, Level 1, Level 1A, Level 2, Level 3, Level 4, Level 5, Level 6, Roof Level



A BOSA FAMILY COMPANY

	P2 not previously identified in Air Space Parcels 1 to 6.	
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Our reasoning for pursuing the air space parcel subdivision is to provide us with additional flexibility to enter into agreements with the commercial units in the same manner as one would with any other piece of land; after subdivision, they could be transferred, leased, mortgaged, etc. In addition, the creation of air space parcels allows us to determine the proportional share of building maintenance costs to be shared amongst the commercial units. The air space parcel subdivision would therefore have no real impact on the surrounding neighbourhood and only has implications to the legal treatment of the land. No changes to any physical aspects to the building are proposed.

During our meeting with the North Park Community Association Land Use Committee (CALUC) on May 15th, our rezoning proposal for air space parcel subdivision was presented. The primary concern voiced by the community concerning the air space parcel subdivision revolved around BlueSky Property's ability to sell the individual air space parcels if the air space parcel subdivision rezoning were approved. Although it was not clear what was especially problematic about this scenario, it is certainly the case that post air space parcel subdivision, a sale of a CRU could occur. We did explain to the CALUC that there were practical reasons for pursuing an air space parcel subdivision. Specifically, if our objective were simply to sell the commercial units on an individual basis, we could also have chosen to strata subdivide the CRU's and not have pursued an air space parcel rezoning. This approach would however entail challenges for any CRU tenant in that they would need to participate as part of the building strata corporation and necessarily need to abide by strata laws, attend strata meetings, etc. From an operational standpoint, CRU tenants prefer the operational certainty which an air space parcel subdivision grants them over variability of dealing with a strata.

Thank you for your consideration of this rezoning request. We look forward to working closely with the Mayor and Council towards the approval of this rezoning application.

Sincerely,

Philippe Lew, Development Manager
BlueSky Properties

NPNA CALUC Meeting

15 May, 2019, 7:30

NORTH PARK NEIGHBOURHOOD ASSOCIATION**COMMUNITY ASSOCIATION LAND USE COMMITTEE (CALUC) MEETING**

Re: 1008 Pandora Ave. — re-zoning proposal

MINUTES

[N.B. Following the CALUC meeting, NPNA contacted the developer's representative to request clarification on several responses to questions asked by attendees. This additional information is in an addendum following the minutes.]

RECORDER: Penny Bond, NPNA

PROPOSER: Blue Sky Properties (Bosa Family Company)

ATTENDANCE:

40 people signed the attendance register. Attendees were primarily North Park residents and business owners. Also present were Victoria Councillors Alto and Dubow, and Michael Hill, North Park's City Hall staff liaison.

1. OPENING REMARKS:

North Park Neighbourhood Association (NPNA) — Jenny Farkas, President

- Jenny introduced Phillippe Lew, representative of Blue Sky Properties.
- This CALUC meeting is about a re-zoning proposal for this property to allow Air Space Parcel Subdivision (ASP). Blue Sky has indicated ASP is a tool used to subdivide a piece of land (another way to do this is to strata title). More information can be found at http://www.bclaws.ca/civix/document/id/complete/statreg/96250_09.

2. PRESENTATION:

- Project Overview — The building is constructed to LEED Silver equivalent. It contains 207 rental units; 11 non-market. There are six commercial rental units (CRU), comprising 45,000 sq. ft. on ground level. On level 3, there is a 16,500 sq. ft. outdoor courtyard.
- The building has several components —
 - Residential Building A, facing Mason St.
 - Residential Building B, facing Pandora Ave.
 - CRU 1 - 5 — small commercial tenants, facing Vancouver St.
 - CRU 6 — large anchor tenant (Save-On-Foods)
- Occupancy dates —
 - Residential Building A, June 1; move in July 1
 - Residential Building B, mid-July; move in August 1
 - CRU 6, June 15; move in mid-August
 - CRU 1 – 5, mid-July; move in August 1. There are no tenants yet for CRU 1 - 5

More information available at <https://blueskyproperties.ca/en/homes/pandora/>.

3. PROPOSAL:

The proposal is re-zoning to allow Air Space Parcel (ASP) subdivision. ASP means that the proponent owns the surface of the site, plus the space above and below, as much as can effectively be used. According to the BC Title Act, air space can be subdivided like land.

- Blue Sky Properties is proposing that ASP be subdivided to separate ownership of residential and commercial components. The six CRUs would become six ASPs. The remainder (residential) would become a separate ASP.
- Rationale: Subdividing ASP gives flexibility. With separate residential and commercial ASPs, ownership can be separated. ASPs can be transferred, leased, mortgaged, and charged separately.
 - ASP subdivision facilitates cost sharing for things like maintenance, repair, inspections, servicing for shared property, and assets.
- Impact on neighbourhood: There would be no impact on the neighbourhood. ASP subdivision, and related legal agreements, defines the relationship between residential and commercial tenants.
- The ability to do ASP subdivision should have been written into the property's zoning regulation bylaw during initial re-zoning, but this is not the current practice of the City of Victoria. Therefore, this re-zoning has to be done now, as a minor technical matter.

4. DISCUSSION on ASP Re-zoning — Questions from meeting attendees; answers from Philippe Lew.

Q: Who owns the building's parking space? Who should neighbours approach if there is a parking problem?

A: Parking on basement level one (P1) is all commercial (i.e. all CRUs have equal access). Parking on basement level 2 (P2) is all residential units. Blue Sky Properties is the contact.

Q: Why wasn't ASP re-zoning done at the beginning of the development process?

A: The developer assumed that the process was in place in Victoria, as in other jurisdictions.

Q: Why is this re-zoning process happening now?

A: It wasn't identified in the initial planning. Response from the City was delayed.

Q: There has been a rumour that CRUs were being sold and stratas created.

A: Blue Sky is not interested in selling. This ASP land title agreement should have been in place at the beginning.

Comment: Neighbours have no confidence in this project.

A: The developer has a responsibility to be a good neighbour.

Q: Does this re-zoning provide any benefit the neighbourhood?

A: None; it is about the developer's relationship with the tenants.

Q: Are the residential units possibly to be sold in the future?

A: There is a covenant with the City for the units to be rental for 10 years. The developer is interested in keeping the property as rental.

Q: Can the height of the building be increased in the future once you have the ASP in place?

A: No.

Q: After 10 years, if the whole building is sold, can one ASP group overrule the others?

A: BlueSky wants to not be ruthless. *

5. ADDITIONAL DISCUSSION related to the project in general:

Q: The mid-block walkway from Pandora Ave. to Mason St. looks like it will allow only one-way passage (e.g. it is too narrow to accommodate both a wheelchair and another person passing).

A: One wheelchair can go through. Current width is 36 inches; the developer has committed to increasing the width to 42 inches after Jenny raised this issue last week.

Q: What is in process to get tenants for CRU 1 - 5?

A: Blue Sky is reaching out to smaller local businesses, and is looking at rent incentives to attract local commercial tenants.

Q: The residential outside lights are too bright on the Mason St. side. Can they be capped? Another person noted a similar concern about wide brightly lighted area at the vehicle entry.

A: This concern was noted for follow-up. **

Q: Will there be child care in the building?

A: There is no plan for this.

Q: Is there still a plan for a community room?

A: Yes, it is on the Mason St. side of the building.

Q: Who will be able to use the community room? Will neighbours be allowed to use the courtyard?

A: Once occupancy is gained, BlueSky will have a better idea how space can be used. ***

Comment: NPNA might want to look at the covenant between Blue Sky and the City. †

Q: What is the benefit for the community of CRUs?

A: Blue Sky wants to not be ruthless. ††

Q: How is Blue Sky doing with gaining residential tenants?

A: No leases have been signed yet. BlueSky is waiting for certainty in timing. A waiting list is being taken. Bosa buildings have a rent-to-own option (25% towards purchase). †††

Comment: In its initial representation, Bosa Properties said it is better if one developer does the whole property, rather than having a mishmash. It is not plausible that Bosa missed the ASP initially. There was lots of time to have the ducks in a row. Now three years later there is a request for a zoning change. This is not what NPNA agreed on at the beginning. ASP re-zoning should be declined. This gives Blue Sky the option to sell off the Commercial Units, something the neighbourhood didn't agree to.

A: Blue Sky understands the concern about this matter. The developer is interested in being responsible and a good neighbour. Blue Sky's intentions are good. ‡

Q: Is there a renewable option on the 10-year covenant?

A: The Blue Sky representative does not think so. ‡‡

6. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

ADDENDUM

* In theory, the ASP agreement could be modified by a future owner. In practice, this is difficult to undertake and therefore very unlikely. The reason for this is that any contemplated revisions to the ASP agreement typically favour one party over another. Any revisions require consent from all parties, including the City, and so it would be unlikely to receive unanimous support. In turn, revisions to air space parcel agreements are rarely pursued as an option.

** Subsequent to the meeting, Philippe Lew visited the building along Franklin Green Park where one of the meeting attendees noted that the lights were too bright. While Blue Sky understands their concern, we feel that the lighting levels are acceptable, particularly given the uses of the park after dark. For the security of the building inhabitants as well as those making use of the path to traverse from Mason St. to Pandora Avenue during the evening, a generous level of illumination is desirable.

Likewise, with the parkade and loading entry at Pandora Avenue, the level of illumination is, in our view, not excessive given the needs of vehicular access and site safety.

*** Neighbours will be able to make use of the community room. Blue Sky Properties is currently looking at how to implement access to the room. The building courtyard is only accessible to building residents.

† There is no covenant that governs the use of the Community Room. There is, however, an agreement for the provision of the Community Room with the North Park Neighbourhood Association. The details are as follows:

1. Blue Sky Properties will provide a Community Meeting Room for the NPNA for at least 12 hours per month.
2. Blue Sky Properties will book the Community Meeting Room on behalf of the NPNA.
3. Blue Sky Properties will provide the use of the Community Room without charge and will work cooperatively and reasonably with the NPNA to ensure that all parties are content with the schedule and terms of use.
4. The schedule for NPNA use of the Community Room is as shown:

Day of Week: Wednesdays

Monthly Use: 1st, 2nd, 3rd week of the month

Meeting Time: 6:30pm – 9:30pm

Hours Per Session: 3

Total Hours: 12

†† To provide context for the quote in the minutes, there was also some questioning over Blue Sky Properties' motives for applying for an air space parcel subdivision so close to project completion. We heard from you the community that there was concern over the ownership of the CRUs should we decide to sell. We would like to underscore that we have a long-term interest in owning the CRUs and have no plans to sell. We take a long-term view of our business and maintaining good standing with our neighbours is therefore of paramount importance. Our building represents a substantial investment into the North Park neighbourhood and our hope is that it can act as a catalyst for the revitalization of the area.

We do acknowledge that the air space parcel subdivision permits us to sell the units but our primary motivation for subdivision is practical: it allows us to equitably share costs amongst the commercial tenants and remainder, and gives them certainty over how the costs are distributed. Moreover, in the unlikely event that we do sell a CRU, it could potentially be a net positive for a local business; one can envision a scenario where a small business owner wants to take ownership of their leased premises to provide long-term certainty in their premises of operation.

††† All Blue Sky and Bosa Properties rental buildings participate in our Bosa Equity, rent-to-own program where up to 25% of your monthly rent goes towards an account balance which

can then be applied for up to 5% of the purchase price of a new Bosa Properties or Blue Sky Properties home. The credit would remain secure for up to 24 months after end of tenancy. More details can be found at the following link: <https://bosa4rent.com/en/landlord/>.

‡ We would also add that, as an alternative to air space parcel subdivision, we have the option to strata subdivide the CRUs. This would also allow us to sell the units on an individual basis. But this would also entail challenges for the tenant of any CRU in that they would need to participate as part of the building strata, and necessarily need to abide by strata bylaws, attend strata meetings, etc. The reason we are instead pursuing an air space parcel subdivision is that it gives tenants certainty about their operational independence from the air space parcels and remainder. And as mentioned above, it provides CRU tenants assurance about the shared costs for building maintenance.

‡‡ No, there is no option to renew. At this time, Blue Sky Properties has no plans to renew the 10-year covenant at expiry.

Rezoning Application for 1002 Pandora Avenue Air Space Plan



Subject Property

From Franklin Green



Subject Property

Mason Street Frontage



Subject Property

Vancouver Street Frontage



Air Space Parcels

The Land Title Act provides for air space parcels, which are defined as:

“a volumetric parcel, whether or not occupied in whole or in part by a building or other structure, shown as such in an air space plan”



What is requested?

The proposal is to create an air space plan:

6 commercial air space parcels

Residential component (remainder)



Why?

The air space plan will allow the developer to manage the commercial leases separately from the residential units.

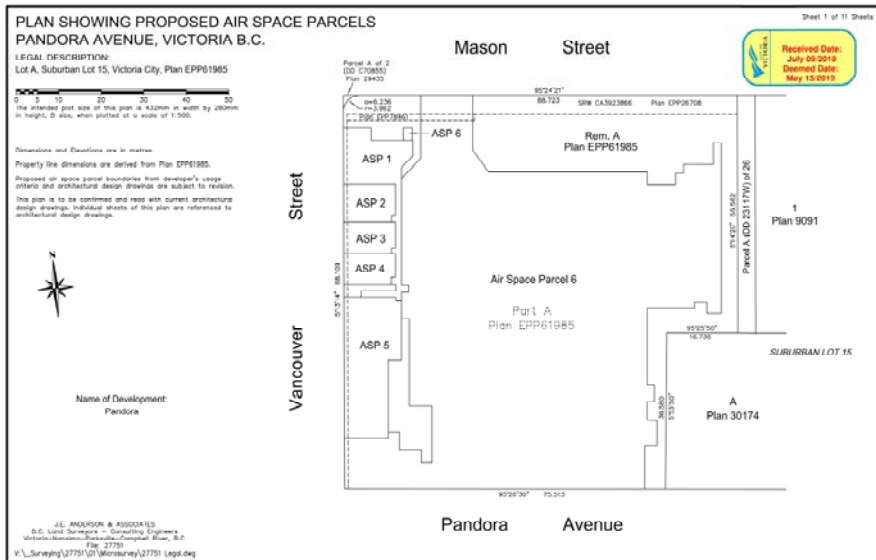


What will change?

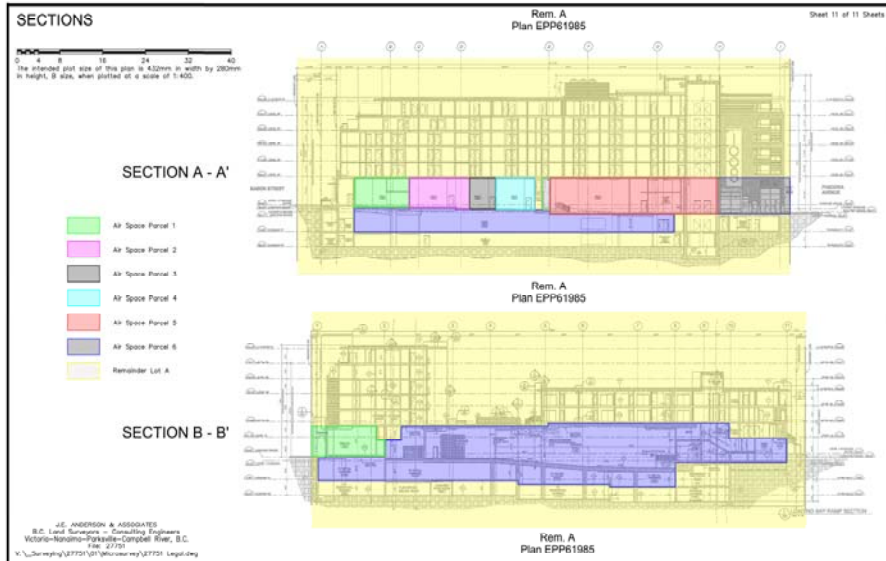
No further development rights are allowed
and all existing agreements remain in place.



Plans



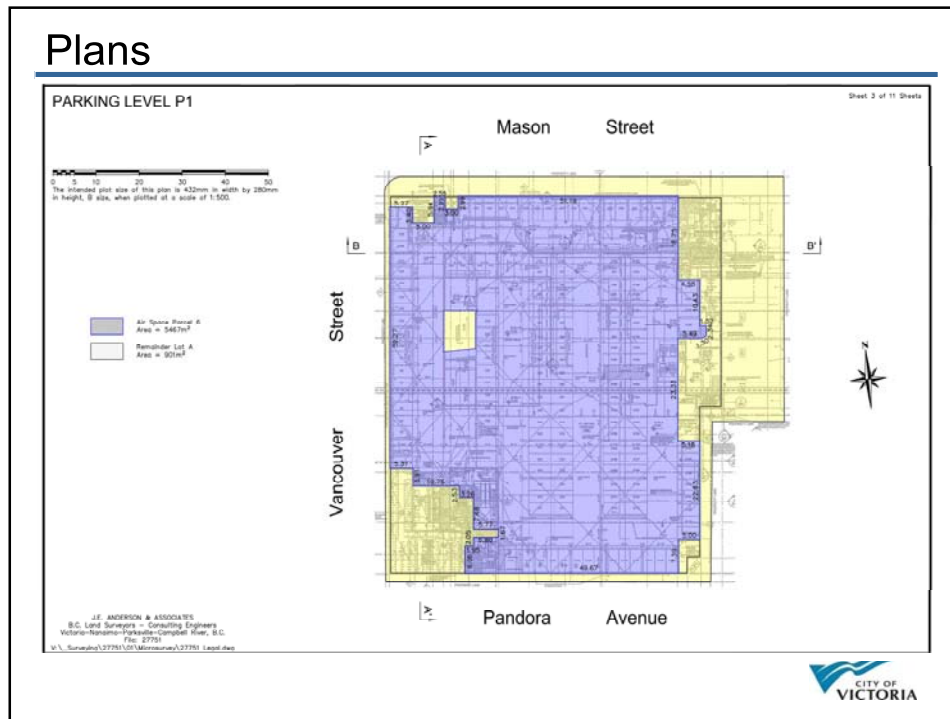
Plans



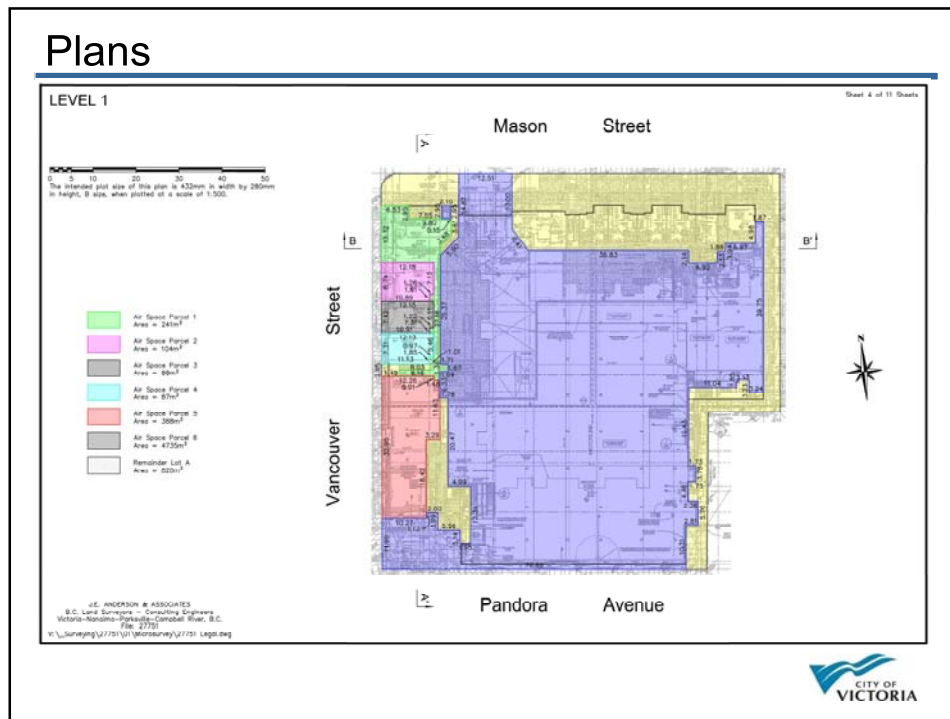
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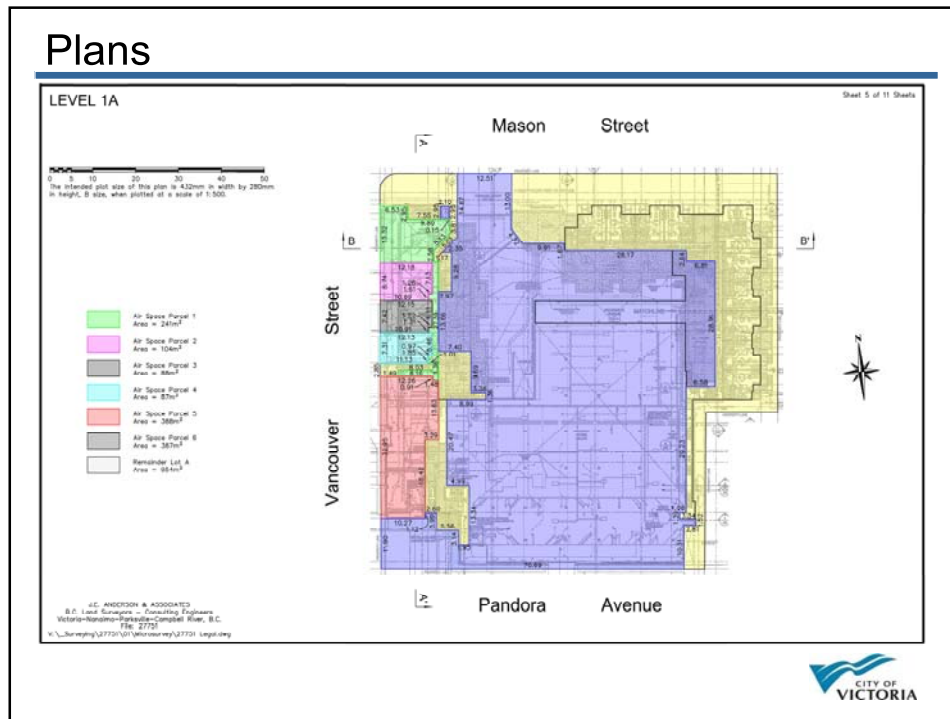
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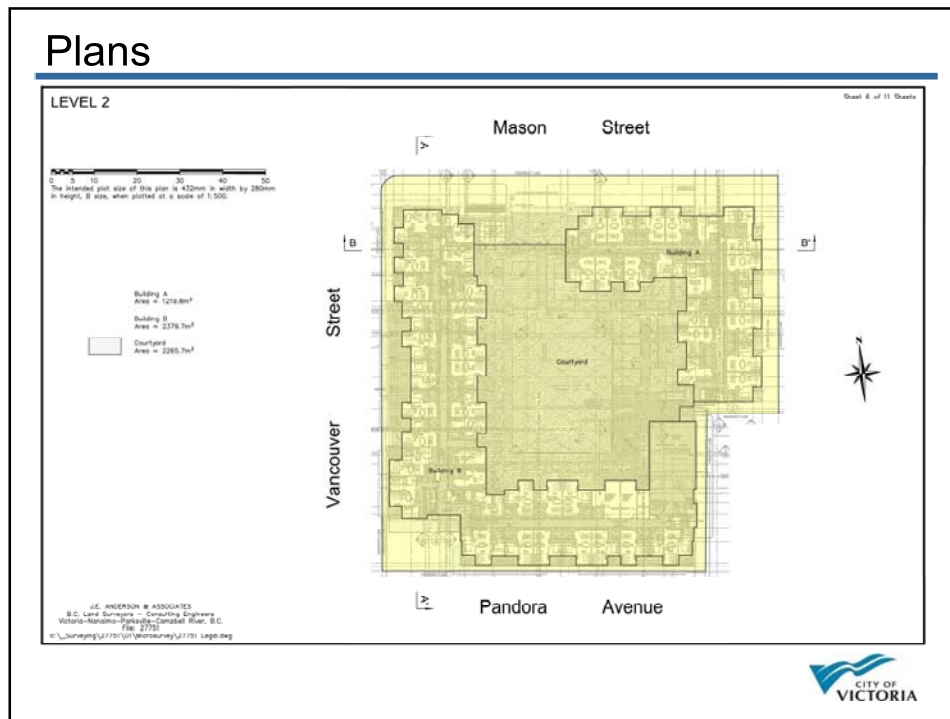
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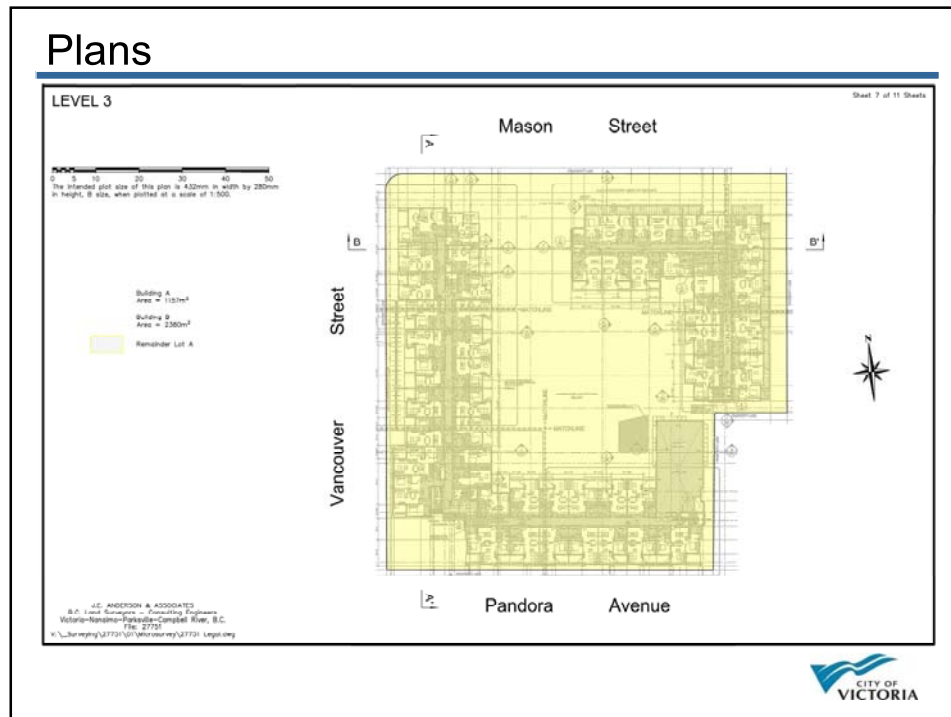
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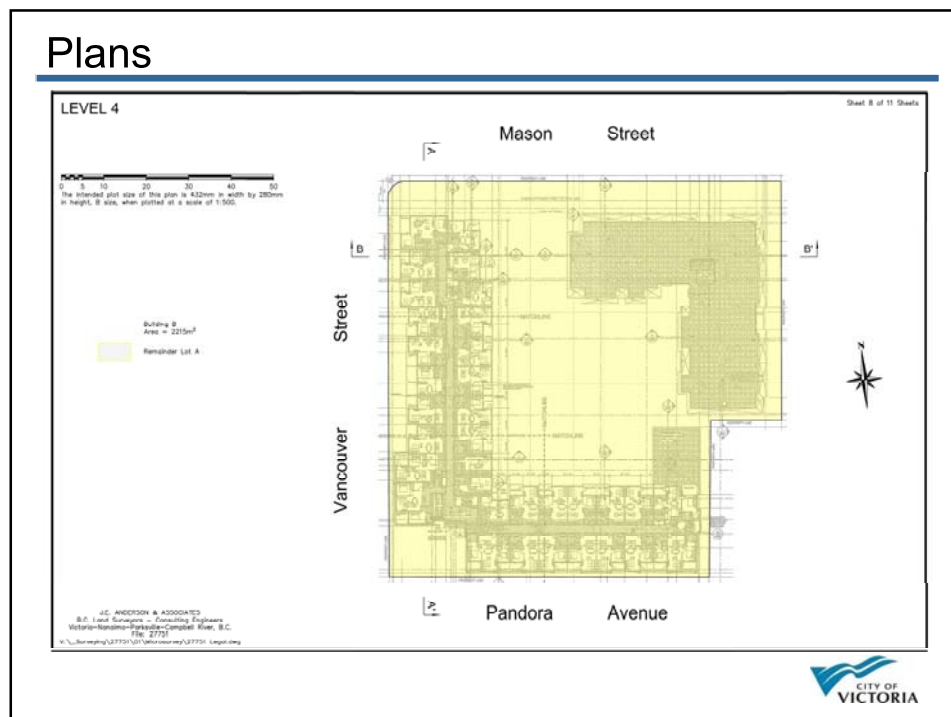
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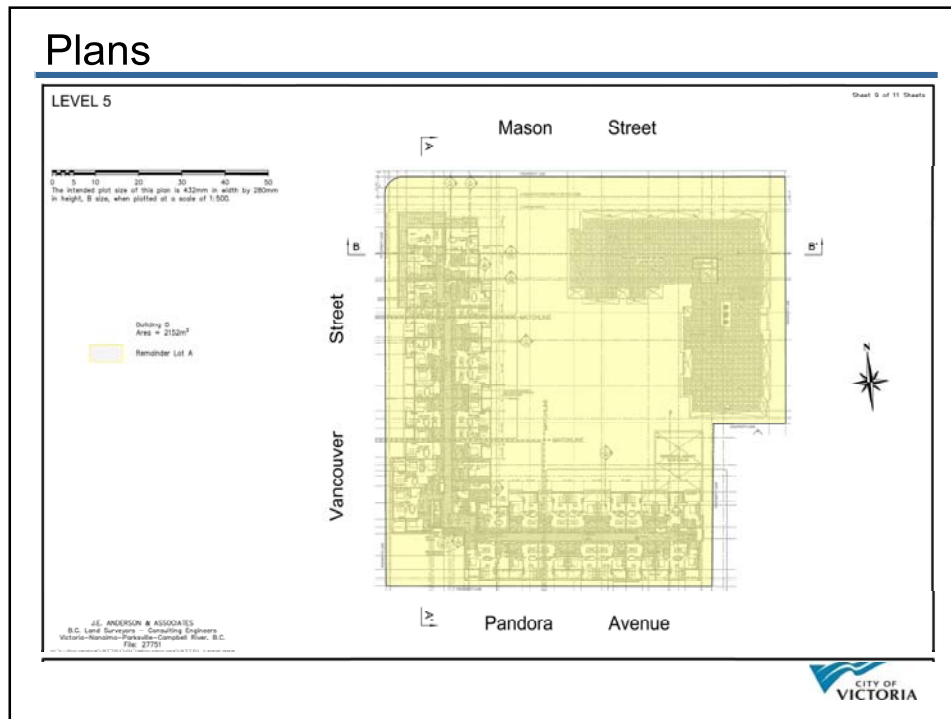
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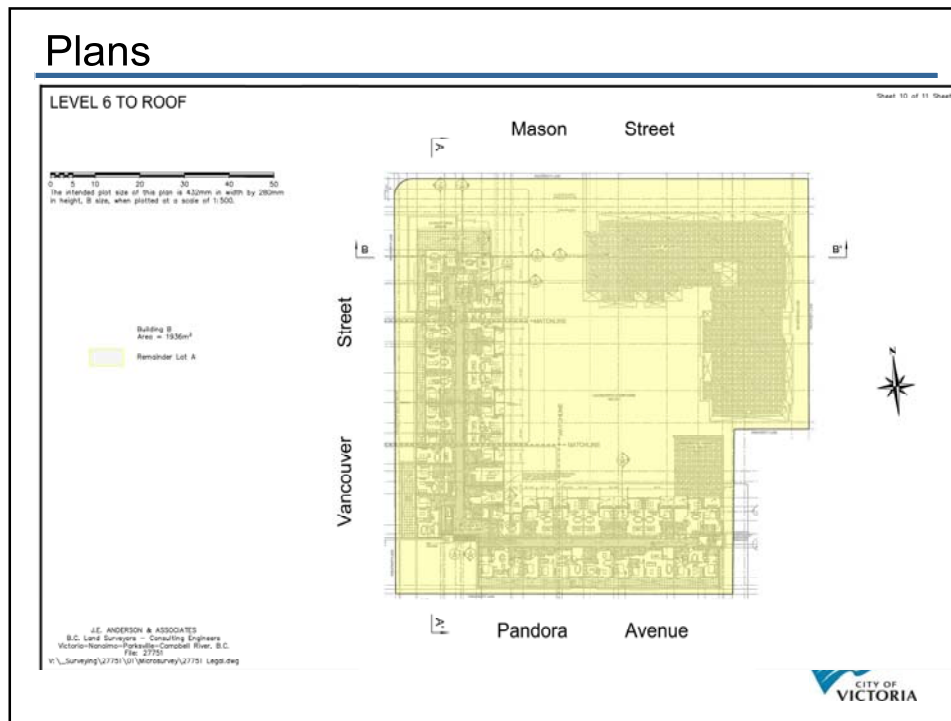
Plans



Plans



Plans



A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw No. 80-159, Part 6.87, Pandora Vancouver Mixed Use District, to enable subdivision by air space plan of the lands and buildings located at 1002 - 1008 Pandora Avenue.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1205)”.

Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, Part 6.87 – CA-75 Zone, Pandora Vancouver Mixed Use District, is amended as follows:

- (a) By adding the following immediately after Section 6.87.8:

6.87.9 Subdivision by Air Space Plan

Within this Zone, all parcels created by the deposit in the Land Title Office of an air space plan will be treated as a single lot for all purposes, and the definition of lot as defined within Schedule A – Definitions, is so amended for this Zone.

Commencement

3. This Bylaw comes into effect upon adoption.

READ A FIRST TIME the **19th** day of **September** 2019

READ A SECOND TIME the **19th** day of **September** 2019

Public hearing held on the day of 2019

READ A THIRD TIME the day of 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

K. **BYLAWS**

K.1 **Bylaw for Regional Context Statement, Official Community Plan
Amendment**

Moved By Councillor Potts

Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 34) No. 19-102

CARRIED UNANIMOUSLY



Council Report

For the Meeting of October 24, 2019

To: Council

Date: October 3, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: OCP Amendment Bylaw – Regional Context Statement

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Official Community Plan Bylaw, 2012, Amendment Bylaw No. 34 (No. 19-102).

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-102 (Attachment A).

The issue came before Council on September 19, 2019 where the following resolution was approved:

Draft OCP Regional Context Statement

"That Council:

1. *Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the 2018 CRD Regional Growth Strategy.*
2. *Consider consultation under Section 475(1) of the Local Government Act and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.*
3. *Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.*
4. *Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading."*

Public Feedback

Consultation

In accordance with the Council motion from September 19, 2019, the draft regional context statement and a copy of the related COTW staff report were emailed directly to the Capital Regional District, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees Nation, Esquimalt Nation, and School District 61. The general public also had the opportunity to review and provide feedback on the draft regional context statement through the City website (Have Your Say). The consultation process occurred from September 20, 2019 until October 3, 2019 and resulted in support for the draft regional context statement from Esquimalt Nation, CRD staff, Township of Esquimalt and the District of Oak Bay, while no comments were received from the District of Saanich, Songhees Nation and School District 61. A summary of comments received is included as Attachment B.

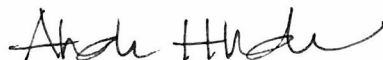
Conclusion

The proposed regional context statement has been confirmed through the consultation process and the related Official Community Plan Amendment Bylaw No. 34 (19-102) is ready for first and second readings.

Respectfully submitted,



Robert Batallas
Senior Planner
Community Planning Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date: Oct 17, 2019

List of Attachments

- Attachment A: OCP Amendment Bylaw No. 19-102
- Attachment B: Summary of Comments Received.

NO. 19-102

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan by replacing the Regional Context Statement with a new Regional Context Statement that highlights the alignment and consistency between the Official Community Plan and the Capital Regional District's new Regional Growth Strategy (2018).

Under its statutory powers, including Division 5 of Part 13 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012,
AMENDMENT BYLAW (NO.34)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Schedule A,
Section 5: Regional Context Statement, as follows:
 - (a) by repealing Section 5: Regional Context Statement and replacing it with a new
Section 5: Regional Context Statement which is attached to this Bylaw in
Schedule 1.
- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the _____ day of _____ 2019.

READ A SECOND TIME the _____ day of _____ 2019.

Public hearing held on the _____ day of _____ 2019.

READ A THIRD TIME the _____ day of _____ 2019.

ADOPTED on the _____ day of _____ 2019.

CITY CLERK

MAYOR

Schedule 1

Regional Context Statement 5

OVERVIEW

As the core municipality in the broader metropolitan Capital Region, the City of Victoria must work collaboratively with 12 partner municipalities and a single electoral area to achieve regional objectives. The City of Victoria is a partner in the implementation of the Capital Regional District's (CRD) Regional Growth Strategy (RGS), adopted by the CRD Board on March 14, 2018, and supports its vision, context, objectives, principles and policies. As the Capital Region's population continues to increase, growth must be managed to ensure that regional sustainability and livability are enhanced over time. Local Government Act sections 446 to 447 require member municipalities to include within their OCP, a regional context statement that indicates the OCP's relationship to the RGS.

This regional context statement illustrates how Victoria implements the ten strategic directions of the current RGS, where applicable:

1. Keep Urban Settlement Compact
2. Protect the Integrity of Rural Communities
3. Protect, Conserve and Manage Ecosystem Health
4. Manage Regional Infrastructure Services Sustainably
5. Create Safe and Complete Communities
6. Improve Housing Affordability
7. Improve Multi-Modal Connectivity and Mobility
8. Realize the Region's Economic Potential
9. Foster a Resilient Food and Agriculture System
10. Significantly Reduce Community-Based Greenhouse Gas Emissions

REGIONAL GROWTH STRATEGY CONSISTENCY

Figure 7 summarizes how this plan is consistent or working towards consistency with the RGS.

Figure 7: Regional Growth Strategy Consistency

RGS Strategic Direction	OCP Policy Response and References
1. Keep Urban Settlement Compact	As the provincial capital, Victoria plays an important role in supporting the RGS target of accommodating 95% of new dwelling units within the regional urban containment policy area by 2038. The OCP identifies a 30-year (to 2041) growth management concept for Victoria and supporting

	<p>policies that reinforce Victoria's compact urban form and human-scaled neighbourhoods including a strong downtown-focused Urban Core and a network of Town Centres and Urban Villages that are walkable, transit-focused and supported with mixed-use residential and employment centres (see Figure 3: Thirty Year Growth Management Concept).</p> <p>More specifically, the plan's growth management concept seeks to direct and accommodate 50% (approximately 10,000 new people) of Victoria's population growth within the Urban Core, 40% (approximately 8000 new people) in Town Centres and Large Urban Villages and 10% (approximately 2000 new people) within the remainder of the city including small urban villages (see Figure 3: Thirty Year Growth Management Concept). The plan's growth projections also align with overall RGS sub regional population projections for the core.</p> <p>The plan further reinforces the RGS objective of establishing a strong mix of uses focused around the downtown and harbour through specific policies (see 6.10 – 6.10.11) to maintain and implement a detailed local area plan that supports the development of the Downtown Core Area as a prominent centre for business, government, arts and culture on Vancouver Island and ensuring that neighbourhoods include centres of economic activity that serve the needs of residents within walking, wheeling or cycling distance.</p>
2. Protect the Integrity of Rural Communities	<p>Victoria is a built-out urban capital city with no rural areas and is completely located within the Urban Containment Policy Area. Therefore, the rural policies of the Regional Growth Strategy do not apply. However, the plan's land use planning and development policies do play a role in protecting the Capital Region's rural communities by housing a significant proportion of regional population growth in walkable, transit accessible communities in the region's most diverse housing stock (see Figure 3: Thirty Year Growth Management Concept).</p>
3. Protect, Conserve and Manage Ecosystem Health	<p>The plan supports the integration of environmental considerations into planning design and development at all scales throughout the city. The plan also supports environmental health, sustainability and stewardship through the development of regulatory tools, policies and public awareness.</p> <p>The plan designates for protection all areas designated as Capital Green Lands in the RGS through Public Facilities, Institutions, Parks and Open Space designations or Marine and Working Harbour designations (see Map 2). The plan also contains policies to address the protection and enhancement of parks and open space with specific attention to the management of shoreline and freshwater ecosystems, and urban forest management (see 9.1 – 9.6, 10.2, 10.9). More specifically, the plan implements the RGS target of reducing contaminants to fresh and marine water bodies by supporting</p>

	<p>an integrated and comprehensive approach for the management of surface water, rainwater and ground water resources to ensure healthy aquatic ecosystems (see 10.12).</p> <p>The plan also designates Sensitive Ecosystems (see Map 10) and includes policies to guide the establishment of Development Permit Area guidelines for the protection of identified sensitive ecosystems, urban forest and marine areas of high ecological importance (see 10.2.4, 10.2.5, 10.9.1). These various OCP directions support and align with the RGS policies to identify, protect, enhance and restore healthy ecosystems using regulatory tools such as policies, regulations, development permit areas, etc.</p> <p>The plan also implements an RGS policy directing municipalities to identify regionally significant parks through their regional context statement. Major parks identified as Capital Green Lands in Victoria, such as Beacon Hill Park, Summit Park and Gonzales Hill Regional Park, are designated Public Facilities, Institutions, Parks and Open Space as identified on Map 2 and further defined on Map 9, with these designations supported by policy direction for their protection and enhancement (see 9.1 – 9.6). These policies have also guided the development of the Parks and Open Space Master Plan that provides strategic direction for the planning and management of, and investment into the City's parks system for the next 25 years.</p>
4. Manage Regional Infrastructure Services Sustainably	<p>The plan recognizes the importance of sustainable management and access to regional infrastructure services including drinking water, liquid and solid waste, and how these services are impacted through local land use planning and development. Therefore the plan has an overarching objective to focus higher density development in strategic areas to ensure compact land use patterns that manage growth through intensification to minimize the need for new infrastructure while also ensuring well-maintained infrastructure and facilities that meet the needs of residents and businesses through best management practices [see Broad Objectives 11(a)(b)]. This broader direction also aligns with the RGS principle of promoting settlement patterns that are cost-effective and efficient to service.</p> <p>The plan also recognizes that future increases to Victoria's population may have impacts on existing infrastructure, therefore the plan includes detailed policies to accommodate increased growth through the on-going inspection, maintenance, upgrade and replacement of key infrastructure systems (see 11.1, 11.2, 11.3, 11.5, 11.6, 11.7). The management of infrastructure and utilities is also supported through the City's various utility masterplans that consider forecast population growth and are updated periodically. The provision and update of the City's utility masterplans also aligns with the RGS target of preparing long-term capital plans for CRD utilities and major infrastructure.</p>

	<p>The plan also prioritizes policies that support closed loop systems in resource recovery, and focus on integrated rainwater management through landscape design and integration of small-scale technology (see 11.10 – 11.24). Together the plan’s environmental and infrastructure policies support Victoria’s move towards a zero net solid waste community in partnership with the CRD and the private sector, which in turn support the RGS objective of avoiding any negative impacts to the long-term availability of utility services for existing development and planned growth within the Urban Containment Policy Area, recognizing the impacts of climate change.</p>
<p>5. Create Safe and Complete Communities</p>	<p>Victoria is a very compact and complete community located within the Urban Containment Policy Area. It has an average density of approximately 40 persons per hectare, the highest population density in the Capital Region and the sixth highest in Canada, equivalent to Toronto. On only 2.8% of the Capital Region’s land base, Victoria houses nearly one-quarter of the region’s population. The plan includes policies to support a broad vision to build complete communities, in particular focusing 50% of forecast residential growth in the Urban Core, 40% in the Town Centres and Large Urban Villages linked by rapid or frequent transit, and situated near community and business services and employment centres (see Figure 3: Thirty Year Growth Management Concept).</p> <p>Virtually all of Victoria is within 500 metres of a transit route and approximately 50% of residents live within 400 metres of one of four frequent transit routes (Douglas Street; Fort/Yates Streets; Hillside Avenue; and Craigflower Road). The plan contains policies to further focus new employment growth in the Urban Core, the Mayfair and Hillside Town Centres, and in employment districts served by rapid and frequent transit service. The plan also includes specific policies that establish urban place designations for the entire city that outline the desired built form, place character, land use and density. The urban place designation policies for the urban core, town centres and urban villages all support compact growth that integrates housing, employment, amenities and community services within walkable centres which provide the basis for complete communities (see 6.1.7, 6.1.8, 6.1.9 and 6.1.10). These policies and urban place designations align with and implement the RGS Complete Communities Criteria.</p> <p>The plan also includes a variety of policies for emergency management focused on preparedness, response, mitigation and recovery and identifies areas of seismic vulnerability on Map 17, and policies respecting additional development information requirements for these areas (see 18.1 – 18.22). These policies also align with RGS policies that support the well-being of residents, address potential risks on development from seismic activity and support the design and construction of climate change-adaptive and risk-adaptive development in the Growth management Planning Area.</p>

	<p>The development and maintenance of safe and complete communities is also largely accomplished through the development of local area plans that are a key instrument for achieving the goals of the OCP and the RGS (see 20.5.1).</p>
<p>6. Improve Housing Affordability</p>	<p>A key outcome of the plan is to support and maintain improved access to housing to improve quality of life, community health and vitality. In efforts to address housing affordability, Victoria participated in the development and approval of the Regional Housing Affordability Strategy, is a founding member of the Regional Housing Trust Fund, a funding partner in the Greater Victoria Coalition to End Homelessness and supports the Regional Housing First Program.</p> <p>More specifically, the plan establishes policies to encourage a range of housing choices and support services across the city and within every neighbourhood to meet the needs of residents at different life stages and circumstances, and to facilitate aging in place (see 13.1 – 13.39).</p> <p>The plan also contains detailed policies (see 13.2 – 13.2.5) that provide direction for the Victoria Housing Strategy, which outlines a local strategic response to address housing affordability. The Victoria Housing Strategy identifies policies and strategic initiatives that align with policy directions from the CRD Regional Housing Affordability Strategy and support the RGS targets to increase the supply of affordable housing, reduce the number of people in core housing need and reduce the number of people who are homeless.</p>
<p>7. Improve Multi-Modal Connectivity and Mobility</p>	<p>Victoria participated in the development and approval of the Regional Transportation Plan and has partnered with the CRD, BC Transit and others in subsequent implementation initiatives including BC Transit's 25 Year Transit Future Plan. The RGS identifies a target of achieving 42% of all trips made by walking, cycling and transit by 2038. According to the CRD Origin and Destination Survey (2017), 57% of all trips within Victoria were made by walking, cycling and transit. A key component in supporting alternate modes of transportation is the plan's transportation and mobility policies that collectively align with and support the CRD's regional multi-modal network as described in the Regional Transportation Plan including the provision of roads, trails and corridors that support seamless movement throughout the region. More specifically the plan provides a functional street classification map and related policies (see Map 4, 7.2 – 7.9) to guide the role, function and design of city streets. The plan also includes a cycling network map that identifies the existing and future network and policies to guide the development of a completed network in support of the CRD Pedestrian and Cycling Master Plan (see 7.16.2, 7.16.7).</p>

	<p>The plan supports integrated regional approaches to transportation planning and service delivery, and gives priority to walking, cycling, public transit and goods movement over single occupancy vehicle travel (see Broad Objectives 7(a) – 7(g) and 7.1). The plan’s land management vision supports development of a walkable urban pattern composed of a strong downtown core, Town Centres, and Large Urban Villages linked by rapid and frequent transit service and a network of pedestrian and cycling priority greenways (see 6.10.7, 7.14.1, 7.16.3, 7.19.1). The land management and transportation policies of the plan focus on the broad objective that all residents of Victoria can reach goods and services to meet daily needs including public transit within a 15-minute walk of home [see Broad Objectives 6(f)].</p> <p>Policies of the plan explicitly endorse coordinated transportation planning at the regional scale, including alignment of local transportation plans and initiatives with regional initiatives and across municipal boundaries including those related to public transit, passenger and commuter rail, goods movement, emergency response, trip reduction and travel demand management, and travel mode connectivity (see 7.14.3 – 7.14.6, 7.25 – 7.29.4).</p>
<p>8. Realize the Region’s Economic Potential</p>	<p>The plan’s growth management framework and land use designations support Victoria’s role as a capital city and ability to nurture the regional economy through attracting and accommodating growth in employment, new commercial and industrial development [see Broad Objectives 14(c) and 14(f)]. The RGS identifies a related target of achieving a jobs/population ratio of 0.60 in the Core Area, which Victoria is currently exceeding with a ratio of 0.92, based on the RGS population, dwelling and employment projections (2011). This strong jobs/population ratio supports the RGS target and reinforces Victoria’s role as a capital city and centre of employment. The plan designates lands for employment on Map 2 which responds to the RGS objective of addressing the shortage of designated space-extensive industrial/business land in the region. The plan also provides related policies to achieve a more resilient economy through strengthening its core sectors such as government and business office, tourism and visitor services, marine, advanced technology, arts and culture, and health and education, as well as through increased diversification of business and employment (see 14.28 – 14.55). Together these policies align with RGS direction to enhance established employment centres, integrating high-value, clean industry and business in complete communities, attracting and maintain a highly skilled workforce and reducing poverty in the Capital Region.</p> <p>The plan also includes policy direction for the implementation and periodic updating of an economic strategy for Victoria with a focus on business incubation, growth and retention, and policy respecting poverty reduction and community economic development (see 14.5 – 14.5.3).</p>

<p>9. Foster a Resilient Food and Agriculture System</p>	<p>Although Victoria does not have any land designated as Agricultural Land Reserve, it does recognize the importance of urban agriculture through a set of comprehensive food system policies to support food system planning, production on public and private land and related infrastructure (see section 17 – Food Systems). Victoria also provides a significant market for local agricultural products and the plan establishes policies respecting food security and Victoria’s role in the regional food system.</p> <p>For example, the RGS target of increasing the amount of land in crop production to enhance food security is supported by specific policies that direct the City to review and develop City policies and regulations to increase the number of allotment gardens, common gardens, edible landscapes, food-bearing trees and other types of food production on public and private lands (see 17.4 – 17.9).</p> <p>The plan also seeks to improve citizen access to affordable, healthy and local foods (see 17.20 – 17.23) and reduce food waste (see 17.24 – 17.26.3).</p> <p>As an implementation measure, the City has also introduced updated zoning regulations that permit small-scale commercial urban agriculture in all zones as a means of supporting urban agriculture. Collectively, the plan policies align with the RGS target of increasing the amount of land for food production as well as aligning with RGS policies to increase local food security and supporting food waste management that is environmentally sustainable and benefits the regional economy.</p>
<p>10. Significantly Reduce Community-Based Greenhouse Gas Emissions</p>	<p>The plan establishes policies for sustainable resource management including policies with respect to mitigating the impacts of climate change, sustainable resource management, greenhouse gas reduction, renewable and district energy, green building and infrastructure, biodiversity, improved ecological function, air and water quality, marine and shoreline management and the urban forest. One of the key implementation strategies is the recent development of the Climate Leadership Plan which provides strategic direction for climate change mitigation and adaptation (see 12.3 – 12.3.6).</p> <p>The Climate Leadership Plan includes an overall goal to reduce community-wide greenhouse gasses by 80% by 2050 (from 2007 levels) and to shift away from fossil fuels to 100% renewable energy by 2050. These targets align with and exceed the RGS target of reducing greenhouse gas emissions by 33% (from 2007 levels) by 2020, and by 61% by 2038. The plan also includes specific policies that support greenhouse gas reductions through the provision of compact land use patterns and walkable communities (see 12.4 – 12.4.3), working in partnership with the CRD, utility providers and the private sector to encourage energy conservation and efficiency (see 12.9). The plan also seeks to reduce GHG emissions through improved building performance of both public and private buildings through the integration of energy efficiency technologies and building systems, green construction, and district renewable energy systems (see 12.17 – 12.22).</p>

Summary of Comments – Regional Context Statement

From: Katie Hooper <Katie@esquimaltnation.ca>
Sent: Tuesday, September 24, 2019 11:30 AM
To: Robert Batallas <RBatallas@victoria.ca>
Cc: Jeff Weightman (jweightman@crd.bc.ca) <jweightman@crd.bc.ca>; Gary Yabsley <GYabsley@ratcliff.com>; Rob Thomas <rob@esquimaltnation.ca>
Subject: RE: OCP Regional Context Statement

Good Afternoon Robert,

Thank you for the phone call and the follow up email. Further to your previous email that provided a copy of a draft amendment to the City of Victoria Official Community Plan, you have outlined below that the amendment is intended to highlight how the existing City of Victoria's OCP policies continue to align with the new CRD 2018 regional growth strategy. To that end, as there is no actual change to the OCP, I feel confident in stating that Esquimalt Nation has no comment or concern for the City to proceed with this action.

Thank you for your time to request our input.

As for meeting in the near future, my intention is to have a preliminary discussion staff to staff. On my end, this would include me and possibly 2 other colleagues. Let us look at a day and time in late October.

Sincerely

Katie Hooper
Esquimalt Nation Executive Director
O: (250) 381 7861 Ext 114
C: (250) 619 8897
E: Katie@esquimaltnation.ca



From: Jeff Weightman <jweightman@crd.bc.ca>
Sent: Tuesday, September 24, 2019 10:13 AM
To: Robert Batallas <RBatallas@victoria.ca>; Kevin Lorette <klorette@crd.bc.ca>
Subject: RE: Official Community Plan Amendment – Regional Context Statement

Hi Robert,

Thanks for this referral, based on our previous conversations and collaboration on the draft context statement, it meets the criteria set out in the framework. We look forward to the formal referral.

Thanks,

Jeff

From: Bruce Anderson <BAnderson@oakbay.ca>
Sent: Wednesday, October 2, 2019 10:40 AM
To: Robert Batallas <RBatallas@victoria.ca>
Cc: Deborah Jensen <djensen@oakbay.ca>
Subject: FW: Victoria OCP - Regional Context Statement

Mr. Batallas, please accept the following comments regarding the September 20, 2019 referral of the City of Victoria's (draft) regional context statement. Staff have taken the opportunity to review the attached regional context statement for the City of Victoria, and would like to indicate support for the document as presented to the District of Oak Bay. Our review of Victoria's (draft) regional context statement indicates a compatibility with Oak Bay's approach to implementation of the Regional Growth Strategy. As an adjacent core municipality, Oak Bay is also in the process of amending our regional context statement to reflect the relative context and the roles of each of our municipalities in working toward consistency with the Regional Growth Strategy. Thank you for the opportunity to provide comment.

Bruce Anderson, MA, MCIP, RPP
Director of Building & Planning
District of Oak Bay
2167 Oak Bay Avenue
250 598-2042 ext. 7424
banderson@oakbay.ca

From: Bill Brown <bill.brown@esquimalt.ca>
Sent: Monday, October 7, 2019 3:36 PM
To: Robert Batallas <RBatallas@victoria.ca>
Subject: RE: Victoria OCP - Regional Context Statement

Dear Mr. Batallas,
I have reviewed the City of Victoria's draft Regional Context Statement and have no concerns.

Thank you.

Bill

Bill Brown, MCIP
Director of Development Services
Township of Esquimalt | Development Services
Tel: 1-250-414-7146 | www.esquimalt.ca

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.a Report from the September 12, 2019 COTW Meeting

I.1.a.a Draft OCP Regional Context Statement

Moved By Councillor Alto

Seconded By Councillor Loveday

That Council:

1. Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the 2018 CRD Regional Growth Strategy.
2. Consider consultation under Section 475(1) of the Local Government Act and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.
4. Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading.

CARRIED UNANIMOUSLY

G.1 Draft OCP Regional Context Statement

Committee received a report dated August 29, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the draft OCP regional context statement that has been prepared to summarize how the OCP policies are consistent with the policies and priority targets from the new 2018 CRD Regional Growth Strategy.

Moved By Councillor Alto

Seconded By Mayor Loveday

That Council:

1. Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the 2018 CRD Regional Growth Strategy.
2. Consider consultation under Section 475(1) of the Local Government Act and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.
4. Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading.

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of September 12, 2019

To: Committee of the Whole **Date:** August 29, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Draft OCP Regional Context Statement

RECOMMENDATION

That Council:

1. Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the *2018 CRD Regional Growth Strategy*.
2. Consider consultation under Section 475(1) of the *Local Government Act* and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.
3. Consider consultation under Section 475(2)(b) of the *Local Government Act* and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.
4. Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a draft updated OCP regional context statement that summarizes how the OCP policies remain consistent with the policies and priority targets from the new *2018 CRD Regional Growth Strategy* (RGS). The 2018 RGS was approved in March 2018 to help guide decisions on a range of key regional issues by setting out a renewed vision for the future of the region until the year 2038 through policies, objectives and targets.

Section 446 of the *Local Government Act* requires local governments to include within their OCP a regional context statement that indicates the OCP's relationship and alignment to the RGS. Staff have reviewed the 2018 RGS and have updated the regional context statement to clearly highlight the policy alignment between the OCP and the strategic objectives of the 2018 RGS.

Staff are also seeking direction regarding a consultation process with the public, Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61. Following the consultation process, staff

will report back with a summary of feedback, the updated regional context statement, and the OCP amendment bylaw for first and second reading. After public hearing, if the OCP amendment bylaw is approved by Council, staff will submit the updated regional context statement to the CRD Board for acceptance. Then the bylaw would return to Council for adoption.

PURPOSE

The purpose of this report is to present Council with a draft OCP regional context statement (Attachment A) that has been prepared to summarize how the OCP policies are consistent with the policies and priority targets from the new *2018 CRD Regional Growth Strategy*. This draft regional context statement will provide the basis for Council to engage in public consultation. Staff are also seeking direction regarding a consultation process and to prepare a related OCP amendment bylaw for Council's consideration.

BACKGROUND

The Capital Regional District (CRD) adopted an updated *Regional Growth Strategy* (RGS) on March 14, 2018. The new 2018 RGS provides population projections to the year 2038 and related policies to help guide municipal decision-making on a range of regional topics including growth management, environment and infrastructure, housing and community, transportation, economic development, food and agriculture systems, and climate action.

Section 446 of the *Local Government Act* requires local governments to include within their OCP a regional context statement that indicates the OCP's relationship and alignment to the RGS. This alignment ensures that municipal decision-making and initiatives that include consideration of the OCP also serve to support the applicable RGS policies and targets.

ISSUES AND ANALYSIS

1. Consistency with City of Victoria Official Community Plan

The 2018 RGS provides a range of policy objectives and targets related to seven key areas including: managing and balancing growth, environment and infrastructure, housing and community, transportation, economic development, food systems, and climate change. Most of these topic areas are similar to those contained in the previous 2003 RGS, except for food systems and climate change which are new topic areas for the RGS. The 2018 RGS has also introduced updated policies for each of these areas. Staff have reviewed the 2018 RGS to confirm policy alignment with the OCP as highlighted through the draft OCP regional context statement (Attachment A). In general, the OCP continues to maintain alignment with the 2018 RGS through policies and strategic directions that:

- direct focused growth and compact development within strategic areas such as the Urban Core, Town Centres, Urban Villages and Corridors;
- encourage environmental sustainability within the built and natural environment;
- result in building complete communities that provide a range of housing options and improve overall affordability;
- continue to achieve a multi-modal transportation system throughout the region that encourages and supports walking, cycling and transit;
- diversify and strengthen the local and regional economies;
- support the planning and integration of comprehensive food systems at various scales; and
- reduce greenhouse gas emissions and energy consumption.

A more detailed summary of the consistency with the RGS is described in the draft regional context statement (Attachment A) including references to the relevant RGS policies, objectives and targets that are supported by specific OCP policies.

2. Local Government Act Requirements

Section 446 of the *Local Government Act* identifies that a local municipality that is subject to a regional growth strategy must include a regional context statement within an official community plan and the regional context statement must be developed or updated within two years of the regional growth strategy being adopted. The 2018 RGS was adopted in March 2018; therefore, the City of Victoria is currently undertaking a process to update the regional context statement contained in the OCP.

Similarly, the content requirements for regional context statements are identified in section 447 of the *Local Government Act*, which states that the RGS must specifically identify the relationship between the official community plan and the regional growth strategy, and if applicable, how the OCP is to be made consistent with the regional growth strategy over time. Staff have considered these requirements to ensure that the draft regional context statement clearly identifies its consistency with the RGS.

3. Consultation on OCP Amendment Bylaw

In accordance with section 475 of the *Local Government Act*, when an amendment is proposed to the OCP, Council must, in addition to the public hearing, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Specifically, Council must:

- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing; and
- (b) specifically consider whether consultation is required with the following:
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - (ii) the board of any regional district that is adjacent to the area covered by the plan;
 - (iii) the council of any municipality that is adjacent to the area covered by the plan;
 - (iv) first nations;
 - (v) boards of education, greater boards and improvement district boards;
 - (vi) the Provincial and Federal governments and their agencies.

To address these requirements, staff recommend a consultation process that includes use of the City website as well as referral of the regional context statement for comments to the Capital Regional District, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61. All formal referrals will include a copy of the related staff report. A report on the results of this consultation, including any resulting changes to the proposed regional context statement, will be provided to Council at the time the OCP Amendment Bylaw is presented for first and second reading.

Given the minimal changes that are proposed to the content of the draft regional context statement, staff do not recommend additional consultation with Island Health, other CRD municipalities, or other levels of government.

4. CRD Acceptance of Regional Context Statement

If the OCP amendment bylaw and updated regional context statement are approved by Council through three readings, staff will refer the approved bylaw to the CRD Board for consideration after third reading. Section 448 of the *Local Government Act* provides that the CRD Board must render a resolution within 120 days of receiving the regional context statement indicating if it has accepted or rejected it. If the regional context statement is accepted by the CRD Board, the OCP amendment bylaw will return to Council for adoption and staff will replace the current regional context statement with the new regional context statement in the OCP.

OPTIONS AND IMPACTS

Option 1:

Direct staff to undertake consultation as detailed in the above resolutions, and report back on the feedback received with a draft OCP amendment bylaw and regional context statement.
(Recommended)

This option allows staff to undertake a consultation process based on the content of the draft regional context statement and then prepare a draft OCP amendment bylaw and further revised regional context statement. This option also provides Council the opportunity to consider consultation feedback received prior to first and second reading.

Option 2:

Direct staff to undertake a broader consultation process that may include meetings and open houses.

This option will require additional time and resources and may not provide any additional benefits as the draft regional context statement has only received minor updates and the content is largely unchanged from the current OCP regional context statement.

2019 - 2022 Strategic Plan

Although the update to the OCP regional context statement is not specifically identified within the *Strategic Plan*, ensuring alignment with the City's *Official Community Plan* is a legal requirement as outlined in the *Local Government Act*. The various objectives contained in the 2018 RGS and the related OCP policies described in the draft regional context statement do align with many of the City's strategic objectives.

Impacts to Financial Plan

Undertaking consultation of the draft OCP regional context statement does not require financial resources and does not impact the *Financial Plan*. The subsequent adoption of the OCP regional context statement by the City does not have any direct impacts on the *Financial Plan* as the draft regional context statement does not commit the City to any specific capital projects.

Official Community Plan Consistency Statement

In accordance with section 446(2) of the *Local Government Act*, Council must submit a proposed regional context statement to the CRD Board within two years after the RGS is adopted. The regional context statement sets out the relationship between the RGS and the OCP and how they

will be made consistent over time. The draft regional context statement describes the specific alignments with the 2018 RGS strategic directions. The regional context statement is subject to acceptance by the CRD Board, to ensure the municipality and the CRD Board agree that the two documents are compatible and consistent. Once Council has approved the OCP amendment bylaw through three readings, staff will submit the approved regional context statement for consideration by the CRD Board. Then the bylaw will return to Council for adoption.

CONCLUSIONS

The draft OCP regional context statement has been prepared to align with the 2018 RGS and provides the basis for Council to engage in a consultation process, after which the regional context statement may be revised, and a related OCP amendment bylaw will be prepared and considered.

Respectfully submitted,




Robert Batallas
Senior Planner
Community Planning Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Sept 5, 2019

List of Attachments:

- Attachment A: Draft OCP Regional Context Statement
- Attachment B: Current OCP Regional Context Statement.

Draft Regional Context Statement

Overview

As the core municipality in the broader metropolitan Capital Region, the City of Victoria must work collaboratively with 12 partner municipalities and a single electoral area to achieve regional objectives. The City of Victoria is a partner in the implementation of the Capital Regional District's (CRD) Regional Growth Strategy (RGS), adopted by the CRD Board on March 14, 2018, and supports its vision, context, objectives, principles and policies. As the Capital Region's population continues to increase, growth must be managed to ensure that regional sustainability and livability are enhanced over time. Local Government Act sections 446 to 447 require member municipalities to include within their OCP, a regional context statement that indicates the OCP's relationship to the RGS.

This regional context statement illustrates how Victoria implements the ten strategic directions of the current RGS, where applicable:

1. Keep Urban Settlement Compact
2. Protect the Integrity of Rural Communities
3. Protect, Conserve and Manage Ecosystem Health
4. Manage Regional Infrastructure Services Sustainably
5. Create Safe and Complete Communities
6. Improve Housing Affordability
7. Improve Multi-Modal Connectivity and Mobility
8. Realize the Region's Economic Potential
9. Foster a Resilient Food and Agriculture System
10. Significantly Reduce Community-Based Greenhouse Gas Emissions

RGS Strategic Direction	OCP Policy Response and References
1. Keep Urban Settlement Compact	As the provincial capital, Victoria plays an important role in supporting the RGS target of accommodating 95% of new dwelling units within the regional urban containment policy area by 2038. The OCP identifies a 30-year (to 2041) growth management concept for Victoria and supporting policies that reinforce Victoria's compact urban form and human-scaled neighbourhoods including a strong downtown-focused Urban Core and a network of Town Centres and Urban Villages that are walkable, transit-focused and supported with mixed-use residential and employment centres (see Figure 3: Thirty Year Growth Management Concept).

	<p>More specifically, the plan's growth management concept seeks to direct and accommodate 50% (approximately 10,000 new people) of Victoria's population growth within the Urban Core, 40% (approximately 8000 new people) in Town Centres and Large Urban Villages and 10% (approximately 2000 new people) within the remainder of the city including small urban villages (see Figure 3: Thirty Year Growth Management Concept). The plan's growth projections also align with overall RGS sub regional population projections for the core.</p> <p>The plan further reinforces the RGS objective of establishing a strong mix of uses focused around the downtown and harbour through specific policies (see 6.10 – 6.10.11) to maintain and implement a detailed local area plan that supports the development of the Downtown Core Area as a prominent centre for business, government, arts and culture on Vancouver Island and ensuring that neighbourhoods include centres of economic activity that serve the needs of residents within walking, wheeling or cycling distance.</p>
2. Protect the Integrity of Rural Communities	<p>Victoria is a built-out urban capital city with no rural areas and is completely located within the Urban Containment Policy Area. Therefore, the rural policies of the Regional Growth Strategy do not apply. However, the plan's land use planning and development policies do play a role in protecting the Capital Region's rural communities by housing a significant proportion of regional population growth in walkable, transit accessible communities in the region's most diverse housing stock (see Figure 3: Thirty Year Growth Management Concept).</p>
3. Protect, Conserve and Manage Ecosystem Health	<p>The plan supports the integration of environmental considerations into planning design and development at all scales throughout the city. The plan also supports environmental health, sustainability and stewardship through the development of regulatory tools, policies and public awareness.</p> <p>The plan designates for protection all areas designated as Capital Green Lands in the RGS through Public Facilities, Institutions, Parks and Open Space designations or Marine and Working Harbour designations (see Map 2). The plan also contains policies to address the protection and enhancement of parks and open space with specific attention to the management of shoreline and freshwater ecosystems, and urban forest management (see 9.1 – 9.6, 10.2, 10.9). More specifically, the plan implements the RGS target of reducing contaminants to fresh and marine water bodies by supporting an integrated and comprehensive approach for the management of surface water, rainwater and ground water resources to ensure healthy aquatic ecosystems (see 10.12).</p> <p>The plan also designates Sensitive Ecosystems (see Map 10) and includes policies to guide the establishment of Development Permit Area guidelines for the protection of identified sensitive ecosystems, urban forest and marine areas of high ecological importance (see 10.2.4, 10.2.5, 10.9.1).</p>

	<p>These various OCP directions support and align with the RGS policies to identify, protect, enhance and restore healthy ecosystems using regulatory tools such as policies, regulations, development permit areas, etc.</p> <p>The plan also implements an RGS policy directing municipalities to identify regionally significant parks through their regional context statement. Major parks identified as Capital Green Lands in Victoria, such as Beacon Hill Park, Summit Park and Gonzales Hill Regional Park, are designated Public Facilities, Institutions, Parks and Open Space as identified on Map 2 and further defined on Map 9, with these designations supported by policy direction for their protection and enhancement (see 9.1 – 9.6). These policies have also guided the development of the Parks and Open Space Master Plan that provides strategic direction for the planning and management of, and investment into the City's parks system for the next 25 years.</p>
4. Manage Regional Infrastructure Services Sustainably	<p>The plan recognizes the importance of sustainable management and access to regional infrastructure services including drinking water, liquid and solid waste, and how these services are impacted through local land use planning and development. Therefore the plan has an overarching objective to focus higher density development in strategic areas to ensure compact land use patterns that manage growth through intensification to minimize the need for new infrastructure while also ensuring well-maintained infrastructure and facilities that meet the needs of residents and businesses through best management practices [see Broad Objectives 11(a)(b)]. This broader direction also aligns with the RGS principle of promoting settlement patterns that are cost-effective and efficient to service.</p> <p>The plan also recognizes that future increases to Victoria's population may have impacts on existing infrastructure, therefore the plan includes detailed policies to accommodate increased growth through the on-going inspection, maintenance, upgrade and replacement of key infrastructure systems (see 11.1, 11.2, 11.3, 11.5, 11.6, 11.7). The management of infrastructure and utilities is also supported through the City's various utility masterplans that consider forecast population growth and are updated periodically. The provision and update of the City's utility masterplans also aligns with the RGS target of preparing long-term capital plans for CRD utilities and major infrastructure.</p> <p>The plan also prioritizes policies that support closed loop systems in resource recovery, and focus on integrated rainwater management through landscape design and integration of small-scale technology (see 11.10 – 11.24). Together the plan's environmental and infrastructure policies support Victoria's move towards a zero net solid waste community in partnership with the CRD and the private sector, which in turn support the RGS objective of avoiding any negative impacts to the long-term availability of</p>

	utility services for existing development and planned growth within the Urban Containment Policy Area, recognizing the impacts of climate change.
5. Create Safe and Complete Communities	<p>Victoria is a very compact and complete community located within the Urban Containment Policy Area. It has an average density of approximately 40 persons per hectare, the highest population density in the Capital Region and the sixth highest in Canada, equivalent to Toronto. On only 2.8% of the Capital Region's land base, Victoria houses nearly one-quarter of the region's population. The plan includes policies to support a broad vision to build complete communities, in particular focusing 50% of forecast residential growth in the Urban Core, 40% in the Town Centres and Large Urban Villages linked by rapid or frequent transit, and situated near community and business services and employment centres (see Figure 3: Thirty Year Growth Management Concept).</p> <p>Virtually all of Victoria is within 500 metres of a transit route and approximately 50% of residents live within 400 metres of one of four frequent transit routes (Douglas Street; Fort/Yates Streets; Hillside Avenue; and Craigflower Road). The plan contains policies to further focus new employment growth in the Urban Core, the Mayfair and Hillside Town Centres, and in employment districts served by rapid and frequent transit service. The plan also includes specific policies that establish urban place designations for the entire city that outline the desired built form, place character, land use and density. The urban place designation policies for the urban core, town centres and urban villages all support compact growth that integrates housing, employment, amenities and community services within walkable centres which provide the basis for complete communities (see 6.1.7, 6.1.8, 6.1.9 and 6.1.10). These policies and urban place designations align with and implement the RGS Complete Communities Criteria.</p> <p>The plan also includes a variety of policies for emergency management focused on preparedness, response, mitigation and recovery and identifies areas of seismic vulnerability on Map 17, and policies respecting additional development information requirements for these areas (see 18.1 – 18.22). These policies also align with RGS policies that support the well-being of residents, address potential risks on development from seismic activity and support the design and construction of climate change-adaptive and risk-adaptive development in the Growth management Planning Area.</p> <p>The development and maintenance of safe and complete communities is also largely accomplished through the development of local area plans that are a key instrument for achieving the goals of the OCP and the RGS (see 20.5.1).</p>

<p>6. Improve Housing Affordability</p>	<p>A key outcome of the plan is to support and maintain improved access to housing to improve quality of life, community health and vitality. In efforts to address housing affordability, Victoria participated in the development and approval of the Regional Housing Affordability Strategy, is a founding member of the Regional Housing Trust Fund, a funding partner in the Greater Victoria Coalition to End Homelessness and supports the Regional Housing First Program.</p> <p>More specifically, the plan establishes policies to encourage a range of housing choices and support services across the city and within every neighbourhood to meet the needs of residents at different life stages and circumstances, and to facilitate aging in place (see 13.1 – 13.39).</p> <p>The plan also contains detailed policies (see 13.2 – 13.2.5) that provide direction for the Victoria Housing Strategy, which outlines a local strategic response to address housing affordability. The Victoria Housing Strategy identifies policies and strategic initiatives that align with policy directions from the CRD Regional Housing Affordability Strategy and support the RGS targets to increase the supply of affordable housing, reduce the number of people in core housing need and reduce the number of people who are homeless.</p>
<p>7. Improve Multi-Modal Connectivity and Mobility</p>	<p>Victoria participated in the development and approval of the Regional Transportation Plan and has partnered with the CRD, BC Transit and others in subsequent implementation initiatives including BC Transit's 25 Year Transit Future Plan. The RGS identifies a target of achieving 42% of all trips made by walking, cycling and transit by 2038. According to the CRD Origin and Destination Survey (2017), 57% of all trips within Victoria were made by walking, cycling and transit. A key component in supporting alternate modes of transportation is the plan's transportation and mobility policies that collectively align with and support the CRD's regional multi-modal network as described in the Regional Transportation Plan including the provision of roads, trails and corridors that support seamless movement throughout the region. More specifically the plan provides a functional street classification map and related policies (see Map 4, 7.2 – 7.9) to guide the role, function and design of city streets. The plan also includes a cycling network map that identifies the existing and future network and policies to guide the development of a completed network in support of the CRD Pedestrian and Cycling Master Plan (see 7.16.2, 7.16.7).</p> <p>The plan supports integrated regional approaches to transportation planning and service delivery, and gives priority to walking, cycling, public transit and goods movement over single occupancy vehicle travel (see Broad Objectives 7(a) – 7(g) and 7.1). The plan's land management vision supports development of a walkable urban pattern composed of a strong downtown core, Town Centres, and Large Urban Villages linked by rapid and frequent transit service and a network of pedestrian and cycling priority greenways (see 6.10.7, 7.14.1, 7.16.3, 7.19.1). The land management and transportation policies of the plan focus on the broad objective that all residents of Victoria can reach goods and services to meet daily needs including public transit within a 15-minute walk of home [see Broad Objectives 6(f)].</p>

	<p>Policies of the plan explicitly endorse coordinated transportation planning at the regional scale, including alignment of local transportation plans and initiatives with regional initiatives and across municipal boundaries including those related to public transit, passenger and commuter rail, goods movement, emergency response, trip reduction and travel demand management, and travel mode connectivity (see 7.14.3 – 7.14.6, 7.25 – 7.29.4).</p>
8. Realize the Region's Economic Potential	<p>The plan's growth management framework and land use designations support Victoria's role as a capital city and ability to nurture the regional economy through attracting and accommodating growth in employment, new commercial and industrial development [see Broad Objectives 14(c) and 14(f)]. The RGS identifies a related target of achieving a jobs/population ratio of 0.60 in the Core Area, which Victoria is currently exceeding with a ratio of 0.92, based on the RGS population, dwelling and employment projections (2011). This strong jobs/population ratio supports the RGS target and reinforces Victoria's role as a capital city and centre of employment. The plan designates lands for employment on Map 2 which responds to the RGS objective of addressing the shortage of designated space-extensive industrial/business land in the region. The plan also provides related policies to achieve a more resilient economy through strengthening its core sectors such as government and business office, tourism and visitor services, marine, advanced technology, arts and culture, and health and education, as well as through increased diversification of business and employment (see 14.28 – 14.55). Together these policies align with RGS direction to enhance established employment centres, integrating high-value, clean industry and business in complete communities, attracting and maintain a highly skilled workforce and reducing poverty in the Capital Region.</p> <p>The plan also includes policy direction for the implementation and periodic updating of an economic strategy for Victoria with a focus on business incubation, growth and retention, and policy respecting poverty reduction and community economic development (see 14.5 – 14.5.3).</p>
9. Foster a Resilient Food and Agriculture System	<p>Although Victoria does not have any land designated as Agricultural Land Reserve, it does recognize the importance of urban agriculture through a set of comprehensive food system policies to support food system planning, production on public and private land and related infrastructure (see section 17 – Food Systems). Victoria also provides a significant market for local agricultural products and the plan establishes policies respecting food security and Victoria's role in the regional food system.</p> <p>For example, the RGS target of increasing the amount of land in crop production to enhance food security is supported by specific policies that direct the City to review and develop City policies and</p>

	<p>regulations to increase the number of allotment gardens, common gardens, edible landscapes, food-bearing trees and other types of food production on public and private lands (see 17.4 – 17.9).</p> <p>The plan also seeks to improve citizen access to affordable, healthy and local foods (see 17.20 – 17.23) and reduce food waste (see 17.24 – 17.26.3).</p> <p>As an implementation measure, the City has also introduced updated zoning regulations that permit small-scale commercial urban agriculture in all zones as a means of supporting urban agriculture. Collectively, the plan policies align with the RGS target of increasing the amount of land for food production as well as aligning with RGS policies to increase local food security and supporting food waste management that is environmentally sustainable and benefits the regional economy.</p>
10. Significantly Reduce Community-Based Greenhouse Gas Emissions	<p>The plan establishes policies for sustainable resource management including policies with respect to mitigating the impacts of climate change, sustainable resource management, greenhouse gas reduction, renewable and district energy, green building and infrastructure, biodiversity, improved ecological function, air and water quality, marine and shoreline management and the urban forest. One of the key implementation strategies is the recent development of the Climate Leadership Plan which provides strategic direction for climate change mitigation and adaptation (see 12.3 – 12.3.6).</p> <p>The Climate Leadership Plan includes an overall goal to reduce community-wide greenhouse gasses by 80% by 2050 (from 2007 levels) and to shift away from fossil fuels to 100% renewable energy by 2050. These targets align with and exceed the RGS target of reducing greenhouse gas emissions by 33% (from 2007 levels) by 2020, and by 61% by 2038. The plan also includes specific policies that support greenhouse gas reductions through the provision of compact land use patterns and walkable communities (see 12.4 – 12.4.3), working in partnership with the CRD, utility providers and the private sector to encourage energy conservation and efficiency (see 12.9). The plan also seeks to reduce GHG emissions through improved building performance of both public and private buildings through the integration of energy efficiency technologies and building systems, green construction, and district renewable energy systems (see 12.17 – 12.22).</p>

Regional Context Statement

5



OVERVIEW

As the core municipality in the broader metropolitan Capital Region, the City of Victoria must work collaboratively with 12 partner municipalities to achieve regional objectives. The City of Victoria is a partner in the implementation of the Capital Regional District's (CRD) Regional Growth Strategy (RGS), adopted by the CRD Board on August 13, 2003, and supports its goals, principles, policies and initiatives. As the Capital Region's population continues to increase, growth must be managed to ensure that regional sustainability and livability are enhanced over time. Local Government Act section 866 requires member municipalities to include within their OCP, a regional context statement that indicates the OCP's relationship to the RGS, for example, how the OCP conforms to the provisions of the RGS or will be brought into conformity over time. Context statements need to identify:

1. The extent to which the OCP is consistent with the RGS;
2. If it is not consistent, how the OCP will be brought into consistency; and,
3. The elements of the RGS which are not applicable to the municipality.

This regional context statement illustrates how Victoria implements the eight strategic directions of the current RGS:

1. Keep Urban Settlement Compact
2. Protect the Integrity of Rural Communities
3. Protect Regional Green and Blue Space
4. Manage Natural Resources and the Environment Sustainably

5. Build Complete Communities
6. Improve Housing Affordability
7. Increase Transportation Choice
8. Strengthen the Regional Economy

More than seven years have passed since the adoption of the RGS. Several implementation initiatives have been completed including TravelChoices: A Long Term Transportation Strategy for the Capital Region (April 2005), and the Regional Housing Affordability Strategy (March 2007), both of which propose future policy amendments to the RGS. Annual monitoring of RGS implementation since 2004 has identified areas where policy shifts are necessary.

The CRD is currently undertaking a major review of the 2003 RGS with the intention of developing a more explicit focus on regional sustainability, addressing among other things, the challenge of climate change, signaling this intention through a name change from RGS to Regional Sustainability Strategy (RSS). This process is expected to conclude with approval of a new regional strategy in 2013. After adoption of the new RSS, the City would be expected to update its regional context statement within two years.

REGIONAL GROWTH STRATEGY CONSISTENCY

Figure 7 summarizes how this plan is consistent or working towards consistency with the RGS.

Figure 7: Regional Growth Strategy Consistency

RGS Strategic Direction	Consistency Requirements	OCP Policy Response and Reference
1. Keep Urban Settlement Compact	<p>Define the location and establish policies to support the regional urban containment and servicing policy area boundary.</p> <p>Establish the location and policies associated with the metropolitan core and major centres identified on RGS Map 3, including those related to mix of use, housing, and transit access.</p> <p>Indicate the extent to which housing options by type, tenure and market segment are addressed.</p> <p>Increase the designated capacity for ground-oriented housing by 5% over levels in the OCP in August 2003.</p>	<p>Victoria is fully within the regional urban containment area and in addition to the downtown-focused Metropolitan Core, has two Major Centres wholly or partially within its municipal boundaries: one at Mayfair Mall Major Centre, the other at Hillside Mall, both of which are partially within the District of Saanich. A key RGS target is that a minimum of 15% of the region's cumulative new dwelling units are accommodated within Victoria to 2026. Between 2001 and 2007, Victoria's cumulative share of new dwelling units averaged 22% of the regional total. As well, total population of the Metropolitan Core increased 17% between 2001 and 2006, from 9,955 to 11,750.</p> <p>The Metropolitan Core is identified as that area designated Urban Core on Map 2 and supported by policies to accept approximately 50% of Victoria's forecast growth to 2041, or a minimum of 10,000 new residents. The plan requires the City to maintain a local area plan focused on the Urban Core, and the City has developed the Downtown Core Area Plan to give this policy effect, providing policy direction to support population increase, business growth, cultural development, and a walkable core served by high capacity, frequent public transit.</p> <p>This plan designates Town Centres at Mayfair and Hillside Malls on Map 2, and provides policy direction for their development as walkable, transit-focused, mixed-use residential and employment centres. The Mayfair and Hillside Town Centres, together with transit-oriented Large Urban Villages elsewhere in the city, are forecast to accommodate 40% of Victoria's population growth to 2041, or approximately 8,000 new residents. The plan anticipates that the balance of forecast growth to 2041, approximately 10% or 2,000 new residents, will be accommodated in Small Urban Villages and existing neighbourhoods.</p> <p>Over the next 30 years, Victoria is forecast to need designated housing capacity to meet demand for an additional 13,500 apartment units and an additional 2,700 ground-oriented housing units. Zoned land capacity analysis prepared for this plan indicates that there is sufficient zoned capacity in 2011 to just match this demand. The plan designates additional housing capacity, primarily for apartment units and attached ground-oriented housing, to ensure that developable capacity is more than sufficient to meet forecast demand. The additional designation of housing capacity in the plan provides more opportunities for population growth in compact, walkable areas of Victoria, thereby supporting the maintenance of the regional urban containment and servicing policy area boundary.</p>

CONTINUED >

RGS Strategic Direction	Consistency Requirements	OCP Policy Response and Reference
1. Keep Urban Settlement Compact		<p>The plan proposes policies to address housing need across the entire breadth of the housing spectrum with a particular focus on meeting housing demand for an aging population, for housing suitable to families, and to address homelessness. The Urban Residential and Traditional Residential designations of the plan provide greater scope for housing stock diversity than conventional exclusive use designations.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; 7 – TRANSPORTATION AND MOBILITY; 8 – PLACEMAKING; 13 – HOUSING AND HOMELESSNESS; AND 14 – ECONOMY].</p>
2. Protect the Integrity of Rural Communities	<p>Establish policies and land management designations for the protection of rural character.</p> <p>Designate Capital Green lands and Renewable Resource Lands consistent with RGS Map No. 3.</p> <p>Establish policies and mechanisms to limit the extent of rural development.</p>	<p>While Victoria does not include rural areas, it plays a role in protecting the Capital Region's rural communities by housing a significant proportion of regional population growth in walkable, transit-accessible communities in the region's most diverse housing stock. As well, Victoria provides a significant market for local agricultural products and the plan establishes policies respecting food security and Victoria's role in the regional food system.</p> <p>All lands identified as Capital Green Lands in Victoria, including Beacon Hill Park, Summit Park and Gonzales Hill Regional Park, are designated Public Facilities, Institutions, Parks and Open Space as identified on Map 2 and further defined on Map 9, with these designations supported by policy direction for their protection.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; 9 – PARKS AND RECREATION; AND 17 – FOOD SYSTEMS]</p>
3. Protect Regional Green and Blue Space	<p>Designate green and blue space areas consistent with RGS Map No. 4 and establish policies to protect these lands and waters from development.</p> <p>Establish policies for the protection of lands identified as Unprotected Green Space on RGS Map No. 4.</p>	<p>The plan designates for protection all areas designated green and blue space in the RGS through Marine and Working Harbour designations or designated Public Facilities, Institutions, Parks and Open Space, as further defined on Map 2. The plan protects the alignment of the E&N Rail Trail through the Rail Corridor designation, and gives policy direction for ongoing updates to the Greenways Plan and the completion of a Parks Master Plan. A key element of these plans is the completion of the proposed Harbour Pathway system.</p> <p>The plan designates Sensitive Ecosystems on Map 10 and includes policies to guide the establishment of Development Permit Area guidelines for the protection of identified sensitive ecosystems including Coastal Bluff, Garry Oak Woodland, and marine areas of high ecological importance. The plan also provides policy guidance to the development of an Urban Forest Master Plan, and gives policy consideration to the ecological services performed by natural systems.</p> <p>[SEE SECTIONS 9 – PARKS AND RECREATION; AND 10 – ENVIRONMENT]</p>

RGS Strategic Direction	Consistency Requirements	OCP Policy Response and Reference
4. Manage Natural Resources and the Environment Sustainably	<p>Establish policies and targets for sustainable environmental management respecting waste discharge and diversion, resource conservation, and ecosystem health.</p> <p>Participate in integrated watershed planning approaches to manage surface water and drainage.</p> <p>Participate in the establishment of regional policies and targets for air quality, environmental quality and energy efficiency.</p>	<p>The plan establishes policies for sustainable resource management including policies with respect to mitigating the impacts of climate change, sustainable resource management, greenhouse gas reduction, renewable and district energy, green building and infrastructure, biodiversity, improved ecological function, air and water quality, marine and shoreline management and the urban forest.</p> <p>The plan includes policies respecting integrated watershed planning initiatives including those for Cecilia Creek and Bowker Creek.</p> <p>[SEE SECTIONS 10 – ENVIRONMENT; 11 – INFRASTRUCTURE; AND, 12 – CLIMATE CHANGE AND ENERGY]</p>
5. Build Complete Communities	<p>Establish policies to facilitate urban development that contributes to greater community completeness, in particular by supporting: growth in and within 500 metres of the Metropolitan Core and Major Centres; the co-location of housing, employment, services and recreation; new housing within a ten-minute walk of existing business and community services and facilities; projects that avoid or include mitigation measures for areas of high seismic risk; and, locate new growth within 400 metres of transit routes.</p>	<p>Victoria is a very compact and complete community. It has an average density of approximately 40 persons per hectare, the highest population density in the Capital Region and the sixth highest in Canada, equivalent to Toronto. On only 2.8% of the Capital Region's land base, Victoria houses nearly one-quarter of the region's population. The plan includes policies to support a broad vision to build complete communities, in particular focusing 50% of forecast residential growth in the Urban Core and surrounding Urban Residential designations, and 40% in two Town Centres and ten Large Urban Villages linked by rapid or frequent transit, and situated near community and business services and employment centres. The plan includes policies to focus the delivery of community services through hubs located in walkable centres.</p> <p>Virtually all of Victoria is within 500 metres of a transit route and approximately 50% of residents live within 400 metres of one of four frequent transit routes (Douglas Street; Fort/Yates Streets; Hillside Avenue; and Craigflower Road). The plan contains policies to further focus new employment growth in the Urban Core, the Mayfair and Hillside Town Centres, and in employment districts served by rapid and frequent transit service.</p> <p>The plan includes policies for emergency management focused on preparedness, response, mitigation and recovery and identifies areas of seismic vulnerability on Map 17, and policies respecting additional development information requirements for these areas.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; 7 – TRANSPORTATION AND MOBILITY; 15 – COMMUNITY WELL-BEING; 18 – EMERGENCY MANAGEMENT; AND, 19 – PLAN ADMINISTRATION]</p>

RGS Strategic Direction	Consistency Requirements	OCP Policy Response and Reference
6. Improve Housing Affordability	<p>Participate in the development and implementation of a Regional Housing Affordability Strategy.</p> <p>Establish policies to address housing affordability.</p>	<p>Victoria participated in the development and approval of the Regional Housing Affordability Strategy, is a founding member of the Regional Housing Trust Fund, has established the Victoria Housing Fund, and is a funding partner in the Greater Victoria Coalition to End Homelessness. The plan establishes policies to address the twin challenges of housing affordability and homelessness across the housing spectrum, consistent with the three regional goals to: increase the supply of more affordable housing; reduce the number of people in core housing need especially low income renters; and reduce the number of people who are homeless and support the transition out of homelessness. The plan includes policy direction to update Victoria's Comprehensive Housing Strategy, which provides a local strategic response to the regional directions established in the CRD Regional Housing Affordability Strategy.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; AND 13 – HOUSING AND HOMELESSNESS]</p>
7. Increase Transportation Choice	<p>Participate in the development of a Regional Transportation Strategy that aims to increase walking, cycling and transit mode share, establish a regional major route system, and link the Metropolitan Core and major centres with high capacity transit.</p> <p>Participate in the development of a permanent framework for transportation planning, governance and funding in the Capital Region.</p>	<p>Victoria participated in the development and approval of the TravelChoices Strategy and has partnered with the CRD, BC Transit and others in subsequent implementation initiatives including BC Transit's Westshore – Victoria Rapid Transit project and the 25 Year Transit Future Plan. The RGS 2026 target for non-auto mode share for Victoria's business core of 40% was exceeded in 2006, when Victoria achieved a city-wide non-auto mode share of 46% for journey to work trips, tied with Montreal as the highest in Canada.</p> <p>The plan supports integrated regional approaches to transportation planning and service delivery, and gives priority to walking, cycling, public transit and goods movement over single occupancy vehicle travel. The plan's land management vision supports development of a walkable urban pattern composed of a strong downtown core, Town Centres, and Large Urban Villages linked by rapid and frequent transit service and a network of pedestrian and cycling priority greenways. The land management and transportation policies of the plan focus on the broad objective that all residents of Victoria can reach goods and services to meet daily needs including public transit within a 15-minute walk of home. The plan gives priority to the development of more detailed local area plans for town centres and large urban villages along rapid transit and frequent transit corridors.</p> <p>Policies of the plan explicitly endorse coordinated transportation planning at the regional scale, including alignment of local transportation plans and initiatives with regional initiatives and across municipal boundaries including those related to public transit, passenger and commuter rail, goods movement, emergency response, trip reduction and travel demand management, and travel mode connectivity.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; AND, 7 – TRANSPORTATION AND MOBILITY]</p>

RGS Strategic Direction	Consistency Requirements	OCP Policy Response and Reference
8. Strengthen the Regional Economy	Participate in the development of a Regional Economic Development Strategy with a focus on: finding ways to maintain and enhance the Metropolitan Core as the economic heart of the region, ensuring that Victoria achieves a minimum share of 20% of the region's employment growth to 2026; finding ways to include high value clean industry and business in the Metropolitan Core and Major Centres; and, finding ways to reduce poverty.	<p>Victoria participated in the development of the draft Economic Development Opportunities Blueprint – A Strategy for Regional Economic Prosperity, completed in 2004 but not adopted by the CRD Board. The Board directed instead the development of a broader regional economic sustainability strategy as part of the five year review of the RGS, starting in 2008.</p> <p>While Victoria has continued to experience employment increases, it has been losing ground to other parts of the region with respect to its share of new employment growth, attracting only 13% of regional employment growth between 2001 and 2006, compared to the 20% target identified in the RGS. The plan designates lands for employment on Map 2 and includes a number of policies to reverse this trend including: increasing the size and permitted development density of the Core Business district; identifying areas for intensive employment growth in expanding sectors along the Douglas Street rapid transit corridor (Core Employment district, Humber Green Village, Mayfair Town Centre); and, identifying areas for intensive employment growth along frequent transit corridors including the Hillside Town Centre, and the General Employment district at Royal Jubilee Hospital. Victoria's economic structure is summarized on Map 14. The plan also includes policy direction for the development of an economic strategy for Victoria with a focus on business incubation, growth and retention, and policy respecting poverty reduction and community economic development.</p> <p>[SEE SECTIONS 6 – LAND MANAGEMENT AND DEVELOPMENT; 14 – ECONOMY; 15 – COMMUNITY WELL-BEING, AND 16 – ARTS AND CULTURE]</p>

Draft OCP Regional Context Statement



Purpose

- Present Council with an updated OCP regional context statement.
- Seek direction to prepare an OCP amendment bylaw and undertake consultation on updated regional context statement prior to reporting back to Council.



Draft OCP Regional Context Statement

Background

- New Regional Growth Strategy (RGS) was approved by the CRD Board on March 14, 2018.
- RGS provides policy guidance and targets for coordinated growth and development within the region to 2038.
- Section 466 of the Local Government Act requires local governments to include within their Official Community Plans a regional context statement that identifies how the OCP is consistent with the RGS.
- Current regional context statement was developed in 2012 to align with previous (2003) RGS.



Draft OCP Regional Context Statement

OCP and RGS Policy Alignment

The OCP continues to maintain alignment with the 2018 RGS through policies and strategic directions that:

- focus growth and compact development within strategic areas;
- encourage environmental sustainability;
- result in complete communities with improved housing choices;
- support a multi-modal transportation system for walking, cycling and transit;
- diversify and strengthen the local and regional economies;
- support the planning and integration of comprehensive food systems at various scales; and
- reduce greenhouse gas emissions and energy consumption.



Draft OCP Regional Context Statement

OCP Amendment

- OCP amendment bylaw is required to amend OCP with updated regional context statement.
- Proposed consultation with Capital Regional District, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.
- Interested members of the public will be able to view draft regional context statement through City website.
- Staff will report back to Council with summary of feedback and proposed OCP amendment bylaw prior to first reading.
- Additional opportunity for feedback through public hearing.
- Once Council has approved the OCP amendment bylaw, staff will refer the approved bylaw and regional context statement to CRD Board for acceptance.



Draft OCP Regional Context Statement

Recommendation

That Council:

1. Direct staff to prepare an Official Community Plan amendment bylaw to replace section 5 of Schedule "A" with an updated regional context statement that summarizes the policy alignment between the OCP and the 2018 CRD Regional Growth Strategy.
2. Consider consultation under Section 475(1) of the Local Government Act and direct staff to post a notice on the City's website of the draft regional context statement, and such notice will provide the contact information of a Planning staff member to which members of the public may speak and provide input, and the staff member will provide a report on input received to Council prior to first reading.
3. Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff to refer the draft regional context statement for comments to the Capital Regional District Board, District of Oak Bay, District of Saanich, Township of Esquimalt, Songhees First Nation, Esquimalt First Nation, and School District 61.



Draft OCP Regional Context Statement

Recommendation

4. Direct staff to report back to Council with a summary of feedback, the updated regional context statement, and the Official Community Plan amendment bylaw for first reading.



A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan by replacing the Regional Context Statement with a new Regional Context Statement that highlights the alignment and consistency between the Official Community Plan and the Capital Regional District's new Regional Growth Strategy (2018).

Under its statutory powers, including Division 5 of Part 13 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO.34)".
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Schedule A, Section 5: Regional Context Statement, as follows:
 - (a) by repealing Section 5: Regional Context Statement and replacing it with a new Section 5: Regional Context Statement which is attached to this Bylaw in Schedule 1.
- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the **24th** day of **October** 2019.

READ A SECOND TIME the **24th** day of **October** 2019.

Public hearing held on the day of 2019.

READ A THIRD TIME the day of 2019.

ADOPTED on the day of 2019.

CITY CLERK

MAYOR

Schedule 1

Regional Context Statement 5

OVERVIEW

As the core municipality in the broader metropolitan Capital Region, the City of Victoria must work collaboratively with 12 partner municipalities and a single electoral area to achieve regional objectives. The City of Victoria is a partner in the implementation of the Capital Regional District's (CRD) Regional Growth Strategy (RGS), adopted by the CRD Board on March 14, 2018, and supports its vision, context, objectives, principles and policies. As the Capital Region's population continues to increase, growth must be managed to ensure that regional sustainability and livability are enhanced over time. Local Government Act sections 446 to 447 require member municipalities to include within their OCP, a regional context statement that indicates the OCP's relationship to the RGS.

This regional context statement illustrates how Victoria implements the ten strategic directions of the current RGS, where applicable:

1. Keep Urban Settlement Compact
2. Protect the Integrity of Rural Communities
3. Protect, Conserve and Manage Ecosystem Health
4. Manage Regional Infrastructure Services Sustainably
5. Create Safe and Complete Communities
6. Improve Housing Affordability
7. Improve Multi-Modal Connectivity and Mobility
8. Realize the Region's Economic Potential
9. Foster a Resilient Food and Agriculture System
10. Significantly Reduce Community-Based Greenhouse Gas Emissions

REGIONAL GROWTH STRATEGY CONSISTENCY

Figure 7 summarizes how this plan is consistent or working towards consistency with the RGS.

Figure 7: Regional Growth Strategy Consistency

RGS Strategic Direction	OCP Policy Response and References
1. Keep Urban Settlement Compact	As the provincial capital, Victoria plays an important role in supporting the RGS target of accommodating 95% of new dwelling units within the regional urban containment policy area by 2038. The OCP identifies a 30-year (to 2041) growth management concept for Victoria and supporting policies that reinforce Victoria's compact urban form and human-scaled neighbourhoods including a strong downtown-focused

	<p>Urban Core and a network of Town Centres and Urban Villages that are walkable, transit-focused and supported with mixed-use residential and employment centres (see Figure 3: Thirty Year Growth Management Concept).</p> <p>More specifically, the plan's growth management concept seeks to direct and accommodate 50% (approximately 10,000 new people) of Victoria's population growth within the Urban Core, 40% (approximately 8000 new people) in Town Centres and Large Urban Villages and 10% (approximately 2000 new people) within the remainder of the city including small urban villages (see Figure 3: Thirty Year Growth Management Concept). The plan's growth projections also align with overall RGS sub regional population projections for the core.</p> <p>The plan further reinforces the RGS objective of establishing a strong mix of uses focused around the downtown and harbour through specific policies (see 6.10 – 6.10.11) to maintain and implement a detailed local area plan that supports the development of the Downtown Core Area as a prominent centre for business, government, arts and culture on Vancouver Island and ensuring that neighbourhoods include centres of economic activity that serve the needs of residents within walking, wheeling or cycling distance.</p>
2. Protect the Integrity of Rural Communities	<p>Victoria is a built-out urban capital city with no rural areas and is completely located within the Urban Containment Policy Area. Therefore, the rural policies of the Regional Growth Strategy do not apply. However, the plan's land use planning and development policies do play a role in protecting the Capital Region's rural communities by housing a significant proportion of regional population growth in walkable, transit accessible communities in the region's most diverse housing stock (see Figure 3: Thirty Year Growth Management Concept).</p>
3. Protect, Conserve and Manage Ecosystem Health	<p>The plan supports the integration of environmental considerations into planning design and development at all scales throughout the city. The plan also supports environmental health, sustainability and stewardship through the development of regulatory tools, policies and public awareness.</p> <p>The plan designates for protection all areas designated as Capital Green Lands in the RGS through Public Facilities, Institutions, Parks and Open Space designations or Marine and Working Harbour designations (see Map 2). The plan also contains policies to address the protection and enhancement of parks and open space with specific attention to the management of shoreline and freshwater ecosystems, and urban forest management (see 9.1 – 9.6, 10.2, 10.9). More specifically, the plan implements the RGS target of reducing contaminants to fresh and marine water bodies by supporting an</p>

	<p>integrated and comprehensive approach for the management of surface water, rainwater and ground water resources to ensure healthy aquatic ecosystems (see 10.12).</p> <p>The plan also designates Sensitive Ecosystems (see Map 10) and includes policies to guide the establishment of Development Permit Area guidelines for the protection of identified sensitive ecosystems, urban forest and marine areas of high ecological importance (see 10.2.4, 10.2.5, 10.9.1). These various OCP directions support and align with the RGS policies to identify, protect, enhance and restore healthy ecosystems using regulatory tools such as policies, regulations, development permit areas, etc.</p> <p>The plan also implements an RGS policy directing municipalities to identify regionally significant parks through their regional context statement. Major parks identified as Capital Green Lands in Victoria, such as Beacon Hill Park, Summit Park and Gonzales Hill Regional Park, are designated Public Facilities, Institutions, Parks and Open Space as identified on Map 2 and further defined on Map 9, with these designations supported by policy direction for their protection and enhancement (see 9.1 – 9.6). These policies have also guided the development of the Parks and Open Space Master Plan that provides strategic direction for the planning and management of, and investment into the City's parks system for the next 25 years.</p>
4. Manage Regional Infrastructure Services Sustainably	<p>The plan recognizes the importance of sustainable management and access to regional infrastructure services including drinking water, liquid and solid waste, and how these services are impacted through local land use planning and development. Therefore the plan has an overarching objective to focus higher density development in strategic areas to ensure compact land use patterns that manage growth through intensification to minimize the need for new infrastructure while also ensuring well-maintained infrastructure and facilities that meet the needs of residents and businesses through best management practices [see Broad Objectives 11(a)(b)]. This broader direction also aligns with the RGS principle of promoting settlement patterns that are cost-effective and efficient to service.</p> <p>The plan also recognizes that future increases to Victoria's population may have impacts on existing infrastructure, therefore the plan includes detailed policies to accommodate increased growth through the on-going inspection, maintenance, upgrade and replacement of key infrastructure systems (see 11.1, 11.2, 11.3, 11.5, 11.6, 11.7). The management of infrastructure and utilities is also supported through the City's various utility masterplans that consider forecast population growth and are updated periodically. The provision and update of the City's utility masterplans also aligns with the RGS target of preparing long-term capital plans for CRD utilities and major infrastructure.</p>

	<p>The plan also prioritizes policies that support closed loop systems in resource recovery, and focus on integrated rainwater management through landscape design and integration of small-scale technology (see 11.10 – 11.24). Together the plan's environmental and infrastructure policies support Victoria's move towards a zero net solid waste community in partnership with the CRD and the private sector, which in turn support the RGS objective of avoiding any negative impacts to the long-term availability of utility services for existing development and planned growth within the Urban Containment Policy Area, recognizing the impacts of climate change.</p>
5. Create Safe and Complete Communities	<p>Victoria is a very compact and complete community located within the Urban Containment Policy Area. It has an average density of approximately 40 persons per hectare, the highest population density in the Capital Region and the sixth highest in Canada, equivalent to Toronto. On only 2.8% of the Capital Region's land base, Victoria houses nearly one-quarter of the region's population. The plan includes policies to support a broad vision to build complete communities, in particular focusing 50% of forecast residential growth in the Urban Core, 40% in the Town Centres and Large Urban Villages linked by rapid or frequent transit, and situated near community and business services and employment centres (see Figure 3: Thirty Year Growth Management Concept).</p> <p>Virtually all of Victoria is within 500 metres of a transit route and approximately 50% of residents live within 400 metres of one of four frequent transit routes (Douglas Street; Fort/Yates Streets; Hillside Avenue; and Craigflower Road). The plan contains policies to further focus new employment growth in the Urban Core, the Mayfair and Hillside Town Centres, and in employment districts served by rapid and frequent transit service. The plan also includes specific policies that establish urban place designations for the entire city that outline the desired built form, place character, land use and density. The urban place designation policies for the urban core, town centres and urban villages all support compact growth that integrates housing, employment, amenities and community services within walkable centres which provide the basis for complete communities (see 6.1.7, 6.1.8, 6.1.9 and 6.1.10). These policies and urban place designations align with and implement the RGS Complete Communities Criteria.</p> <p>The plan also includes a variety of policies for emergency management focused on preparedness, response, mitigation and recovery and identifies areas of seismic vulnerability on Map 17, and policies respecting additional development information requirements for these areas (see 18.1 – 18.22). These policies also align with RGS policies that support the well-being of residents, address potential risks on development from seismic activity and support the design and construction of climate change-adaptive and risk-adaptive development in the Growth management Planning Area.</p>

	<p>The development and maintenance of safe and complete communities is also largely accomplished through the development of local area plans that are a key instrument for achieving the goals of the OCP and the RGS (see 20.5.1).</p>
6. Improve Housing Affordability	<p>A key outcome of the plan is to support and maintain improved access to housing to improve quality of life, community health and vitality. In efforts to address housing affordability, Victoria participated in the development and approval of the Regional Housing Affordability Strategy, is a founding member of the Regional Housing Trust Fund, a funding partner in the Greater Victoria Coalition to End Homelessness and supports the Regional Housing First Program.</p> <p>More specifically, the plan establishes policies to encourage a range of housing choices and support services across the city and within every neighbourhood to meet the needs of residents at different life stages and circumstances, and to facilitate aging in place (see 13.1 – 13.39).</p> <p>The plan also contains detailed policies (see 13.2 – 13.2.5) that provide direction for the Victoria Housing Strategy, which outlines a local strategic response to address housing affordability. The Victoria Housing Strategy identifies policies and strategic initiatives that align with policy directions from the CRD Regional Housing Affordability Strategy and support the RGS targets to increase the supply of affordable housing, reduce the number of people in core housing need and reduce the number of people who are homeless.</p>
7. Improve Multi-Modal Connectivity and Mobility	<p>Victoria participated in the development and approval of the Regional Transportation Plan and has partnered with the CRD, BC Transit and others in subsequent implementation initiatives including BC Transit's 25 Year Transit Future Plan. The RGS identifies a target of achieving 42% of all trips made by walking, cycling and transit by 2038. According to the CRD Origin and Destination Survey (2017), 57% of all trips within Victoria were made by walking, cycling and transit. A key component in supporting alternate modes of transportation is the plan's transportation and mobility policies that collectively align with and support the CRD's regional multi-modal network as described in the Regional Transportation Plan including the provision of roads, trails and corridors that support seamless movement throughout the region. More specifically the plan provides a functional street classification map and related policies (see Map 4, 7.2 – 7.9) to guide the role, function and design of city streets. The plan also includes a cycling network map that identifies the existing and future network and policies to guide the development of a completed network in support of the CRD Pedestrian and Cycling Master Plan (see 7.16.2, 7.16.7).</p> <p>The plan supports integrated regional approaches to transportation planning and service delivery, and gives priority to walking, cycling, public transit and goods movement over single occupancy vehicle travel (see Broad Objectives 7(a) – 7(g) and 7.1). The plan's land management vision supports development</p>

	<p>of a walkable urban pattern composed of a strong downtown core, Town Centres, and Large Urban Villages linked by rapid and frequent transit service and a network of pedestrian and cycling priority greenways (see 6.10.7, 7.14.1, 7.16.3, 7.19.1). The land management and transportation policies of the plan focus on the broad objective that all residents of Victoria can reach goods and services to meet daily needs including public transit within a 15-minute walk of home [see Broad Objectives 6(f)].</p> <p>Policies of the plan explicitly endorse coordinated transportation planning at the regional scale, including alignment of local transportation plans and initiatives with regional initiatives and across municipal boundaries including those related to public transit, passenger and commuter rail, goods movement, emergency response, trip reduction and travel demand management, and travel mode connectivity (see 7.14.3 – 7.14.6, 7.25 – 7.29.4).</p>
8. Realize the Region's Economic Potential	<p>The plan's growth management framework and land use designations support Victoria's role as a capital city and ability to nurture the regional economy through attracting and accommodating growth in employment, new commercial and industrial development [see Broad Objectives 14(c) and 14(f)]. The RGS identifies a related target of achieving a jobs/population ratio of 0.60 in the Core Area, which Victoria is currently exceeding with a ratio of 0.92, based on the RGS population, dwelling and employment projections (2011). This strong jobs/population ratio supports the RGS target and reinforces Victoria's role as a capital city and centre of employment. The plan designates lands for employment on Map 2 which responds to the RGS objective of addressing the shortage of designated space-extensive industrial/business land in the region. The plan also provides related policies to achieve a more resilient economy through strengthening its core sectors such as government and business office, tourism and visitor services, marine, advanced technology, arts and culture, and health and education, as well as through increased diversification of business and employment (see 14.28 – 14.55). Together these policies align with RGS direction to enhance established employment centres, integrating high-value, clean industry and business in complete communities, attracting and maintain a highly skilled workforce and reducing poverty in the Capital Region.</p> <p>The plan also includes policy direction for the implementation and periodic updating of an economic strategy for Victoria with a focus on business incubation, growth and retention, and policy respecting poverty reduction and community economic development (see 14.5 – 14.5.3).</p>
9. Foster a Resilient Food and Agriculture System	<p>Although Victoria does not have any land designated as Agricultural Land Reserve, it does recognize the importance of urban agriculture through a set of comprehensive food system policies to support food system planning, production on public and private land and related infrastructure (see section 17 – Food</p>

	<p>Systems). Victoria also provides a significant market for local agricultural products and the plan establishes policies respecting food security and Victoria's role in the regional food system.</p> <p>For example, the RGS target of increasing the amount of land in crop production to enhance food security is supported by specific policies that direct the City to review and develop City policies and regulations to increase the number of allotment gardens, common gardens, edible landscapes, food-bearing trees and other types of food production on public and private lands (see 17.4 – 17.9).</p> <p>The plan also seeks to improve citizen access to affordable, healthy and local foods (see 17.20 – 17.23) and reduce food waste (see 17.24 – 17.26.3).</p> <p>As an implementation measure, the City has also introduced updated zoning regulations that permit small-scale commercial urban agriculture in all zones as a means of supporting urban agriculture. Collectively, the plan policies align with the RGS target of increasing the amount of land for food production as well as aligning with RGS policies to increase local food security and supporting food waste management that is environmentally sustainable and benefits the regional economy.</p>
10. Significantly Reduce Community-Based Greenhouse Gas Emissions	<p>The plan establishes policies for sustainable resource management including policies with respect to mitigating the impacts of climate change, sustainable resource management, greenhouse gas reduction, renewable and district energy, green building and infrastructure, biodiversity, improved ecological function, air and water quality, marine and shoreline management and the urban forest. One of the key implementation strategies is the recent development of the Climate Leadership Plan which provides strategic direction for climate change mitigation and adaptation (see 12.3 – 12.3.6).</p> <p>The Climate Leadership Plan includes an overall goal to reduce community-wide greenhouse gasses by 80% by 2050 (from 2007 levels) and to shift away from fossil fuels to 100% renewable energy by 2050. These targets align with and exceed the RGS target of reducing greenhouse gas emissions by 33% (from 2007 levels) by 2020, and by 61% by 2038. The plan also includes specific policies that support greenhouse gas reductions through the provision of compact land use patterns and walkable communities (see 12.4 – 12.4.3), working in partnership with the CRD, utility providers and the private sector to encourage energy conservation and efficiency (see 12.9). The plan also seeks to reduce GHG emissions through improved building performance of both public and private buildings through the integration of energy efficiency technologies and building systems, green construction, and district renewable energy systems (see 12.17 – 12.22).</p>

K. **BYLAWS**

K.4 **Bylaw for 2220 Cook Street: Rezoning Application No. 00648 and Development Permit with Variances Application No. 00107**

Moved By Councillor Alto
Seconded By Councillor Young

That Council rescind **second reading** of:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That Council **amend** Schedule 2 of:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Young

That the following bylaw **be given second reading, as amended:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY



Council Report

For the Meeting of October 10, 2019

To: Council **Date:** September 26, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Update Report on Rezoning Application No. 00684 and Development Permit with Variances Application No. 00107 for 2220 Cook Street**

RECOMMENDATION

Rezoning Application No. 00684

That Council rescind second reading of Zoning Regulation Bylaw Amendment No. 19-068, amend Schedule 2 of the bylaw, and that second reading of the amended Zoning Regulation Bylaw Amendment No. 19-068 be considered by Council.

Development Permit with Variances Application No. 00100:

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. 00684, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped September 13, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information regarding a Rezoning and Development Permit with Variances Application for the property located at 2220 Cook Street.

The necessary conditions that would authorize the approval of the Rezoning and Development Permit with Variances Application for the property located at 2220 Cook Street have been fulfilled. The Committee of the Whole (COTW) report dated May 23, 2019, together with the COTW meeting minutes, are attached to this report.

CHANGES TO PLANS

Revised plans were submitted to alter the exterior of the building. At this time, staff discovered an error in the applicant's calculation of the Floor Space Ratio (FSR), which increased the FSR from 0.74:1 to 0.76:1. No increase in floor area has occurred since Committee of the Whole. However, the change to FSR impacts the site-specific zone that staff drafted and that Council gave first and second readings to on September 19, 2019. Therefore, an amended zone has been provided. In order to proceed, Council must first repeal the original readings of the bylaw and re-introduce the amended rezoning bylaw.

As noted above, the applicant altered the exterior finishes of the proposed building. Namely, the shingles have been moved from the third floor main façade to the first floor and the band separating the second and third floors on the side and rear elevations has been removed. Staff consider these as positive changes, as the building presents itself in a more traditional manner and the removal of the band reduces visual clutter. The recommended motion has been amended to identify the plans as being submitted on September 13, 2019. The revised plans are attached.

RECIPROCAL ACCESS AGREEMENT

A reciprocal access agreement is not being registered at this time, as it would be overly-complicated to complete prior to subdivision of the property. Instead, a covenant has been executed to ensure that the property cannot be subdivided unless the access easement is registered concurrently with the subdivision plan. The covenant expressly permits discharge of itself once subdivision has taken place and the easements have been registered.

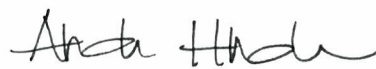
CONCLUSIONS

The necessary conditions that would authorize the approval of the Rezoning Application and Development Permit with Variances for the property located at 2220 Cook Street have been fulfilled. The recommendation provided for Council's consideration addresses the corrected FSR along with the newly submitted plans.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Oct 4, 2019

List of Attachments

- Attachment A: Committee of the Whole Report dated May 9, 2019
- Attachment B: Minutes from Committee of the Whole Meeting dated May 23, 2019
- Attachment C: Plans date stamped September 13, 2019.

F.2 2220 Cook Street - Rezoning Application No.00684 & Development Permit with Variances Application No. 00107 (North Park)

Council received a report dated May 9, 2019 from the Acting Director of Sustainable Planning and Community Development presenting Council with information regarding a rezoning and development permit with variances application to subdivide an existing lot at 2220 Cook Street into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot.

Moved By Councillor Collins

Seconded By Councillor Loveday

Rezoning Application No. 00684

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
3. Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.
4. Proof of an agreement with a car share organization, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eleven lifetime car share memberships (three on the southern lot and eight on the northern lot) that run with the individual units.
5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

Development Permit with Variances Application No. 00107

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. 00684, if it is approved, consider the following motion:

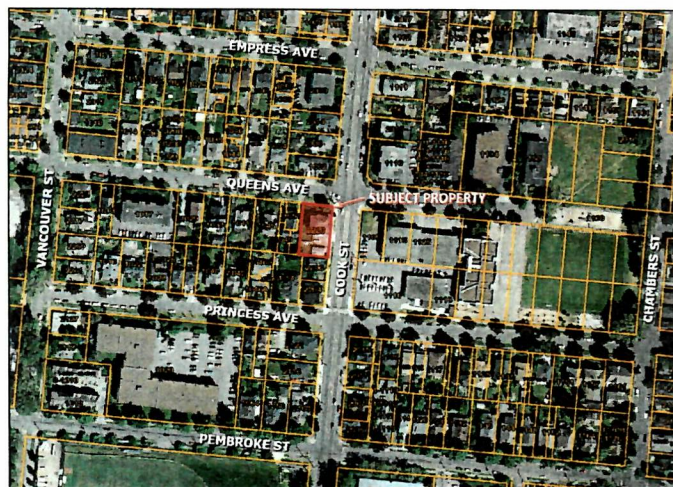
"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

2220 Cook Street

Christine Lintott
ArchitectsSuite 1, 684 Queens Avenue, Victoria, BC V8T 1M5
Telephone: 250-384-1571
www.lintottarchitect.ca

Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision

No.	Description	Date
1	Project Info Tables revised	2018-05-22
2	Existing Building setbacks changed to match Survey Plan	2018-04-16
3	Building & permanent bike parking refused to achieve required dimensions	2018-04-16
4	Exterior materials revised at Building A	2018-05-13

Drawing List

A1.00	Project Data
A1.01	Building A Site Plan & Landscape Plan
A1.02	Survey & Height Calculations
A1.03	Street Elevations
A2.01	Building A Plans
A2.02	Building B Plans
A3.01	Elevations - Building A
A3.02	Elevations - Building B
A3.03	Sectional Separations
A4.01	Building Sections

BUILDING A SUBMITTED FOR REZONING & DEVELOPMENT PERMIT.

Project Information Table - Building A	
Zone	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 328.54m ² (Subdivided lot)
Total Floor Area ¹	251.49m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.76:1.0
Site Coverage %	14%
Open Site Space %	46% 4% Rear Yard
Height of Buildings ¹	9.07m
Storeys #	3 1/2 storeys, includes Attics at 3.5m max height
Parking Stalls #	1.45 per unit (x70m ²) x2 = 2 spaces provided & 1.00 per unit (x70m ²) x1 = 4 Visitor + 0.1 per unit x3 = 0.3
Bicycle Parking #	1.25 Long Term per Unit x3 = 4 6 Short Term per Building 6 Long Term Spaces provided 6 Short Term Spaces provided
Building Setbacks Proposed	
Front Yard (East)	7.00m
Rear Yard (West)	3.00m
Side Yard (North)	3.00m
Side Yard (South)	2.25m
Residential Use Details	
Total Number of Units	3
Unit Type Breakdown	3 one bedroom units
Ground Oriented Units	3 residential units
Minimum Unit Floor Area	69.7m ²
Total Residential Floor Area	251.5m ²
¹ Long term bicycle parking not included in area calculation per zoning bylaw amendment 18-017	
² Refer to elevation drawings for height calculations.	

Floor Area - Zoning - Building A		Unit Floor Areas - Building A	
Name	Area	Name	Area
Existing Building Level 1	89.70 m ²	Unit 1	69.7 m ²
Building A Level 2	85.95 m ²	Unit 2	43.0 m ²
Building A Level 3	75.85 m ²	Unit 3	47.9 m ²
		Unit 3 - Attic ¹	12.5 m ²
		Unit 3 - Attic ²	276.5 m ²
		ATTICS ARE LESS THAN 1800mm IN HEIGHT & ARE NOT COUNTED IN TOTAL RESIDENTIAL FLOOR AREA.	

EXISTING BUILDING TO REMAIN IN PLACE. EXISTING LOT TO BE SUBDIVIDED.

Project Information Table - Existing Building with Subdivided Lot	
Zone (existing)	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (Subdivided lot)
Total Floor Area ¹	180.29m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.81:1
Site Coverage %	44%
Open Site Space %	33% Total 3% Rear Yard
Height of Buildings ¹	9.12m
Storeys #	3 storeys
Parking Stalls #	0.75 per unit x3 = 2.25 spaces + car share space Visitor + 0.1 per unit x3 = 0.3
Bicycle Parking #	1.00 Long Term per Unit x3 = 3 6 Short Term per Building 6 Long Term Spaces (Existing non-conforming) 6 Short Term per Building 6 Short Term Spaces proposed
Building Setbacks Proposed	
Front Yard (East)	0.94m (Existing), 4.81m SHW at Cook Street
Rear Yard (West)	3.94m (Existing), 3.00m Shared drive side easement
Side Yard (North)	6.24m (Existing)
Side Yard (South)	3.00m (To proposed subdivision line)
Residential Use Details	
Total Number of Units	15 Suites and 5 Boarding Rooms
Unit Type Breakdown	3 Bachelor Suites and 5 Boarding Rooms
Ground Oriented Units	Ground level used for storage, now zoning
Minimum Unit Floor Area	N/A
Total Residential Floor Area	181.3m ² (Existing)
¹ Long term bicycle parking not included in area calculation per zoning bylaw amendment 18-017	
² Refer to elevation drawings for height calculations.	

Floor Area - Zoning - Existing Bldg		Unit Floor Areas - Existing Bldg	
Name	Area	Name	Area
Existing Building Level 1	133.00 m ²	Common Rooms	97.3 m ²
Existing Building Level 2	118.77 m ²	Corridors	35.3 m ²
Existing Building Level 3	218.62 m ²	Room 1	23.2 m ²
		Room 2	12.8 m ²
		Room 3	18.4 m ²
		Room 4	14.5 m ²
		Room 5	18.4 m ²
		Suite 1	22.7 m ²
		Suite 2	24.6 m ²
		Suite 3	23.1 m ²
			247.4 m ²

BUILDING B SUBMITTED FOR REZONING ONLY.

Project Information Table - Building B (Future)	
Zone	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (Subdivided lot)
Total Floor Area ¹	154.64m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.77:1
Site Coverage %	13%
Open Site Space %	39% (3% Rear Yard)
Height of Buildings ¹	9.84m
Storeys #	3 storeys
Parking Stalls #	1.00 Long Term per Unit x3 = 3 6 Short Term per Building 6 Long Term Spaces proposed 6 Short Term Spaces proposed
Bicycle Parking #	1.00 Long Term per Unit x3 = 3 6 Short Term per Building 6 Long Term Spaces proposed 6 Short Term Spaces proposed
Building Setbacks Proposed	
Front Yard (East)	4.91m, SHW at Cook Street
Rear Yard (West)	3.00m, Shared drive side easement
Side Yard (North)	6.31m
Side Yard (South)	3.00m
Residential Use Details	
Total Number of Units	8
Unit Type Breakdown	8 one bedroom units
Ground Oriented Units	3 residential units
Minimum Unit Floor Area	37.0m ²
Total Residential Floor Area	320.3m ²
¹ Long term bicycle parking not included in area calculation per zoning bylaw amendment 18-017	
² Refer to elevation drawings for height calculations.	

Floor Area - Zoning - Building B		Unit Floor Areas - Building B	
Name	Area	Name	Area
Building B Level 1	109.12 m ²	Apt 1	37.1 m ²
Building B Level 2	117.47 m ²	Apt 2	39.1 m ²
Building B Level 3	118.05 m ²	Apt 3	43.7 m ²
		Apt 4	42.2 m ²
		Apt 5	35.6 m ²
		Apt 6	37.2 m ²
		Apt 7	38.2 m ²
		Apt 8	37.1 m ²
			308.4 m ²

Project Scope:

- Property to be subdivided into two lots.
- New 3 storey, 3 unit building proposed for the South lot (Building A).
- Existing building to remain in place at the North lot, and will receive new exterior paint.
- A replacement for the existing building is included with this proposal (Building B) with the intent of providing usable data for determining maximum density and height of an 8 unit rental building if the existing building is ever damaged and requires repair & relocation or replacement outside of the SWW.
- The North property will be registered as a rental only, in perpetuity.
- Future leases with the current tenant (VMA), will include a clause giving them the right of first refusal to buy the North property should it ever go up for sale.
- 4 61m Stationary Right-of-Way and removal of the existing driveway crossing at Cook Street has been included per the City's requirements. New driveway and services located at Queen's Avenue.
- Additional bicycle parking stalls, more than the minimum required, are proposed for Building A.
- Both buildings to be included in a car share program, with dedicated on-site parking.

APPLICANT

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VICTORIA, BC V8T 1C7

250-883-1571

CONTACT: GARDE COLLINS
quizeo@gmail.com

ARCHITECT

CHRISTINE LINTOTT ARCHITECTS
SUITE 1 - 864 QUEENS AVENUE
VICTORIA, BC V8T 1M5

250-384-1569

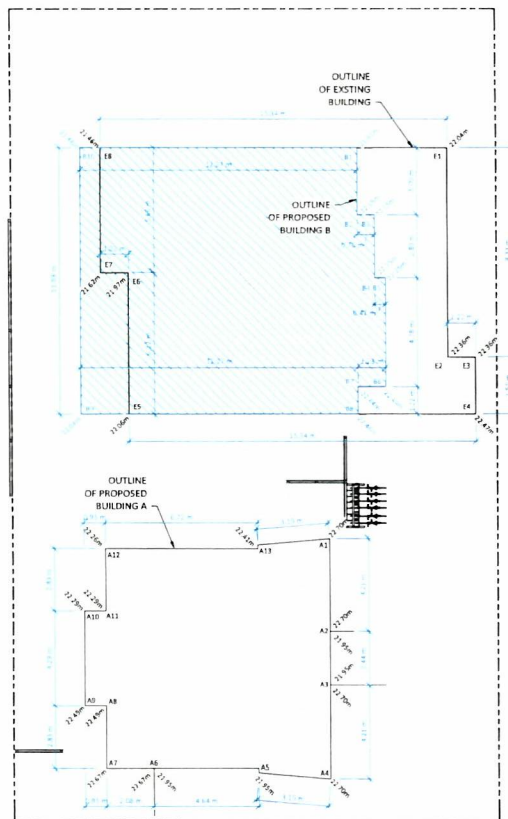
CONTACT: CHRISTINE LINTOTT
Christine@lintottarchitect.ca2220 Cook
Street
Victoria, BC

Project Data

Date	2019-09-12 9:52:36 AM
Drawn by	CC
Checked by	CL
Scale	1:50

A0.00

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BUILDING A HEIGHT CALCULATION

A1 & A2	$(22.70 + 22.70) \times 21 \times 4.23m = 95.17$
A2 & A3	$(22.09 + 21.95) \times 21 \times 2.44m = 53.54$
A3 & A4	$(22.70 + 22.70) \times 21 \times 4.23m = 95.17$
A4 & A5	$(22.70 + 21.95) \times 21 \times 3.39m = 73.22$
A5 & A6	$(21.95 + 21.95) \times 21 \times 4.44m = 103.83$
A6 & A7	$(22.67 + 22.67) \times 21 \times 2.08m = 47.15$
A7 & A8	$(22.67 + 22.49) \times 21 \times 2.83m = 63.90$
A8 & A9	$(22.49 + 22.49) \times 21 \times 0.95m = 21.36$
A9 & A10	$(22.49 + 22.29) \times 21 \times 4.29m = 96.05$
A10 & A11	$(22.29 + 22.29) \times 21 \times 0.95m = 21.37$
A11 & A12	$(22.29 + 22.26) \times 21 \times 2.83m = 63.04$
A12 & A13	$(22.26 + 22.41) \times 21 \times 6.73m = 340.09$
A13 & A1	$(22.41 + 22.70) \times 21 \times 3.18m = 72.95$
	42.53m 952.48

952.48 + 42.53m = **22.40m Average Grade**

EXISTING BUILDING HEIGHT CALCULATION

E1 & E2	$(22.04 + 22.36) \times 21 \times 9.33m = 207.13$
E2 & E3	$(22.36 + 22.36) \times 21 \times 1.22m = 27.28$
E3 & E4	$(22.36 + 22.47) \times 21 \times 2.55m = 57.16$
E4 & E5	$(22.47 + 22.06) \times 21 \times 15.34m = 341.54$
E5 & E6	$(22.06 + 21.97) \times 21 \times 6.23m = 136.63$
E6 & E7	$(21.97 + 21.82) \times 21 \times 1.22m = 26.59$
E7 & E8	$(21.82 + 21.48) \times 21 \times 5.34m = 122.92$
E8 & E11	$(21.48 + 22.06) \times 21 \times 13.35m = 334.64$
	56.88m 1,252.19

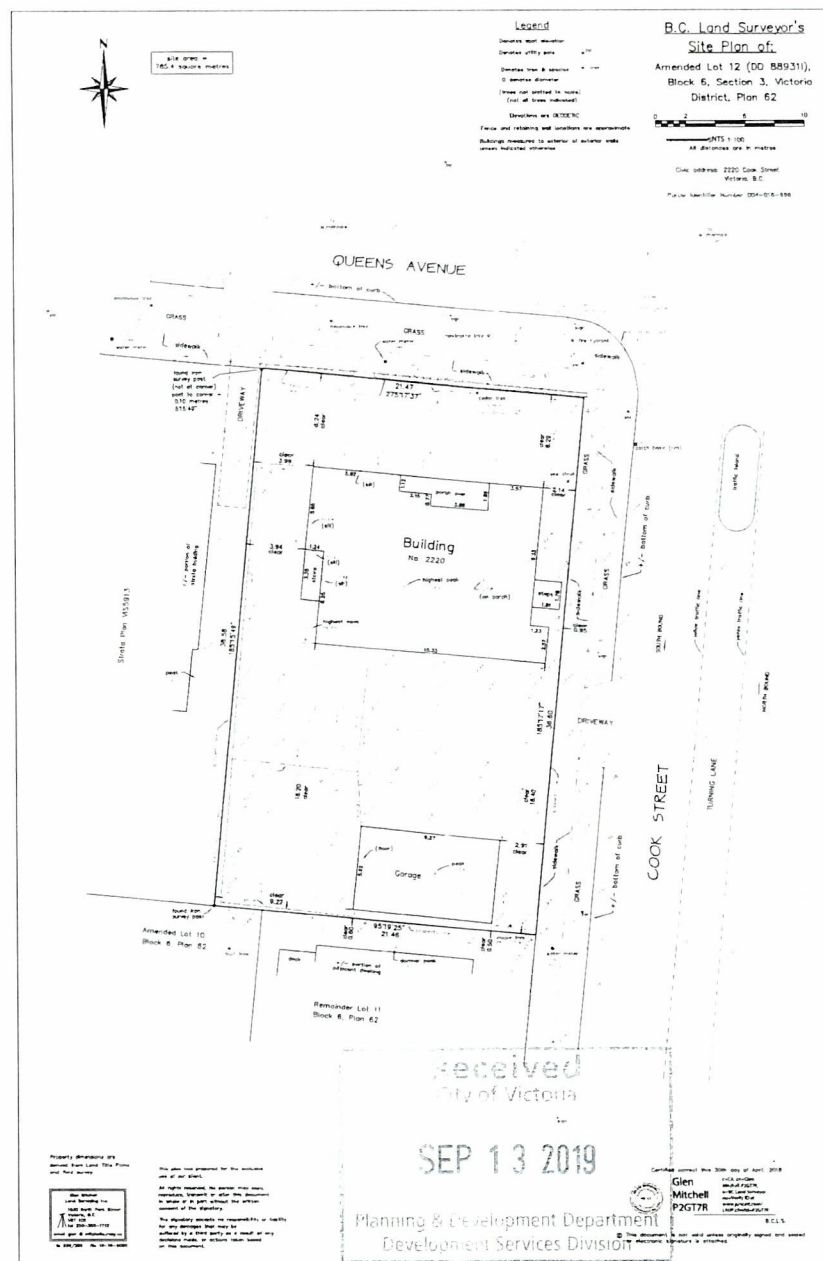
1,252.19 + 56.88m = **22.01m Average Grade**

BUILDING B HEIGHT CALCULATION

B1 & B2	$(21.91 + 22.15) \times 21 \times 3.00m = 66.09$
B2 & B3	$(22.15 + 22.15) \times 21 \times 0.75m = 18.81$
B3 & B4	$(22.15 + 22.25) \times 21 \times 2.89m = 64.16$
B4 & B5	$(22.25 + 22.25) \times 21 \times 0.47m = 10.46$
B5 & B6	$(22.25 + 22.46) \times 21 \times 4.78m = 106.81$
B6 & B7	$(22.46 + 22.46) \times 21 \times 1.23m = 27.80$
B7 & B8	$(22.46 + 22.40) \times 21 \times 1.23m = 27.39$
B8 & B9	$(22.46 + 22.06) \times 21 \times 12.23m = 278.03$
B9 & B10	$(22.06 + 21.46) \times 21 \times 11.89m = 258.61$
B10 & B1	$(21.46 + 21.91) \times 21 \times 12.23m = 266.62$
	50.78m 1,317.09

1,317.09 + 50.78m = **21.89m Average Grade**

1 Height Calculations
1 100



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Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision

No. Description Date

Consultant

2220 Cook
Street
Victoria, BC

Survey & Height
Calculations

Date 2019-09-12 9:52:48 AM

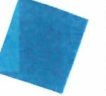
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A1.02

Scale 1 100

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Issue Date

For Retaining/
Development Permit Jan. 4, 2019

Revision

No. Description Date
1 Exterior materials revised at Building A 2019-09-13

Consultant

2220 Cook Street
Victoria, BC

Street Elevations

Date 2019-09-12 9:52:53 AM

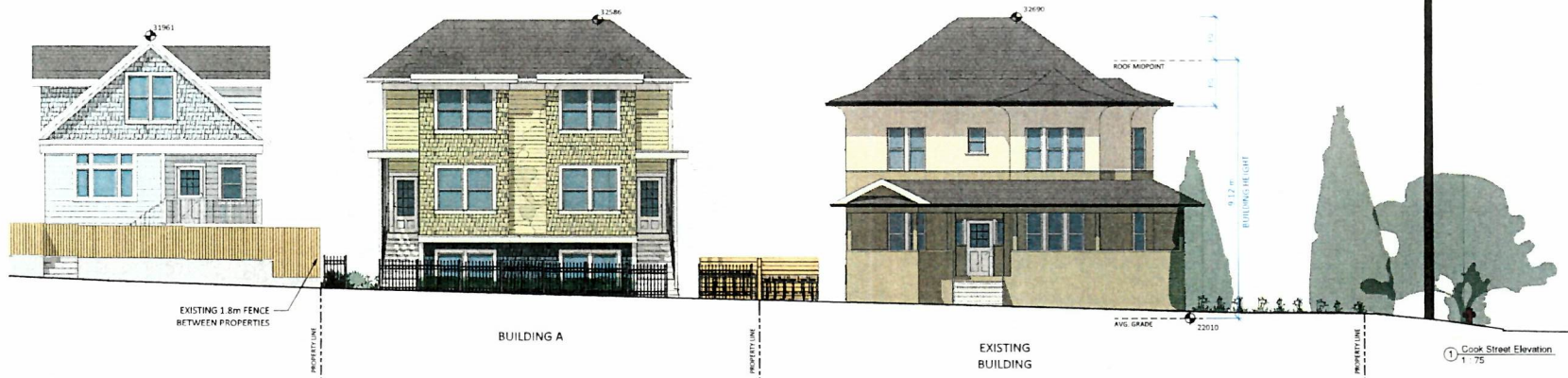
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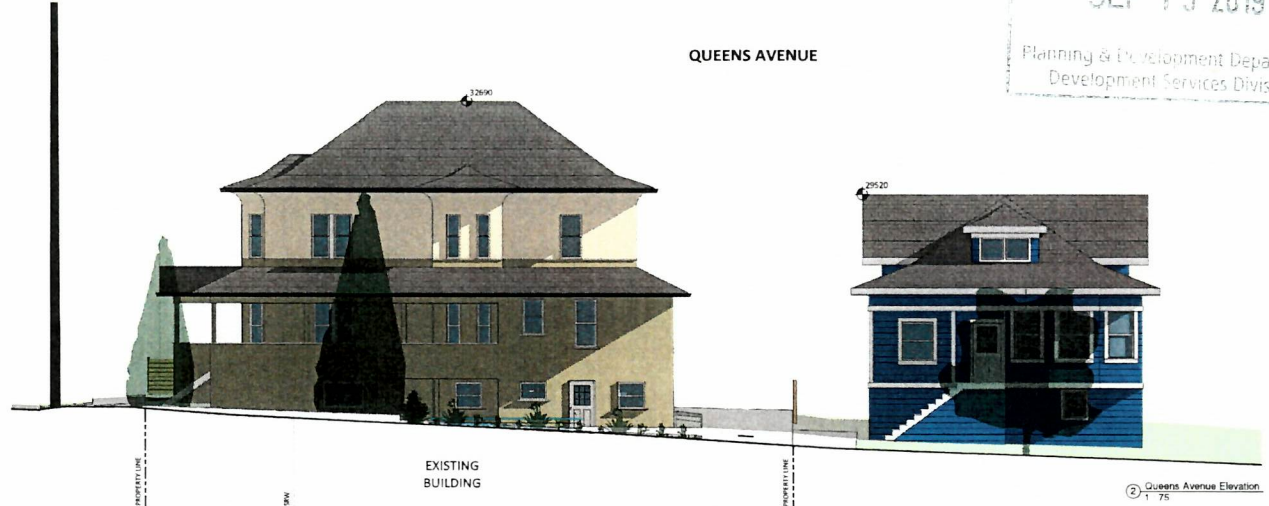
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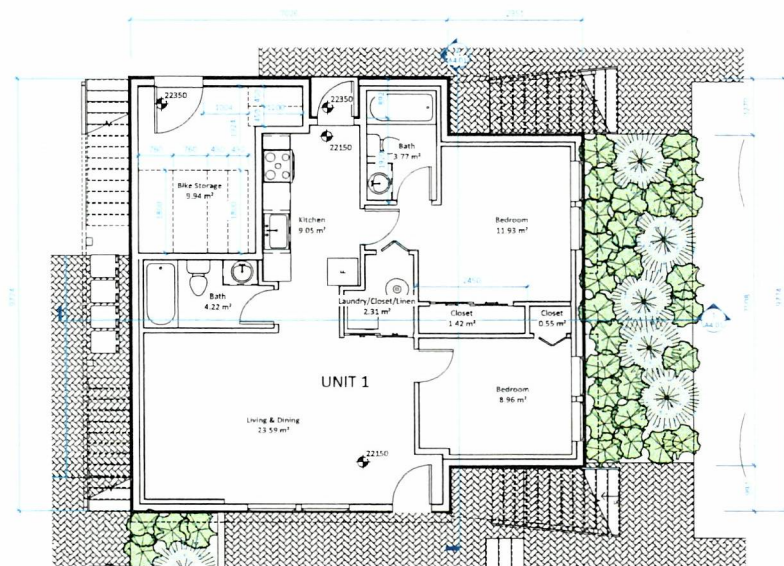
COOK STREET



QUEENS AVENUE

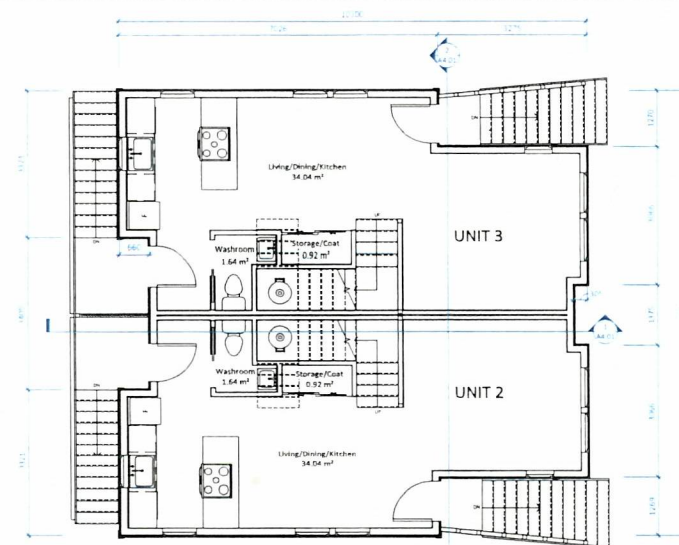


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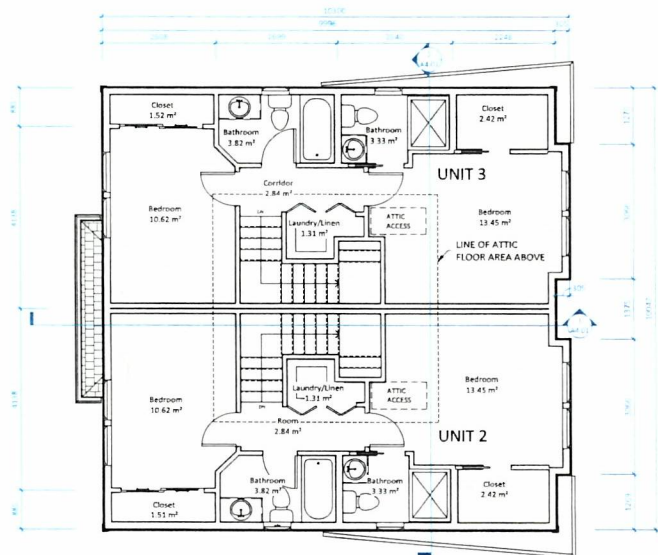
LEVEL 1 FLOOR AREA = 69.70 m²

① Building A - Level 1
1:50



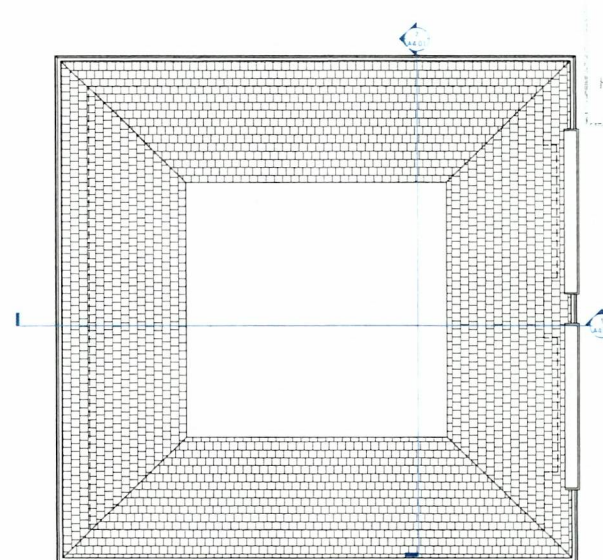
LEVEL 2 FLOOR AREA = 85.95 m²

② Building A - Level 2
1:50



LEVEL 3 FLOOR AREA = 95.85 m²

③ Building A - Level 3
1:50



④ Building A - Roof Plan
1:50

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Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision

No.	Description	Date
1	Storm Drains at existing building	2019-03-22
2	Bike Storage room relocated	2019-03-22
3	Floor areas corrected on plans to match project data tables	2019-04-16

Received
City of Victoria

SEP 13 2019

Planning & Development Department
Development Services Division

Consultant

2220 Cook
Street
Victoria, BC

Building A Plans

Date 2019-09-12 9:52:55 AM

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A2.01

Scale 1:50

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Issue Date
For Rezoning/
Development Permit Jan. 4, 2019

Revision
No. Description Date
1 Floor areas corrected on plans to match 2019-04-14
project data tables
2 Building B permanent bike parking 2019-04-14
reduced to achieve required
dimensions

Consultant

Planning & Development Department
Development Services Division

2220 Cook
Street
Victoria, BC

Building B Plans

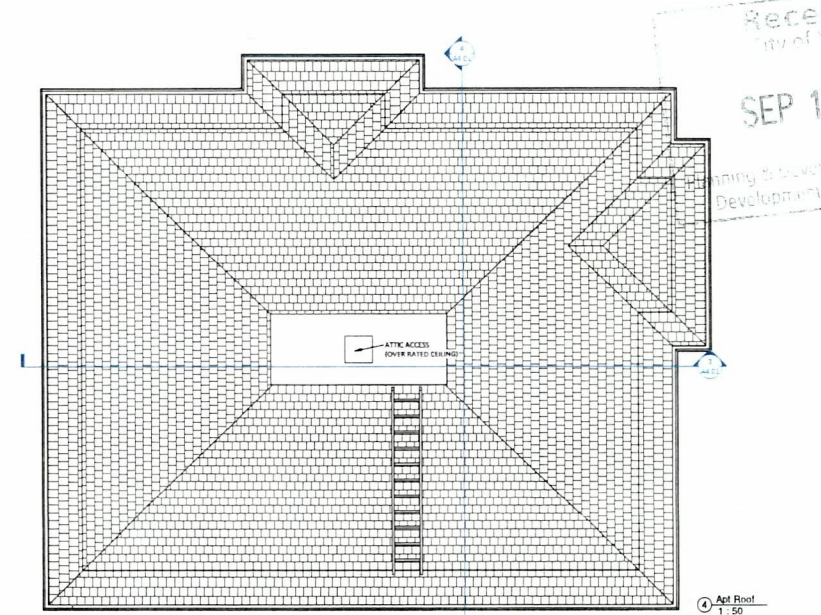
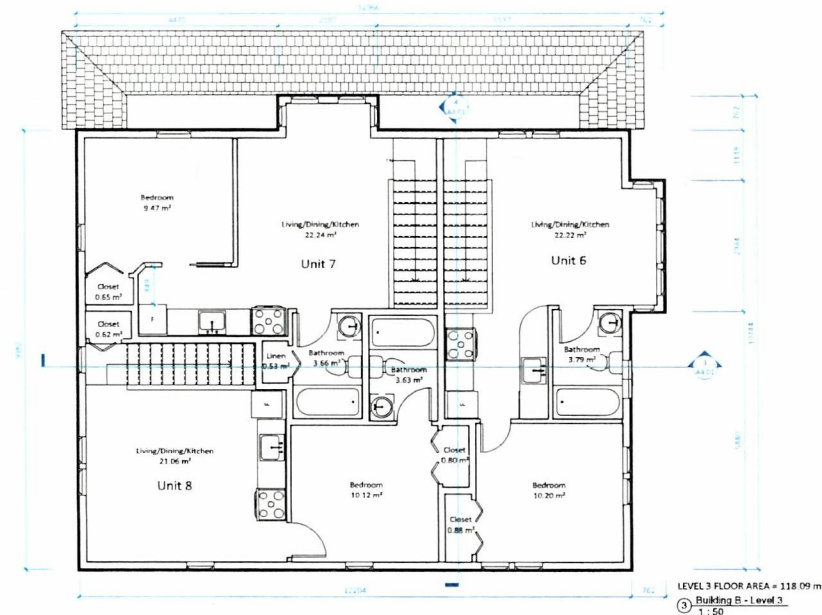
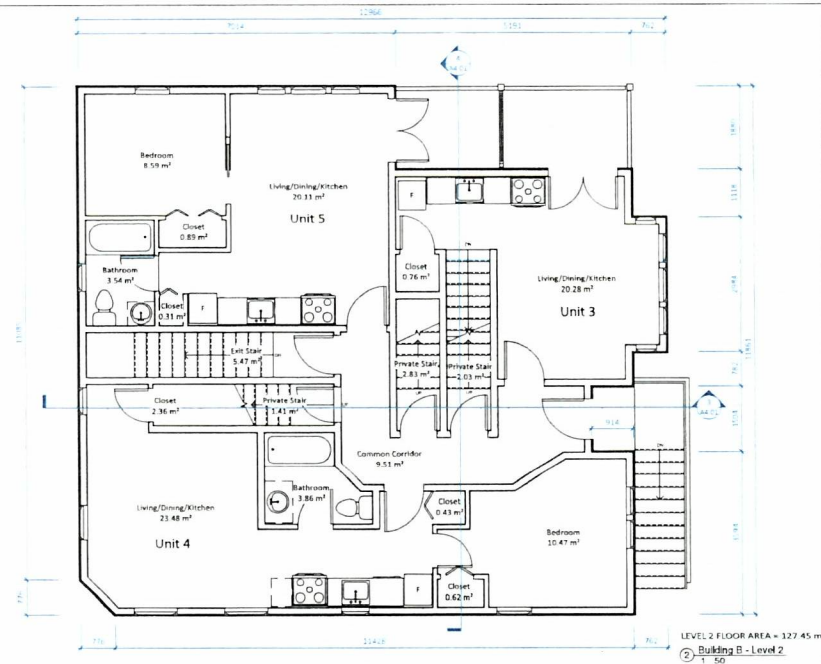
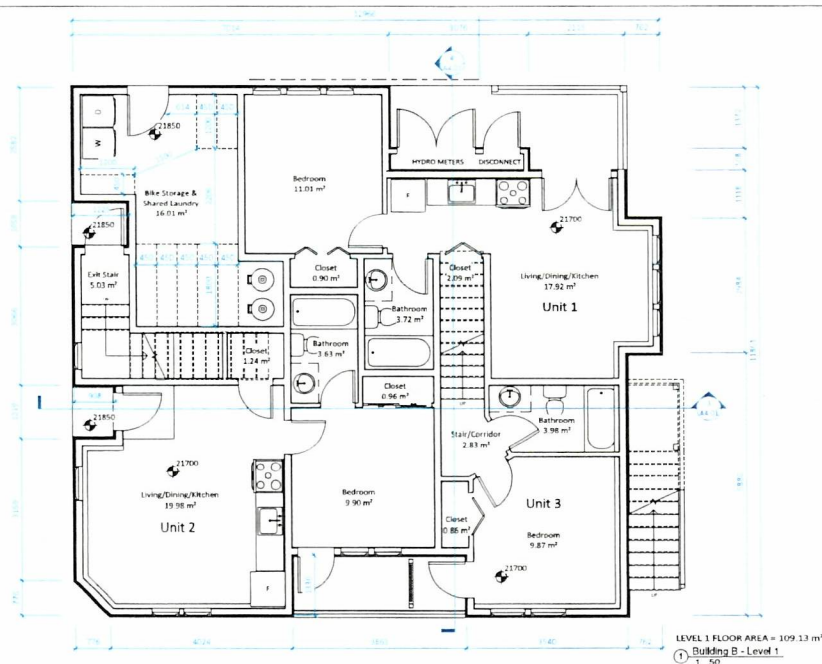
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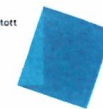
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Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision

No.	Description	Date
1	Bike storage entry relocated	2019-03-22
2	Building A height increase	2019-03-22
3	Unit 3 secondary entry moved	2019-03-22
4	Road midpoint relocated to highway name	2019-03-22
5	Amputation correction	2019-04-08
6	Exterior materials revised at Building A	2019-09-13

Consultant

2220 Cook
Street
Victoria, BC

Elevations - Building A

Date 2019-09-12 9:53:02 AM

Drawn by CC

Checked by CL

A3.01

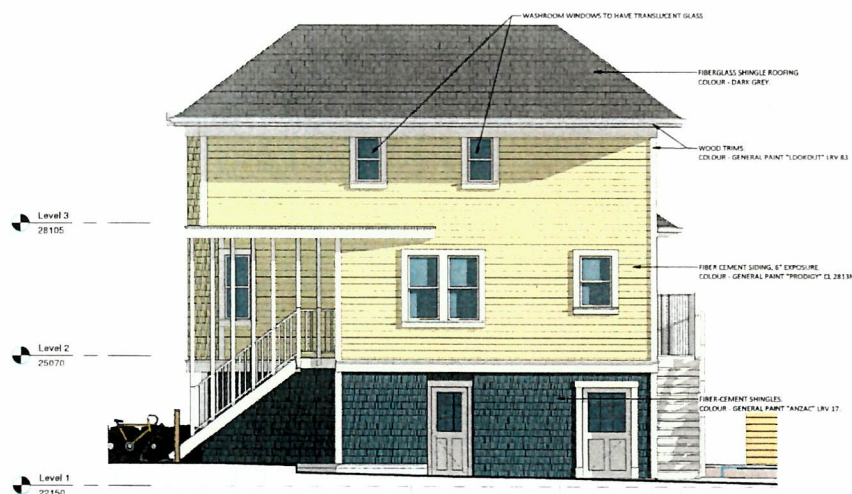
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① East Elevation - Building A
1:50



② West Elevation - Building A
1:50



③ North Elevation - Building A
1:50



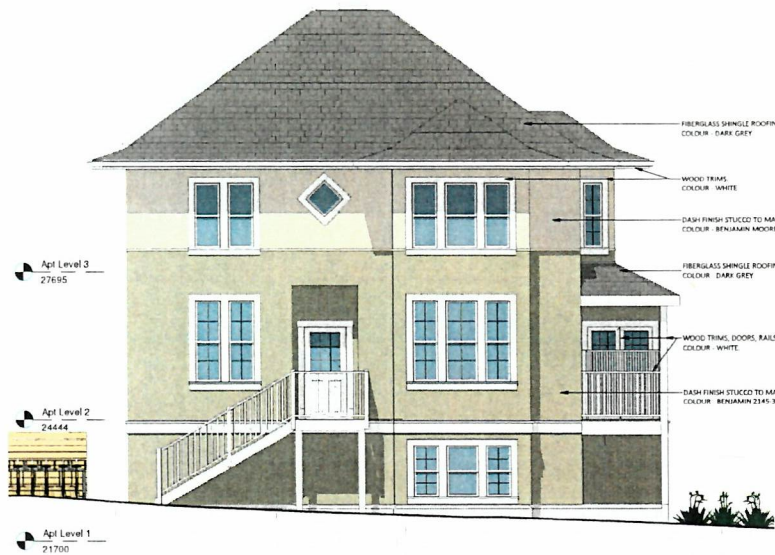
④ South Elevation - Building A
1:50

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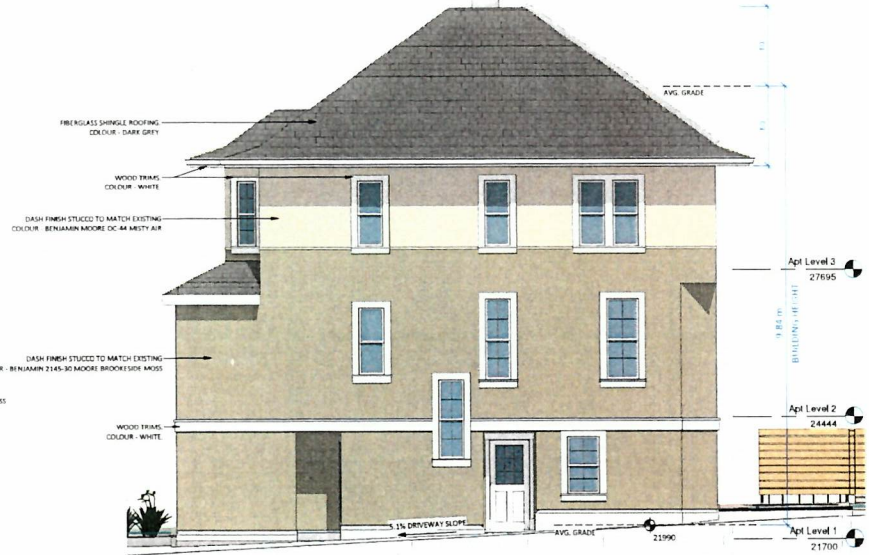
Received
City of Victoria

SEP 13 2019

Planning & Development Department
Development Services Division



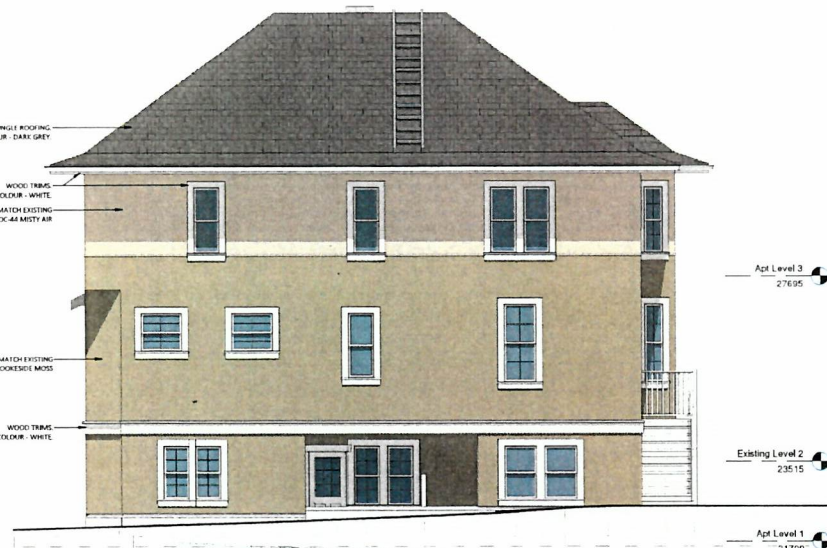
① East Elevation - Building B
1 : 50



② West Elevation - Building B
1 : 50

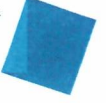


③ North Elevation - Building B
1 : 50



④ South Elevation - Building B
1 : 50

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Issue: Date:

For Rezoning/
Development Permit Jan. 4, 2019

Revision:

No. Description Date

Consultant:

2220 Cook
Street
Victoria, BC

Elevations - Building B

Date: 2019-09-12 9:53:07 AM

Drawn by: CC

Checked by: CL

A3.02

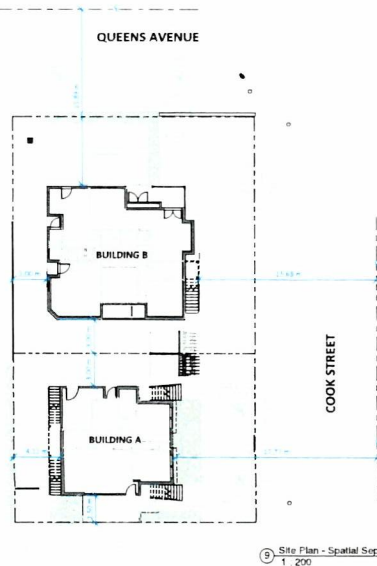
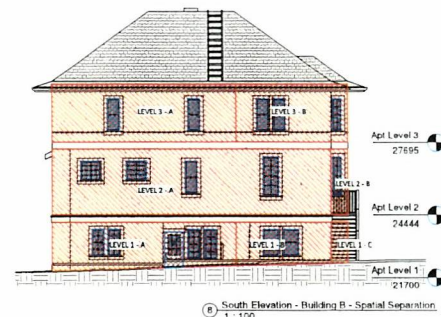
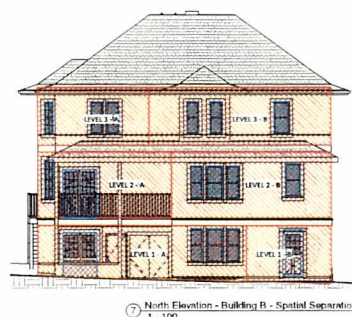
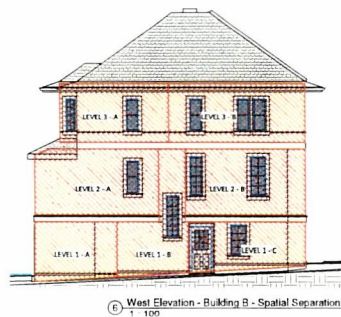
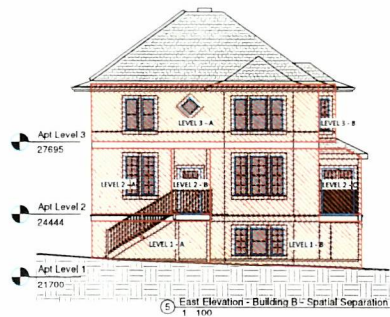
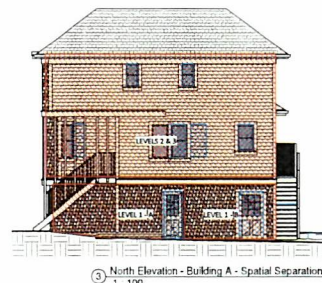
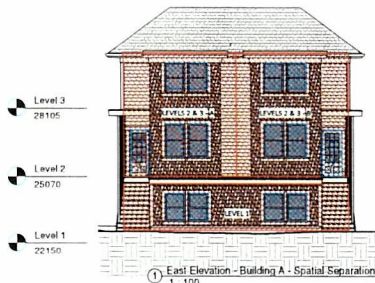
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Received
City of Victoria

SEP 13 2019

Planning & Development Department
City of Victoria



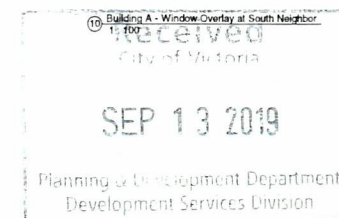
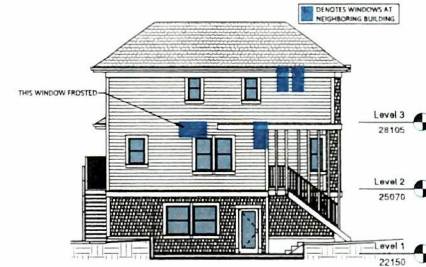
LIMITING DISTANCE & SPATIAL SEPARATIONS ANALYSIS

ROW 1 OF 14 OF 4

BUILDING CASE OR CASE COMBINATIONS	LIMITING DISTANCE (M)	BULLALAMA (M)	GLASS (GLASSY)	UNSTRUCTURED OPENING (M)	BULLALAMA (M)	NON-CONSTRUCTIVE REQUIREMENTS	REMARKS	GLASSING
BUILDING A								
EAST LEVEL 1 - A	17.75	30.31	1.94	100	19.4	8.4		
EAST LEVEL 2 & 3 - A	17.75	27.24	4.21	100	23	8.4		
EAST LEVEL 2 & 3 - B	17.75	27.24	4.21	100	23	8.4		
WEST LEVEL 1 - A	3.80	13.29	0	25	6	1.1		
WEST LEVEL 1 - B	3.80	9.64	0	25	6	1.1		
WEST LEVEL 2 & 3 - A	3.80	27.13	4.37	25	17	1.1		
WEST LEVEL 2 & 3 - B	3.80	27.13	4.37	25	17	1.1		
NORTH LEVEL 1 - A	3.80	13.88	1.75	25	11	1.1		
NORTH LEVEL 1 - B	3.80	9.61	1.17	25	11	1.1		
NORTH LEVEL 2 & 3	3.80	19.87	4.14	10	1.1	1.1		
SOUTH LEVEL 1	2.50	22.74	4.38	10	10	1.1		
SOUTH LEVEL 2 & 3	2.25	30.82	4.74	11	9	1.1		

ROW 2 OF 14 OF 4

BUILDING CASE OR CASE COMBINATIONS	LIMITING DISTANCE (M)	BULLALAMA (M)	GLASS (GLASSY)	UNSTRUCTURED OPENING (M)	BULLALAMA (M)	NON-CONSTRUCTIVE REQUIREMENTS	REMARKS	GLASSING
BUILDING B								
EAST LEVEL 1 - A	13.68	9.52	0	100	6	8.4		
EAST LEVEL 1 - B	13.68	26.54	5.23	100	18	8.4		
EAST LEVEL 2 - A	13.68	26.54	1.93	100	18	8.4		
EAST LEVEL 2 - B	13.68	9.89	1.90	100	17	8.4		
EAST LEVEL 3 - C	13.68	9.45	2.90	100	11	8.4		
EAST LEVEL 3 - A	13.68	26.54	4.54	100	17	8.4		
EAST LEVEL 3 - B	13.68	2.03	0.58	100	19	8.4		
WEST LEVEL 1 - A	3.80	9.88	0	25	6	1.1		
WEST LEVEL 1 - B	3.80	11.88	0.97	25	9	1.1		
WEST LEVEL 1 - C	3.80	18.73	2.42	25	14	1.1		
WEST LEVEL 2 - A	3.80	16.06	0.40	25	5	1.1		
WEST LEVEL 2 - B	3.80	10.51	2.40	25	14	1.1		
WEST LEVEL 2 - C	3.80	12.54	1.38	25	12	1.1		
WEST LEVEL 3 - B	3.80	16.52	2.40	25	15	1.1		
NORTH LEVEL 1 - A	13.68	21.75	1.62	100	16	8.4		
NORTH LEVEL 1 - B	13.68	9.47	1.36	100	10	8.4		
NORTH LEVEL 2 - A	13.68	17.54	0.95	100	11	8.4		
NORTH LEVEL 2 - B	13.68	20.85	1.63	100	17	8.4		
NORTH LEVEL 3 - A	13.68	12.88	1.18	100	17	8.4		
NORTH LEVEL 3 - B	13.68	21.54	2.82	100	12	8.4		
SOUTH LEVEL 1 - A	3.80	16.37	1.40	25	11	1.1		
SOUTH LEVEL 1 - B	3.80	7.81	1.41	25	11	1.1		
SOUTH LEVEL 2 - A	3.80	1.27	0	25	6	1.1		
SOUTH LEVEL 2 - B	3.80	26.24	1.76	22	10	1.1		
SOUTH LEVEL 3 - A	3.80	21.25	1.50	22	4	1.1		
SOUTH LEVEL 3 - B	3.80	13.68	2.18	25	17	1.1		



Christine Lintott Architects

Issue Date

For Rezoning/ Development Permit Jan. 4. 2015

Revision No. Description Date

Consultant

2220 Cook Street Victoria, BC

Spatial Separations

Date 2019-09-12 9:53:14 AM

Drawn by CC

Checked by CL

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Scale As indicated



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00684 for 2220 Cook Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
3. Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.
4. Proof of an agreement with a car share organization, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eleven lifetime car share memberships (three on the southern lot and eight on the northern lot) that run with the individual units.
5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the

housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 2220 Cook Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to subdivide the existing lot, retain the existing apartment building on the northerly lot and construct a triplex on the southerly lot.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential designation in the *Official Community Plan* (2012), which envisions ground-oriented multi-unit residential buildings up to three storeys along arterial roads
- the proposal is generally consistent with the *North Park Local Plan* (1996), which envisions house conversions and limited townhouses.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to subdivide the existing lot, retain the existing apartment building on the northerly lot and construct a triplex on the southerly lot.

Two site-specific zones would be created to accommodate the proposal, should it proceed to a Public Hearing. The zone for the northern lot would secure the rental tenancy in addition to a proposed Housing Agreement. The following criteria would be captured as variances and will be discussed in relation to the concurrent Development Permit with Variances Application:

- reduce the required vehicle parking stalls on both lots
- reduce the landscaped areas adjacent to parking areas on both lots.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed, which would secure the existing building as rental in perpetuity. A Housing Agreement is also being proposed to ensure future Strata Bylaws could not prohibit the rental of units within the new triplex.

Tenant Assistance Policy

The proposal retains an existing rental building and therefore a Tenant Assistance Policy is not required.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- a six-stall short term bicycle rack is proposed for each of the lots (twelve stalls in total)
- the new building would have ten long term bicycle stalls; an excess of four stalls
- both buildings will be enrolled in car share programs, and a parking stall with electric charging station hookups will be secured by legal agreement for use by a car share company.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The immediate area has a wide variety of land uses and built forms, including single family dwellings, duplexes, multi-unit residential, commercial, and institutional uses. George Jay Elementary School is located directly across the street to the east, Central Park and Crystal Pool are located one block west of the property and Royal Athletic Park is located one block south of the property.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling that has been converted into an eight-unit rental building. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex.

Data Table

The following data table compares the proposal with the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone and two asterisks is used to identify a legally non-conforming scenario.

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Site area (m ²) – minimum	329.54 *	455.91 *	555.00
Density (Floor Space Ratio) – maximum	0.74 *	0.83 *	0.50
Total floor area (m ²) – maximum	251.50 *	380.39 *	164.77 (Building A) 227.96 (Building B)
Lot width (m) – minimum	15.36	21.24	15.00
Height (m) – maximum	9.17 *	9.12 **	7.60

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Storeys – maximum	3 *	3 **	2
Site coverage (%) – maximum	34	40	40
Open site space (%) – minimum	46	33	30
Open site space in rear yard (%) – minimum	4 *	3 *	33
Setbacks (m) – minimum			
Front	7.00 *	0.94 **	7.50
Rear	3.00 *	3.94 **	10.70
Side (north)	3.00 (building) 2.81 * (steps)	n/a	3.00
Side (south)	2.25 (building) 2.01 (steps)	3.00	1.54
Side on flanking street (Queens Ave)	n/a	6.24	3.50
Combined side yards	4.82	9.24	4.50
Parking – minimum	2 *	3 *	4 (Building A) 6 (Building B)
Visitor parking included in the overall units – minimum	0	1	0 (Building A) 1 (Building B)
Landscape area adjacent to street boundary (m) – minimum width	n/a	0.60 *	1.00
Landscape area adjacent to residential boundary (m) – minimum width	0.00 *	0.00 *	1.00
Landscape screen adjacent to residential boundary (m) – minimum width	None *	None *	Visual barrier
Long term bicycle parking stalls – minimum	6	0 **	4 (Building A) 8 (Building B)
Short term bicycle parking stalls – minimum	6	6	6 (Building A) 6 (Building B)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a Community Meeting held on November 22, 2018. The minutes from that meeting are attached to this report.

ANALYSIS

Official Community Plan

The Official Community Plan (OCP, 2012) designates the property within the Traditional Residential urban place designation. Within this designation multi-unit buildings up to three storeys, including attached dwellings, are envisioned along arterial and secondary arterial roads. Cook Street is classified as an arterial road. The envisioned floor space ratio is up to approximately 1 to 1, compared to the proposed floor space ratio which is 0.74 to 1 for the proposed building and 0.88 to 1 for the existing building.

Local Area Plans

The *North Park Local Plan* identifies the property within Area 1, which envisions single family dwelling, duplexes, and the conversion of houses to suites. Townhouses are to be considered based on their merit. The proposal is for a triplex, which from the street reads as a duplex with a basement suite. Staff therefore consider the application consistent with the intent of the Plan.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two existing public trees on the subject property boulevards, one European Beech at 2cm diameter at breast height (DBH) size and a Hawthorn 16cm DBH on Queens Avenue. All will be retained with this application. The small Beech tree will be transplanted to allow for the proposed driveway and site servicing off Queens Avenue. Two new public trees are proposed on Cook Street, where there are currently no public trees on the boulevard. Tree species will be determined by Parks at the building permit stage.

There is a multi-stem 93cm DBH protected Lawson cypress and a non-protected multi-stem English yew tree on the subject site, both of which will be retained. An exploratory dig was conducted by the project arborist and it was determined that the trees' roots would not be adversely affected by the proposed parking area for Building B.

There are several neighbours' trees to the south that could potentially be affected by the driveway and patio construction for Building A – a 60cm DBH Douglas fir, 45cm DBH flowering cherry, and a Leyland cypress hedge to the west. The project Arborist will be in attendance supervising the patio and driveway construction to ensure protection of these neighbours' trees.

Regulatory Considerations

Should Council consider forwarding the Rezoning Application to a Public Hearing, staff recommend that a 4.91m Statutory Right-of-Way (SRW) on Cook Street be secured to help fulfill Council-approved OCP objectives such as enhanced facilities for walking, cycling, public transit and boulevards, which support the long-term viability of large canopy trees.

CONCLUSIONS

The three-storey, ground-oriented building form is consistent with the Traditional Residential designation in the OCP, which envisions multi-unit buildings up to three storeys and densities of approximately 1:1 FSR. The triplex form is consistent with the *North Park Local Plan* and is sensitive to the existing context in the immediate area. Staff recommend that Council consider forwarding this application to a Public Hearing.


ALTERNATE MOTION

That Council decline Rezoning Application No. 00684 for the property located at 2220 Cook Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

May 17, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 18, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 1, 2019
- Attachment E: Community Association Land Use Committee Minutes from the November 22, 2018 Meeting
- Attachment F: Tree Preservation Plan.



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00107 for 2220 Cook Street

RECOMMENDATION

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. 00684, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 2220 Cook Street. The proposal is to subdivide the existing lot into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot. This Development Permit with

Variances pertain primarily to the new triplex as well as landscaping changes across the whole site.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012)
- the proposal is consistent with the urban design goals of the *North Park Local Plan*
- the variances to reduce the vehicle parking requirements are considered supportable by staff, as the applicant is providing car share memberships for each unit and there is additional long term bicycle parking in the new building
- the variances related to the reduction in landscape areas and screening adjacent to parking stalls are considered supportable by staff, as the retention of the existing building makes it difficult to achieve the minimum standards as set by Schedule 'C'.

BACKGROUND

Description of Proposal

The proposal is to subdivide the existing lot into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot. Specific details related to the new building include:

- two two-storey units fronting directly onto Cook Street and a third single-storey unit accessed from the south side of the building
- traditional architectural design consistent with the existing neighbourhood context
- materials that include wood shingles, wood siding, fiber cement siding and shingles, and fiberglass shingles.

The proposed variances are related to:

- reducing the required number of vehicle parking stalls on the north lot from 6 to 3
- reducing the required number of vehicle parking stalls on the south lot from 4 to 2
- allowing parking to occur in the side yard of the north and south lots
- reducing the landscape area between a parking stall and a street boundary from 1.0m to 0.60m on the north lot
- reducing the landscape area between a parking area and a residential boundary from 1.0m to 0m on the north and south lots
- eliminating the requirement for a landscape screen between a parking area and a residential boundary.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed, which would secure the existing building as rental in perpetuity and would ensure that future Strata Bylaws could not prohibit the rental of units within the new triplex.

Tenant Assistance Policy

The proposal retains an existing rental building and therefore a Tenant Assistance Policy is not required.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- a six-stall short term bicycle rack is proposed for each of the lots (twelve stalls in total)
- the new building would have ten long term bicycle stalls; an excess of four stalls
- both buildings will be enrolled in car share programs, and a parking stall with electric charging station hookups will be secured by legal agreement for use by a car share company.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling that has been converted into an eight-unit rental building. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex.

Data Table

The following data table compares the proposal with the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone and two asterisks is used to identify a legally non-conforming scenario.

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Site area (m ²) – minimum	329.54 *	455.91 *	555.00
Density (Floor Space Ratio) – maximum	0.74 *	0.83 *	0.50
Total floor area (m ²) – maximum	251.50 *	380.39 *	164.77 (Building A) 227.96 (Building B)
Lot width (m) – minimum	15.36	21.24	15.00

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Height (m) – maximum	9.17 *	9.12 **	7.60
Storeys – maximum	3 *	3 **	2
Site coverage (%) – maximum	34	40	40
Open site space (%) – minimum	46	33	30
Open site space in rear yard (%) – minimum	4 *	3 *	33
Setbacks (m) – minimum			
Front	7.00 *	0.94 **	7.50
Rear	3.00 *	3.94 **	10.70
Side (north)	3.00 (building) 2.81 * (steps)	n/a	3.00
Side (south)	2.25 (building) 2.01 (steps)	3.00	1.54
Side on flanking street (Queens Ave)	n/a	6.24	3.50
Combined side yards	4.82	9.24	4.50
Parking – minimum	2 *	3 *	4 (Building A) 6 (Building B)
Visitor parking included in the overall units – minimum	0	1	0 (Building A) 1 (Building B)
Landscape area adjacent to street boundary (m) – minimum width	n/a	0.60 *	1.00
Landscape area adjacent to residential boundary (m) – minimum width	0.00 *	0.00 *	1.00
Landscape screen adjacent to residential boundary (m) – minimum width	None *	None *	Visual barrier
Long term bicycle parking stalls – minimum	6	0 **	4 (Building A) 8 (Building B)
Short term bicycle parking stalls – minimum	6	6	6 (Building A) 6 (Building B)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 14, 2019 the application was referred for a 30-day comment period to the North Park CALUC. The applicant also attended a CALUC meeting on November 22, 2018. The minutes from that meeting are attached to this report.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP, 2012)* identifies this property within Development Permit Area 16 – General Form and Character (DPA16). Design Guidelines that apply to this DPA are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines (2012)*, *Advisory Design Guidelines for Buildings, Signs and Awnings (2006)*, and *Guidelines for Fences, Gates and Shutters (2010)*.

The design of the new building is sensitive to the existing context, both in terms of height and massing as well as in its traditional architectural style. The existing street relationship is improved through at-grade entrances, front doors of two units facing onto Cook Street, and parking access being located at the rear. Private amenity space for the new units is distinguished through the use of plantings, paving and fencing. For these reasons, staff believe the proposal is generally consistent with the key design guidelines.

Local Area Plans

The *North Park Local Plan* defers the design considerations of new housing projects to the applicable design guidelines. However, the general urban design goals of the Plan note that housing design should give an articulated form to separate units and that an attractive sidewalk environment should be created. These goals are achieved in this proposal as the two units fronting onto Cook Street are distinct and the new boulevards would be an improvement to the pedestrian realm.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two existing public trees on the subject property boulevards, one European Beech at 2cm diameter at breast height (DBH) size and a Hawthorn 16cm DBH on Queens Avenue. All will be retained with this application. The small Beech tree will be transplanted to allow for the proposed driveway and site servicing off Queens Avenue. Two new public trees are proposed on Cook Street, where there are currently no public trees on the boulevard. Tree species will be determined by Parks at the building permit stage.

There is a multi-stem 93cm DBH protected Lawson cypress and a non-protected multi-stem English yew tree on the subject site, both of which will be retained. An exploratory dig was conducted by the project arborist and it was determined that the trees' roots would not be adversely affected by the proposed parking area for Building B.

There are several neighbours' trees to the south that could potentially be affected by the driveway and patio construction for Building A – a 60cm DBH Douglas fir, 45cm DBH flowering cherry, and a Leyland cypress hedge to the west. The project Arborist will be in attendance supervising the patio and driveway construction to ensure protection of these neighbours' trees.

Regulatory Considerations

Two site-specific zones will be created should this application proceed to a Public Hearing. The north lot with the existing building would be zoned for rental tenure to ensure the property remains rental in perpetuity. The variances associated with this proposal are all related to parking.

The first variance is to reduce the vehicle parking from six stalls to three stalls on the north lot and from 4 stalls to 2 stalls on the south lot. These variances are supportable, as the applicant is willing to secure car share memberships for each unit and a car share stall with an electric charging station on the north lot. In addition, the triplex will have eight long term bicycle stalls, exceeding the six stall requirement.

The next variances relate to the parking and landscape screening. As per Schedule 'C', parking stalls are required to have landscaping and screening when adjacent to streets. A variance is therefore required on the north lot to reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m. This variance is supported by staff, as the location of the existing building makes it impossible to achieve both two 2.70m wide stalls and a 1.0m landscape area. The existing building also creates variances to landscaped areas adjacent to the residential area to the west. A 3.0m drive aisle is required to access the three southern parking stalls, which does not leave much room for landscaping and screening. In addition, the property to the west shares a driveway crossing with the subject property, which prevents a landscape screen from being constructed in this area. Therefore, staff support the variances to reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots, as well as the variance to eliminate the requirement for a landscape screen adjacent to a residential boundary.

CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines and represents a good fit in the immediate and general context. The proposal is also consistent with the *North Park Local Plan*. Finally, the proposed variances relating to parking either reflect existing conditions or are mitigated through the promotion of car sharing and active transportation. Therefore, staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00107 for the property located at 2220 Cook Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

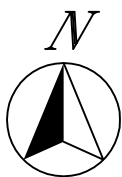
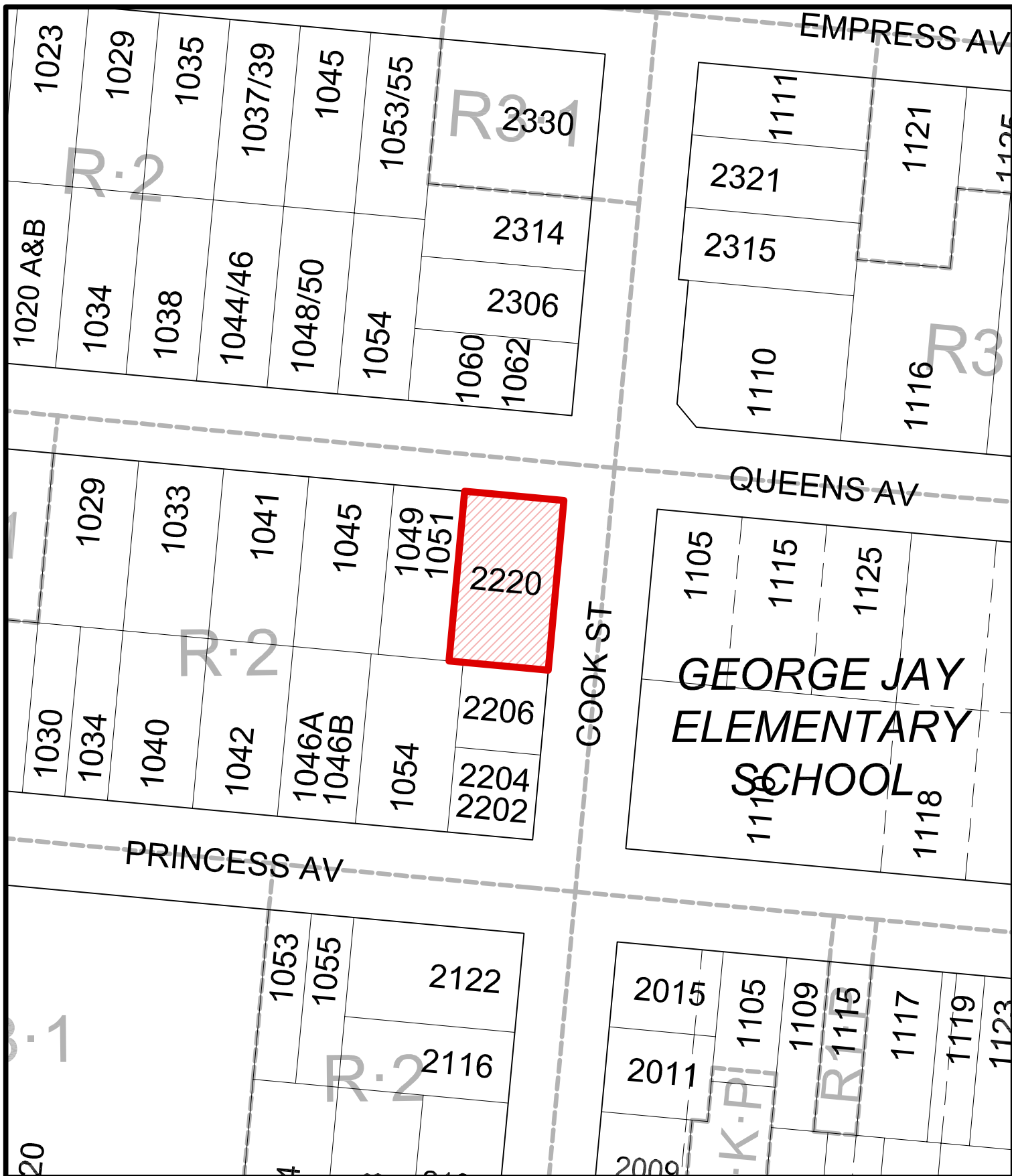
bcehyn entyrus

Date:

May 17, 2019

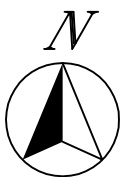
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped April 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 1, 2019
- Attachment E: Community Association Land Use Committee Minutes from the November 22, 2018 Meeting
- Attachment F: Tree Preservation Plan.



2220 Cook Street
Rezoning No.00684





2220 Cook Street
Rezoning No.00684



2220 Cook Street



① Perspective - Looking NW

Drawing List

A0.00 Project Data
A1.01 Building A Site Plan & Landscape Plan
A1.02 Survey & Height Calculations
A1.03 Street Elevations
A2.01 Building A Plans
A2.02 Building B Plans
A3.01 Elevations - Building A
A3.02 Elevations - Building B
A3.11 Spatial Separations
A4.01 Building Sections

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Planning & Development Department
Development Services Division

Consultant

2220 Cook
Street
Victoria, BC

Project Data

Date 2019-04-17-8:

Drawn by

Checked by

A0.00

Scale

BUILDING A SUBMITTED FOR REZONING & DEVELOPMENT PERMIT.

Project Information Table - Building A	
Zone	Proposed SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 328.50m ² (subdivided lot)
Total Floor Area ¹	251.49m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.74 : 1
Site Coverage %	14%
Open Site Space %	44% 4% Rear Yard
Height of Buildings ¹	9.13m
Storeys ²	3-11 storeys - includes Attics at 2 Storeys height
Parking Stalls ³	1.41 stalls per unit (0.70m ²) x 1 = 2 spaces provided 8.1.00 per unit (1.00m ²) x 1 = 4 Visitor + 0.1 per unit x 1 = 0
Bicycle Parking ⁴	1.23 Long Term per Unit x 1 = 4 6 Short Term per Building
Building Setbacks	
Front Yard (East)	0.20m
Rear Yard (West)	3.00m
Side Yard (North)	3.00m
Side Yard (South)	2.25m
Residential Use Details	
Total Number of Units	3
Unit Type Breakdown	3 two bedroom units
Ground Oriented Units	3 Residential unit
Minimum Unit Floor Area	180.7m ²
Total Residential Floor Area	251.49m ²

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Building A	
Name	Area
Building A Level 1	89.70 m ²
Building A Level 2	85.35 m ²
Building A Level 3	95.83 m ²
Building A Level 4	251.49 m ²

ATTACHED ARE LESS THAN 1800mm IN HEIGHT & ARE NOT COUNTED IN TOTAL RESIDENTIAL FLOOR AREA.

EXISTING BUILDING TO REMAIN IN PLACE. EXISTING LOT TO BE SUBDIVIDED.

Project Information Table - Existing Building with Subdivided Lot	
Zone (existing)	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (subdivided lot)
Total Floor Area ¹	380.39m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.83 : 1
Site Coverage %	40%
Open Site Space %	23% Total 3% Rear Yard
Height of Buildings ¹	9.13m
Storeys ²	3 storeys
Parking Stalls ³	0.75 stalls per unit x 8 = 6 Visitor + 0.1 per unit x 1 = 1
Bicycle Parking ⁴	1.00 Long Term per Unit x 8 = 8 6 Short Term per Building
Building Setbacks	
Front Yard (East)	0.84m (Existing) 4.81m (N/A) at Cook Street
Rear Yard (West)	3.04m (Existing) 3.00m Shared drive lot easement
Side Yard (North)	6.24m (Existing)
Side Yard (South)	2.00m (To proposed subdivision line)
Residential Use Details	
Total Number of Units	3 Suites and 3 Boarding Rooms
Unit Type Breakdown	3 Bachelor Suites and 3 Boarding Rooms
Ground Oriented Units	Ground level used for storage - low ceiling
Minimum Unit Floor Area	N/A
Total Residential Floor Area	380.39m ² (Existing)

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Existing Bldg	
Name	Area
Existing Building Level 1	133.00 m ²
Existing Building Level 2	133.77 m ²
Existing Building Level 3	113.62 m ²
Existing Building Level 4	380.39 m ²

BUILDING B SUBMITTED FOR REZONING ONLY.

Project Information Table - Building B (Future)	
Zone (existing)	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (subdivided lot)
Total Floor Area ¹	254.60m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.77 : 1
Site Coverage %	13%
Open Site Space %	29% 0% Rear Yard
Height of Buildings ¹	9.84m
Storeys ²	3 storeys
Parking Stalls ³	0.75 stalls per unit x 8 = 6 Visitor + 0.1 per unit x 1 = 1
Bicycle Parking ⁴	1.00 Long Term per Unit x 8 = 8 6 Short Term per Building
Building Setbacks	
Front Yard (East)	4.31m - 5.0m at Cook Street
Rear Yard (West)	3.00m - Shared drive lot easement
Side Yard (North)	6.24m
Side Yard (South)	2.00m
Residential Use Details	
Total Number of Units	8
Unit Type Breakdown	8 one bedroom units
Ground Oriented Units	3 Residential units
Minimum Unit Floor Area	137.2m ²
Total Residential Floor Area	254.60m ²

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Building B	
Name	Area
Building B Level 1	128.13 m ²
Building B Level 2	117.45 m ²
Building B Level 3	112.09 m ²
Building B Level 4	254.60 m ²

Project Scope:

Property to be subdivided into two lots.
New 3 storey, 3 unit building proposed for the South lot (Building A).
Existing building to remain in place at the North lot, and will receive new exterior gains.
A replacement for the existing building is included with this proposal (Building B) with the intent of providing usable data for determining maximum density and height of an 8 unit rental building if the existing building is ever damaged and requires repair & relocation or replacement outside of the SRW.
The North property will be registered as rental only, in perpetuity.
Future lease with the current tenant (Vital), will include a clause giving them the right of first refusal to buy the North property should it ever go up for sale.
4.5m Statutory Right-of-Way and removal of the existing driveway crossing at Cook Street has been included per the City's requirements. New driveway and services located at Queen's Avenue.
Additional bicycle parking stalls, more than the minimum required, are proposed for Building A.
Both buildings to be involved in a car share program, with dedicated on-site parking.

APPLICANT

LINHAR PROJECTS LTD.
1137 NORTH PARK STREET
VICTORIA, BC V8T 1C7

250-883-1571

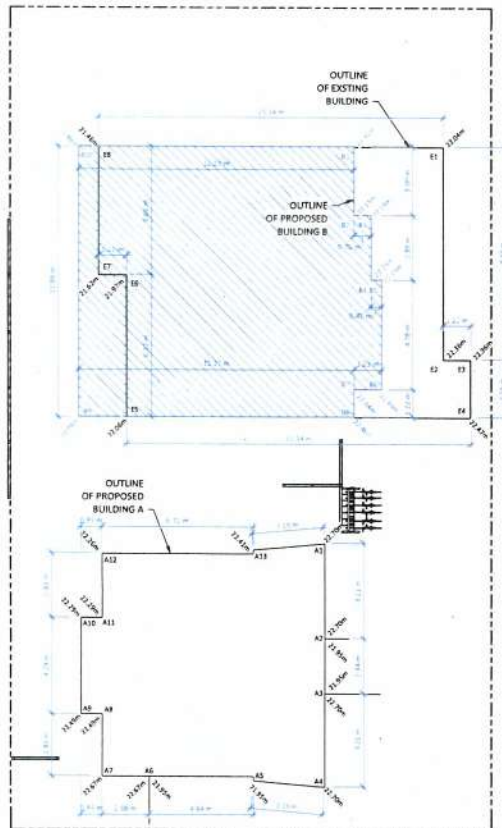
CONTACT: GARDE COLLINS
quillco@gmail.com

ARCHITECT

CHRISTINE LINTOTT ARCHITECTS
SUITE 1 - 864 QUEENS AVENUE
VICTORIA, BC V8T 1M5

250-384-1969

CONTACT: CHRISTINE LINTOTT
Christine@lintottarchitect.ca



BUILDING A HEIGHT CALCULATION

A3 & A2	$(32.70 + 22.70) \times 2 + 4.25m = 95.37$
A2 & A3	$(31.90 + 22.90) \times 2 + 2.44m = 93.54$
A3 & A4	$(32.70 + 22.70) \times 2 + 4.25m = 95.37$
A4 & A3	$(32.70 + 22.70) \times 2 + 3.29m = 91.22$
A5 & A6	$(31.90 + 22.90) \times 2 + 4.44m = 101.63$
A6 & A5	$(32.67 + 22.67) \times 2 + 2.04m = 47.35$
A7 & A8	$(32.67 + 22.67) \times 2 + 2.83m = 44.86$
A8 & A7	$(32.49 + 22.49) \times 2 + 0.85m = 21.36$
A9 & A8	$(32.49 + 22.49) \times 2 + 4.29m = 96.05$
A10 & A11	$(32.29 + 22.29) \times 2 + 0.85m = 21.17$
A11 & A10	$(32.29 + 22.29) \times 2 + 2.83m = 63.04$
A12 & A13	$(32.26 + 22.43) \times 2 + 4.77m = 100.09$
A13 & A12	$(32.41 + 22.70) \times 2 + 2.28m = 24.30$
	42.53m Average Grade

952.40 + 42.53m = 22.40m Average Grade

EXISTING BUILDING HEIGHT CALCULATION

E1 & E2	$(22.04 + 22.36) \times 2 + 9.35m = 207.13$
E2 & E3	$(22.36 + 22.36) \times 2 + 1.22m = 27.28$
E3 & E4	$(22.36 + 22.47) \times 2 + 2.55m = 57.16$
E4 & E5	$(22.47 + 22.06) \times 2 + 15.34m = 341.54$
E5 & E6	$(22.06 + 21.97) \times 2 + 6.25m = 106.83$
E6 & E7	$(21.97 + 21.82) \times 2 + 1.22m = 26.58$
E7 & E8	$(21.82 + 21.46) \times 2 + 5.86m = 121.92$
E8 & E9	$(21.46 + 21.01) \times 2 + 26.30m = 324.62$
	1,252.39 + 56.89m = 22.81m Average Grade

1,252.39 + 56.89m = 22.81m Average Grade

BUILDING B HEIGHT CALCULATION

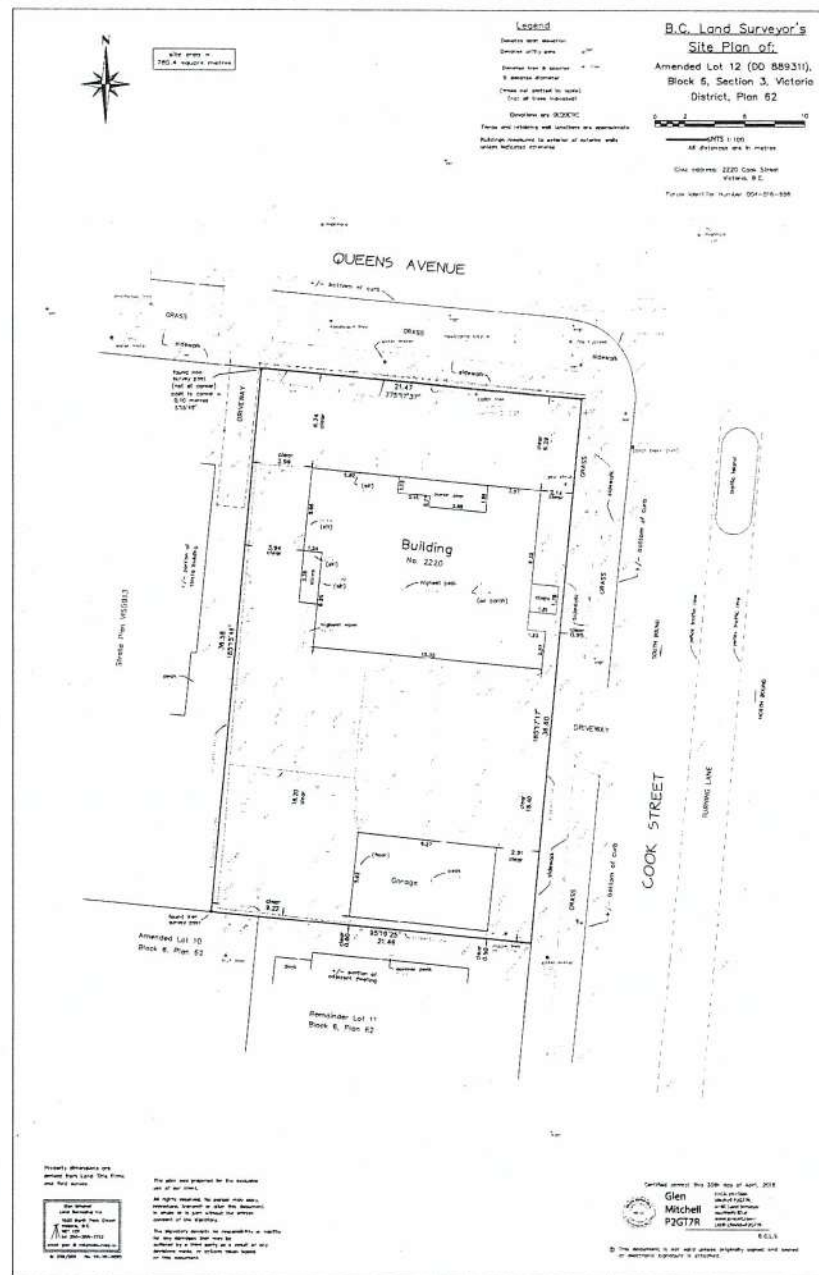
B1 & B2	$(21.91 + 21.15) \times 2 + 3.00m = 66.09$
B2 & B3	$(22.15 + 22.15) \times 2 + 0.76m = 36.82$
B3 & B4	$(22.15 + 22.15) \times 2 + 2.88m = 64.16$
B4 & B5	$(22.15 + 22.15) \times 2 + 0.47m = 30.46$
B5 & B6	$(22.25 + 22.44) \times 2 + 4.78m = 106.81$
B6 & B7	$(22.44 + 22.44) \times 2 + 1.22m = 27.80$
B7 & B8	$(22.44 + 22.44) \times 2 + 1.22m = 27.39$
B8 & B9	$(22.44 + 22.04) \times 2 + 11.77m = 177.01$
B9 & B10	$(22.04 + 21.46) \times 2 + 11.89m = 258.81$
B10 & B11	$(21.46 + 21.91) \times 2 + 12.22m = 266.62$
	50.79m Average Grade

1,117.03 + 50.79m = 21.89m Average Grade

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Planning & Development Department
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Consultant

2220 Cook
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Victoria, BC

Survey & Height
Calculations

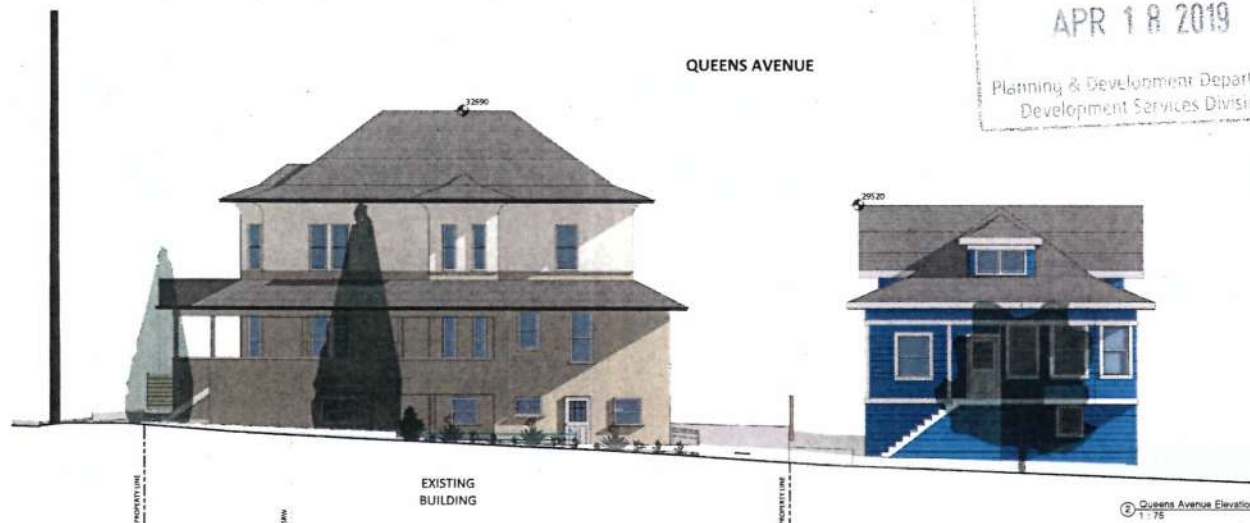
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Drawn by CC

Checked by CL

A1.02

Scale 1:100



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Victoria, BC

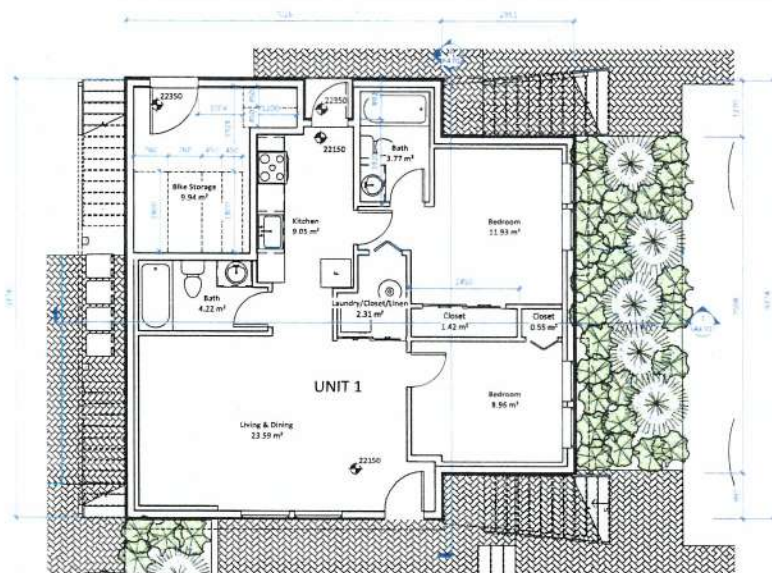
Street Elevations

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Drawn by	CC
Checked by	CL

A1.03

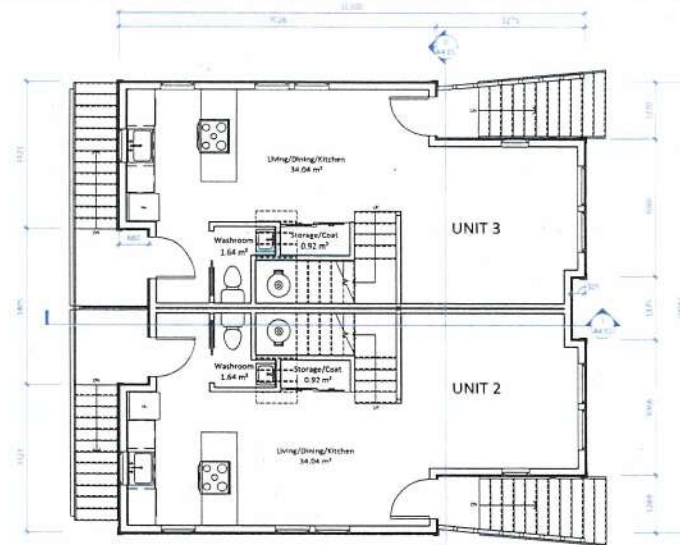
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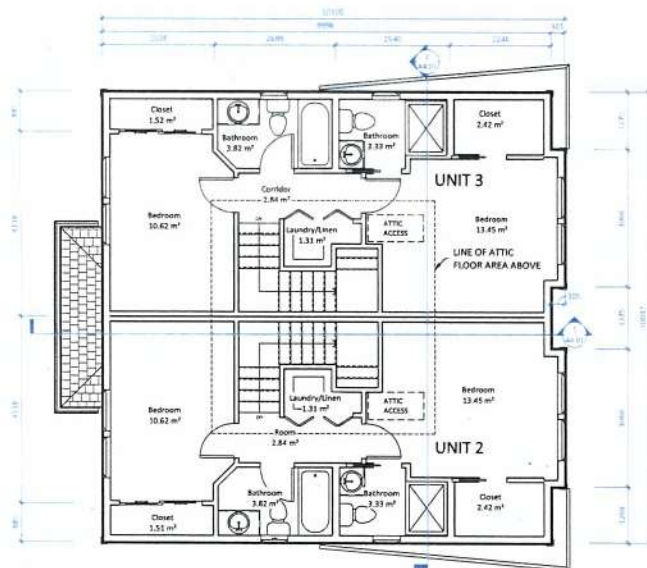
LEVEL 1 FLOOR AREA = 69.70 m²

① Building A - Level 1
1:50



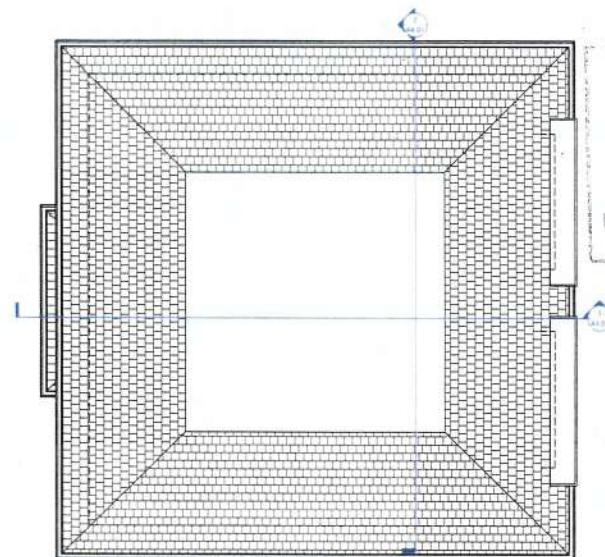
LEVEL 2 FLOOR AREA = 85.95 m²

② Building A - Level 2
1:50



LEVEL 3 FLOOR AREA 95.85 m²

③ Building A - Level 3
1:50



④ Building A - Roof Plan
1:50

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Development Services Division

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Building A Plans

Date 2019-04-17 8:24:48 AM

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A2.01

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Victoria, BC

Building B Plans

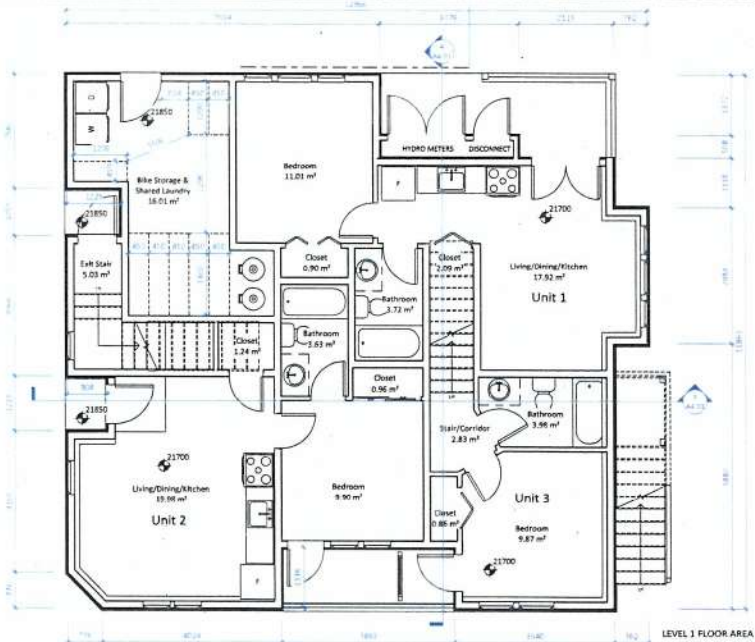
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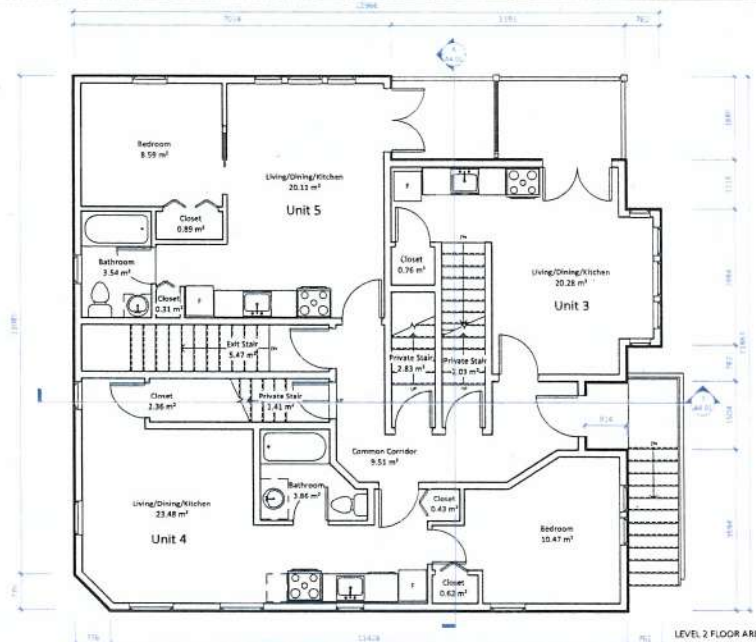
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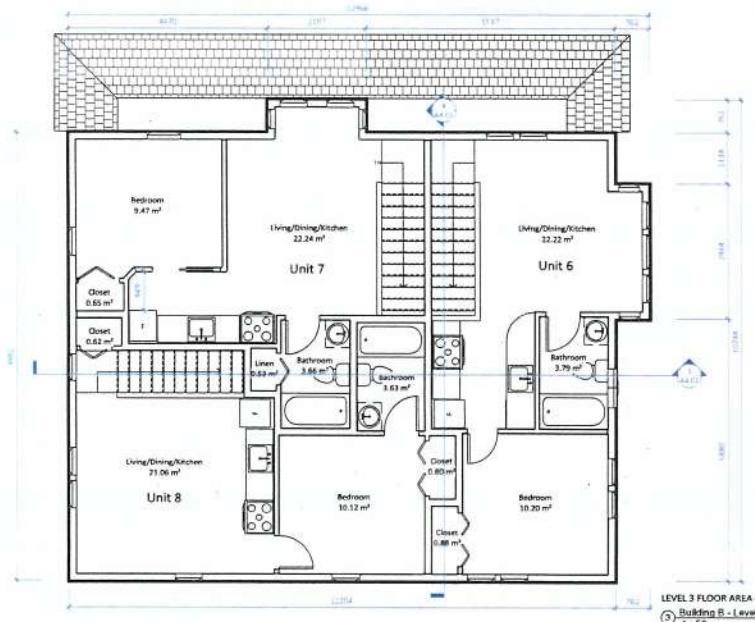
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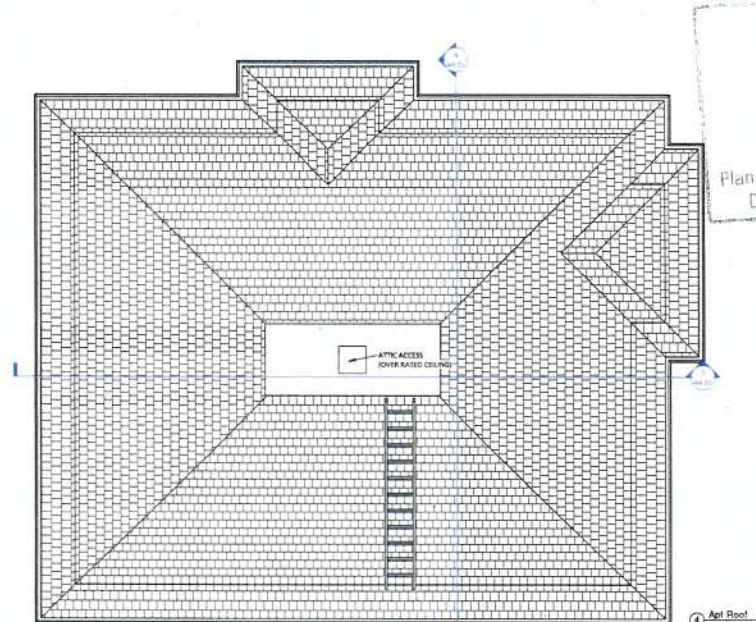
LEVEL 1 FLOOR AREA = 109.13 m²
① Building B - Level 1
1:50



LEVEL 2 FLOOR AREA = 127.45 m²
② Building B - Level 2
1:50



LEVEL 3 FLOOR AREA = 118.09 m²
③ Building B - Level 3
1:50



Attic Roof
④ 1:50

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CONFIRMED

Planning & Development Department
Development Services Division

2220 Cook
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Elevations - Building B

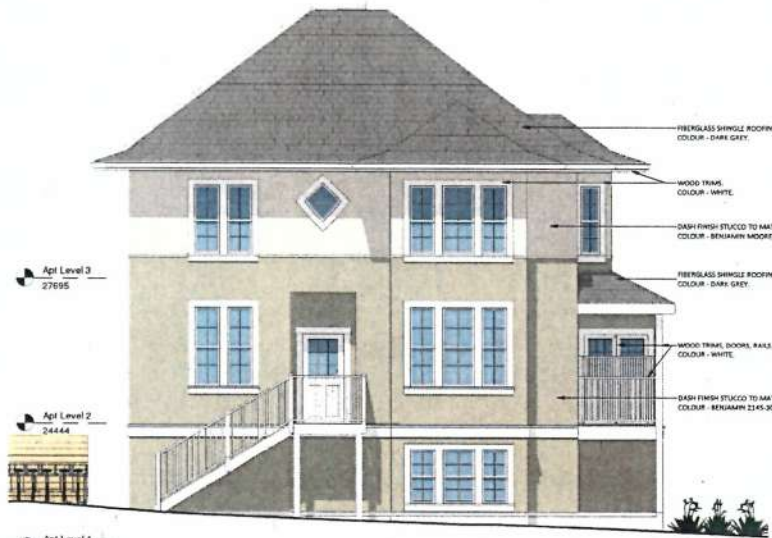
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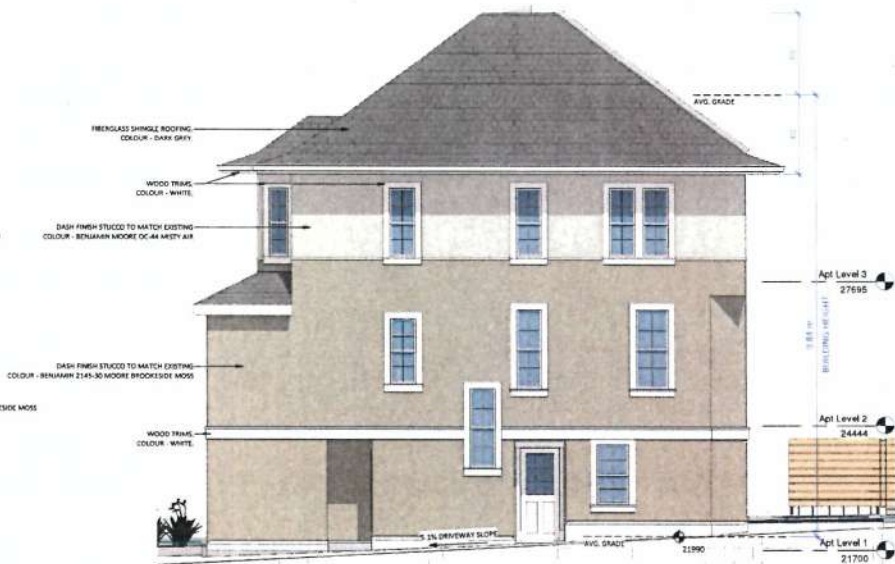
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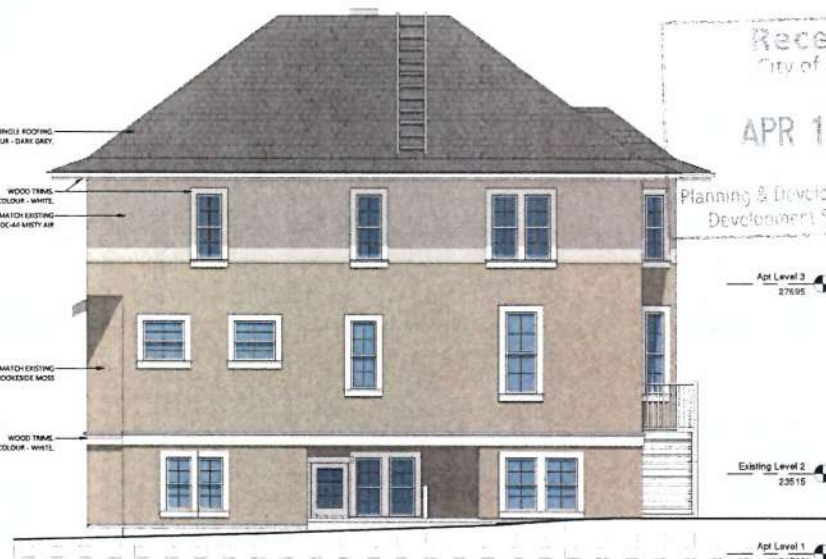
1 East Elevation - Building B
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2 West Elevation - Building B
1:50



3 North Elevation - Building B
1:50



4 South Elevation - Building B
1:50

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No. Description Date

Consultant

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Victoria, BC

Spatial Separations

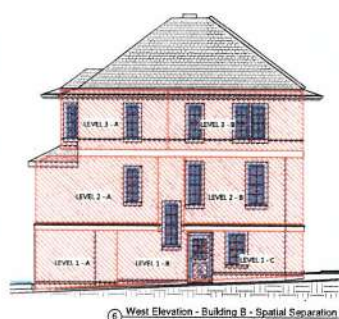
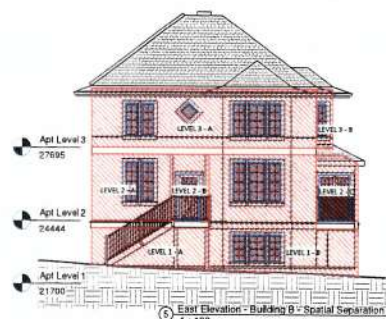
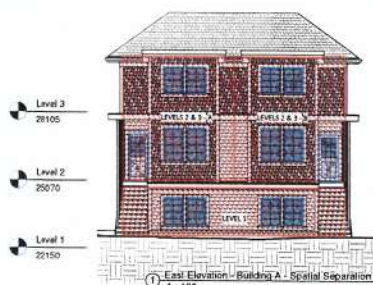
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Checked by CL

A3.11

Scale As Indicated



QUEENS AVENUE



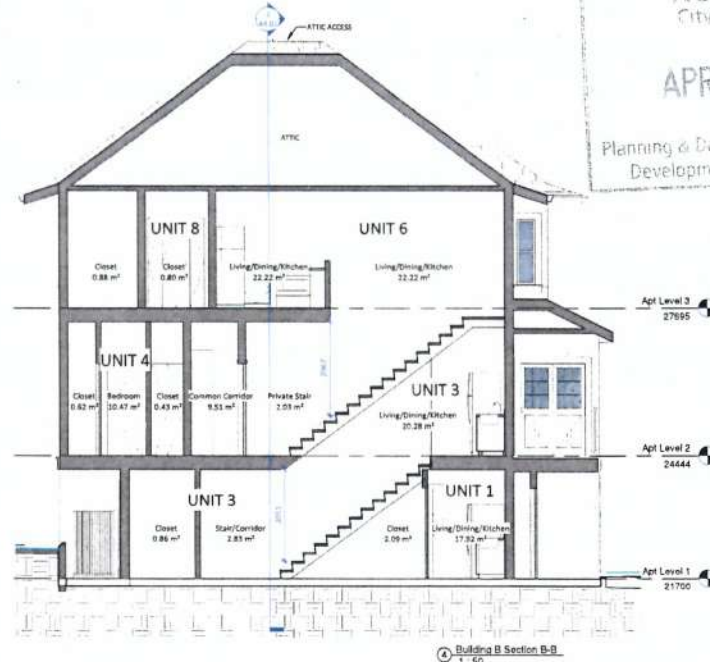
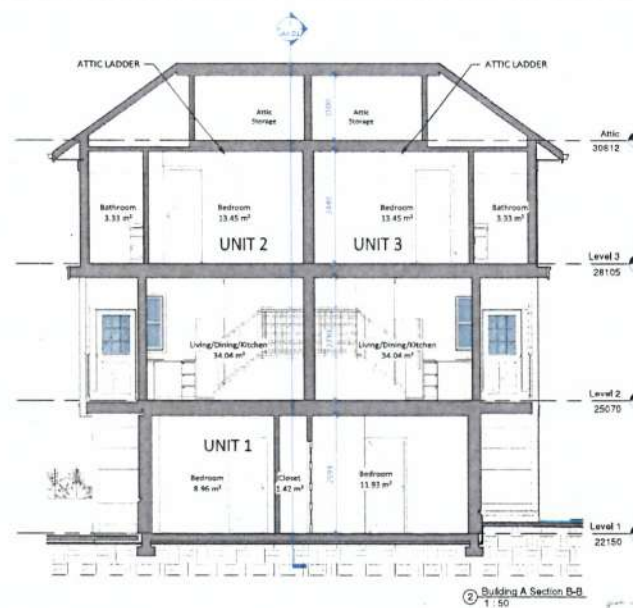
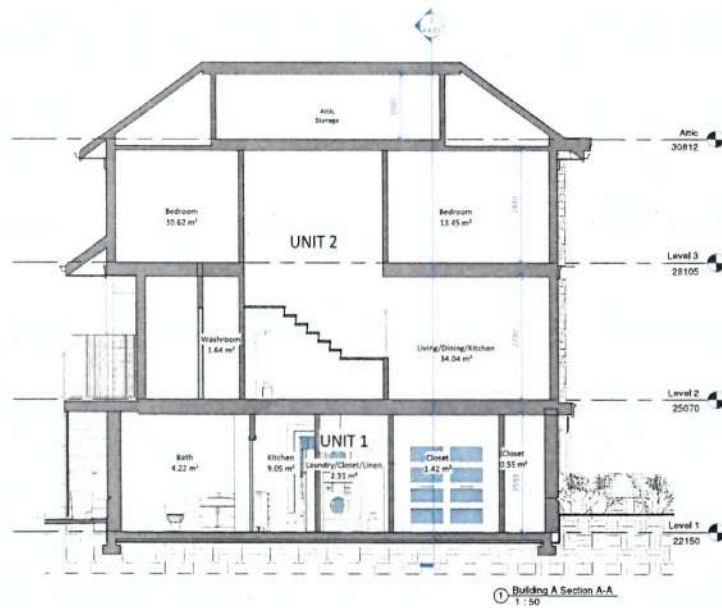
Site Plan - Spatial Separations
1:200

LIMITING DISTANCE & SPATIAL SEPARATIONS ANALYSIS

ROW 1 OF 14-A-A										
BUILDING/ZONE	LIMITING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING
CONFORMANCE	DISTANCE	FT	AREA	FT	FT	AREA	FT	FT	AREA	FT
BUILDING A										
EAST LEVEL 1	27.77	36.33	9.54	100	36.33	9.54	100	36.33	9.54	100
EAST LEVEL 2 & 3 - A	27.77	27.24	6.23	100	27.24	6.23	100	27.24	6.23	100
EAST LEVEL 2 & 3 - B	27.77	27.24	6.23	100	27.24	6.23	100	27.24	6.23	100
WEST LEVEL 1 - A	3.00	12.29	8	33	8	33	33	8	33	33
WEST LEVEL 1 - B	3.00	9.54	8	33	8	33	33	8	33	33
WEST LEVEL 2 & 3 - A	3.00	27.33	6.23	33	33	33	33	33	33	33
WEST LEVEL 2 & 3 - B	3.00	27.33	6.23	33	33	33	33	33	33	33
NORTH LEVEL 1 - A	3.00	12.29	8	33	8	33	33	8	33	33
NORTH LEVEL 1 - B	3.00	9.54	8	33	8	33	33	8	33	33
NORTH LEVEL 2 & 3 - A	3.00	27.33	6.23	33	33	33	33	33	33	33
NORTH LEVEL 2 & 3 - B	3.00	27.33	6.23	33	33	33	33	33	33	33
SOUTH LEVEL 1 - A	3.00	12.29	8	33	8	33	33	8	33	33
SOUTH LEVEL 1 - B	3.00	9.54	8	33	8	33	33	8	33	33

ROW 2 OF 14-A-A										
BUILDING/ZONE	LIMITING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING
CONFORMANCE	DISTANCE	FT	AREA	FT	FT	AREA	FT	FT	AREA	FT
BUILDING B										
EAST LEVEL 1 - A	13.88	9.53	8	100	9	33	33	9	33	33
EAST LEVEL 1 - B	13.88	26.50	9.23	100	26	33	33	26	33	33
EAST LEVEL 2 - A	13.88	16.40	9.23	100	16	33	33	16	33	33
EAST LEVEL 2 - B	13.88	3.00	9.23	100	33	33	33	33	33	33
EAST LEVEL 3 - A	13.88	3.00	9.23	100	33	33	33	33	33	33
EAST LEVEL 3 - B	13.88	26.50	9.23	100	26	33	33	26	33	33
WEST LEVEL 1 - A	3.00	9.53	8	33	8	33	33	8	33	33
WEST LEVEL 1 - B	3.00	11.00	8.97	33	8	33	33	8	33	33
WEST LEVEL 2 - A	3.00	16.75	8.97	33	33	33	33	33	33	33
WEST LEVEL 2 - B	3.00	16.40	8.97	33	33	33	33	33	33	33
WEST LEVEL 3 - A	3.00	16.40	8.97	33	33	33	33	33	33	33
WEST LEVEL 3 - B	3.00	16.40	8.97	33	33	33	33	33	33	33
NORTH LEVEL 1 - A	13.88	9.53	8	100	9	33	33	9	33	33
NORTH LEVEL 1 - B	13.88	26.50	9.23	100	26	33	33	26	33	33
NORTH LEVEL 2 - A	13.88	16.40	9.23	100	16	33	33	16	33	33
NORTH LEVEL 2 - B	13.88	3.00	9.23	100	33	33	33	33	33	33
NORTH LEVEL 3 - A	13.88	3.00	9.23	100	33	33	33	33	33	33
NORTH LEVEL 3 - B	13.88	26.50	9.23	100	26	33	33	26	33	33
SOUTH LEVEL 1 - A	3.00	9.53	8	33	8	33	33	8	33	33
SOUTH LEVEL 1 - B	3.00	11.00	8.97	33	8	33	33	8	33	33
SOUTH LEVEL 2 - A	3.00	16.75	8.97	33	33	33	33	33	33	33
SOUTH LEVEL 2 - B	3.00	16.40	8.97	33	33	33	33	33	33	33
SOUTH LEVEL 3 - A	3.00	16.40	8.97	33	33	33	33	33	33	33
SOUTH LEVEL 3 - B	3.00	16.40	8.97	33	33	33	33	33	33	33





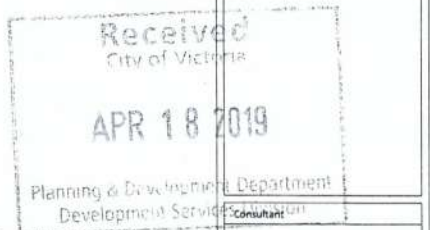
Christine Lintott
Architects

Unit 3 - 284 Queen's Avenue, Victoria, BC V8T 1A5
Telephone: 257-542-1900
www.christinelintott.com

Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision
By Description Date



2220 Cook
Street
Victoria, BC

Building Sections

Date: 2019-04-17 8:25:07 AM
Drawn by: CC
Checked by: CL

A4.01

Scale: 1:50

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To Mayor and Council

01/01/2019

Proposed for 2220 Cook St. (at Queens) is subdivision of a large lot into two separate parcels. Current improvements to the property include a garage to the South and large Edwardian home to the North. This well maintained 2-1/2 story older building has been leased by VIHA for more than 20 years enabling them to provide a mix of eight rooms and suites to their clients.

Approval of this subdivision would allow the garage on the South lot to be removed and replaced with a new strata triplex. The North lot and existing apartment building would be retained for VIHA's continued use with no displacement or disruption to their tenants.

Additional parts of this proposal would include a 4.91 meter statutory right-of-way along the Cook street frontage in favour of the city of Victoria, almost one quarter of the property!

Instead of the R2 legal non-conforming zone/use, the existing building and land will be provided with suitable zoning for its use and registered in perpetuity as rental apartments only. The existing building will encroach into the new SRW. Therefore, in the event it is ever damaged to the point where reconstruction is required plans are provided to demonstrate it's still possible to rebuild eight one bedroom apartments in a form similar to the existing outside of the SRW.

Future lease agreements with VIHA will include a clause giving them a right of first refusal to purchase the rental property should selling it ever be contemplated by the owners.

Moving the driveway access from Cook street to Queens will reduce the access points onto Cook street and provide more on-street parking along the Cook street frontage. The proposed shared access to the two lots from Queens avenue will be achieved by widening an existing driveway crossing servicing the neighbouring property to the West. This will minimize any loss of on-street parking along the Queens avenue frontage.

On-site parking for this development will provide two stalls for the proposed triplex, two stalls for the apartment building and one stall permanently dedicated to a community car share. As well as for the community's use, both buildings will be enrolled in the car share program as will two multifamily buildings being proposed 1-1/2 blocks away at 945 Pembroke street. By providing car share on-site no street parking is lost and the option to provide a charging station for an electric car becomes possible. More than required bicycle parking is provided in this proposal.

The garage is mostly unused, replacing it with an energy efficient triplex will provide three new two bedroom homes within walking distance to all amenities. This proposal is consistent with directions outlined in the OCP, it's scale and character style build-form are similar to that of the surrounding buildings. It provides respectful development with no loss of homes or displacement of people, provides benefits to the city and comes with support from the community and VIHA.

Thank you for your consideration of this proposal.

Sincerely

Garde Colins



**North Park Neighbourhood Association
Community Land Use Meeting
Nov. 22, 2018, 7 p.m.
2220 Cook Street**

MINUTES

PROPONENT:

- Garde Collins, Linhar Projects

ARCHITECT:

- Christine Lintott

ATTENDANCE:

- Approximately a dozen residents from North Park attended, including adjacent neighbours to 2220 Cook Street.
- Partners in the proposed development were also in attendance.

OPENING REMARKS

Garde Collins

Our proposal is to subdivide the existing R2 lot at 2220 Cook St. into two lots. We would retain the existing apartment on the northerly lot and develop a triplex on the southerly lot. We will be applying for rezoning for the land plus a Development Permit with Variance for the southerly lot.

The City of Victoria's OCP encourages higher density than a duplex on an R2 lot on an arterial road such as Cook Street. The City would like higher density that maximizes the lot—for example, a 3-storey multi-unit building. We intend to keep the existing house and add a building next to it. It's a better fit for the neighbourhood.

The current house at the corner of Cook and Queens streets is leased by VIHA, and used to house people with housing challenges. We intend to keep VIHA as a tenant.

The garage on the southerly lot is currently used for storage. This is where we would develop the triplex. The building will be similar in height to the existing building.

The triplex will be a side-by-side duplex with two 2-bedroom/2 bath units on the main floor in a mirror image. The entrances will face the street. Upstairs will be the third 2-bedroom 2 bath suite. The triplex will have a bike lockup room and guest bike racks at front.

The City wants to remove the existing driveway with access onto Cook St. We're proposing a driveway off Queens St., with access to the back of the new building. That will remove parking from Queens Ave. and allow for more parking on Cook St. The Modo carshare would love to have a parking spot in this location so our proposal includes 1 stall for community carshare parking. The next closest carshare spot is in Fernwood. The new triplex would also have 2 parking stalls.

The City has a 5-metre statutory right-of-way (SRW) along Cook St. to accommodate future road widening. Therefore, buildings on the lot needs to be set back 5 metres. The existing building does not comply with the SRW as is but they will allow us to keep the building.

The original building will not be changed under our proposal. We want to retain the 8 suites and are not intending to change it in the future. However, if it was damaged (for example, by fire) in the future, it would need to be rebuilt with greater setbacks from Cook St. We would need new zoning to rebuild a rooming house in the future, so we're applying for that as part of this project. Plans have also been drawn to rebuild the 8-suite building, if it needs to be replaced in the future. It would be 3 stories and moved back on the lot 2 feet, removing the porch.

Similar R2 rooming houses in the City that have had fires cannot be rebuilt as rooming houses because of zoning restrictions. Houses are now sitting empty as they can't be rebuilt on the same footprint.

VIHA would have the first right of refusal in the future if we sell the property.

QUESTION PERIOD

Do any of the new units meet the definition of affordability?

The City has just come out with a new policy. We're considering how we can fit into that. In future the existing building would be registered as 8 units (5 rooms and 3 suites) and would be affordable. We would have to go back to apply for rezoning if VIHA ever leaves this building. The rezoning would apply only to the land.

Are the 8 units required to be affordable?

It's a bit in flux. The definitions are changing. The City will want us to come in to talk about how we can make that work – we still have to have that conversation.

Bike storage is great, but new owners in the triplex are all going to drive. Is this enough parking? Two spots for the triplex are not enough.

There are also 3 spots for the existing building.

What's required for parking and what are you providing?

The requirements range from 1 to 1.45 parking stalls per unit. If you provide a carshare space, as we've proposed, variances are available. The City requires 2 spaces for the existing building and 4 for the new triplex. We're providing 2 spaces for the triplex plus a new carshare space. That makes 5 total spaces, plus additional parking space along Cook St.

Is the proposed driveway narrower than usual?

No, it's 3 metres. It's standard. It takes away the back yard from the existing property.

Are you allowed to put the cars next to the house on Queens?

We have to provide screening. We'll have to see what the City says.

Will the new property be strata-titled and sold with a parking variance? There's not enough parking for 3 independently owned 2-bedroom units. (This issue was mentioned repeatedly.)

Yes, we'll have to have some kind of variance. This isn't as bad as some areas in terms of the pressures on parking. The kind of people who buy places typically judge how much space they need and buy what they need. For the City the parking is a lower denominator than affordable housing.

What other designs did you consider? We have condos on Pembroke with parking at the back.

The property isn't deep enough to do that on this property. If parking is restricted, buyers will be restricted to people who have one car. It isn't worth it for a developer to build just a duplex or a Single Family Dwelling.

I think it's inevitable that we'll end up with more density living downtown and it's the way things are going.

NPNA Chair's comment:

We're always talking about preserving more affordable housing. Preserving the 8-unit building is a huge bonus. The MODO spot is a significant contribution.

What other designs have you considered?

Originally we were going to move a house from Pembroke St. to the garage property but that didn't work out. Moving the other house was the only other plan we had.

I'm curious if other designs were generated for entire property – other combinations of suites etc.

To do more units it would all need to be rental, and we aren't in a position to do that.

Were partnerships with VIHA or CMHC for affordable housing considered?

No, we've already got the 8 units for affordable units. There isn't the space on the lot to put a lot of units on this property.

I would have liked to have seen alternate design options, that included putting parking underground etc.

Underground on this site is all rock.

I would have liked to have seen the property explored for other designs and partnership opportunities.

We can't do anything more affordable than what's currently there.

What best practices in heritage infill have you applied to come up with this design?

Are you trying to mimic heritage? We suffer from less than optimal urban design because the City doesn't have a heritage infill policy. Did you explore other designs for the property and how does it meet best practices?

When we do heritage restoration work we use beautiful millwork. We can't use wood on two sides of this new building due to fire regulations. The materials have a big impact on what you see. We have limited space here so there is only so much we can do.

How did you arrive at the two-column mirror design?

The two units mirror each other, and the doors must face the street. We've accomplished what the City requires, and people don't want their doors facing each other.

The roof pitch follows the roof pitch of the existing building. It also mimics the hip roof of the neighbouring building.

Are the box bays a characteristic of heritage houses?

We are trying to balance functional needs with nods to the heritage of area. We're not calling it a heritage infill. The existing (VIHA) building is rough. It's not really a heritage building.

Do you have an urban design person?

We've won heritage restoration awards, and architect Christine Lintott has as well. We thought this design suited the project best of all those we considered. The colours came from the building project at 1110 Pembroke Street. We have done restoration projects, such as at 864 Queens.

The windows on the south side look directly at our bedroom and living room area, and the window size concerns me. We're concerned about privacy. (Comment from immediate neighbours to south)

We'll consider that in the design. The windows won't be lined up directly across from your windows.

Will any units be accessible?

There may be room for a ramp, and we'll look at that.

Will you be doing any exterior improvements to the existing building? It would be nice to see some sprucing up of this building.

We'll be painting it. We put a new roof on this year. We've talked about making the upstairs more accessible for stretcher access, which would require some redoing to the back of the house. The colours in the design have been taken from a large heritage building on Wark St.

Is there a landscaping plan or any screening planned?

The neighbour behind on Queens has a 12-foot hedge so we thought that was adequate. There are plans for native plantings between buildings.

In your other projects did the City require a lot of changes? Are you expecting this to flow fairly easily?

The new Council is interested in affordable housing. Where they come from and what they come back with may change things at the time of application.

What is your break-ground goal?

The City is backed up with large applications. There are a number of stages in the application process. Our Pembroke property took 2 years. It's hard to say.



Talbot Mackenzie & Associates
Consulting Arborists

2220 Cook St, Victoria

Construction Impact Assessment & Tree Preservation Plan

Prepared For: Garde Collins
Linhar Projects Ltd.
1137 North Park Street
Victoria, BC V8T 1C7

Prepared By: Talbot, Mackenzie & Associates
Michael Marcucci – Consulting Arborist
ISA Certified # ON-1943A
TRAQ – Qualified

Date of Issuance: March 26, 2019

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Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: 2220 Cook St, Victoria, BC

Date of Site Visits: February 11 and 25, 2019

Site Conditions: Residential lot. No ongoing construction activity.

Summary: The proposal includes subdividing the property and constructing a new house with two proposed parking stalls within the CRZ of a bylaw protected Lawson Cypress tree (NT 1). Exploratory excavations indicate that there will be minimal root loss as a result of the re-grading associated with the new parking stalls. A small municipal boulevard tree (Beech NT 3) will require removal or transplanting as a result of the driveway and new services.

Scope of Assignment:

- To inventory the existing bylaw protected trees and any trees on municipal or neighbouring properties that could potentially be impacted by construction or that are within three metres of the property line
- Review the proposal to subdivide the property and construct a new house, which would include widening the existing driveway, providing two parking stalls and new services. The existing house will be retained. The new house does not have a full basement.
- Comment on how construction activity may impact existing trees
- Prepare a tree retention and construction damage mitigation plan for those trees deemed suitable to retain given the proposed impacts

Methodology: We visually examined the trees on the property and prepared an inventory in the attached Tree Resource Spreadsheet. No trees were tagged. Information such as tree species, DBH (1.4m), crown spread, critical root zone (CRZ), health, structure, and relative tolerance to construction impacts were included in the inventory. The conclusions reached were based on the information provided within the attached building and site plans from Christine Lintott Architects (dated 2019-03-22). The Tree Protection Site Plan was created by adding comments to the site plan provided.

Limitations: Other than the exploratory excavations in the locations specified, no other exploratory excavations have been conducted and thus the conclusions reached are based solely on critical root zone calculations and our best judgement using our experience and expertise. The location, size and density of roots are often difficult to predict without exploratory excavations and therefore the impacts to the trees may be more or less severe than we anticipate.

Summary of Tree Resource: Only one bylaw protected tree exists on the subject property: a multi-stem Lawson Cypress (NT01). Municipal trees on the boulevard as well as neighbour's (or shared) trees and hedges were included in the inventory.

Trees to be Removed:

NT 03 Columnar Beech: The Beech within the boulevard east of the existing driveway will require removal or transplanting due to the widened driveway and proposed services. The tree would be 70cm from the estimated driveway flare and within the trench footprint for the new sanitary and storm services (shown on the Landscape Plan). Depending on the preference of the municipality, the tree could either be transplanted a few metres east of the new driveway entrance or removed. Hydro lines are located above the boulevard.

Hedge NT 5: The small hedge west of the existing driveway (unknown ownership between neighbour and applicant) will require removal for re-grading of the driveway. We recommend confirming ownership and informing the neighbour of the plans to remove or transplant these plants.

Potential Impacts on Trees to be Retained and Mitigation Measures

- **Parking Stalls and Lawson Cypress NT 01:**

Two parking stalls are proposed within the CRZ of this tree. Exploratory excavations were conducted to assess what grade the parking stalls could be constructed at without significantly impacting the health of the tree (pictures are at the bottom this report). It is our understanding that the applicant is required to plant a hedge on the border of the parking stall in order to screen it from the street. In order to do this, the applicant would prefer to remove the existing wall and lower the grade of the stalls in order to create more growing room within the planting bed for the hedge.

Exploratory excavations were completed by hand-digging a narrow trench, 1.6m west of the trunk of the tree, beginning from the existing retaining wall and ending 2-3m from the retaining wall at the house. The depth explored was 45 to 50cm below existing grade (at or below the grade of the existing sidewalk). Only three roots were observed within the trench (all were retained): one 7cm in diameter, one 2.5cm, and one 1cm. In our opinion, the loss of these roots alone is unlikely to significantly impact the health or stability of the tree. It should be noted that the root disease *Phytophthora* is responsible for the decline of Lawson Cypress trees locally and could rapidly infect and lead to the decline of the tree at any time.

Based on conversations with the applicant, no further excavation or root loss is anticipated, other than the three roots observed. The retaining wall for the grade change would be constructed no closer to the tree than the exploratory trench. If additional roots are encountered below the 45-50cm depth explored, these can be retained below both the retaining wall and driveway construction using our "floating driveway specification" attached. If additional roots are encountered at a greater depth, we may recommend that the parking stalls be constructed

using a permeable surface. We do not recommend removing the portion of the retaining wall east of the parking stalls as the base of the tree could potentially be braced against it.

It is possible, but very unlikely that roots have grown underneath the exploratory trench and then have curved upwards to a shallower depth (rocks were encountered at the bottom of most of the trench). If a significant amount of roots have done this, the change in grade may be limited. The project arborist should supervise the excavation associated with the parking stalls.

- **Leyland Cypress Hedge NT 6:** It is our understanding that the applicant plans to retain the Lawson Cypress hedge along the property line. These trees require frequent pruning to maintain as a hedge and have aggressive root systems which may uplift the driveway in the future. Therefore, a more suitable option may be replanting with a less aggressive and invasive plant. However, if retention is desired, we would recommend an arborist supervise the excavation for the driveway and prune any roots severed or retain structural roots necessary for stability.
- **Cherry NT 7:** This tree will be over three metres from the proposed patio. If a critical amount of roots are encountered during excavation, we may recommend that the patio be raised over the roots and made permeable in order to avoid adverse health impacts.
- **Arborist Supervision:** All excavation occurring within the critical root zones of protected trees should be completed under supervision by the project arborist. In particular, the following activities should be completed under the direction of the project arborist:
 - Excavation associated with the parking stalls and retaining wall removal and construction within the CRZ of Lawson Cypress NT 1
 - Excavation associated with the patio within the CRZ of Cherry NT 7
 - Excavation for the new driveway within the CRZ of Leyland Cypress hedge NT 6
 - If the municipality would like European Beech NT 3 to be transplanted, this should be supervised by either the municipal arborist or the project arborist
- **Pruning Roots:** Any severed roots must be pruned back to sound tissue to reduce wound surface area and encourage rapid compartmentalization of the wound. Backfilling the excavated area around the roots should be done as soon as possible to keep the roots moist and aid in root regeneration. Exposed roots should be kept moist until the area is backfilled, especially if excavation occurs during a period of drought. This can be accomplished in number of ways including wrapping the roots in burlap or installing a root curtain of wire mesh lined with burlap, and keeping the area moist throughout the construction process.
- **Barrier fencing:** The areas surrounding the trees to be retained should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones. The barrier fencing must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted

around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

- **Minimizing Soil Compaction:** In areas where construction traffic must encroach into the critical root zones of trees to be retained, efforts must be made to reduce soil compaction where possible by displacing the weight of machinery and foot traffic. This can be achieved by one of the following methods:
 - Installing a layer of hog fuel or coarse wood chips at least 20 cm in depth and maintaining it in good condition until construction is complete.
 - Placing medium weight geotextile cloth over the area to be used and installing a layer of crushed rock to a depth of 15 cm over top.
 - Placing two layers of 19mm plywood.
 - Placing steel plates.
- **Mulching:** Mulching can be an important proactive step in maintaining the health of trees and mitigating construction related impacts and overall stress. Mulch should be made from a natural material such as wood chips or bark pieces and be 5-8cm deep. No mulch should be touching the trunk of the tree. See “methods to avoid soil compaction” if the area is to have heavy traffic.
- **Blasting:** Care must be taken to ensure that the area of blasting does not extend beyond the necessary footprints and into the critical root zones of surrounding trees. The use of small low-concussion charges and multiple small charges designed to pre-shear the rock face will reduce fracturing, ground vibration, and overall impact on the surrounding environment. Only explosives of low phytotoxicity and techniques that minimize tree damage should be used. Provisions must be made to ensure that blasted rock and debris are stored away from the critical root zones of trees.
- **Landscaping and Irrigation Systems:** The planting of new trees and shrubs should not damage the roots of retained trees. The installation of any in-ground irrigation system must take into account the critical root zones of the trees to be retained. Prior to installation, we recommend the irrigation technician consult with the project arborist about the most suitable locations for the irrigation lines and how best to mitigate the impacts on the trees to be retained. This may require the project arborist supervise the excavations associated with installing the irrigation system. Excessive frequent irrigation and irrigation which wets the trunks of trees can have a detrimental impact on tree health and can lead to root and trunk decay.
- **Arborist Role:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:
 - Locating the barrier fencing
 - Reviewing the report with the project foreman or site supervisor
 - Locating work zones, where required
 - Supervising any excavation within the critical root zones of trees to be retained
 - Reviewing and advising of any pruning requirements for machine clearances

- **Review and site meeting:** Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing, tree removal, demolition, or other construction activity occurs and to confirm the locations of the tree protection barrier fencing.

Exploratory Excavation Photos (February 25, 2019)



Photo 1



Photo 2: 7cm diameter retained root in foreground near existing retaining wall.



Photo 3



Photo 4: 2.5cm retained root on the right side within the trench.

Talbot Mackenzie & Associates

Please do not hesitate to call us at (250) 479-8733 should you have any further questions.

Thank you,



Michael Marcucci
ISA Certified # ON-1943A
TRAQ – Qualified

Talbot Mackenzie & Associates
ISA Certified Consulting Arborists

Encl. 1-page tree resource spreadsheet, 1-page tree protection site plan with trees, 5-page building plans excerpts, 1-page barrier fencing specifications, 1-page raised paved surface specification, 2-page tree resource spreadsheet methodology and definitions

Disclosure Statement

The tree inventory attached to the Tree Preservation Plan can be characterized as a limited visual assessment from the ground and should not be interpreted as a "risk assessment" of the trees included.

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure or can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Tree ID	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (m)	CRZ (m)	Relative Tolerance	Health	Structure	Remarks and Recommendations	Retention Status
NT 1	Lawson Cypress	<i>Chamaecyparis lawsoniana</i>	37, 36, 30, 28	9.0	11.5	P	Good	Fair	Potentially shared ownership with municipality. Codominant unions at base. Hydro lines north of canopy	Retain
NT 2	Hawthorn	<i>Crataegus oxyacantha</i>	16.0	5.0	2.0	G	Fair	Fair	Municipal boulevard tree (ID #18754). East of existing driveway. Trunk injury at base	Retain
NT 3	Columnar European Beech	<i>Fagus sylvatica</i> 'Fastigiata'	2.0	1.0	1.5	P	Good	Good	Municipal boulevard tree (ID#34176). Hydro lines above	Transplant or Removal
NT 4	English Yew	<i>Taxus baccata</i> 'Fastigiata'	Multistem	3.0	4.0	G	Good	Good	Informed by municipality that it is on private property and not bylaw protected.	Retain
NT 5	Pyramidal Cedar hedge	<i>Thuja occidentalis</i> 'Pyramidalis'	2.0	1.0	1.5	M	Fair	Good	Shared ownership potentially. Beside existing driveway near entrance. 2m tall	Transplant or Removal
NT 6	Leyland Cypress hedge	<i>Cupressus x leylandii</i>	~5-12cm	2.0	2.0	G	Fair	Fair	Shared ownership likely. Beside fence. 4m tall.	Retain
NT 7	Cherry	<i>Prunus spp</i>	~45	12.0	5.5	M	Fair	Fair	Neighbour's, ~3.5m from rear fence	Retain
NT 8	Douglas-fir	<i>Pseudotsuga menziesii</i>	~60	12.0	9.0	P	Fair	Fair	Neighbour's, ~5m west from SW corner of property.	Retain
NT 9	Columnar European Beech	<i>Fagus sylvatica</i> 'Fastigiata'	2.0	1.0	1.5	P	Good	Good	Municipal boulevard tree (ID#34178), west of driveway. Hydro lines above	Retain

Christine Lintell Architects

Key Words
Bereavement

Conclusions

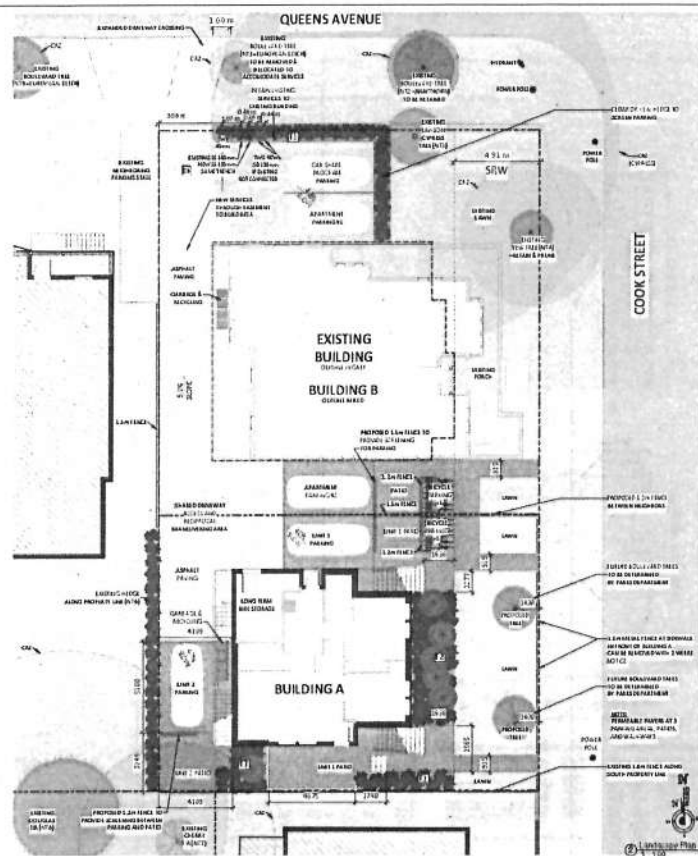
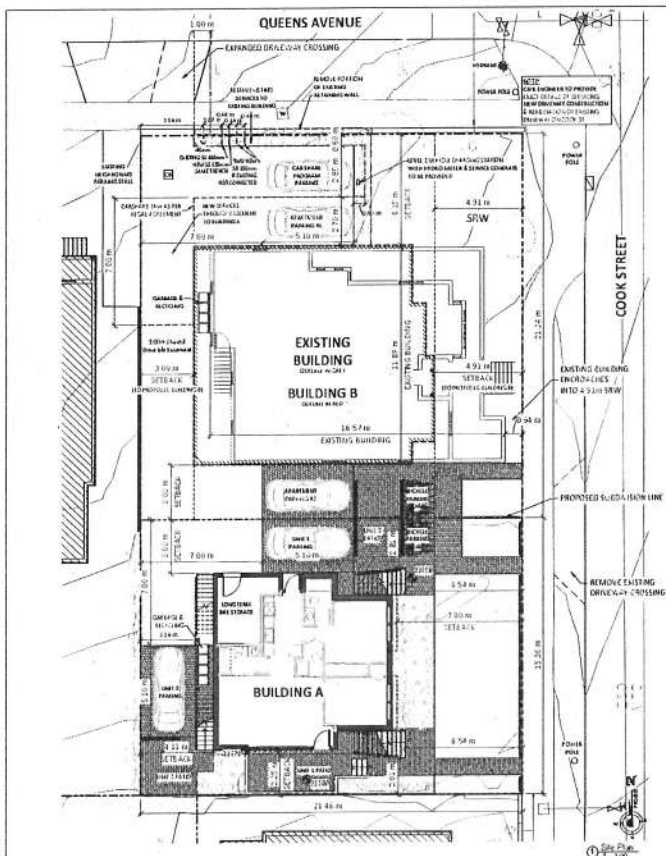
2220 Cook
Street
Victoria, BC

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Issue: Jan 4, 2019

For Review: Development Permit

Consultant

2220 Cook
Street
Victoria, BC

Building A Site Plan &
Landscape Plan

Drawn: 2019-03-11 10:30 PM

Revised: 1.0

Scale: 1:100

A1.01

As Shown

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Issue	D
For Reasoning/	
Development Permit	Jan. 4, 2001

Revision

Consultant

2220 Cook
Street
Victoria, BC

Survey & Height Calculations

Date	20130322 095653
Version	
File Path	
A1.02	
Scale	1:1



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Issue Date
For Recording/ Development Permit Jan. 4, 2019

Revisions
By: Date: Rev:

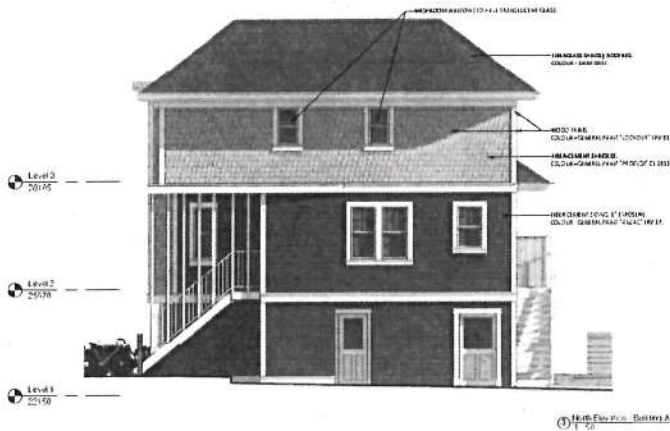
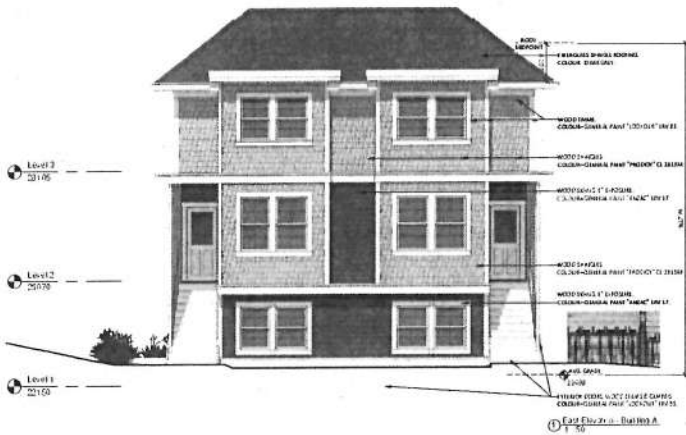
Consultant

2220 Cook
Street
Victoria, BC

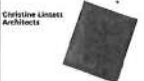
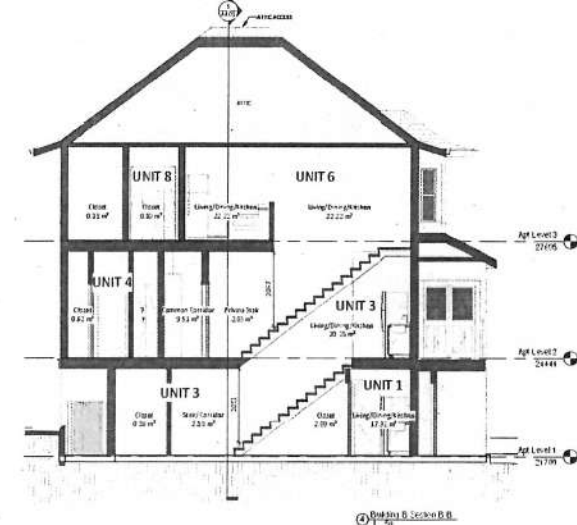
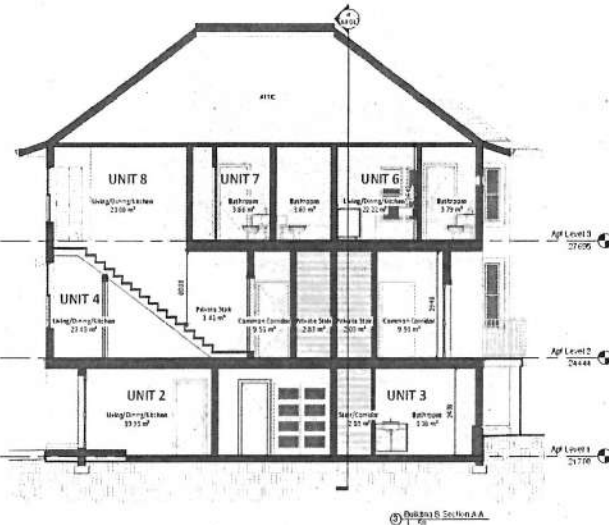
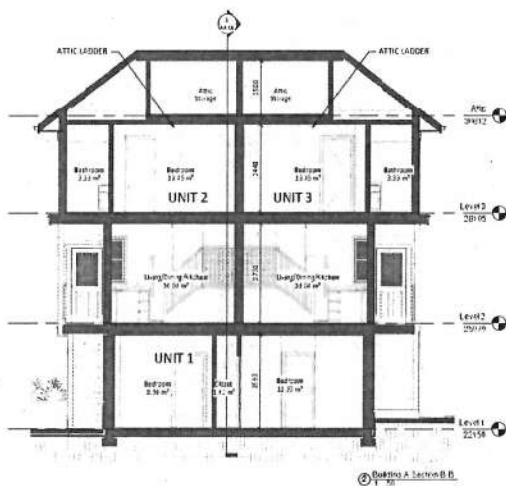
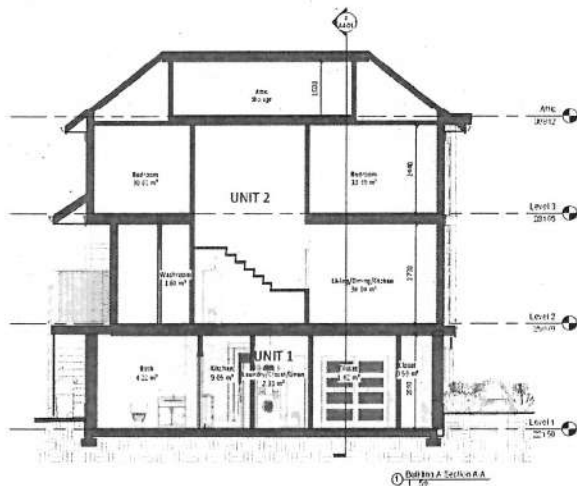
Elevations - Building A

Date: 2019/01/04 5:57:04 AM
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Issue: Dis

For Recording/
Development Permit: Jan 4, 2011

Revisions:
No. Description

Consultant:

2220 Cook
Street
Victoria, BC

Building Sections

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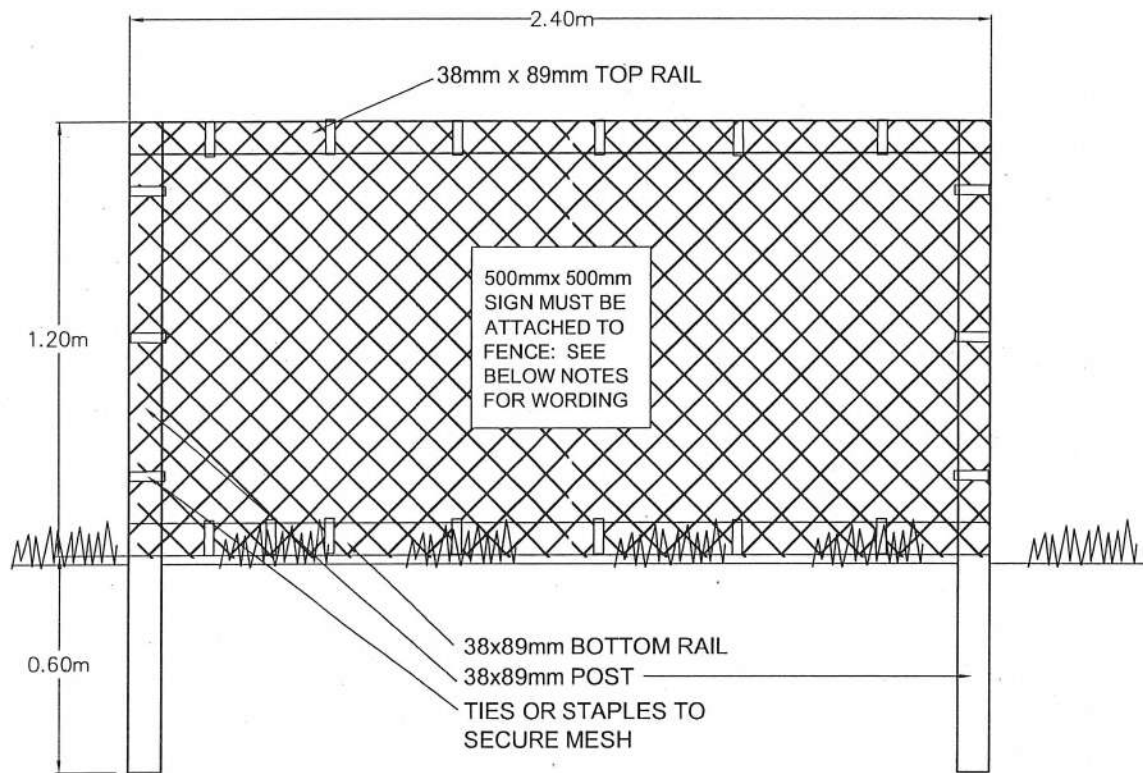
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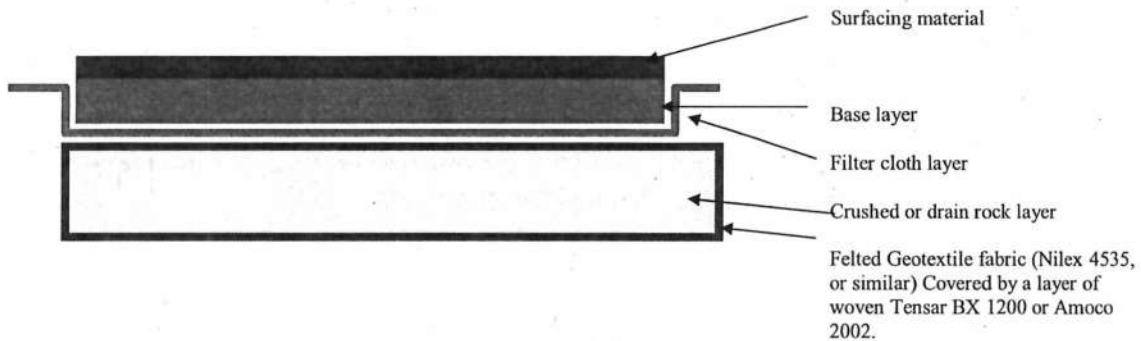
TREE PROTECTION FENCING

1. FENCE WILL BE CONSTRUCTED USING 38 mm X 89mm WOOD FRAME: TOP, BOTTOM AND POSTS * USE ORANGE SNOW-FENCING MESH AND SECURE THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
 2. ATTACH A 500mm X 500mm SIGN WITH THE FOLLOWING WORDING: WARNING- TREE PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE OR AT LEAST EVERY 10 LINEAR METERS.
- * IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED

Talbot Mackenzie & Associates

Consulting Arborists

Diagram – Site Specific “Floating” Driveway, Parking and Walkway



Specifications for “Floating” Driveway, Parking and Walkway Areas

1. Excavation for construction of the driveway/parking/walkway areas must remove the sod layer only, where they encroach on the root zones of the protected trees
2. A layer of medium weight felted Geotextile fabric (Nilex 4535, or similar) is to be installed over the entire area of the critical root zone that is to be covered by the driveway. Cover this Geotextile fabric with a layer of woven Amoco 2002 or Tensar BX 1200. Each piece of fabric must overlap the adjoining piece by approximately 30-cm.
3. A 10cm layer of torpedo rock, or 20-mm clean crushed drain rock, is to be used to cover the Geotextile fabric.
4. A layer of felted filter fabric is to be installed over the crushed rock layer to prevent fine particles of sand and soil from infiltrating this layer.
5. The bedding or base layer and permeable surfacing can be installed directly on top of the Geotextile fabric.
6. Two-dimensional (such as CombiGrid 30/30 or similar) or three-dimensional geo-grid reinforcements can be installed in combination with, or instead of, the geotechnical fabric specified in the attached diagram.
7. Ultimately, a geotechnical engineer should be consulted and in consultation with the project arborist may specify their own materials and methods that are specific to the site's soil conditions and requirements, while also avoiding root loss and reducing compaction to the sub-grade.



Talbot Mackenzie & Associates

Consulting Arborists

Box 48153 RPO - Uptown Victoria, BC V8Z 7H6

Ph: (250) 479-8733

Fax: (250) 479-7050

Email: tmtreehelp@gmail.com

Tree Resource Spreadsheet Methodology and Definitions

Tag: Tree identification number on a metal tag attached to tree with nail or wire, generally at eye level. Trees on municipal or neighboring properties are not tagged.

NT: No tag due to inaccessibility or ownership by municipality or neighbour.

DBH: Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

* Measured over ivy

~ Approximate due to inaccessibility or on neighbouring property

Crown Spread: Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Relative Tolerance Rating: Relative tolerance of the tree species to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes, and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned based on our knowledge and experience with the tree species: Poor (P), Moderate (M) or Good (G).

Critical Root Zone: A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the tree's Relative Tolerance Rating. This methodology is based on the methodology used by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 12 x DBH = Moderate
- 10 x DBH = Good

To calculate the critical root zone, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest stem and 60% of the diameter of the next two largest stems. It should be noted that these measures are solely mathematical calculations that do not consider factors such as restricted root growth, limited soil volumes, age, crown spread, health, or structure (such as a lean).

Health Condition:

- Poor - significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair - signs of stress
- Good - no visible signs of significant stress and/or only minor aesthetic issues

Structural Condition:

- Poor - Structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair - Structural concerns that are possible to mitigate through pruning
- Good - No visible or only minor structural flaws that require no to very little pruning

Retention Status:

- X - Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain * - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts, but concerned parties should be aware that the tree may require removal.
- NS - Not suitable to retain due to health or structural concerns

K. BYLAWS

K.5 Bylaw for 2220 Cook Street: Rezoning Application No. 00648 and Development Permit with Variances Application No. 00107

Moved By Councillor Alto

Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be given first, second, and third readings:**

1. Housing Agreement (2220 Cook Street) Bylaw (2019) No. 19-076

CARRIED UNANIMOUSLY



Council Report

For the Meeting of September 19, 2019

To: Council **Date:** September 18, 2019
From: C. Coates, City Clerk
Subject: 2220 Cook Street: Rezoning Application No. 00648 and Development Permit with Variances Application No. 00107

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1194) No. 19-068

And that the following bylaw be given first, second, and third readings:

2. Housing Agreement (2220 Cook Street) Bylaw (2019) No. 19-076

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-068 and 19-076.

The issue came before Council on May 23, 2019 where the following resolution was approved:

2220 Cook Street: Rezoning Application No. 00684 and Development Permit with Variances Application No. 00107

Rezoning Application No. 00684

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
3. Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.
4. Proof of an agreement with a car share organization, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eleven lifetime car share memberships (three on the southern lot and eight on the northern lot) that run with the individual units.
5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

Development Permit with Variances Application No. 00107

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. 00684, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

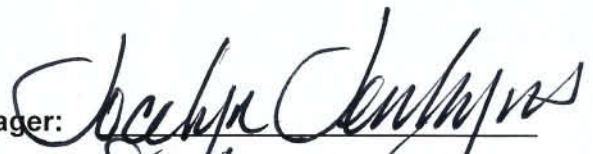
1. Plans date stamped April 18, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Chris Coates
City Clerk

Report accepted and recommended by the City Manager:


Date: Sept. 18, 2019

List of Attachments:

- Bylaw No. 19-068
- Bylaw No. 19-076

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.b Report from the May 23, 2019 COTW Meeting

I.1.b.f 2220 Cook Street - Rezoning Application No.00684 & Development Permit with Variances Application No. 00107 (North Park)

Moved By Councillor Alto

Seconded By Councillor Loveday

Rezoning Application No. 00684

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
3. Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.
4. Proof of an agreement with a car share organization, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eleven lifetime car share memberships (three on the southern lot and eight on the northern lot) that run with the individual units.
5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

Development Permit with Variances Application No. 00107

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. 00684, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

F.2 2220 Cook Street - Rezoning Application No.00684 & Development Permit with Variances Application No. 00107 (North Park)

Council received a report dated May 9, 2019 from the Acting Director of Sustainable Planning and Community Development presenting Council with information regarding a rezoning and development permit with variances application to subdivide an existing lot at 2220 Cook Street into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot.

Moved By Councillor Collins

Seconded By Councillor Loveday

Rezoning Application No. 00684

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
3. Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.
4. Proof of an agreement with a car share organization, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eleven lifetime car share memberships (three on the southern lot and eight on the northern lot) that run with the individual units.
5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

Development Permit with Variances Application No. 00107

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. 00684, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00684 for 2220 Cook Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00684 for 2220 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 4.91m off Cook Street, to the satisfaction of the City Solicitor.
2. Preparation and execution of a Statutory Right-of-Way and Section 219 Covenant, which secures the northern-most parking stall as a car share stall and provides free access to this stall for public use, to the satisfaction of the City Solicitor.
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5. Preparation of a Housing Agreement to secure the northern property as rental in perpetuity and to ensure that any stratas on the southern property cannot prohibit rental of the units, executed by the applicant to the satisfaction of the City Solicitor and Director of Sustainable Planning and Community Development.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the

housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 2220 Cook Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to subdivide the existing lot, retain the existing apartment building on the northerly lot and construct a triplex on the southerly lot.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential designation in the *Official Community Plan* (2012), which envisions ground-oriented multi-unit residential buildings up to three storeys along arterial roads
- the proposal is generally consistent with the *North Park Local Plan* (1996), which envisions house conversions and limited townhouses.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to subdivide the existing lot, retain the existing apartment building on the northerly lot and construct a triplex on the southerly lot.

Two site-specific zones would be created to accommodate the proposal, should it proceed to a Public Hearing. The zone for the northern lot would secure the rental tenancy in addition to a proposed Housing Agreement. The following criteria would be captured as variances and will be discussed in relation to the concurrent Development Permit with Variances Application:

- reduce the required vehicle parking stalls on both lots
- reduce the landscaped areas adjacent to parking areas on both lots.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed, which would secure the existing building as rental in perpetuity. A Housing Agreement is also being proposed to ensure future Strata Bylaws could not prohibit the rental of units within the new triplex.

Tenant Assistance Policy

The proposal retains an existing rental building and therefore a Tenant Assistance Policy is not required.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- a six-stall short term bicycle rack is proposed for each of the lots (twelve stalls in total)
- the new building would have ten long term bicycle stalls; an excess of four stalls
- both buildings will be enrolled in car share programs, and a parking stall with electric charging station hookups will be secured by legal agreement for use by a car share company.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The immediate area has a wide variety of land uses and built forms, including single family dwellings, duplexes, multi-unit residential, commercial, and institutional uses. George Jay Elementary School is located directly across the street to the east, Central Park and Crystal Pool are located one block west of the property and Royal Athletic Park is located one block south of the property.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling that has been converted into an eight-unit rental building. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex.

Data Table

The following data table compares the proposal with the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone and two asterisks is used to identify a legally non-conforming scenario.

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Site area (m ²) – minimum	329.54 *	455.91 *	555.00
Density (Floor Space Ratio) – maximum	0.74 *	0.83 *	0.50
Total floor area (m ²) – maximum	251.50 *	380.39 *	164.77 (Building A) 227.96 (Building B)
Lot width (m) – minimum	15.36	21.24	15.00
Height (m) – maximum	9.17 *	9.12 **	7.60

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Storeys – maximum	3 *	3 **	2
Site coverage (%) – maximum	34	40	40
Open site space (%) – minimum	46	33	30
Open site space in rear yard (%) – minimum	4 *	3 *	33
Setbacks (m) – minimum			
Front	7.00 *	0.94 **	7.50
Rear	3.00 *	3.94 **	10.70
Side (north)	3.00 (building) 2.81 * (steps)	n/a	3.00
Side (south)	2.25 (building) 2.01 (steps)	3.00	1.54
Side on flanking street (Queens Ave)	n/a	6.24	3.50
Combined side yards	4.82	9.24	4.50
Parking – minimum	2 *	3 *	4 (Building A) 6 (Building B)
Visitor parking included in the overall units – minimum	0	1	0 (Building A) 1 (Building B)
Landscape area adjacent to street boundary (m) – minimum width	n/a	0.60 *	1.00
Landscape area adjacent to residential boundary (m) – minimum width	0.00 *	0.00 *	1.00
Landscape screen adjacent to residential boundary (m) – minimum width	None *	None *	Visual barrier
Long term bicycle parking stalls – minimum	6	0 **	4 (Building A) 8 (Building B)
Short term bicycle parking stalls – minimum	6	6	6 (Building A) 6 (Building B)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a Community Meeting held on November 22, 2018. The minutes from that meeting are attached to this report.

ANALYSIS

Official Community Plan

The Official Community Plan (OCP, 2012) designates the property within the Traditional Residential urban place designation. Within this designation multi-unit buildings up to three storeys, including attached dwellings, are envisioned along arterial and secondary arterial roads. Cook Street is classified as an arterial road. The envisioned floor space ratio is up to approximately 1 to 1, compared to the proposed floor space ratio which is 0.74 to 1 for the proposed building and 0.88 to 1 for the existing building.

Local Area Plans

The *North Park Local Plan* identifies the property within Area 1, which envisions single family dwelling, duplexes, and the conversion of houses to suites. Townhouses are to be considered based on their merit. The proposal is for a triplex, which from the street reads as a duplex with a basement suite. Staff therefore consider the application consistent with the intent of the Plan.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two existing public trees on the subject property boulevards, one European Beech at 2cm diameter at breast height (DBH) size and a Hawthorn 16cm DBH on Queens Avenue. All will be retained with this application. The small Beech tree will be transplanted to allow for the proposed driveway and site servicing off Queens Avenue. Two new public trees are proposed on Cook Street, where there are currently no public trees on the boulevard. Tree species will be determined by Parks at the building permit stage.

There is a multi-stem 93cm DBH protected Lawson cypress and a non-protected multi-stem English yew tree on the subject site, both of which will be retained. An exploratory dig was conducted by the project arborist and it was determined that the trees' roots would not be adversely affected by the proposed parking area for Building B.

There are several neighbours' trees to the south that could potentially be affected by the driveway and patio construction for Building A – a 60cm DBH Douglas fir, 45cm DBH flowering cherry, and a Leyland cypress hedge to the west. The project Arborist will be in attendance supervising the patio and driveway construction to ensure protection of these neighbours' trees.

Regulatory Considerations

Should Council consider forwarding the Rezoning Application to a Public Hearing, staff recommend that a 4.91m Statutory Right-of-Way (SRW) on Cook Street be secured to help fulfill Council-approved OCP objectives such as enhanced facilities for walking, cycling, public transit and boulevards, which support the long-term viability of large canopy trees.

CONCLUSIONS

The three-storey, ground-oriented building form is consistent with the Traditional Residential designation in the OCP, which envisions multi-unit buildings up to three storeys and densities of approximately 1:1 FSR. The triplex form is consistent with the *North Park Local Plan* and is sensitive to the existing context in the immediate area. Staff recommend that Council consider forwarding this application to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00684 for the property located at 2220 Cook Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

May 17, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 18, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 1, 2019
- Attachment E: Community Association Land Use Committee Minutes from the November 22, 2018 Meeting
- Attachment F: Tree Preservation Plan.



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00107 for 2220 Cook Street

RECOMMENDATION

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. 00684, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00107 for 2220 Cook Street, in accordance with:

1. Plans date stamped April 18, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of vehicle parking stalls on the north lot from 6 to 3
 - ii. reduce the required number of vehicle parking stalls on the south lot from 4 to 2
 - iii. reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m on the north lot
 - iv. reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots
 - v. eliminate the requirement for a landscape screen adjacent to a residential boundary.
3. The Development Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 2220 Cook Street. The proposal is to subdivide the existing lot into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot. This Development Permit with

Variances pertain primarily to the new triplex as well as landscaping changes across the whole site.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012)
- the proposal is consistent with the urban design goals of the *North Park Local Plan*
- the variances to reduce the vehicle parking requirements are considered supportable by staff, as the applicant is providing car share memberships for each unit and there is additional long term bicycle parking in the new building
- the variances related to the reduction in landscape areas and screening adjacent to parking stalls are considered supportable by staff, as the retention of the existing building makes it difficult to achieve the minimum standards as set by Schedule 'C'.

BACKGROUND

Description of Proposal

The proposal is to subdivide the existing lot into two lots, retain the existing building on the northern lot and construct a new triplex on the southern lot. Specific details related to the new building include:

- two two-storey units fronting directly onto Cook Street and a third single-storey unit accessed from the south side of the building
- traditional architectural design consistent with the existing neighbourhood context
- materials that include wood shingles, wood siding, fiber cement siding and shingles, and fiberglass shingles.

The proposed variances are related to:

- reducing the required number of vehicle parking stalls on the north lot from 6 to 3
- reducing the required number of vehicle parking stalls on the south lot from 4 to 2
- allowing parking to occur in the side yard of the north and south lots
- reducing the landscape area between a parking stall and a street boundary from 1.0m to 0.60m on the north lot
- reducing the landscape area between a parking area and a residential boundary from 1.0m to 0m on the north and south lots
- eliminating the requirement for a landscape screen between a parking area and a residential boundary.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed, which would secure the existing building as rental in perpetuity and would ensure that future Strata Bylaws could not prohibit the rental of units within the new triplex.

Tenant Assistance Policy

The proposal retains an existing rental building and therefore a Tenant Assistance Policy is not required.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- a six-stall short term bicycle rack is proposed for each of the lots (twelve stalls in total)
- the new building would have ten long term bicycle stalls; an excess of four stalls
- both buildings will be enrolled in car share programs, and a parking stall with electric charging station hookups will be secured by legal agreement for use by a car share company.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling that has been converted into an eight-unit rental building. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex.

Data Table

The following data table compares the proposal with the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone and two asterisks is used to identify a legally non-conforming scenario.

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Site area (m ²) – minimum	329.54 *	455.91 *	555.00
Density (Floor Space Ratio) – maximum	0.74 *	0.83 *	0.50
Total floor area (m ²) – maximum	251.50 *	380.39 *	164.77 (Building A) 227.96 (Building B)
Lot width (m) – minimum	15.36	21.24	15.00

Zoning Criteria	Proposal Building A - New	Proposal Building B - Existing	Existing R-2 Zone
Height (m) – maximum	9.17 *	9.12 **	7.60
Storeys – maximum	3 *	3 **	2
Site coverage (%) – maximum	34	40	40
Open site space (%) – minimum	46	33	30
Open site space in rear yard (%) – minimum	4 *	3 *	33
Setbacks (m) – minimum			
Front	7.00 *	0.94 **	7.50
Rear	3.00 *	3.94 **	10.70
Side (north)	3.00 (building) 2.81 * (steps)	n/a	3.00
Side (south)	2.25 (building) 2.01 (steps)	3.00	1.54
Side on flanking street (Queens Ave)	n/a	6.24	3.50
Combined side yards	4.82	9.24	4.50
Parking – minimum	2 *	3 *	4 (Building A) 6 (Building B)
Visitor parking included in the overall units – minimum	0	1	0 (Building A) 1 (Building B)
Landscape area adjacent to street boundary (m) – minimum width	n/a	0.60 *	1.00
Landscape area adjacent to residential boundary (m) – minimum width	0.00 *	0.00 *	1.00
Landscape screen adjacent to residential boundary (m) – minimum width	None *	None *	Visual barrier
Long term bicycle parking stalls – minimum	6	0 **	4 (Building A) 8 (Building B)
Short term bicycle parking stalls – minimum	6	6	6 (Building A) 6 (Building B)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 14, 2019 the application was referred for a 30-day comment period to the North Park CALUC. The applicant also attended a CALUC meeting on November 22, 2018. The minutes from that meeting are attached to this report.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP, 2012)* identifies this property within Development Permit Area 16 – General Form and Character (DPA16). Design Guidelines that apply to this DPA are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines (2012)*, *Advisory Design Guidelines for Buildings, Signs and Awnings (2006)*, and *Guidelines for Fences, Gates and Shutters (2010)*.

The design of the new building is sensitive to the existing context, both in terms of height and massing as well as in its traditional architectural style. The existing street relationship is improved through at-grade entrances, front doors of two units facing onto Cook Street, and parking access being located at the rear. Private amenity space for the new units is distinguished through the use of plantings, paving and fencing. For these reasons, staff believe the proposal is generally consistent with the key design guidelines.

Local Area Plans

The *North Park Local Plan* defers the design considerations of new housing projects to the applicable design guidelines. However, the general urban design goals of the Plan note that housing design should give an articulated form to separate units and that an attractive sidewalk environment should be created. These goals are achieved in this proposal as the two units fronting onto Cook Street are distinct and the new boulevards would be an improvement to the pedestrian realm.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two existing public trees on the subject property boulevards, one European Beech at 2cm diameter at breast height (DBH) size and a Hawthorn 16cm DBH on Queens Avenue. All will be retained with this application. The small Beech tree will be transplanted to allow for the proposed driveway and site servicing off Queens Avenue. Two new public trees are proposed on Cook Street, where there are currently no public trees on the boulevard. Tree species will be determined by Parks at the building permit stage.

There is a multi-stem 93cm DBH protected Lawson cypress and a non-protected multi-stem English yew tree on the subject site, both of which will be retained. An exploratory dig was conducted by the project arborist and it was determined that the trees' roots would not be adversely affected by the proposed parking area for Building B.

There are several neighbours' trees to the south that could potentially be affected by the driveway and patio construction for Building A – a 60cm DBH Douglas fir, 45cm DBH flowering cherry, and a Leyland cypress hedge to the west. The project Arborist will be in attendance supervising the patio and driveway construction to ensure protection of these neighbours' trees.

Regulatory Considerations

Two site-specific zones will be created should this application proceed to a Public Hearing. The north lot with the existing building would be zoned for rental tenure to ensure the property remains rental in perpetuity. The variances associated with this proposal are all related to parking.

The first variance is to reduce the vehicle parking from six stalls to three stalls on the north lot and from 4 stalls to 2 stalls on the south lot. These variances are supportable, as the applicant is willing to secure car share memberships for each unit and a car share stall with an electric charging station on the north lot. In addition, the triplex will have eight long term bicycle stalls, exceeding the six stall requirement.

The next variances relate to the parking and landscape screening. As per Schedule 'C', parking stalls are required to have landscaping and screening when adjacent to streets. A variance is therefore required on the north lot to reduce the landscape area adjacent to a street boundary from 1.0m to 0.60m. This variance is supported by staff, as the location of the existing building makes it impossible to achieve both two 2.70m wide stalls and a 1.0m landscape area. The existing building also creates variances to landscaped areas adjacent to the residential area to the west. A 3.0m drive aisle is required to access the three southern parking stalls, which does not leave much room for landscaping and screening. In addition, the property to the west shares a driveway crossing with the subject property, which prevents a landscape screen from being constructed in this area. Therefore, staff support the variances to reduce the landscape area adjacent to a residential boundary from 1.0m to 0m on the north and south lots, as well as the variance to eliminate the requirement for a landscape screen adjacent to a residential boundary.

CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines and represents a good fit in the immediate and general context. The proposal is also consistent with the *North Park Local Plan*. Finally, the proposed variances relating to parking either reflect existing conditions or are mitigated through the promotion of car sharing and active transportation. Therefore, staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00107 for the property located at 2220 Cook Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

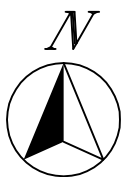
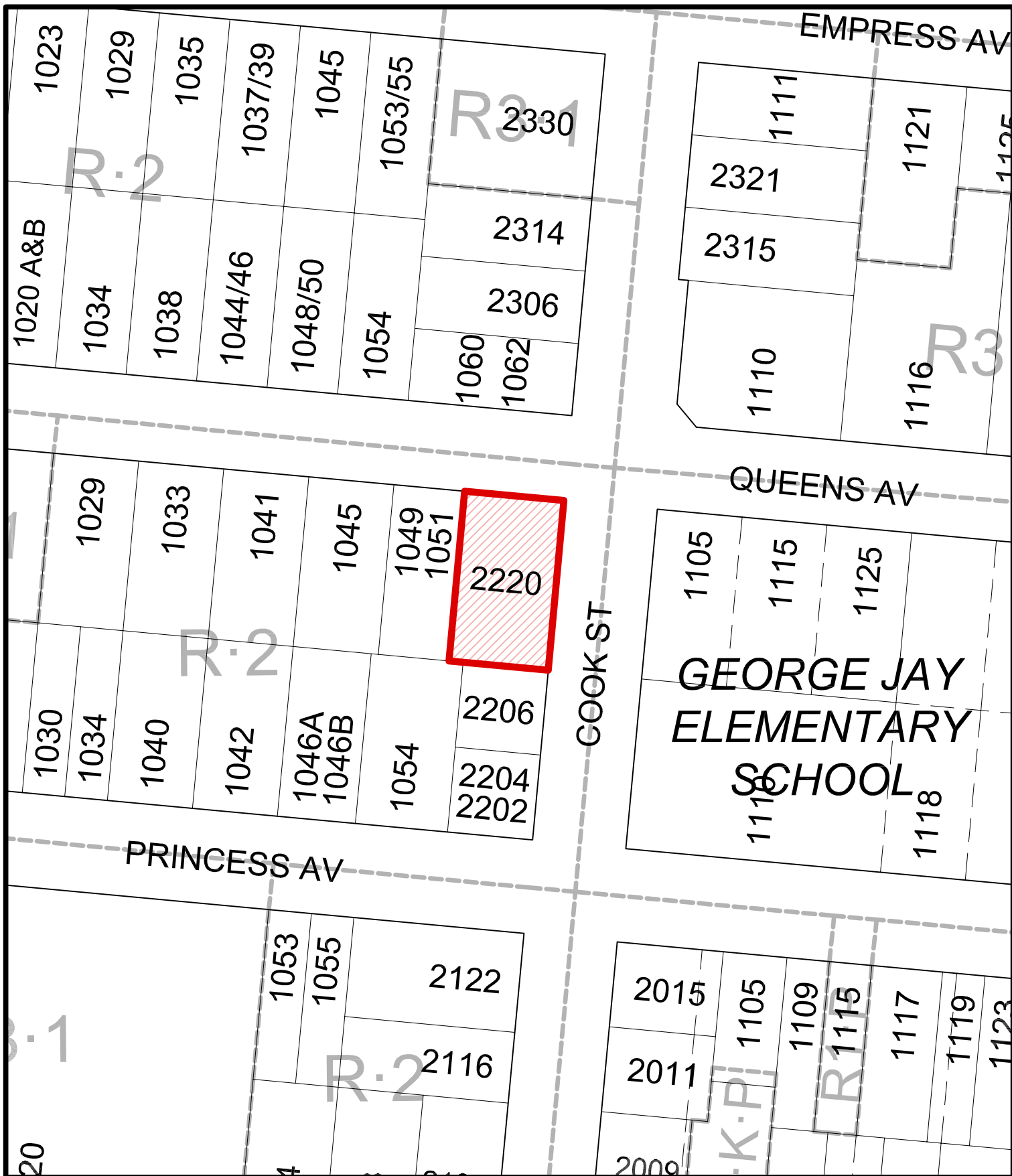
bcelyn Jenkins

Date:

May 17, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped April 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 1, 2019
- Attachment E: Community Association Land Use Committee Minutes from the November 22, 2018 Meeting
- Attachment F: Tree Preservation Plan.



2220 Cook Street
Rezoning No.00684



2220 Cook Street



Christine Lintott
Architects

Suite 1 - 594 Queens Avenue, Victoria BC V8T 1A5
Telephone: 250 587 1565
www.lintottarchitects.ca

Issue Date
For Rezoning/
Development Permit Jan. 4, 2019

Revision
No. Description Date

Received
City of Victoria
APR 18 2019
Planning & Development Department
Development Services Division

Drawing List

A0.00 Project Data
A1.01 Building A Site Plan & Landscape Plan
A1.02 Survey & Height Calculations
A1.03 Street Elevations
A2.01 Building A Plans
A2.02 Building B Plans
A3.01 Elevations - Building A
A3.02 Elevations - Building B
A3.11 Spatial Separations
A4.01 Building Sections

BUILDING A SUBMITTED FOR REZONING & DEVELOPMENT PERMIT.

Project Information Table - Building A	
Zone	Proposed SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 328.50m ² (subdivided lot)
Total Floor Area ¹	251.49m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.74 : 1
Site Coverage %	14%
Open Site Space %	44% 4% Rear Yard
Height of Buildings ¹	9.17m
Stories #	3-11 stories - includes Attics at 2.5m max height
Parking Stalls #	1.45 stalls per unit (0.70m ²) x 1 = 2 spaces provided 8.1.00 per unit (170m ²) x 1 = 4 Visitor + 0.1 per unit x 3 = 0
Bicycle Parking #	1.23 Long Term per unit x 3 = 4 6 Short Term per Building
Building Setbacks	
Front Yard (East)	2.00m
Rear Yard (West)	3.00m
Side Yard (North)	3.00m
Side Yard (South)	2.25m
Residential Use Details	
Total Number of Units	3
Unit Type Breakdown	3 two bedroom units
Ground Oriented Units	3 Residential unit
Minimum Unit Floor Area	180.7m ²
Total Residential Floor Area	251.5m ²

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Building A	
Name	Area
Building A Level 1	89.70 m ²
Building A Level 2	85.35 m ²
Building A Level 3	95.83 m ²
Building A Level 4	251.49 m ²

Unit Floor Areas - Building A	
Name	Area
Unit 1	89.7 m ²
Unit 2	42.0 m ²
Unit 3	42.0 m ²
Unit 4	47.9 m ²
Unit 5	47.9 m ²
Unit 6	47.9 m ²
Unit 7	47.9 m ²
Unit 8	47.9 m ²
Unit 9	47.9 m ²
Unit 10	47.9 m ²
Unit 11	47.9 m ²
Unit 12	47.9 m ²
Unit 13	47.9 m ²
Unit 14	47.9 m ²
Unit 15	47.9 m ²
Unit 16	47.9 m ²
Unit 17	47.9 m ²
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Unit 97	47.9 m ²
Unit 98	47.9 m ²
Unit 99	47.9 m ²
Unit 100	47.9 m ²

ATTACHED ARE LESS THAN 1800mm IN HEIGHT & ARE NOT COUNTED IN TOTAL RESIDENTIAL FLOOR AREA.

EXISTING BUILDING TO REMAIN IN PLACE. EXISTING LOT TO BE SUBDIVIDED.

Project Information Table - Existing Building with Subdivided Lot	
Zone (existing)	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (subdivided lot)
Total Floor Area ¹	380.39m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.83 : 1
Site Coverage %	40%
Open Site Space %	23% Total 3% Rear Yard
Height of Buildings ¹	9.17m
Stories #	3 stories
Parking Stalls #	0.75 stalls per unit x 8 = 6 Visitor + 0.1 per unit x 1 = 1
Bicycle Parking #	1.00 Long Term per unit x 8 = 8 6 Short Term per Building
Building Setbacks	
Front Yard (East)	0.84m (Existing) 4.81m (NW at Cook Street)
Rear Yard (West)	3.04m (Existing) 3.00m (Shared drive lot easement)
Side Yard (North)	6.24m (Existing)
Side Yard (South)	2.00m (To proposed subdivision line)
Residential Use Details	
Total Number of Units	3 Suites and 3 Boarding Rooms
Unit Type Breakdown	3 Bachelor Suites and 3 Boarding Rooms
Ground Oriented Units	Ground level used for storage - low ceiling
Minimum Unit Floor Area	N/A
Total Residential Floor Area	380.39m ² (Existing)

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Existing Bldg	
Name	Area
Existing Building Level 1	131.00 m ²
Existing Building Level 2	131.77 m ²
Existing Building Level 3	117.62 m ²
Existing Building Level 4	360.39 m ²

Unit Floor Areas - Existing Bldg	
Name	Area
Common Areas	37.3 m ²
Common Rooms	35.3 m ²
Room 1	21.2 m ²
Room 2	12.8 m ²
Room 3	18.4 m ²
Room 4	14.3 m ²
Room 5	18.4 m ²
Room 6	22.7 m ²
Room 7	24.0 m ²
Room 8	23.3 m ²
Room 9	247.4 m ²

BUILDING B SUBMITTED FOR REZONING ONLY.

Project Information Table - Building B (Future)	
Zone (existing)	SITE SPECIFIC
Site Area	785.45 m ² (EXISTING) 455.91m ² (subdivided lot)
Total Floor Area ¹	254.60m ²
Commercial Floor Area	N/A
Floor Space Ratio	0.77 : 1
Site Coverage %	13%
Open Site Space %	29% 0% Rear Yard
Height of Buildings ¹	9.17m
Stories #	3 stories
Parking Stalls #	0.75 stalls per unit x 8 = 6 Visitor + 0.1 per unit x 1 = 1
Bicycle Parking #	1.00 Long Term per unit x 8 = 8 6 Short Term per Building
Building Setbacks	
Front Yard (East)	4.31m - 5.00m at Cook Street
Rear Yard (West)	2.00m - Shared drive lot easement
Side Yard (North)	6.24m
Side Yard (South)	2.00m
Residential Use Details	
Total Number of Units	8
Unit Type Breakdown	8 one bedroom units
Ground Oriented Units	3 Residential units
Minimum Unit Floor Area	137.0m ²
Total Residential Floor Area	254.60m ²

¹ Long term bicycle parking not included in area calculation per zoning before amendment 18-017.
² Refer to elevation drawings for height calculations.

Floor Area - Zoning - Building B	
Name	Area
Building B Level 1	128.13 m ²
Building B Level 2	117.45 m ²
Building B Level 3	117.02 m ²
Building B Level 4	154.66 m ²

Unit Floor Areas - Building B	
Name	Area
Unit 1	37.2 m ²
Unit 2	39.1 m ²
Unit 3	41.7 m ²
Unit 4	41.7 m ²
Unit 5	35.8 m ²
Unit 6	37.2 m ²
Unit 7	38.2 m ²
Unit 8	37.1 m ²
Unit 9	328.4 m ²

Project Scope:

Property to be subdivided into two lots.
New 3 story, 3 unit building proposed for the South lot (Building A).
Existing building to remain in place at the North lot, and will receive new exterior gains.
A replacement for the existing building is included with this proposal (Building B) with the intent of providing usable data for determining maximum density and height of an 8 unit residential building if the existing building is ever damaged and requires repair & relocation or replacement outside of the SRW.
The North property will be rezoned as rental only, in perpetuity.
Future lease with the current tenant (Vital), will include a clause giving them the right of first refusal to buy the North property should it ever go up for sale.
4 5m Statutory Right-of-Way and removal of the existing driveway crossing at Cook Street has been included per the City's requirements. New driveway and services located at Queen's Avenue.
Additional bicycle parking stalls, more than the minimum required, are proposed for Building A.
Both buildings to be involved in a car share program, with dedicated on-site parking.

APPLICANT

LINHAR PROJECTS LTD.
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ARCHITECT

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Christine@lintottarchitect.ca

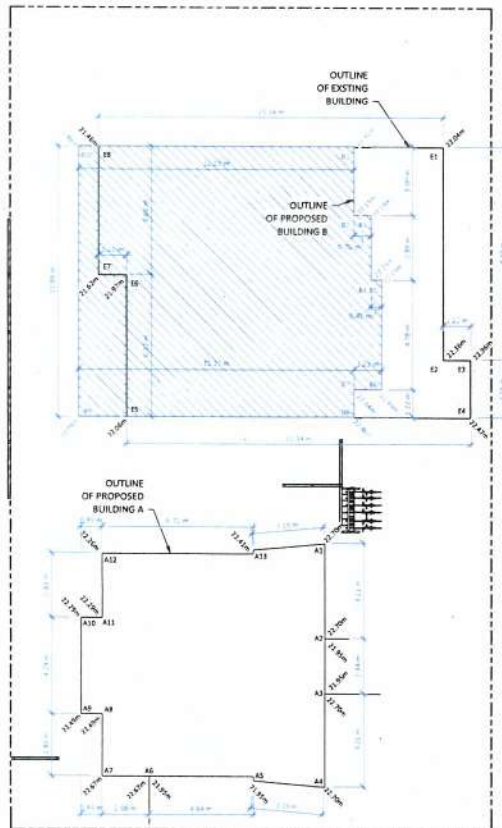
2220 Cook
Street
Victoria, BC

Project Data

Date 2019-04-17-8:
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ATTACHMENT C



BUILDING A HEIGHT CALCULATION

A3 & A2	$(32.70 + 22.70) \times 2 + 4.25m = 95.37$
A2 & A3	$(31.90 + 22.90) \times 2 + 2.44m = 93.54$
A3 & A4	$(32.70 + 22.70) \times 2 + 4.25m = 95.37$
A4 & A3	$(32.70 + 22.70) \times 2 + 3.29m = 91.22$
A5 & A6	$(31.90 + 22.90) \times 2 + 4.44m = 101.63$
A6 & A5	$(32.67 + 22.67) \times 2 + 2.04m = 47.35$
A7 & A8	$(32.67 + 22.67) \times 2 + 2.83m = 44.86$
A8 & A7	$(32.49 + 22.49) \times 2 + 0.85m = 21.36$
A9 & A8	$(32.49 + 22.49) \times 2 + 4.29m = 96.05$
A10 & A11	$(32.29 + 22.29) \times 2 + 0.85m = 21.17$
A11 & A10	$(32.29 + 22.29) \times 2 + 2.83m = 63.04$
A12 & A13	$(32.26 + 22.43) \times 2 + 4.77m = 100.09$
A13 & A12	$(32.41 + 22.70) \times 2 + 2.28m = 24.30$
A14 & A15	$42.53m$

952.40 + 42.53m = 22.40m Average Grade

EXISTING BUILDING HEIGHT CALCULATION

E1 & E2	$(22.04 + 22.36) \times 2 + 9.33m = 207.13$
E2 & E3	$(22.36 + 22.36) \times 2 + 1.23m = 27.28$
E3 & E4	$(22.36 + 22.47) \times 2 + 2.55m = 57.16$
E4 & E5	$(22.47 + 22.06) \times 2 + 15.34m = 341.54$
E5 & E6	$(22.06 + 21.97) \times 2 + 6.25m = 106.83$
E6 & E7	$(21.97 + 21.82) \times 2 + 1.22m = 26.58$
E7 & E8	$(21.82 + 21.46) \times 2 + 5.86m = 121.92$
E8 & E9	$(21.46 + 21.01) \times 2 + 26.30m = 324.62$
E9 & E10	$16.88m$

1,252.39 + 16.88m = 22.81m Average Grade

BUILDING B HEIGHT CALCULATION

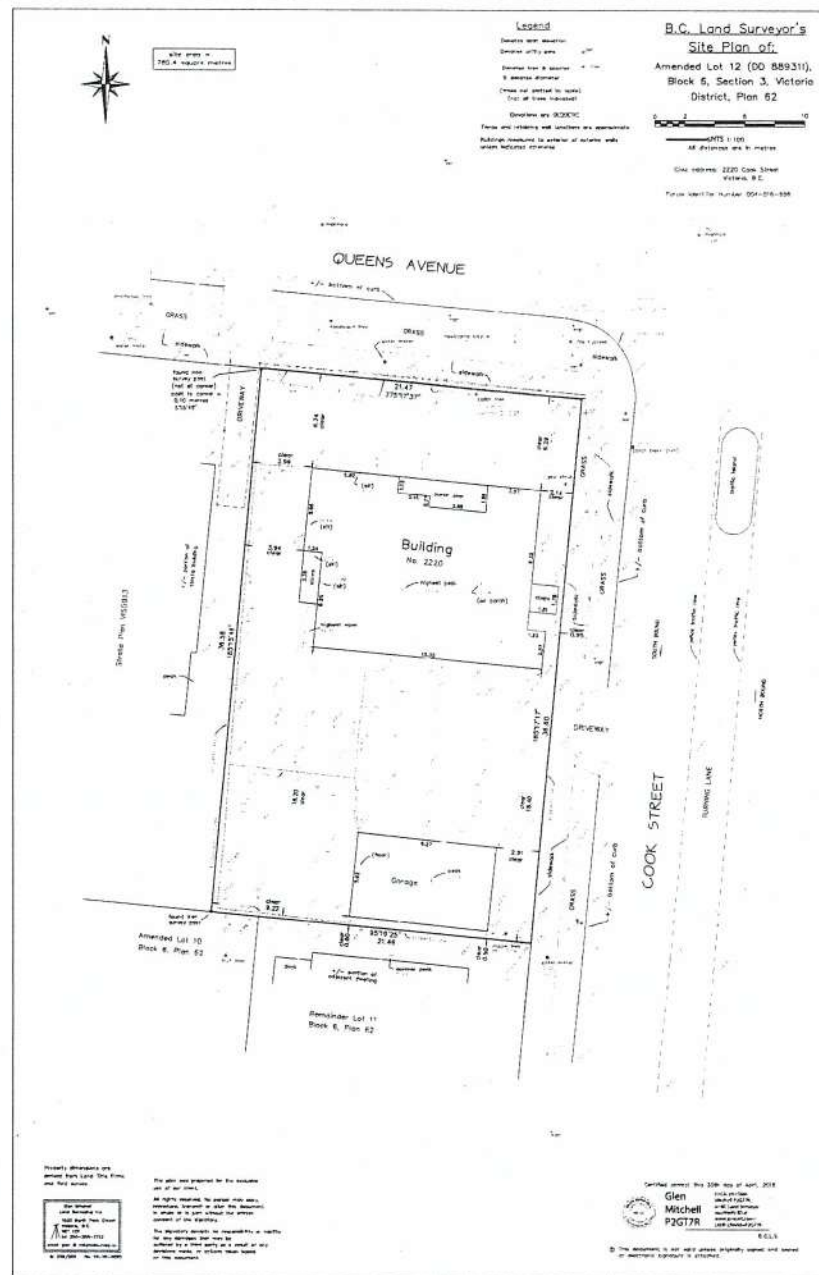
B1 & B2	$(21.91 + 21.15) \times 2 + 3.00m = 66.09$
B2 & B3	$(22.15 + 22.15) \times 2 + 0.76m = 36.83$
B3 & B4	$(22.15 + 22.15) \times 2 + 2.88m = 64.16$
B4 & B5	$(22.15 + 22.15) \times 2 + 0.47m = 30.46$
B5 & B6	$(22.25 + 22.44) \times 2 + 4.78m = 106.81$
B6 & B7	$(22.44 + 22.44) \times 2 + 1.22m = 27.80$
B7 & B8	$(22.44 + 22.44) \times 2 + 1.22m = 27.39$
B8 & B9	$(22.44 + 22.04) \times 2 + 12.17m = 177.01$
B9 & B10	$(22.04 + 21.46) \times 2 + 11.89m = 258.81$
B10 & B11	$(21.46 + 21.91) \times 2 + 12.22m = 266.62$
B11 & B12	$50.79m$

1,117.03 + 50.79m = 21.99m Average Grade

Received
City of Victoria

APR 18 2019

Planning & Development Department
Development Services Division



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Issue Date
For Rezoning/
Development Permit Jan. 4, 2019

Revision
No. Description Date

Consultant

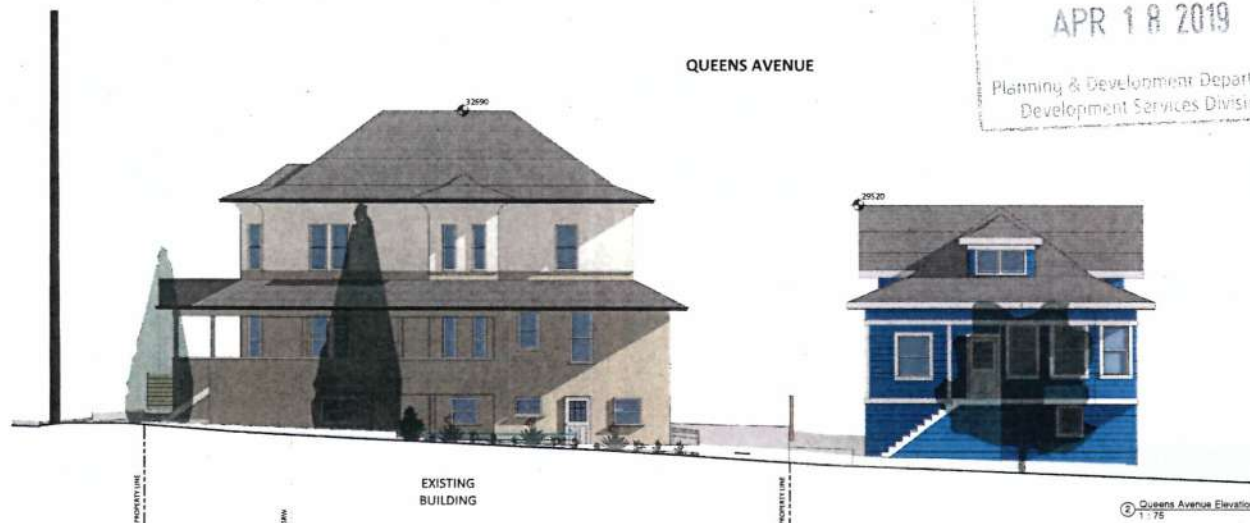
2220 Cook
Street
Victoria, BC

Survey & Height
Calculations

Date 2019-04-17 8:24:40 AM
Drawn by CC
Checked by CL

A1.02

Scale 1:100



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Issue Date

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Development Permit Jan. 4, 2019

Revision No. Description Date

1 Cook Street Elevation
1:75

Consultant

2220 Cook
Street
Victoria, BC

Street Elevations

Date 2019-04-17 8:24:47 AM

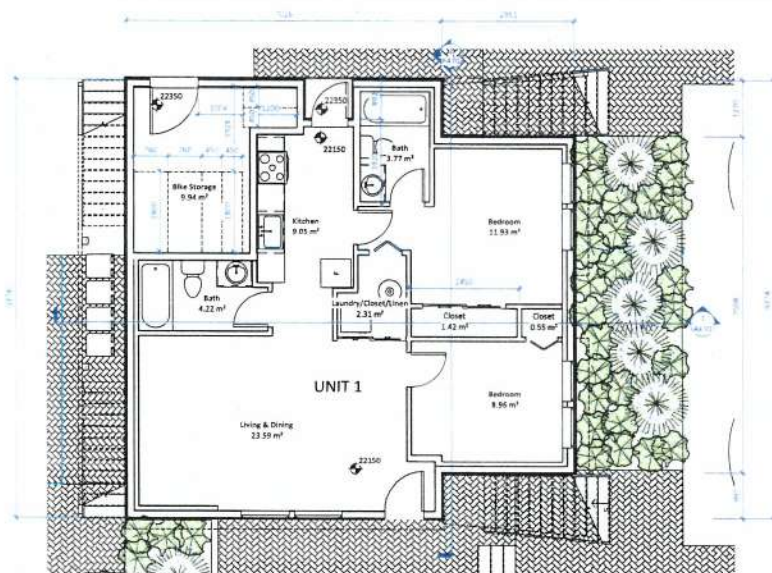
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Checked by CL

A1.03

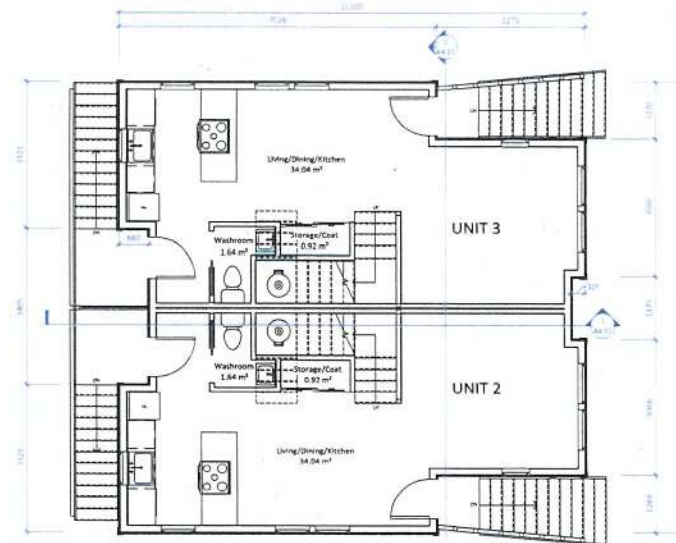
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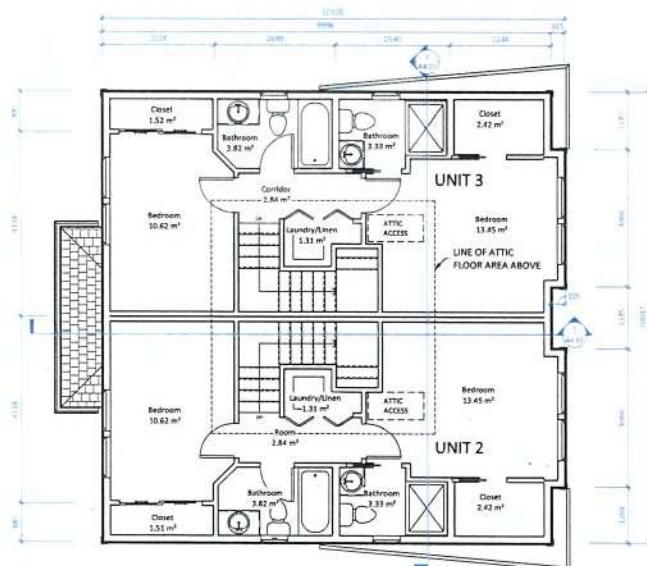
LEVEL 1 FLOOR AREA = 69.70 m²

① Building A - Level 1
1:50



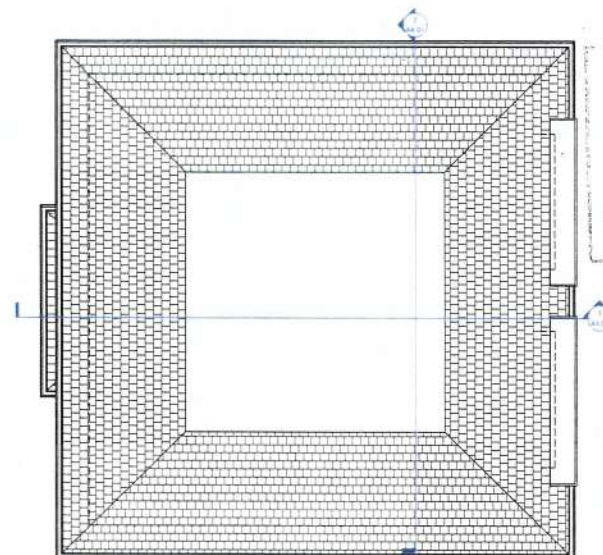
LEVEL 2 FLOOR AREA = 85.95 m²

② Building A - Level 2
1:50



LEVEL 3 FLOOR AREA 95.85 m²

③ Building A - Level 3
1:50



④ Building A - Roof Plan
1:50

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Issue Date

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Development Permit Jan. 4, 2019

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Planning & Development Department
Development Services Division

2220 Cook
Street
Victoria, BC

Building A Plans

Date 2019-04-17 8:24:48 AM

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Checked by CL

A2.01

Scale 1:50

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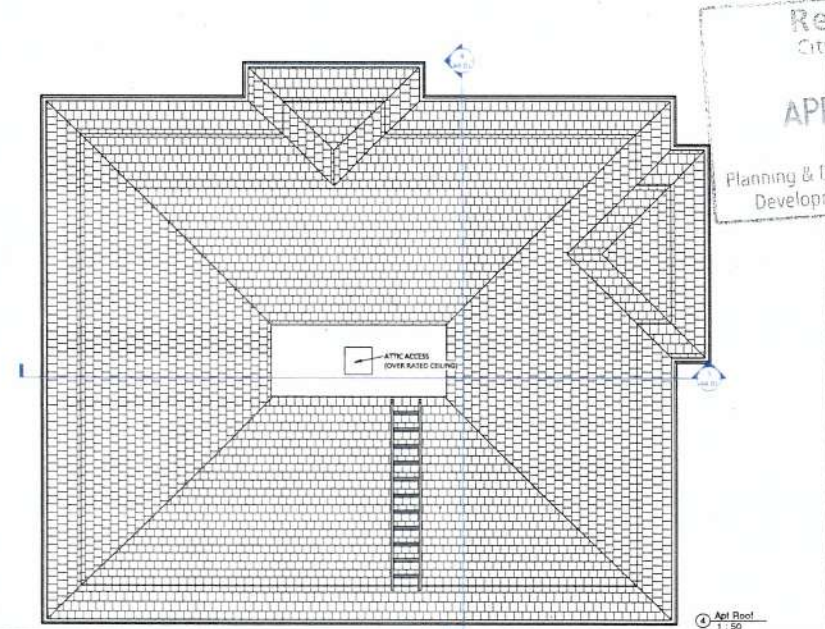
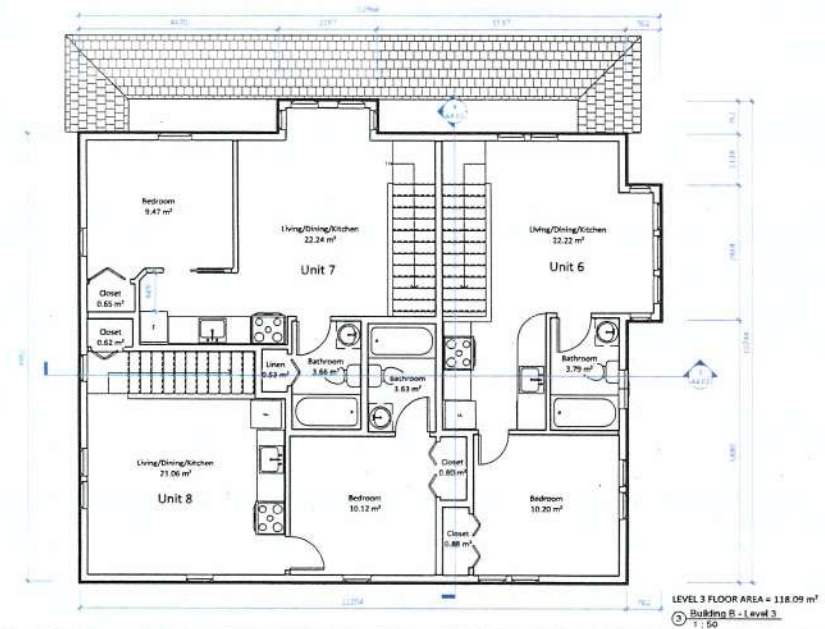
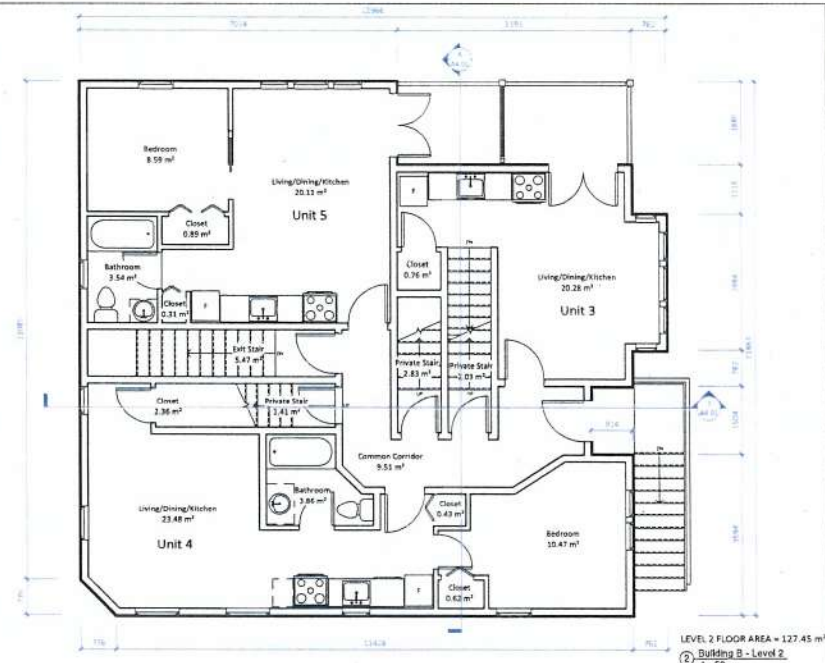
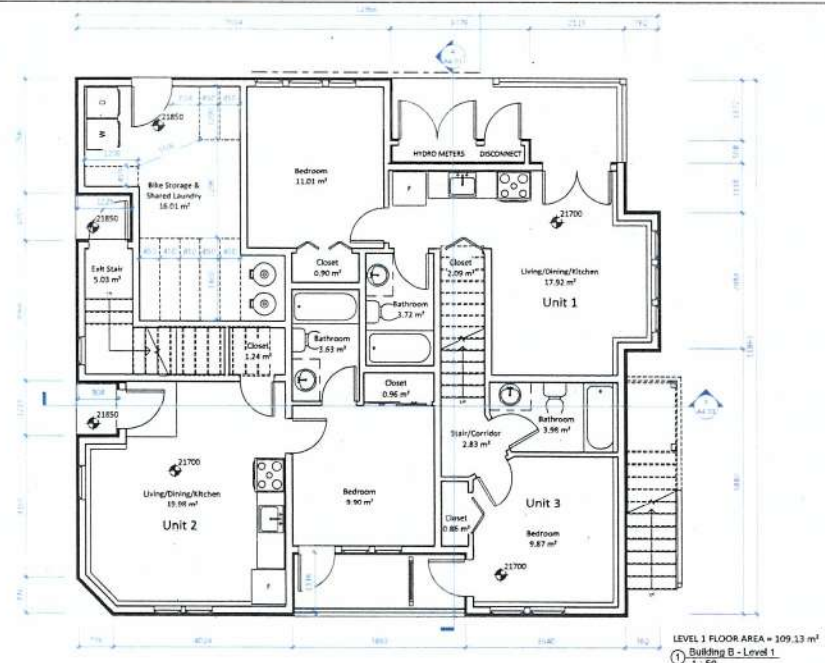
2220 Cook
Street
Victoria, BC

Building B Plans

Date 2019-04-17 8:24:49 AM
Drawn by CC
Checked by CL

A2.02

Scale 1:50

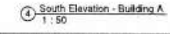


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Issue	Date
For Rezoning/ Development Permit	Jan. 4, 2019

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No.	Description	Date



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City of Victoria

APR 18 2019 Consultant

Planning & Development Department
Development Services Division

2220 Cook
Street
Victoria, BC

Elevations - Building A

Date	2019-04-17 8:24:54 AM
Drawn by	CC
Checked by	CL

A3.01

Scale	1 : 50
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Issue Date

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CONFIRMED

Planning & Development Department
Development Services Division

2220 Cook
Street
Victoria, BC

Elevations - Building B

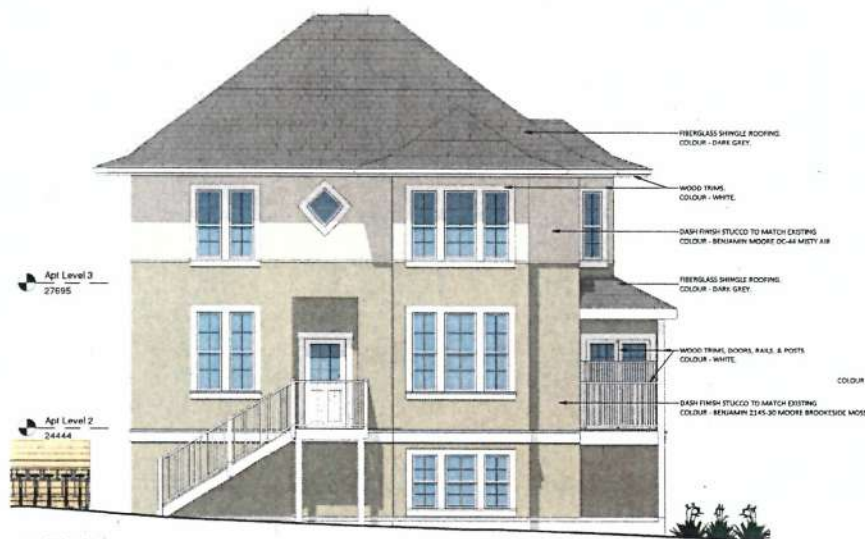
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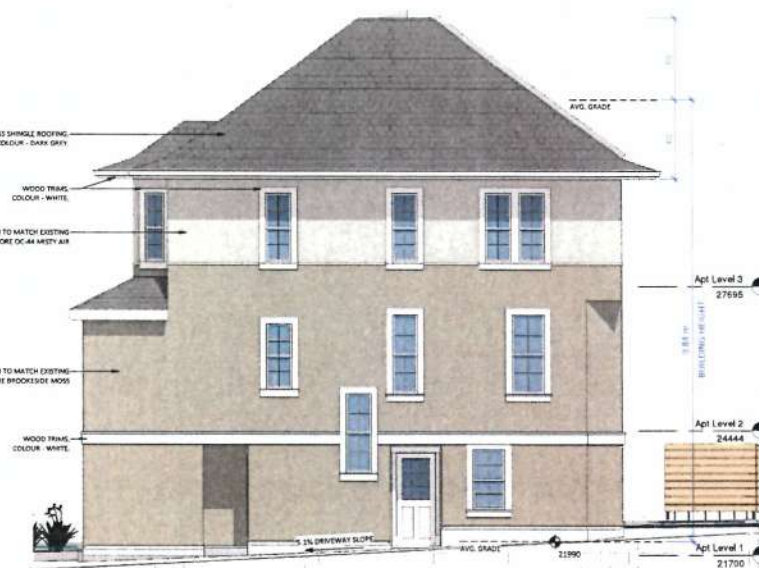
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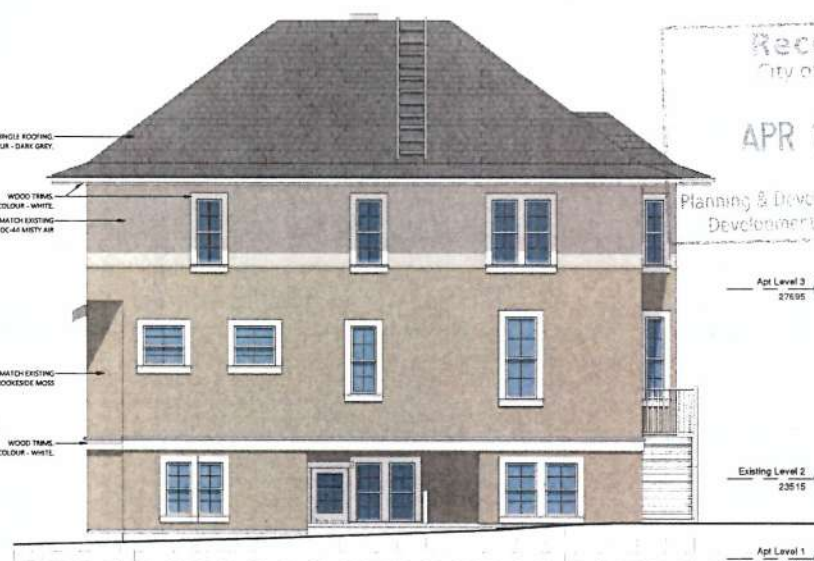
① East Elevation - Building B
1:50



② West Elevation - Building B
1:50



③ North Elevation - Building B
1:50



④ South Elevation - Building B
1:50

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Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

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No. Description Date

Consultant

2220 Cook
Street
Victoria, BC

Spatial Separations

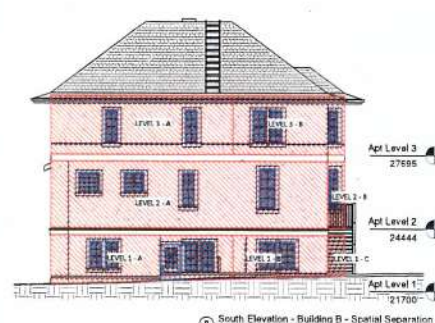
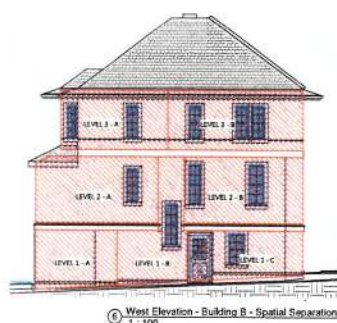
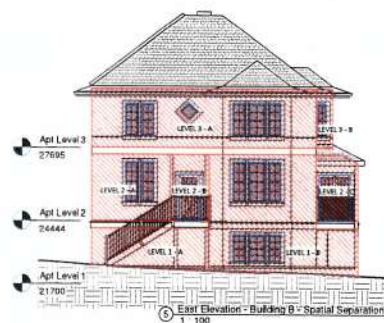
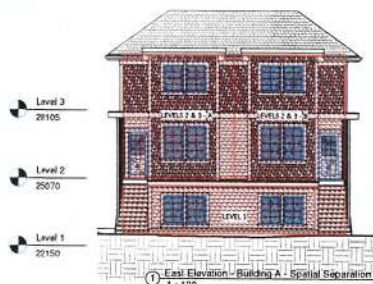
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Drawn by CC

Checked by CL

A3.11

Scale As Indicated



QUEENS AVENUE



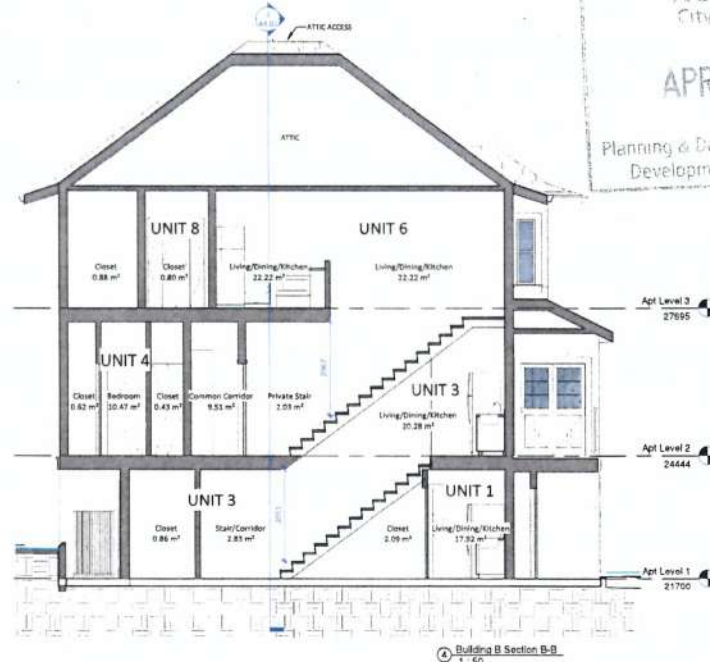
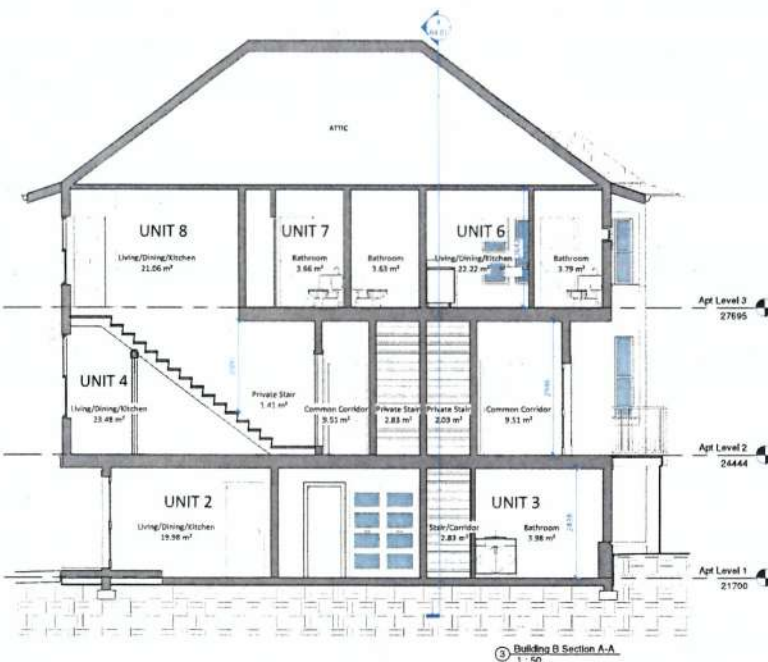
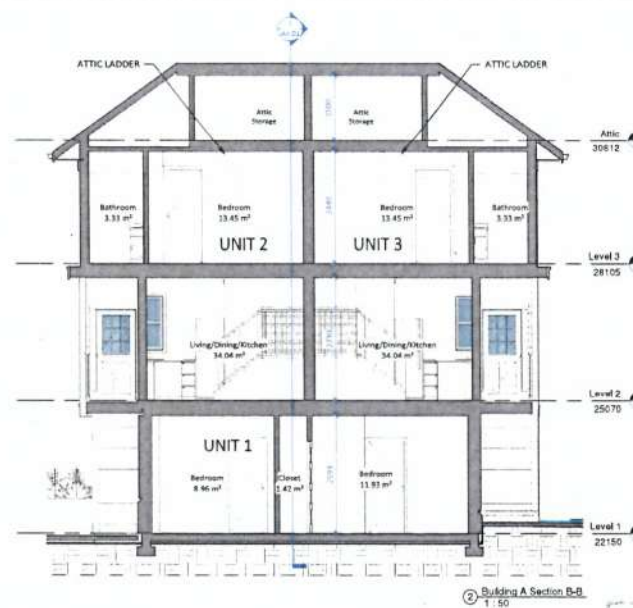
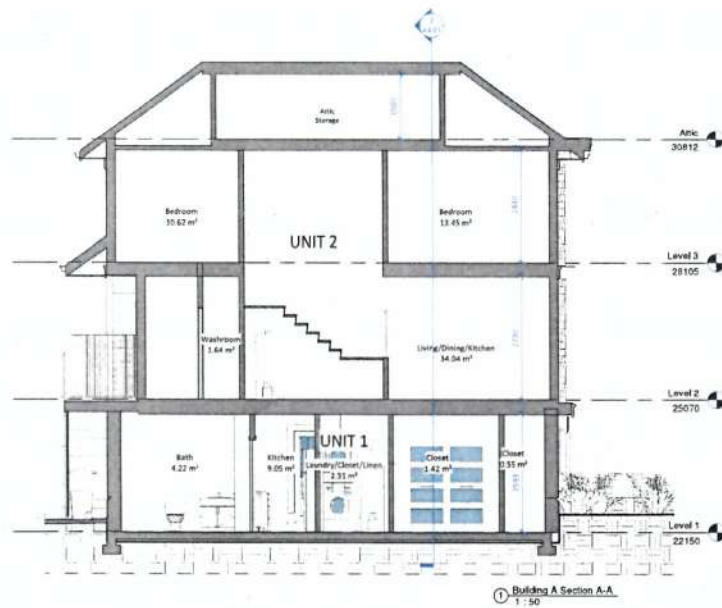
Site Plan - Spatial Separations
1:200

LIMITING DISTANCE & SPATIAL SEPARATIONS ANALYSIS

ROW 1 OF 14-A-A										
BUILDING/ZONE	LIMITING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING
COMPARISON	DISTANCE	PT	AREA (%)	SCREENING	PT	AREA (%)	SCREENING	PT	AREA (%)	SCREENING
BUILDING A										
EAST LEVEL 1	27.27	36.35	9.54	100	36.35	9.54	100	36.35	9.54	100
EAST LEVEL 2 & 3 - A	27.27	27.24	6.23	100	27.24	6.23	100	27.24	6.23	100
EAST LEVEL 2 & 3 - B	27.27	27.24	6.23	100	27.24	6.23	100	27.24	6.23	100
WEST LEVEL 1 - A	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 1 - B	9.00	9.54	8	33	9	12	33	9	12	33
WEST LEVEL 2 & 3 - A	9.00	27.23	6.23	33	37	13	33	37	13	33
WEST LEVEL 2 & 3 - B	9.00	27.23	6.23	33	37	13	33	37	13	33
NORTH LEVEL 1 - A	9.00	12.29	8	33	9	12	33	9	12	33
NORTH LEVEL 1 - B	9.00	9.54	8	33	9	12	33	9	12	33
NORTH LEVEL 2 & 3 - A	9.00	27.23	6.23	33	37	13	33	37	13	33
NORTH LEVEL 2 & 3 - B	9.00	27.23	6.23	33	37	13	33	37	13	33
SOUTH LEVEL 2 & 3	9.00	36.35	9.54	100	36.35	9.54	100	36.35	9.54	100

ROW 2 OF 14-A-A										
BUILDING/ZONE	LIMITING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING	SETBACK	GLAZING	WINDOW/SCREENING
COMPARISON	DISTANCE	PT	AREA (%)	SCREENING	PT	AREA (%)	SCREENING	PT	AREA (%)	SCREENING
BUILDING B										
EAST LEVEL 1 - A	13.50	9.00	8	100	9	12	33	9	12	33
EAST LEVEL 1 - B	13.50	26.50	5.25	100	26	10	33	26	10	33
EAST LEVEL 2 - A	13.50	16.50	5.25	100	16	10	33	16	10	33
EAST LEVEL 2 - B	13.50	9.00	8	100	9	12	33	9	12	33
EAST LEVEL 3 - A	13.50	9.00	8	100	9	12	33	9	12	33
EAST LEVEL 3 - B	13.50	26.50	5.25	100	26	10	33	26	10	33
EAST LEVEL 3 - C	13.50	9.00	8	100	9	12	33	9	12	33
WEST LEVEL 1 - A	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 1 - B	9.00	9.54	8	33	9	12	33	9	12	33
WEST LEVEL 2 - A	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 2 - B	9.00	9.54	8	33	9	12	33	9	12	33
WEST LEVEL 3 - A	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - B	9.00	9.54	8	33	9	12	33	9	12	33
WEST LEVEL 3 - C	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - D	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - E	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - F	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - G	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - H	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - I	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - J	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - K	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - L	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - M	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - N	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - O	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - P	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - Q	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - R	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - S	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - T	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - U	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - V	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - W	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - X	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - Y	9.00	12.29	8	33	9	12	33	9	12	33
WEST LEVEL 3 - Z	9.00	12.29	8	33	9	12	33	9	12	33





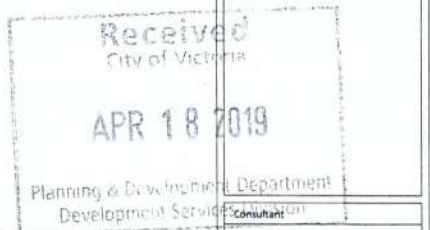
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Issue Date

For Rezoning/
Development Permit Jan. 4, 2019

Revision
Rev. Description Date



2220 Cook
Street
Victoria, BC

Building Sections

Date: 2019-04-17 8:25:07 AM
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A4.01

Scale: 1:50

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To Mayor and Council

01/01/2019

Proposed for 2220 Cook St. (at Queens) is subdivision of a large lot into two separate parcels. Current improvements to the property include a garage to the South and large Edwardian home to the North. This well maintained 2-1/2 story older building has been leased by VIHA for more than 20 years enabling them to provide a mix of eight rooms and suites to their clients.

Approval of this subdivision would allow the garage on the South lot to be removed and replaced with a new strata triplex. The North lot and existing apartment building would be retained for VIHA's continued use with no displacement or disruption to their tenants.

Additional parts of this proposal would include a 4.91 meter statutory right-of-way along the Cook street frontage in favour of the city of Victoria, almost one quarter of the property!

Instead of the R2 legal non-conforming zone/use, the existing building and land will be provided with suitable zoning for its use and registered in perpetuity as rental apartments only. The existing building will encroach into the new SRW. Therefore, in the event it is ever damaged to the point where reconstruction is required plans are provided to demonstrate it's still possible to rebuild eight one bedroom apartments in a form similar to the existing outside of the SRW.

Future lease agreements with VIHA will include a clause giving them a right of first refusal to purchase the rental property should selling it ever be contemplated by the owners.

Moving the driveway access from Cook street to Queens will reduce the access points onto Cook street and provide more on-street parking along the Cook street frontage. The proposed shared access to the two lots from Queens avenue will be achieved by widening an existing driveway crossing servicing the neighbouring property to the West. This will minimize any loss of on-street parking along the Queens avenue frontage.

On-site parking for this development will provide two stalls for the proposed triplex, two stalls for the apartment building and one stall permanently dedicated to a community car share. As well as for the community's use, both buildings will be enrolled in the car share program as will two multifamily buildings being proposed 1-1/2 blocks away at 945 Pembroke street. By providing car share on-site no street parking is lost and the option to provide a charging station for an electric car becomes possible. More than required bicycle parking is provided in this proposal.

The garage is mostly unused, replacing it with an energy efficient triplex will provide three new two bedroom homes within walking distance to all amenities. This proposal is consistent with directions outlined in the OCP, it's scale and character style build-form are similar to that of the surrounding buildings. It provides respectful development with no loss of homes or displacement of people, provides benefits to the city and comes with support from the community and VIHA.

Thank you for your consideration of this proposal.

Sincerely

Garde Colins



**North Park Neighbourhood Association
Community Land Use Meeting
Nov. 22, 2018, 7 p.m.
2220 Cook Street**

MINUTES

PROPONENT:

- Garde Collins, Linhar Projects

ARCHITECT:

- Christine Lintott

ATTENDANCE:

- Approximately a dozen residents from North Park attended, including adjacent neighbours to 2220 Cook Street.
- Partners in the proposed development were also in attendance.

OPENING REMARKS

Garde Collins

Our proposal is to subdivide the existing R2 lot at 2220 Cook St. into two lots. We would retain the existing apartment on the northerly lot and develop a triplex on the southerly lot. We will be applying for rezoning for the land plus a Development Permit with Variance for the southerly lot.

The City of Victoria's OCP encourages higher density than a duplex on an R2 lot on an arterial road such as Cook Street. The City would like higher density that maximizes the lot—for example, a 3-storey multi-unit building. We intend to keep the existing house and add a building next to it. It's a better fit for the neighbourhood.

The current house at the corner of Cook and Queens streets is leased by VIHA, and used to house people with housing challenges. We intend to keep VIHA as a tenant.

The garage on the southerly lot is currently used for storage. This is where we would develop the triplex. The building will be similar in height to the existing building.

The triplex will be a side-by-side duplex with two 2-bedroom/2 bath units on the main floor in a mirror image. The entrances will face the street. Upstairs will be the third 2-bedroom 2 bath suite. The triplex will have a bike lockup room and guest bike racks at front.

The City wants to remove the existing driveway with access onto Cook St. We're proposing a driveway off Queens St., with access to the back of the new building. That will remove parking from Queens Ave. and allow for more parking on Cook St. The Modo carshare would love to have a parking spot in this location so our proposal includes 1 stall for community carshare parking. The next closest carshare spot is in Fernwood. The new triplex would also have 2 parking stalls.

The City has a 5-metre statutory right-of-way (SRW) along Cook St. to accommodate future road widening. Therefore, buildings on the lot needs to be set back 5 metres. The existing building does not comply with the SRW as is but they will allow us to keep the building.

The original building will not be changed under our proposal. We want to retain the 8 suites and are not intending to change it in the future. However, if it was damaged (for example, by fire) in the future, it would need to be rebuilt with greater setbacks from Cook St. We would need new zoning to rebuild a rooming house in the future, so we're applying for that as part of this project. Plans have also been drawn to rebuild the 8-suite building, if it needs to be replaced in the future. It would be 3 stories and moved back on the lot 2 feet, removing the porch.

Similar R2 rooming houses in the City that have had fires cannot be rebuilt as rooming houses because of zoning restrictions. Houses are now sitting empty as they can't be rebuilt on the same footprint.

VIHA would have the first right of refusal in the future if we sell the property.

QUESTION PERIOD

Do any of the new units meet the definition of affordability?

The City has just come out with a new policy. We're considering how we can fit into that. In future the existing building would be registered as 8 units (5 rooms and 3 suites) and would be affordable. We would have to go back to apply for rezoning if VIHA ever leaves this building. The rezoning would apply only to the land.

Are the 8 units required to be affordable?

It's a bit in flux. The definitions are changing. The City will want us to come in to talk about how we can make that work – we still have to have that conversation.

Bike storage is great, but new owners in the triplex are all going to drive. Is this enough parking? Two spots for the triplex are not enough.

There are also 3 spots for the existing building.

What's required for parking and what are you providing?

The requirements range from 1 to 1.45 parking stalls per unit. If you provide a carshare space, as we've proposed, variances are available. The City requires 2 spaces for the existing building and 4 for the new triplex. We're providing 2 spaces for the triplex plus a new carshare space. That makes 5 total spaces, plus additional parking space along Cook St.

Is the proposed driveway narrower than usual?

No, it's 3 metres. It's standard. It takes away the back yard from the existing property.

Are you allowed to put the cars next to the house on Queens?

We have to provide screening. We'll have to see what the City says.

Will the new property be strata-titled and sold with a parking variance? There's not enough parking for 3 independently owned 2-bedroom units. (This issue was mentioned repeatedly.)

Yes, we'll have to have some kind of variance. This isn't as bad as some areas in terms of the pressures on parking. The kind of people who buy places typically judge how much space they need and buy what they need. For the City the parking is a lower denominator than affordable housing.

What other designs did you consider? We have condos on Pembroke with parking at the back.

The property isn't deep enough to do that on this property. If parking is restricted, buyers will be restricted to people who have one car. It isn't worth it for a developer to build just a duplex or a Single Family Dwelling.

I think it's inevitable that we'll end up with more density living downtown and it's the way things are going.

NPNA Chair's comment:

We're always talking about preserving more affordable housing. Preserving the 8-unit building is a huge bonus. The MODO spot is a significant contribution.

What other designs have you considered?

Originally we were going to move a house from Pembroke St. to the garage property but that didn't work out. Moving the other house was the only other plan we had.

I'm curious if other designs were generated for entire property – other combinations of suites etc.

To do more units it would all need to be rental, and we aren't in a position to do that.

Were partnerships with VIHA or CMHC for affordable housing considered?

No, we've already got the 8 units for affordable units. There isn't the space on the lot to put a lot of units on this property.

I would have liked to have seen alternate design options, that included putting parking underground etc.

Underground on this site is all rock.

I would have liked to have seen the property explored for other designs and partnership opportunities.

We can't do anything more affordable than what's currently there.

What best practices in heritage infill have you applied to come up with this design?

Are you trying to mimic heritage? We suffer from less than optimal urban design because the City doesn't have a heritage infill policy. Did you explore other designs for the property and how does it meet best practices?

When we do heritage restoration work we use beautiful millwork. We can't use wood on two sides of this new building due to fire regulations. The materials have a big impact on what you see. We have limited space here so there is only so much we can do.

How did you arrive at the two-column mirror design?

The two units mirror each other, and the doors must face the street. We've accomplished what the City requires, and people don't want their doors facing each other.

The roof pitch follows the roof pitch of the existing building. It also mimics the hip roof of the neighbouring building.

Are the box bays a characteristic of heritage houses?

We are trying to balance functional needs with nods to the heritage of area. We're not calling it a heritage infill. The existing (VIHA) building is rough. It's not really a heritage building.

Do you have an urban design person?

We've won heritage restoration awards, and architect Christine Lintott has as well. We thought this design suited the project best of all those we considered. The colours came from the building project at 1110 Pembroke Street. We have done restoration projects, such as at 864 Queens.

The windows on the south side look directly at our bedroom and living room area, and the window size concerns me. We're concerned about privacy. (Comment from immediate neighbours to south)

We'll consider that in the design. The windows won't be lined up directly across from your windows.

Will any units be accessible?

There may be room for a ramp, and we'll look at that.

Will you be doing any exterior improvements to the existing building? It would be nice to see some sprucing up of this building.

We'll be painting it. We put a new roof on this year. We've talked about making the upstairs more accessible for stretcher access, which would require some redoing to the back of the house. The colours in the design have been taken from a large heritage building on Wark St.

Is there a landscaping plan or any screening planned?

The neighbour behind on Queens has a 12-foot hedge so we thought that was adequate. There are plans for native plantings between buildings.

In your other projects did the City require a lot of changes? Are you expecting this to flow fairly easily?

The new Council is interested in affordable housing. Where they come from and what they come back with may change things at the time of application.

What is your break-ground goal?

The City is backed up with large applications. There are a number of stages in the application process. Our Pembroke property took 2 years. It's hard to say.



Talbot Mackenzie & Associates
Consulting Arborists

2220 Cook St, Victoria

Construction Impact Assessment & Tree Preservation Plan

Prepared For: Garde Collins
Linhar Projects Ltd.
1137 North Park Street
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Prepared By: Talbot, Mackenzie & Associates
Michael Marcucci – Consulting Arborist
ISA Certified # ON-1943A
TRAQ – Qualified

Date of Issuance: March 26, 2019

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Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: 2220 Cook St, Victoria, BC

Date of Site Visits: February 11 and 25, 2019

Site Conditions: Residential lot. No ongoing construction activity.

Summary: The proposal includes subdividing the property and constructing a new house with two proposed parking stalls within the CRZ of a bylaw protected Lawson Cypress tree (NT 1). Exploratory excavations indicate that there will be minimal root loss as a result of the re-grading associated with the new parking stalls. A small municipal boulevard tree (Beech NT 3) will require removal or transplanting as a result of the driveway and new services.

Scope of Assignment:

- To inventory the existing bylaw protected trees and any trees on municipal or neighbouring properties that could potentially be impacted by construction or that are within three metres of the property line
- Review the proposal to subdivide the property and construct a new house, which would include widening the existing driveway, providing two parking stalls and new services. The existing house will be retained. The new house does not have a full basement.
- Comment on how construction activity may impact existing trees
- Prepare a tree retention and construction damage mitigation plan for those trees deemed suitable to retain given the proposed impacts

Methodology: We visually examined the trees on the property and prepared an inventory in the attached Tree Resource Spreadsheet. No trees were tagged. Information such as tree species, DBH (1.4m), crown spread, critical root zone (CRZ), health, structure, and relative tolerance to construction impacts were included in the inventory. The conclusions reached were based on the information provided within the attached building and site plans from Christine Lintott Architects (dated 2019-03-22). The Tree Protection Site Plan was created by adding comments to the site plan provided.

Limitations: Other than the exploratory excavations in the locations specified, no other exploratory excavations have been conducted and thus the conclusions reached are based solely on critical root zone calculations and our best judgement using our experience and expertise. The location, size and density of roots are often difficult to predict without exploratory excavations and therefore the impacts to the trees may be more or less severe than we anticipate.

Summary of Tree Resource: Only one bylaw protected tree exists on the subject property: a multi-stem Lawson Cypress (NT01). Municipal trees on the boulevard as well as neighbour's (or shared) trees and hedges were included in the inventory.

Trees to be Removed:

NT 03 Columnar Beech: The Beech within the boulevard east of the existing driveway will require removal or transplanting due to the widened driveway and proposed services. The tree would be 70cm from the estimated driveway flare and within the trench footprint for the new sanitary and storm services (shown on the Landscape Plan). Depending on the preference of the municipality, the tree could either be transplanted a few metres east of the new driveway entrance or removed. Hydro lines are located above the boulevard.

Hedge NT 5: The small hedge west of the existing driveway (unknown ownership between neighbour and applicant) will require removal for re-grading of the driveway. We recommend confirming ownership and informing the neighbour of the plans to remove or transplant these plants.

Potential Impacts on Trees to be Retained and Mitigation Measures

- **Parking Stalls and Lawson Cypress NT 01:**

Two parking stalls are proposed within the CRZ of this tree. Exploratory excavations were conducted to assess what grade the parking stalls could be constructed at without significantly impacting the health of the tree (pictures are at the bottom this report). It is our understanding that the applicant is required to plant a hedge on the border of the parking stall in order to screen it from the street. In order to do this, the applicant would prefer to remove the existing wall and lower the grade of the stalls in order to create more growing room within the planting bed for the hedge.

Exploratory excavations were completed by hand-digging a narrow trench, 1.6m west of the trunk of the tree, beginning from the existing retaining wall and ending 2-3m from the retaining wall at the house. The depth explored was 45 to 50cm below existing grade (at or below the grade of the existing sidewalk). Only three roots were observed within the trench (all were retained): one 7cm in diameter, one 2.5cm, and one 1cm. In our opinion, the loss of these roots alone is unlikely to significantly impact the health or stability of the tree. It should be noted that the root disease *Phytophthora* is responsible for the decline of Lawson Cypress trees locally and could rapidly infect and lead to the decline of the tree at any time.

Based on conversations with the applicant, no further excavation or root loss is anticipated, other than the three roots observed. The retaining wall for the grade change would be constructed no closer to the tree than the exploratory trench. If additional roots are encountered below the 45-50cm depth explored, these can be retained below both the retaining wall and driveway construction using our "floating driveway specification" attached. If additional roots are encountered at a greater depth, we may recommend that the parking stalls be constructed

using a permeable surface. We do not recommend removing the portion of the retaining wall east of the parking stalls as the base of the tree could potentially be braced against it.

It is possible, but very unlikely that roots have grown underneath the exploratory trench and then have curved upwards to a shallower depth (rocks were encountered at the bottom of most of the trench). If a significant amount of roots have done this, the change in grade may be limited. The project arborist should supervise the excavation associated with the parking stalls.

- **Leyland Cypress Hedge NT 6:** It is our understanding that the applicant plans to retain the Lawson Cypress hedge along the property line. These trees require frequent pruning to maintain as a hedge and have aggressive root systems which may uplift the driveway in the future. Therefore, a more suitable option may be replanting with a less aggressive and invasive plant. However, if retention is desired, we would recommend an arborist supervise the excavation for the driveway and prune any roots severed or retain structural roots necessary for stability.
- **Cherry NT 7:** This tree will be over three metres from the proposed patio. If a critical amount of roots are encountered during excavation, we may recommend that the patio be raised over the roots and made permeable in order to avoid adverse health impacts.
- **Arborist Supervision:** All excavation occurring within the critical root zones of protected trees should be completed under supervision by the project arborist. In particular, the following activities should be completed under the direction of the project arborist:
 - Excavation associated with the parking stalls and retaining wall removal and construction within the CRZ of Lawson Cypress NT 1
 - Excavation associated with the patio within the CRZ of Cherry NT 7
 - Excavation for the new driveway within the CRZ of Leyland Cypress hedge NT 6
 - If the municipality would like European Beech NT 3 to be transplanted, this should be supervised by either the municipal arborist or the project arborist
- **Pruning Roots:** Any severed roots must be pruned back to sound tissue to reduce wound surface area and encourage rapid compartmentalization of the wound. Backfilling the excavated area around the roots should be done as soon as possible to keep the roots moist and aid in root regeneration. Exposed roots should be kept moist until the area is backfilled, especially if excavation occurs during a period of drought. This can be accomplished in number of ways including wrapping the roots in burlap or installing a root curtain of wire mesh lined with burlap, and keeping the area moist throughout the construction process.
- **Barrier fencing:** The areas surrounding the trees to be retained should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones. The barrier fencing must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted

around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

- **Minimizing Soil Compaction:** In areas where construction traffic must encroach into the critical root zones of trees to be retained, efforts must be made to reduce soil compaction where possible by displacing the weight of machinery and foot traffic. This can be achieved by one of the following methods:
 - Installing a layer of hog fuel or coarse wood chips at least 20 cm in depth and maintaining it in good condition until construction is complete.
 - Placing medium weight geotextile cloth over the area to be used and installing a layer of crushed rock to a depth of 15 cm over top.
 - Placing two layers of 19mm plywood.
 - Placing steel plates.
- **Mulching:** Mulching can be an important proactive step in maintaining the health of trees and mitigating construction related impacts and overall stress. Mulch should be made from a natural material such as wood chips or bark pieces and be 5-8cm deep. No mulch should be touching the trunk of the tree. See “methods to avoid soil compaction” if the area is to have heavy traffic.
- **Blasting:** Care must be taken to ensure that the area of blasting does not extend beyond the necessary footprints and into the critical root zones of surrounding trees. The use of small low-concussion charges and multiple small charges designed to pre-shear the rock face will reduce fracturing, ground vibration, and overall impact on the surrounding environment. Only explosives of low phytotoxicity and techniques that minimize tree damage should be used. Provisions must be made to ensure that blasted rock and debris are stored away from the critical root zones of trees.
- **Landscaping and Irrigation Systems:** The planting of new trees and shrubs should not damage the roots of retained trees. The installation of any in-ground irrigation system must take into account the critical root zones of the trees to be retained. Prior to installation, we recommend the irrigation technician consult with the project arborist about the most suitable locations for the irrigation lines and how best to mitigate the impacts on the trees to be retained. This may require the project arborist supervise the excavations associated with installing the irrigation system. Excessive frequent irrigation and irrigation which wets the trunks of trees can have a detrimental impact on tree health and can lead to root and trunk decay.
- **Arborist Role:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:
 - Locating the barrier fencing
 - Reviewing the report with the project foreman or site supervisor
 - Locating work zones, where required
 - Supervising any excavation within the critical root zones of trees to be retained
 - Reviewing and advising of any pruning requirements for machine clearances

- **Review and site meeting:** Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing, tree removal, demolition, or other construction activity occurs and to confirm the locations of the tree protection barrier fencing.

Exploratory Excavation Photos (February 25, 2019)



Photo 1



Photo 2: 7cm diameter retained root in foreground near existing retaining wall.



Photo 3



Photo 4: 2.5cm retained root on the right side within the trench.

Talbot Mackenzie & Associates

Please do not hesitate to call us at (250) 479-8733 should you have any further questions.

Thank you,



Michael Marcucci
ISA Certified # ON-1943A
TRAQ – Qualified

Talbot Mackenzie & Associates
ISA Certified Consulting Arborists

Encl. 1-page tree resource spreadsheet, 1-page tree protection site plan with trees, 5-page building plans excerpts, 1-page barrier fencing specifications, 1-page raised paved surface specification, 2-page tree resource spreadsheet methodology and definitions

Disclosure Statement

The tree inventory attached to the Tree Preservation Plan can be characterized as a limited visual assessment from the ground and should not be interpreted as a "risk assessment" of the trees included.

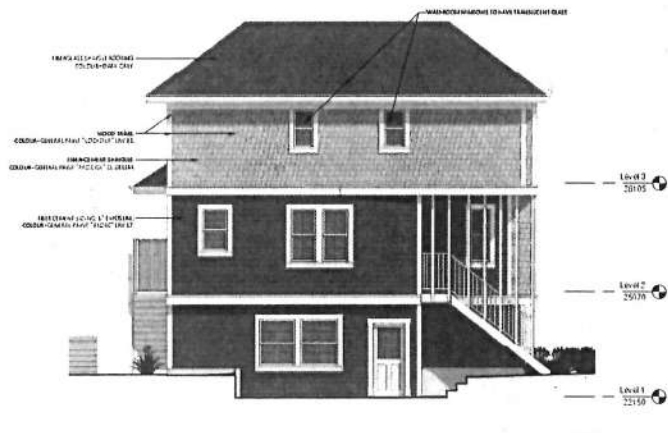
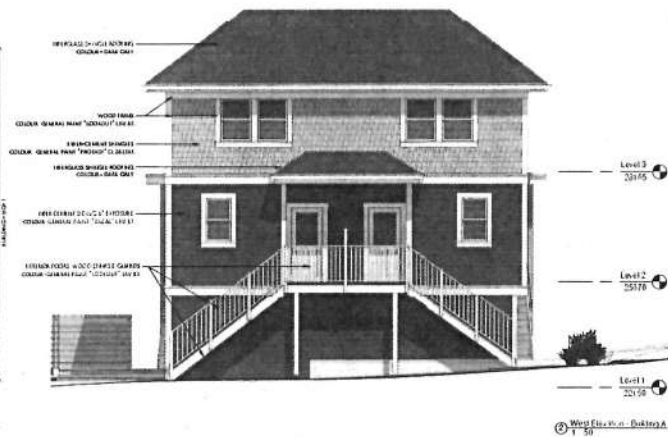
Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve their health and structure or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an Arborist to identify every flaw or condition that could result in failure or can he/she guarantee that the tree will remain healthy and free of risk.

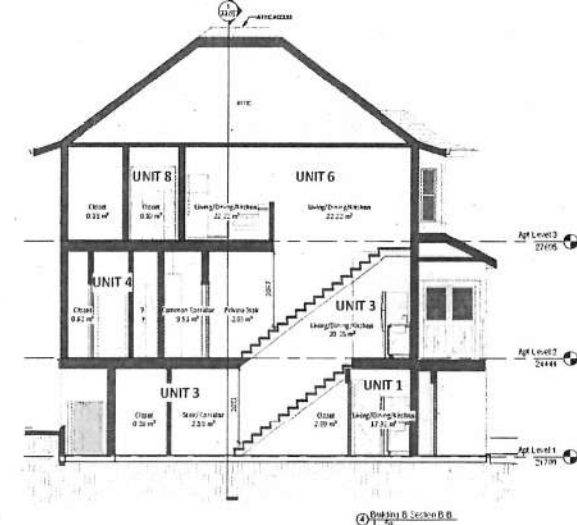
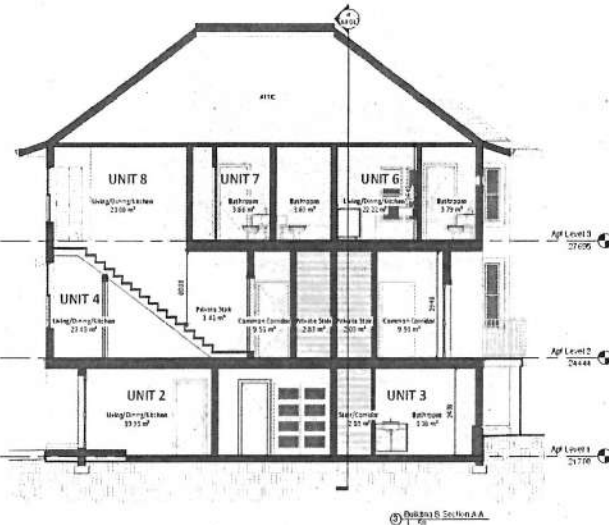
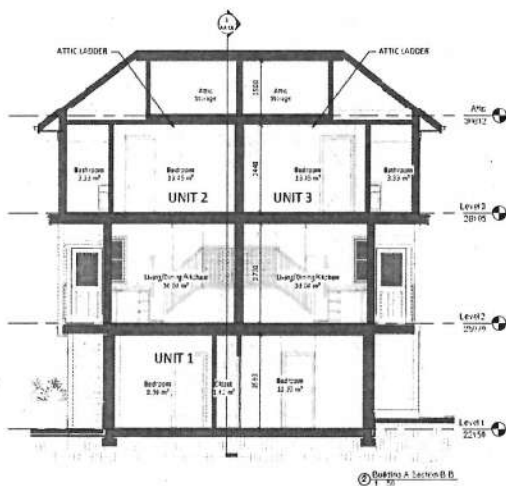
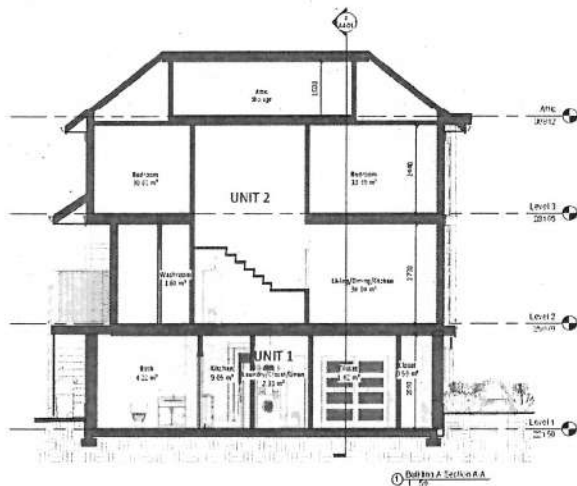
Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Tree ID	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (m)	CRZ (m)	Relative Tolerance	Health	Structure	Remarks and Recommendations	Retention Status
NT 1	Lawson Cypress	<i>Chamaecyparis lawsoniana</i>	37, 36, 30, 28	9.0	11.5	P	Good	Fair	Potentially shared ownership with municipality. Codominant unions at base. Hydro lines north of canopy	Retain
NT 2	Hawthorn	<i>Crataegus oxyacantha</i>	16.0	5.0	2.0	G	Fair	Fair	Municipal boulevard tree (ID #18754). East of existing driveway. Trunk injury at base	Retain
NT 3	Columnar European Beech	<i>Fagus sylvatica</i> 'Fastigiata'	2.0	1.0	1.5	P	Good	Good	Municipal boulevard tree (ID#34176). Hydro lines above	Transplant or Removal
NT 4	English Yew	<i>Taxus baccata</i> 'Fastigiata'	Multistem	3.0	4.0	G	Good	Good	Informed by municipality that it is on private property and not bylaw protected.	Retain
NT 5	Pyramidal Cedar hedge	<i>Thuja occidentalis</i> 'Pyramidalis'	2.0	1.0	1.5	M	Fair	Good	Shared ownership potentially. Beside existing driveway near entrance. 2m tall	Transplant or Removal
NT 6	Leyland Cypress hedge	<i>Cupressus x leylandii</i>	~5-12cm	2.0	2.0	G	Fair	Fair	Shared ownership likely. Beside fence. 4m tall.	Retain
NT 7	Cherry	<i>Prunus spp</i>	~45	12.0	5.5	M	Fair	Fair	Neighbour's, ~3.5m from rear fence	Retain
NT 8	Douglas-fir	<i>Pseudotsuga menziesii</i>	~60	12.0	9.0	P	Fair	Fair	Neighbour's, ~5m west from SW corner of property.	Retain
NT 9	Columnar European Beech	<i>Fagus sylvatica</i> 'Fastigiata'	2.0	1.0	1.5	P	Good	Good	Municipal boulevard tree (ID#34178), west of driveway. Hydro lines above	Retain





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Issue: Dis

For Recording/
Development Permit: Jan 4, 2011

Revisions
No. Description

Consultant

2220 Cook
Street
Victoria, BC

Building Sections

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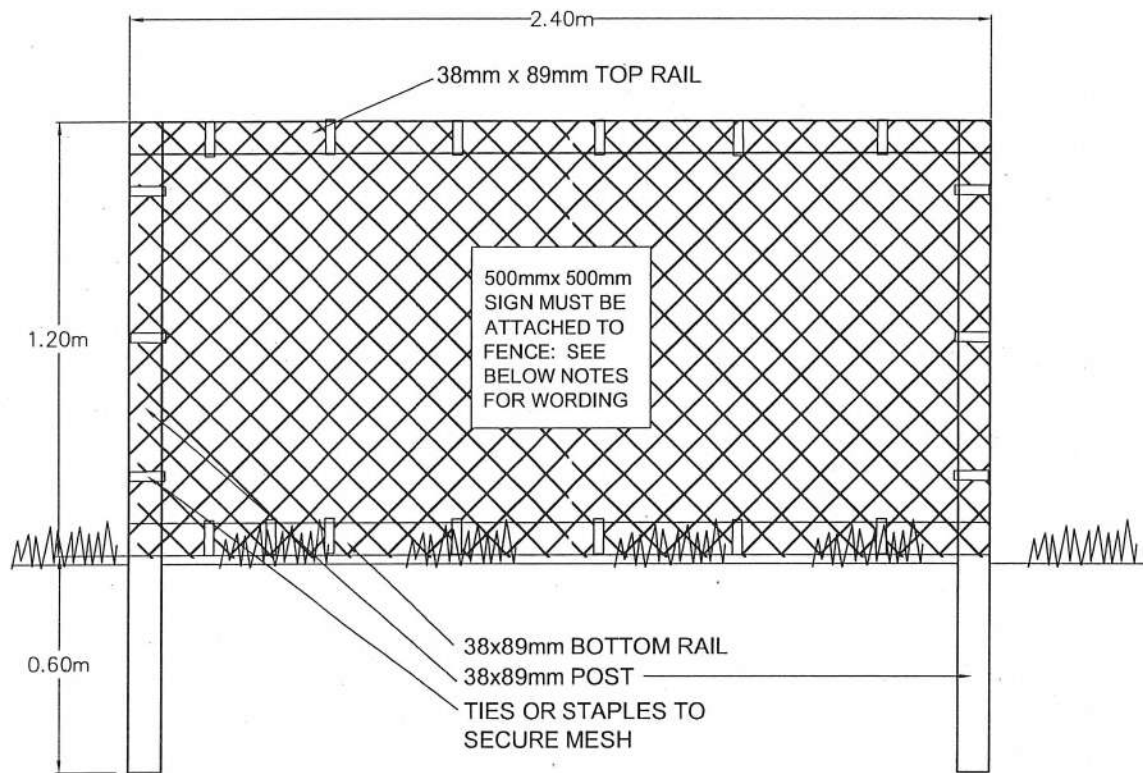
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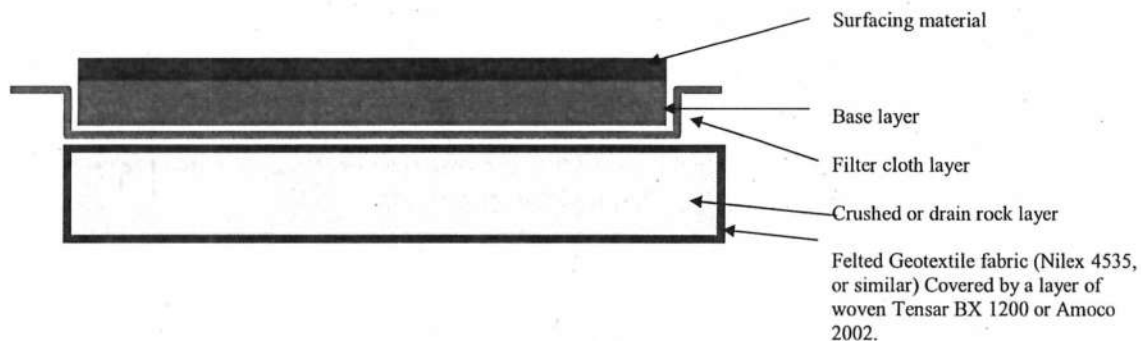
TREE PROTECTION FENCING

1. FENCE WILL BE CONSTRUCTED USING 38 mm X 89mm WOOD FRAME: TOP, BOTTOM AND POSTS * USE ORANGE SNOW-FENCING MESH AND SECURE THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
 2. ATTACH A 500mm X 500mm SIGN WITH THE FOLLOWING WORDING: WARNING- TREE PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE OR AT LEAST EVERY 10 LINEAR METERS.
- * IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED

Talbot Mackenzie & Associates

Consulting Arborists

Diagram – Site Specific “Floating” Driveway, Parking and Walkway



Specifications for “Floating” Driveway, Parking and Walkway Areas

1. Excavation for construction of the driveway/parking/walkway areas must remove the sod layer only, where they encroach on the root zones of the protected trees
2. A layer of medium weight felted Geotextile fabric (Nilex 4535, or similar) is to be installed over the entire area of the critical root zone that is to be covered by the driveway. Cover this Geotextile fabric with a layer of woven Amoco 2002 or Tensar BX 1200. Each piece of fabric must overlap the adjoining piece by approximately 30-cm.
3. A 10cm layer of torpedo rock, or 20-mm clean crushed drain rock, is to be used to cover the Geotextile fabric.
4. A layer of felted filter fabric is to be installed over the crushed rock layer to prevent fine particles of sand and soil from infiltrating this layer.
5. The bedding or base layer and permeable surfacing can be installed directly on top of the Geotextile fabric.
6. Two-dimensional (such as CombiGrid 30/30 or similar) or three-dimensional geo-grid reinforcements can be installed in combination with, or instead of, the geotechnical fabric specified in the attached diagram.
7. Ultimately, a geotechnical engineer should be consulted and in consultation with the project arborist may specify their own materials and methods that are specific to the site's soil conditions and requirements, while also avoiding root loss and reducing compaction to the sub-grade.



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Tree Resource Spreadsheet Methodology and Definitions

Tag: Tree identification number on a metal tag attached to tree with nail or wire, generally at eye level. Trees on municipal or neighboring properties are not tagged.

NT: No tag due to inaccessibility or ownership by municipality or neighbour.

DBH: Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

* Measured over ivy

~ Approximate due to inaccessibility or on neighbouring property

Crown Spread: Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Relative Tolerance Rating: Relative tolerance of the tree species to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes, and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned based on our knowledge and experience with the tree species: Poor (P), Moderate (M) or Good (G).

Critical Root Zone: A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the tree's Relative Tolerance Rating. This methodology is based on the methodology used by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 12 x DBH = Moderate
- 10 x DBH = Good

To calculate the critical root zone, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest stem and 60% of the diameter of the next two largest stems. It should be noted that these measures are solely mathematical calculations that do not consider factors such as restricted root growth, limited soil volumes, age, crown spread, health, or structure (such as a lean).

Health Condition:

- Poor - significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair - signs of stress
- Good - no visible signs of significant stress and/or only minor aesthetic issues

Structural Condition:

- Poor - Structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair - Structural concerns that are possible to mitigate through pruning
- Good - No visible or only minor structural flaws that require no to very little pruning

Retention Status:

- X - Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain * - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts, but concerned parties should be aware that the tree may require removal.
- NS - Not suitable to retain due to health or structural concerns

Application for Rezoning &
Development Permit
at
2220 Cook Street





Existing Site

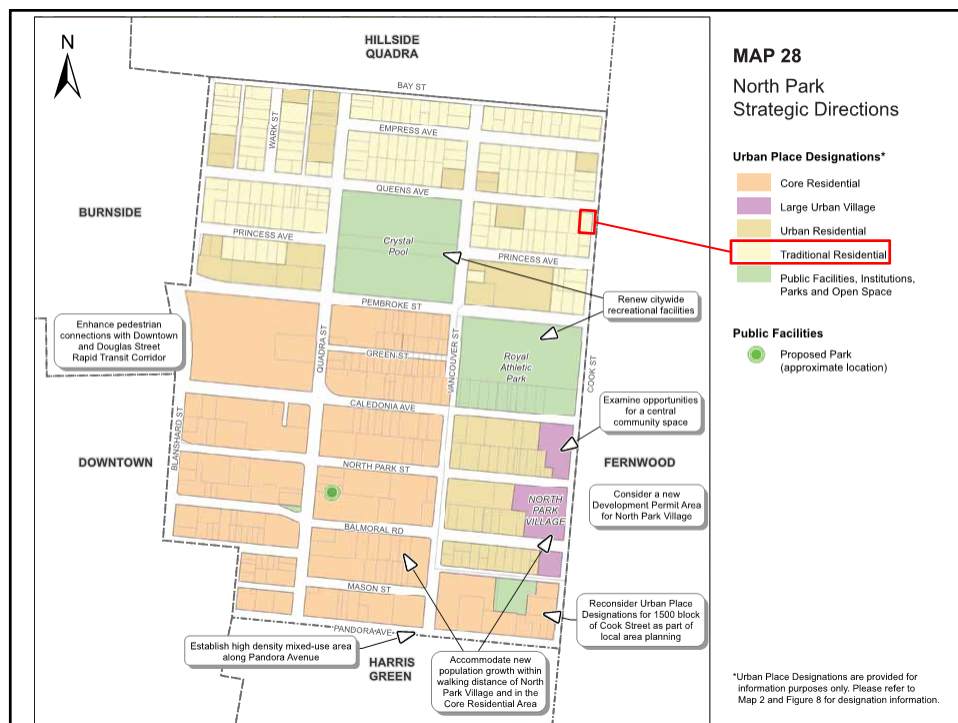


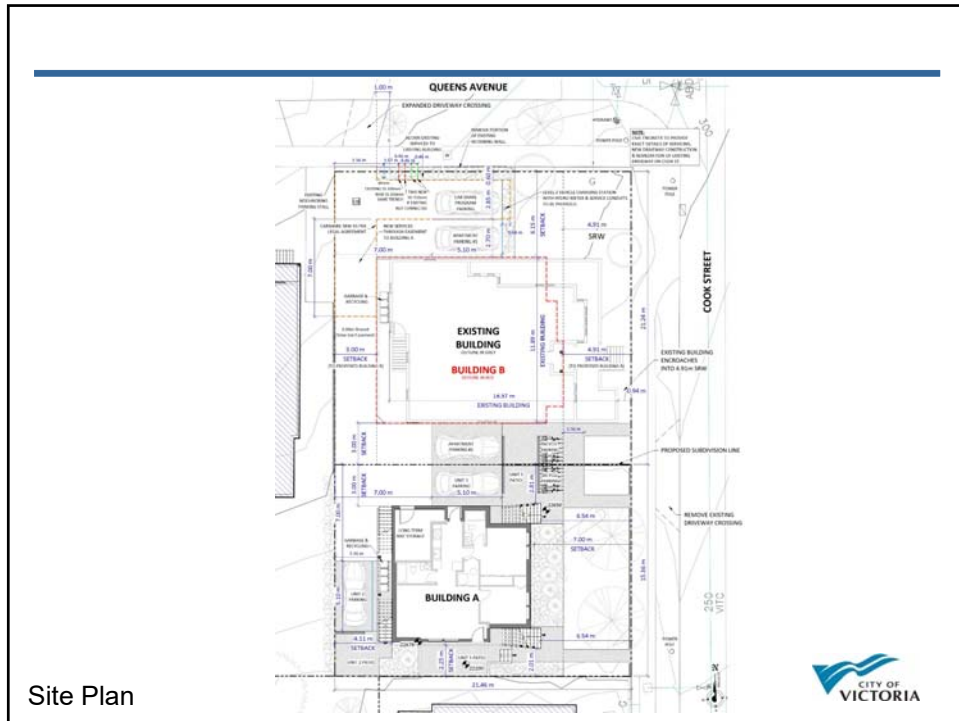
Neighboring Property at Cook Street



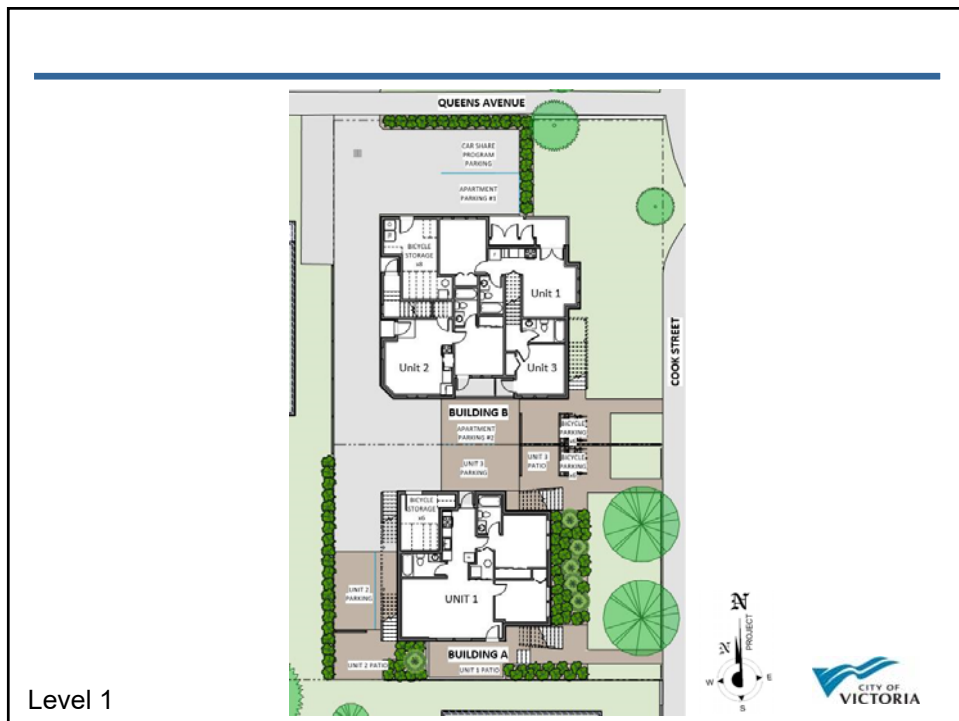


Neighboring Property at Queens Avenue

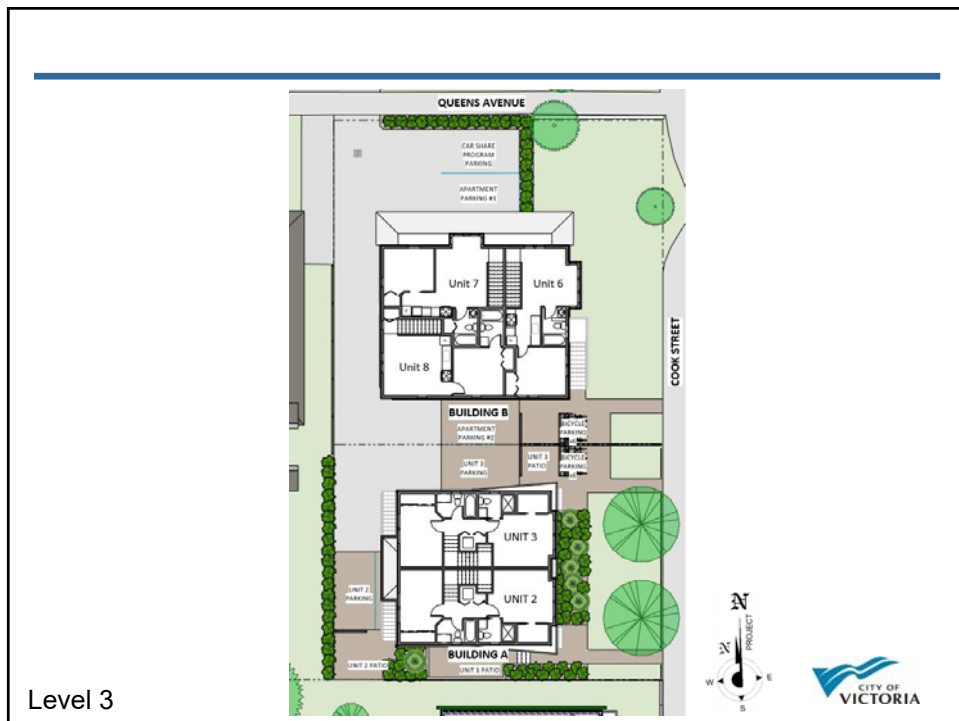
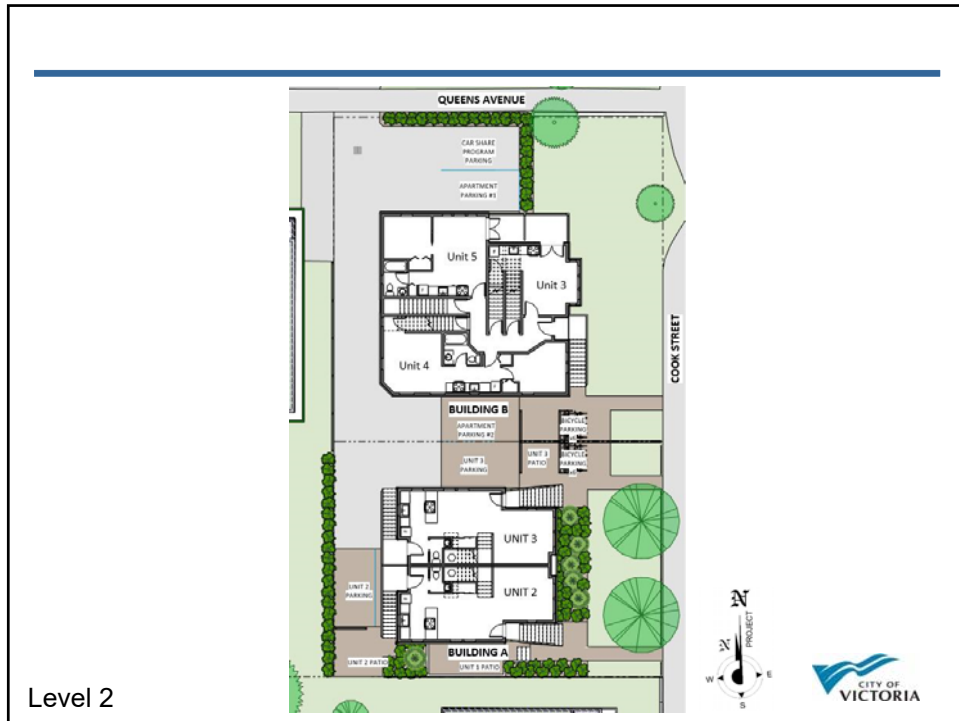


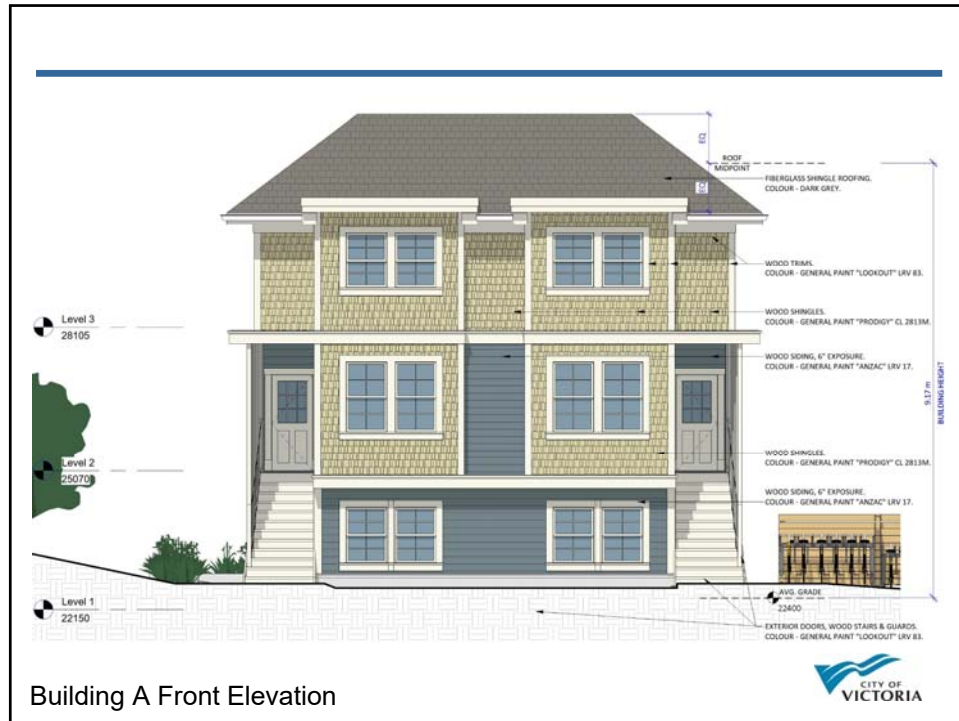


Site Plan

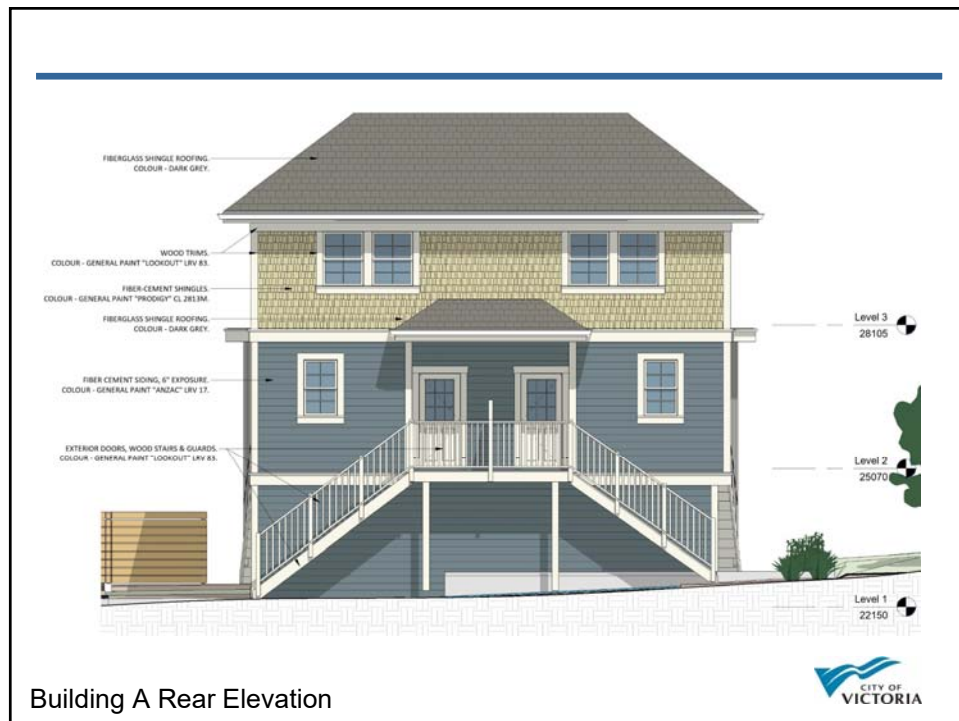


Level 1

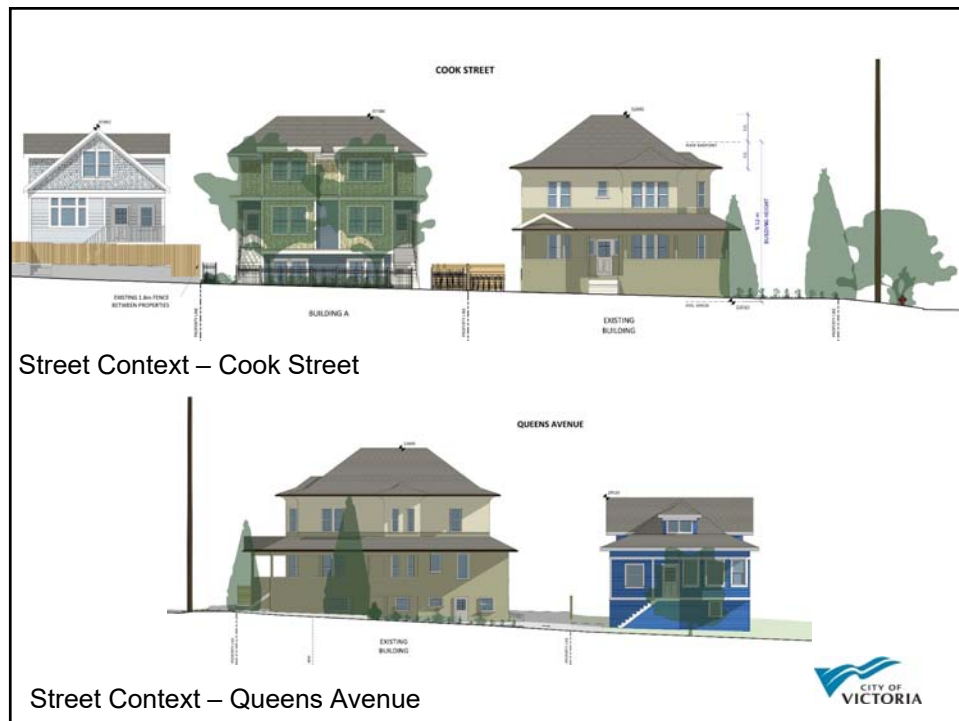
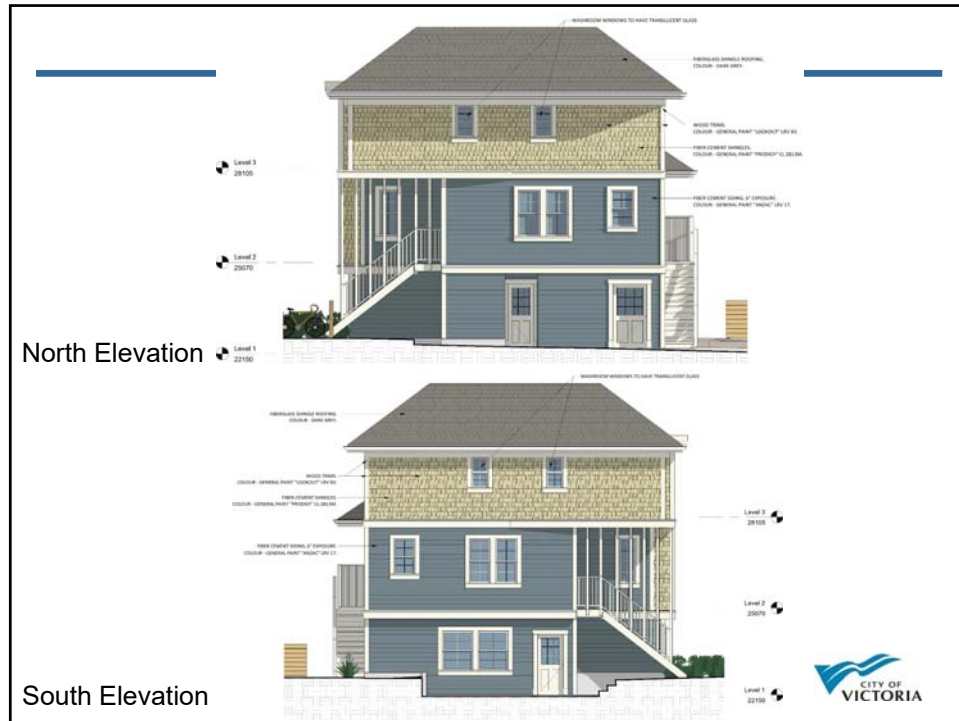


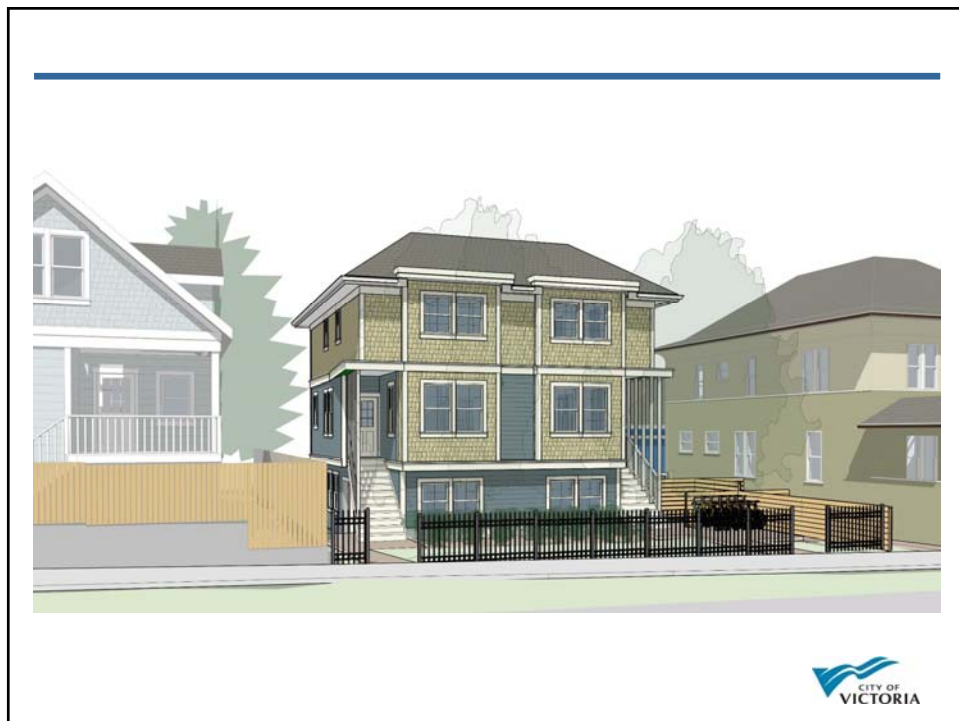
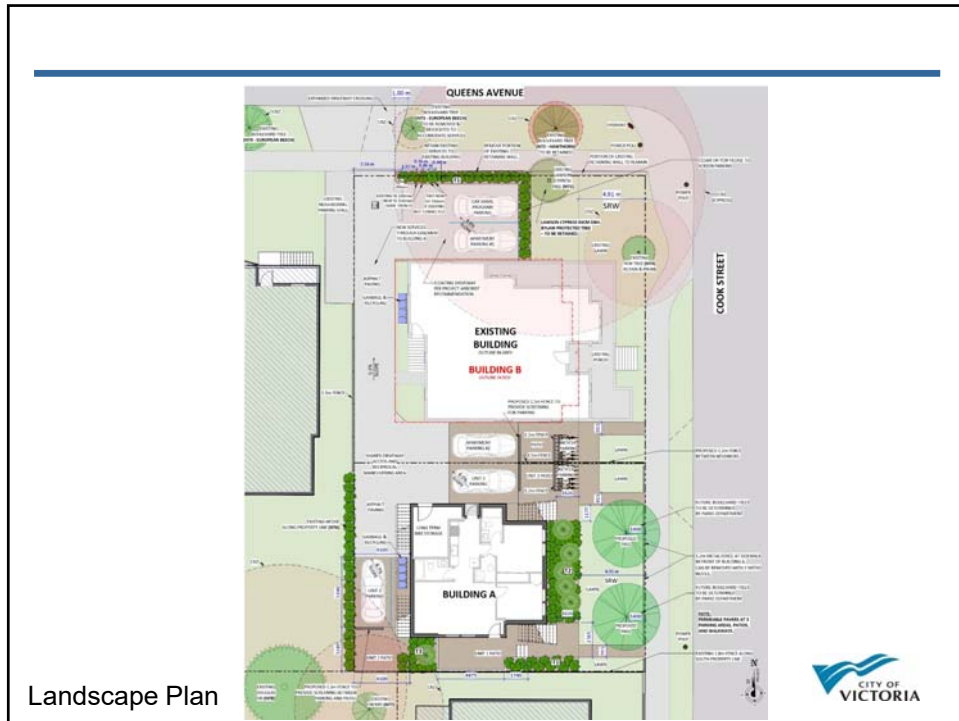


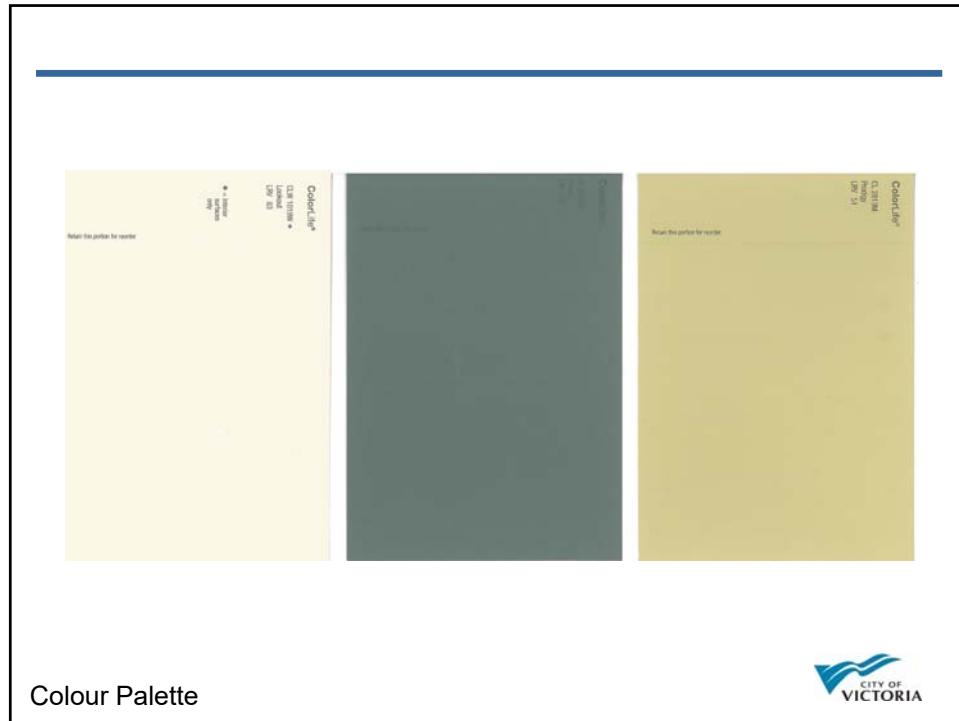
Building A Front Elevation



Building A Rear Elevation







A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-93 Zone, Cook Street Multiple Dwelling District, and the R-94 Zone, Cook Street Residential District, and to rezone land known as 2220 Cook Street from the R-2 Zone, Two Family Dwelling District, to the R-93 Zone, Cook Street Multiple Dwelling District, on the north portion of the property and to the R-94 Zone, Cook Street Residential District, on the south portion of the property.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1194)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

“3.126 R-93 Zone, Cook Street Multiple Dwelling District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.125 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 2220 Cook Street, legally described as PID: 004-016-998, Amended Lot 12 (DD 88931I), Block 6, Section 3, Victoria District, Plan 62, and shown diagonally hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-93 Zone, Cook Street Multiple Dwelling District.
- 5 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

“3.127 R-94 Zone, Cook Street Residential District”

- 6 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.126 the provisions contained in Schedule 2 of this Bylaw.
- 7 The land known as 2220 Cook Street, legally described as PID: 004-016-998, Amended Lot 12 (DD 88931I), Block 6, Section 3, Victoria District, Plan 62, and shown cross hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R-94 Zone, Cook Street Residential District.

READ A FIRST TIME the **19th** day of **September** 2019

READ A SECOND TIME the **19th** day of **September** 2019

RESCIND SECOND READING the **10th** day of **October** 2019.

AMENDED the **10th** day of **October** 2019.

READ A SECOND TIME on the **10th** day of **October** 2019.

Public hearing held on the day of 2019

READ A THIRD TIME the day of 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

PART 3.126 – R-93 ZONE, COOK STREET MULTIPLE DWELLING DISTRICT**3.126.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling

3.126.2 Lot Area

- a. Lot area (minimum) 455m²
- b. Lot width (minimum) 21m

3.126.3 Floor Area, Floor Space Ratio

- a. Total floor area (maximum) 380.40m²
- b. Floor space ratio (maximum) 0.83:1

3.126.4 Height, Storeys

- a. Principal building height (maximum) 9.84m
- b. Storeys (maximum) 3

3.126.5 Setbacks, Projections

- a. Front yard setback (minimum) 4.91m
- b. Rear yard setback (minimum) 3.0m
- c. Side yard setback from interior lot lines (minimum) 3.0m
- d. Side yard setback on a flanking street for a corner lot (minimum) 6.15m

3.126.6 Site Coverage, Open Site Space

- a. Site coverage (maximum) 40%
- b. Open site space (minimum) 30%

PART 3.126 – R-93 ZONE, COOK STREET MULTIPLE DWELLING DISTRICT

3.126.7 Vehicle and Bicycle Parking

- | | |
|-------------------------------------|--|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule “C” |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule “C” |

PART 3.127 – R-94 ZONE, COOK STREET RESIDENTIAL DISTRICT**3.127.1 Permitted Uses in this Zone****3.127.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- c. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- d. Multiple dwelling

3.127.2 Lot Area

- c. Lot area (minimum) 325m²
- d. Lot width (minimum) 15m

3.127.3 Floor Area, Floor Space Ratio

- c. Total floor area (maximum) 252m²
- d. Floor space ratio (maximum) 0.77:1

3.127.4 Height, Storeys

- c. Principal building height (maximum) 9.20m
- d. Storeys (maximum) 3

3.127.5 Setbacks, Projections

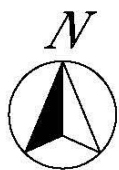
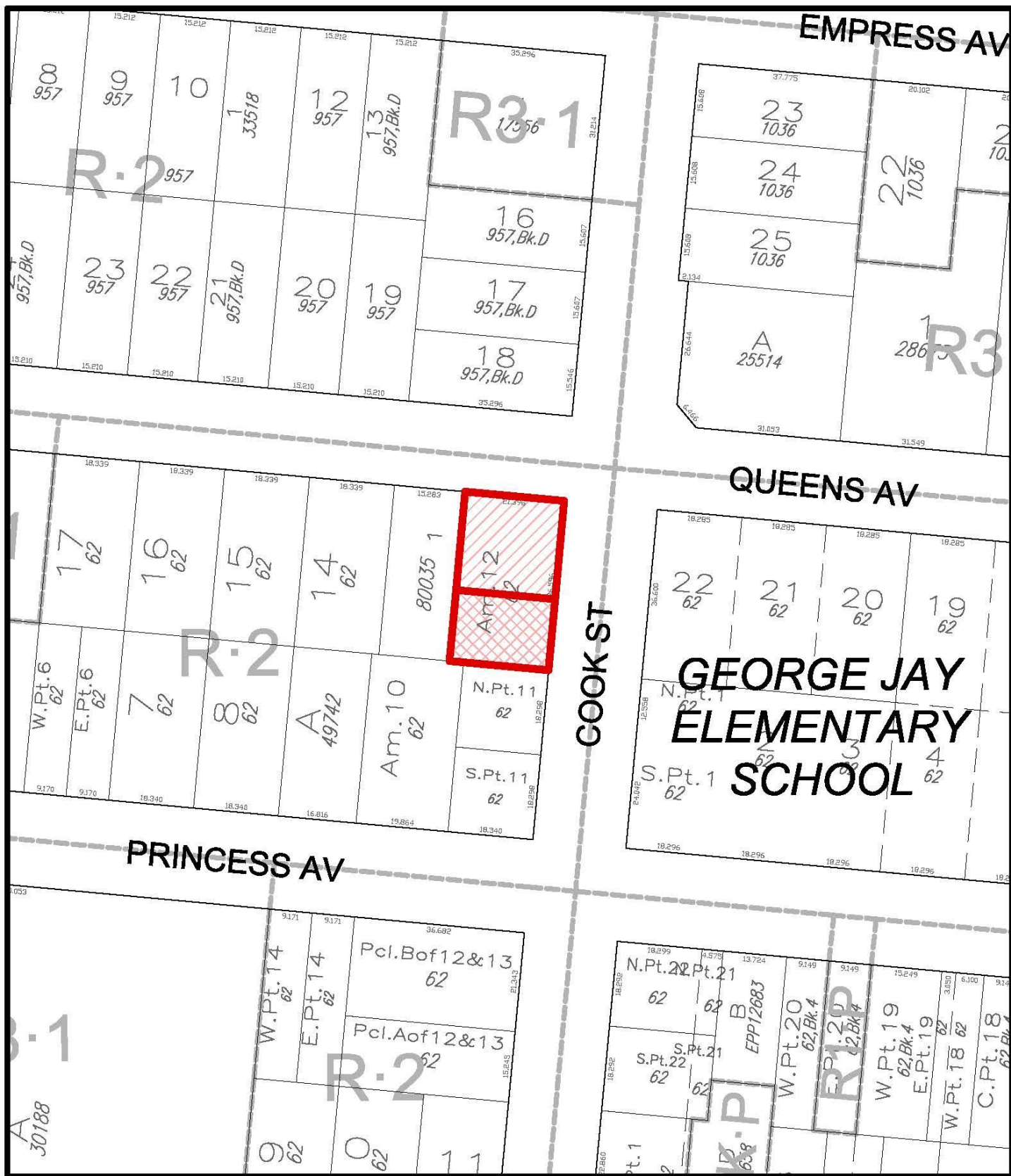
- e. Front yard setback (minimum) 7.0m
Except for the following maximum projections into the setback:
 - Steps 0.50m
- f. Rear yard setback (minimum) 3.0m
- g. Side yard setback from interior lot lines (minimum) 2.25m
Except for the following maximum projections into the setback:
 - Steps 0.25m
- h. Combined side yard setback (minimum) 5.25m

PART 3.127 – R-94 ZONE, COOK STREET RESIDENTIAL DISTRICT**3.127.6 Site Coverage, Open Site Space**

- | | |
|-------------------------------------|-----|
| c. <u>Site Coverage</u> (maximum) | 30% |
| d. <u>Open site space</u> (minimum) | 40% |

3.127.7 Vehicle and Bicycle Parking

- | | |
|-------------------------------------|--|
| c. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule "C" |
| d. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |



2220 Cook Street
Rezoning No.00684



NO. 19-076

HOUSING AGREEMENT (2220 COOK STREET) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize agreements for rental housing for the lands known as 2220 Cook Street, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (2220 COOK STREET) BYLAW (2019)".**

Agreement authorized

- 2 The Mayor and the City Clerk are authorized to execute the Housing Agreements:**
- (a) substantially in the form attached to this Bylaw as Schedule A and Schedule B;
 - (b) between the City and 0960608 BC Ltd., Inc. No. BC0960608, or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 2220 Cook Street, Victoria, BC, legally described as:
PID: 004-016-998, Amended Lot 12 (DD 88931I), Block 6, Section 3, Victoria District, Plan 62

READ A FIRST TIME the **19th** day of **September** 2019

READ A SECOND TIME the **19th** day of **September** 2019

READ A THIRD TIME the **19th** day of **September** 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

Schedule A

HOUSING AGREEMENT

(Pursuant to Section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

0960608 B.C. LTD. (Inc. No. BC0960608)

961 Pembroke Street
Victoria, BC V8T 1J1

(the "Owner")

OF THE SECOND PART

AND:

ROYAL BANK OF CANADA

a Canadian Chartered Bank having a branch office at
1079 Douglas Street
Victoria, BC V8W 2C5

(the "Existing Chargeholder")

OF THE THIRD PART

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings subscribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 2220 Cook Street and legally described as:

PID: 004-016-998

Amended Lot 12 (DD 889311), Block 6, Section 3, Victoria District, Plan 62

(the "Lands").

{00014619.3}

- D. The Owner intended to subdivide the Lands into to (2) proposed lots as follows:
- (i) Proposed Lot A, which is intended for future residential development ("**Proposed Lot A**"); and
 - (ii) Proposed Lot B, which contains an existing building with eight (8) residential units ("**Proposed Lot B**").
- E. The approximate layout of Proposed Lot A and Proposed Lot B are shown on the proposed Subdivision Plan EPP94996 attached hereto as Schedule "A".
- F. The Owner has applied to the City to rezone the Lands and for a development permit with variances for the Lands to permit the development of Proposed Lot A and permit the eight (8) residential units on Proposed Lot B.
- G. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all of the residential units on Proposed Lot B will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Development**" means the existing eight (8) unit building consisting of residential housing and related facilities on Proposed Lot B;

"**Dwelling Units**" means any or all, as the context may require, of the eight (8) self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Proposed Lot B in future, whether as part of the Development or otherwise;

"**Dwelling Unit**" means any of such residential dwelling units located on Proposed Lot B;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 9.3; and

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:

- (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
- (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner.

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

1.2 In this Agreement:

- (a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of Proposed Lot B or a building on Proposed Lot B unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 SUBDIVISION

- 4.1** The City and the Owner covenant and agree that, as it is the intention of this Housing Agreement to ensure the availability of rental units to those units which are or will be located within the Development intended to be within the Proposed Lot B, upon registration of the subdivision plan to create the proposed lots as set out in Schedule "A" herein, this Agreement applies only to the existing property or properties on which the Development is located, and this Agreement will not bind any new lot into which the Lands are subdivided that does not contain the Development. Section 483(5) of the *Local Government Act* requires that notice of a housing agreement be filed in the Land Title Office, and the City agrees, if so requested by the Owner in writing, to take the necessary steps to cancel the notice of this Housing Agreement from title to any lots created from the Lands on which none of the Development is located, at the Owner's expense.

5.0 REPORTING

- 5.1 The Owner covenants and agrees to provide to the Director, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant;
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

together with such other information as may be requested by the Director from time to time.

- 5.2 The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

- 5.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

6.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 6.1 Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

7.0 LIABILITY

- 7.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.

- 7.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

8.0 PRIORITY AGREEMENT

- 8.1 The Existing Chargeholder, as the registered holder of charges by way of a mortgage and assignment of rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA6746849 and CA6746850, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to Section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority

to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

9.0 GENERAL PROVISIONS

9.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386

to the Owner:

0960608 B.C. Ltd.
961 Pembroke Street
Victoria, BC V8T 1J1

Attention: Garde Colins

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (b) notice sent by the impaired service is considered to be received on the date of delivery, and
- (c) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

9.2 TIME. Time is of the essence of this Agreement.

9.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

- 9.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 9.5 HEADINGS.** The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- 9.6 LANGUAGE.** Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 9.7 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 9.8 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 9.9 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.10 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.11 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.12 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.13 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.14 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF
VICTORIA by its authorized signatories:

MAYOR Lisa Helps

CITY CLERK Chris Coates

Date signed: _____

0960608 B.C. LTD.
by its authorized signatory(ies):

Print Name: Garde Colins

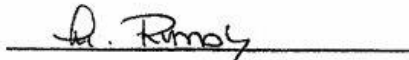
Print Name: Malcolm Harman

Date signed:

ROYAL BANK OF CANADA
by its authorized signatory(ies):



Print Name: Iesha Holenchuk



Print Name: Michelle Rumsby

Date signed: Sept 17 2019

Schedule "A"

[see attached Proposed Subdivision Plan EPP94966]

#899139v1

SUBDIVISION PLAN OF
 AMENDED LOT 12 (DD 889310)
 BLOCK 6, SECTION 3, VICTORIA DISTRICT, PLAN 62

Plan EPP94986

Prepared for Section 67 of the Land Title Act
 BC05 928 044

All distances are in metres
 The intended plot size of this plan is 900 m in width by
 180 m in height (18 ares) when plotted at a scale of 1:200

Legend

Symbol	Description
—	Survey standard iron post
•	Existing natural monument
•	Existing road sign

Note: This plan shows only or more, where points
 which are not set on the face corner(s)

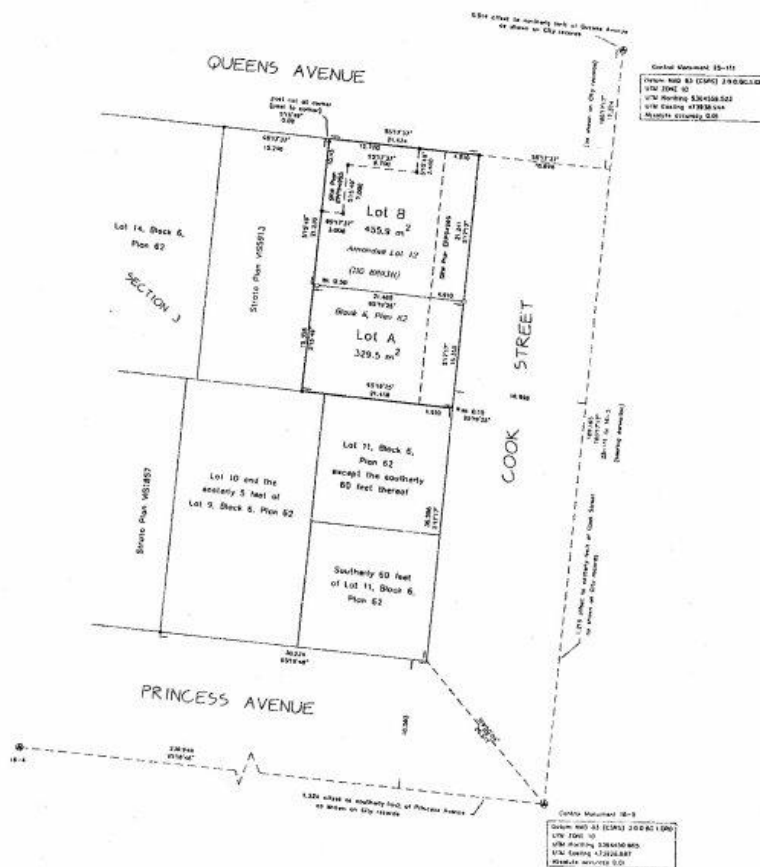
This plan has been integrated Survey Area No. 12
 for the City of Victoria
 HANCO (SMB) 3.08 BC 1.042

Land surveying was defined from geodetic control
 monument 15-100 and 15-1 and was referred to
 the control monument of 15-100

The 15-100 coordinates and associated absolute accuracy
 obtained from the last revised from the 15-100 geodetic coordinates
 and standard deviations for geodetic control monument 15-100 and 15-1

This plan shows horizontal ground level elevation
 unless otherwise specified
 for contours and vertical control monument
 distances by the map's contour interval of 0.000000
 The survey control factor has been determined
 based on control monument 15-100 and 15-1

SCHEDULE A



Site Survey
 Land Surveying Inc.
 6333 North Park Street
 Victoria, B.C.
 V5T 1G8
 Tel: 250-385-1711
 Email: info@landsurveying.ca
 6-281, Apr. 18, 1994 and 200

This plan lies within the jurisdiction of
 the approving Officer for the City of Victoria

This plan lies within the
 Capital Regional District

The field survey represented by this plan was completed
 on the 1st day of August, 2009
 Date: 8/1/09, 8:11:55 AM

Schedule B

HOUSING AGREEMENT (Pursuant to Section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "City")

OF THE FIRST PART

AND:

0960608 B.C. LTD. (Inc. No. BC0960608)
961 Pembroke Street
Victoria, BC V8T 1J1
(the "Owner")

OF THE SECOND
PART

AND:

ROYAL BANK OF CANADA
a Canadian Chartered Bank having a branch office at
1079 Douglas Street
Victoria, BC V8W 2C5
(the "Existing Chargeholder")

OF THE THIRD
PART

WHEREAS

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;

{00011160:3}

- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 2220 Cook Street and legally described as:
PID: 004-016-998
Amended Lot 12 (DD 889311), Block 6, Section 3, Victoria District, Plan 62
(the "**Lands**").
- D. The Owner intends to subdivide the Lands into two (2) proposed lots as follows:
- (i) Proposed Lot A, which is intended for the future residential development of three (3) Dwelling Units ("**Proposed Lot A**"); and
 - (ii) Proposed Lot B, which contains an existing building with eight (8) residential units ("**Proposed Lot B**").
- E. The approximate layout of Proposed Lot A and Proposed Lot B are shown on the proposed Subdivision Plan EPP94996 attached hereto as Schedule "A".
- F. The Owner has applied to the City to rezone the Lands and for a development permit with variances for the Lands to permit the construction of three (3) Dwelling Units on Proposed Lot A and permit the existing residential units on Proposed Lot B;
- G. The Dwelling Units on Proposed Lot A are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
- H. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"**Development**" means the proposed three (3) unit building consisting of residential housing and related facilities on Proposed Lot A.

"**Dwelling Unit**" means any of the three (3) self-contained residential dwelling units that will be located within the Development, and includes any dwelling unit that is developed on Proposed Lot A in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on Proposed Lot A.

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse.

"Non-owner" means a person other than a Related Person or the Owner.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 8.3.

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

1.2 In this Agreement:

- (a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of Proposed Lot A or a building on Proposed Lot A unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if Proposed Lot A or the Development on Proposed Lot A are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied

by the Owners of the strata lots.

3.0 Subdivision

- 3.1 The City and the Owner covenant and agree that, as it is the intention of this Housing Agreement to ensure the availability of rental units to those units which are or will be located within the Development intended to be within the Proposed Lot A, upon registration of the subdivision plan to create the proposed lots as set out in Schedule "A" herein, this Agreement applies only to the existing property or properties on which the Development is located, and this Agreement will not bind any new lot into which the Lands are subdivided that does not contain the Development. Section 483(5) of the *Local Government Act* requires that notice of a housing agreement be filed in the Land Title Office, and the City agrees, if so requested by the Owner in writing, to take the necessary steps to cancel the notice of this Housing Agreement from title to any lots created from the Lands on which none of the Development is located, at the Owner's expense.

4.0 Reporting

- 4.1 The Owner covenants and agrees to provide to the City, within 30 days of a written request from the City's Director of Sustainability Planning and Community Development, a report in writing confirming:
- (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 4.2 The Owner covenants and agrees:
- (c) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
 - (d) to notify the City of any proposed amendments to its strata bylaws.
- 4.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

5.0 Notice to be Registered in Land Title Office

- 5.1 Notice of this Agreement ("**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected

and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.

- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

7.0 Priority Agreement

- 7.1 The Existing Chargeholder, as the registered holder of a charge by way of a mortgage and an assignment of rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA6746849 and CA6746850, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to Section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

8.0 General Provisions

Notice

- 8.1 If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria
 #1 Centennial Square
 Victoria, BC V8W 1P6
 Attention: Director of Sustainability Planning and
 Community Development
 Fax: 250-361-0386

to the Owner:

0960608 B.C. Ltd.
 961 Pembroke Street
 Victoria, BC V8T 1J1
 Attention: Garde Collins

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

Time

8.2 Time is to be the essence of this Agreement.

Binding Effect

8.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

Waiver

8.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

Headings

8.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

8.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

8.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific

performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

- 8.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

- 8.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 8.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

- 8.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

- 8.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 8.13 Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

- 8.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

- 8.15 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

Effective Date

- 8.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

_____)
 MAYOR _____)

_____)
 CITY CLERK _____)

Date signed: _____)

0960608 B.C. Ltd.)
 by its authorized signatory(ies):)

_____)
 _____)

Print Name: Garde Colins)

_____)
 _____)

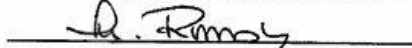
Print Name: Malcolm Harman)

Date signed: _____)

Royal Bank of Canada
by its authorized signatory(ies):



Print Name: Lesha Holenchuk



Print Name: Michelle Rumsby

Date signed: Sept 17 2019.

Schedule "A"

{see attached Proposed subdivision Plan EPP94996}

#899140v1

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.b Report from the July 25, 2019 COTW Meeting

**I.1.b.a 1175 Douglas Street - Development Permit with Variance
Application No. 00225 (Downtown)**

Moved By Councillor Potts

Seconded By Councillor Alto

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00225 for 1175 Douglas Street, in accordance with:

1. Plans date stamped May 22, 2019
2. The following variance to the Sign Bylaw
 - i. Vary the cumulative size allowance for the north elevation from 16.37 m² to 38.26 m².
 - ii. Vary the cumulative size allowance for the west elevation from 11.19 m² to 23.68 m²."

CARRIED UNANIMOUSLY

E.4 1175 Douglas Street - Development Permit with Variance Application No. 00225 (Downtown)

Committee received a report dated June 7, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Development Permit with Variance application No. 00225 for 1175 Douglas Street in order to replace signage at street level on both the north and west elevations and recommending it move forward to an opportunity for public comment.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

That Council authorize the issuance of Development Variance Permit Application No. 00225 for 1175 Douglas Street, in accordance with:

1. Plans date stamped May 22, 2019
2. The following variance to the Sign Bylaw
 - i. Vary the cumulative size allowance for the north elevation from 16.37 m² to 38.26 m².
 - ii. Vary the cumulative size allowance for the west elevation from 11.19 m² to 23.68 m².

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of July 25, 2019

To: Committee of the Whole **Date:** June 7, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Variance Permit Application No. 00225 for 1175 Douglas Street

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

That Council authorize the issuance of Development Variance Permit Application No. 00225 for 1175 Douglas Street, in accordance with:

1. Plans date stamped May 22, 2019
2. The following variance to the Sign Bylaw
 - i. Vary the cumulative size allowance for the north elevation from 16.37 m² to 38.26 m².
 - ii. Vary the cumulative size allowance for the west elevation from 11.19 m² to 23.68 m².

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit application for 1175 Douglas Street. The applicant proposes to replace signage at street level on both the north and west elevations and the cumulative amount of signage proposed requires a variance. Anchor tenant signage is existing at the top of the building on both facades and a variance was last issued in 2013 for the roof level signs used by anchor tenants CIBC and CGI. However, the 2013 variance did not consider the contributory area of lower level signage, which was existing at the time. The applicant's proposal to replace lower level signage necessitates a new variance to permit both existing and proposed signage on the north and west elevations as the cumulative amount of lower level signage had not been considered previously.

Staff recommend that the variance be granted as it rectifies the cumulative amount of signage on each façade, it results in an overall reduction in signage from that which currently exists, and is consistent with applicable planning policy.

BACKGROUND

Description of Proposal

New fascia signage is proposed on the west and north building facades at the lower level. Proposed signage on the north elevation includes retention of the existing CIBC sign (24.4 m²) and eight new street level signs to replace existing signage. The cumulative amount of all signage for the north elevation is 38.26 m².

The signage on west elevation includes retention of the anchor tenant sign for CGI (12.36 m²) and five new street level signs to replace existing signage. The cumulative amount of all signage for the west elevation is 23.68 m².

Relevant History

A sign variance permit application (DVP00124) was previously approved in October 24, 2013 to:

- increase the maximum individual sign area from 9m² to 24.4m², and
- increase the total sign area from 9.3m² to 24.4m² for each face of the building

This 2013 variance was for the CIBC signs (24.4 m²) at the top of the building and did not account for the street level signage areas.

Consideration of the current proposal requires a variance to permit the total amount of signage on the building.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 7, 2019 the Application was referred for a 30-day comment period to the Downtown Residents Association (DRA). At the time of writing this report, a letter from the DRA had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Official Community Plan

The subject property is within Development Permit Area 2 (Heritage Conservation), Core Business. The relevant objectives of this designation are to conserve and enhance the heritage value, special character and the significant historic buildings, features and characteristics of this area and to enhance the area through a high quality of architecture. The Advisory Design Guidelines for Buildings, Signs and Awnings provide the applicable policy against which this application is reviewed.

The design guidelines set out criteria that encourages proposals to minimize signage to perform the simple function of identifying respective businesses or activities without detracting from the architecture of a building or adding to a visually busy streetscape appearance. To help achieve this objective the Sign Bylaw sets out maximum allowable signage sizes. Together, the design guidelines and bylaw have generally encouraged signage within Victoria to be minimal in nature and have contributed positively to the look, feel and character of the downtown area.

Variances

This variance is necessary for the purpose of capturing all signage on each elevation as previous variances did not, and therefore the current proposal to update lower level signage is triggering a need for a new variance. While the variance is necessary, the signage proposal results in an overall reduction in signage from that which currently exists.

On the north elevation, the actual amount of existing signage is 45.12 m² and the total amount of proposed signage is 38.26 m².

On the west elevation, the actual amount of existing signage is 38.25 m² and the total amount of proposed signage is 23.68 m².

CONCLUSIONS

The proposal to update and modernize signage at street level and install a new anchor tenant sign requires a variance as the cumulative amount of signage on the north and west elevation is in excess of that which would be allowed by the sign bylaw. The need for the variance is largely due to the incompleteness of the previous variance application (DVP00124), which was discovered during analysis of this application. As such, staff recommend for Council's consideration that the application be supported and advanced for consideration at a meeting of Council.

ALTERNATE MOTION

That Council decline the issuance of Development Permit with Variance Application No. 00225 for 1175 Douglas Street.

Respectfully submitted,




Calvin Gray, Chief Building Inspector
Sustainable Planning and Community
Development



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager:


Date: July 16, 2019

List of Attachments

- Appendix A: Variance Application (January 30, 2019)
- Appendix B: Drawing Package (May 22, 2019)
- Appendix C: Letter from Applicant to Mayor and Council (dated May 22, 2019)
- Appendix D: Drawing Package – Existing signage details (dated June 24, 2019)

Declaration of Complete Application

Please confirm that your application is complete by filling in the checklist below and signing the declaration. **Incomplete applications will not be accepted.**

a. Owner's Authorization Form and Explanatory Letter

- ☒ Owner must sign Owner's Authorization Form allowing applicant to act on his/her behalf, if applicable.
- ☒ Letter addressed to Mayor and Council explaining details of your proposal and justification for any variances.

General Requirements for the Site Plan and Landscape Plan and Building Plans

All applications will require the submission of a Site Plan. .

The following are the general requirements for both the Site Plan.

- The Site Plan is preferred to be 1:200 or 1:100 scale and dimensioned in metric.
- The standard is to include a north arrow, which should point to the top or right of the page.
- Include a title block that identifies the project name (if any), civic address, applicant and contact information, date of plans and space to indicate any plan revision dates.

b. Site Plan – Existing Site

- ☒ Parcel size and dimensions showing all property lines
- ☒ Size and location of all existing buildings, signage locations and other structures on the property, clearly dimensioned and labeled

c. Site Plan – Proposed Development

- ☒ Parcel size and dimensions showing all property lines
- ☒ Location of all proposed signage and structures, highlighting proposed variances
- ☐ Where applicable, illustrate compliance with *Tree Preservation Bylaw #05-106*, showing size, species and location of protected trees and measures to protect trees. Bylaw is available at <http://www.victoria.ca/EN/main/departments/parks-rec-culture/parks/urban-forest/tree-preservation-bylaw.html>. Please ensure that the drip line of all existing trees on the right-of-way and all protected trees on the lot are shown.

d. Building plans and information showing:


- ☒ Elevations on all sides applicable to variance
- ☒ Photos or illustrations of buildings
- ☒ Any photographs to support your submission clearly identifying location and views

e. Plan Submission Requirements

- ☒ Three sets of plans are required
- ☒ All plans are dated. Any revisions are to be bubbled and dated.

f. Declaration

- ☒ I hereby submit this Development Variance Permit Application with the supporting documents as required.
- ☒ I hereby acknowledge that all the information provided is considered public information and available for public viewing and distribution.
- ☒ I hereby submit the application fee as calculated below.
- ☒ I hereby declare that all the above statements and the information contained in the supporting documents are to the best of my belief true and correct in all respects.



Signature of Applicant

Brian McCall

(PRINT NAME)

January 30, 2019

Date

End of application – the next sections are for information purposes

Development Variance Permit Fees

The base fee is \$500 plus \$250 for each variance. A large project fee applies to projects over \$2 million in construction value.

A \$200 Public Hearing fee is required, if the application proceeds to Public Hearing.

The fees are non-refundable.

General Information on fees:

- The application fees are set out in the *Land Use Procedures Bylaw*. See Bylaw for details.
- The fees are non-refundable.
- If an application is advanced to a Public Hearing, an additional fee of \$200 for advertising is required and payable at the Public Service Centre before setting a Public Hearing date.

Digital Plan and Copy Submission Requirements

In order for your application to proceed to City Council's Committee of the Whole, a digital copy of your submission is required 7 working days prior to the scheduled meeting date. The information contained in your digital submission must be consistent with the plans provided to City Staff. **Only** prepare your digital submission after the staff review of your application and once any required changes are incorporated into the plans.

Standards

- Provide a digital format (eg. email, CD)
- Label the disk with the project address
- Maximize the slide space (enlarge images) to ensure the slides are clear and legible
- Slide background to be kept white, descriptive text kept simple, use only Arial font and do not use any special effects or transitions

Required Plan Information

Please provide the slides in the order shown below:

- photographs showing existing buildings, adjacent properties and any other relevant material that may support your proposal
- site plan showing buildings and locations of all signs
- landscape plan showing both existing trees and trees to be removed if applicable
- elevation plan showing all signs including dimensions

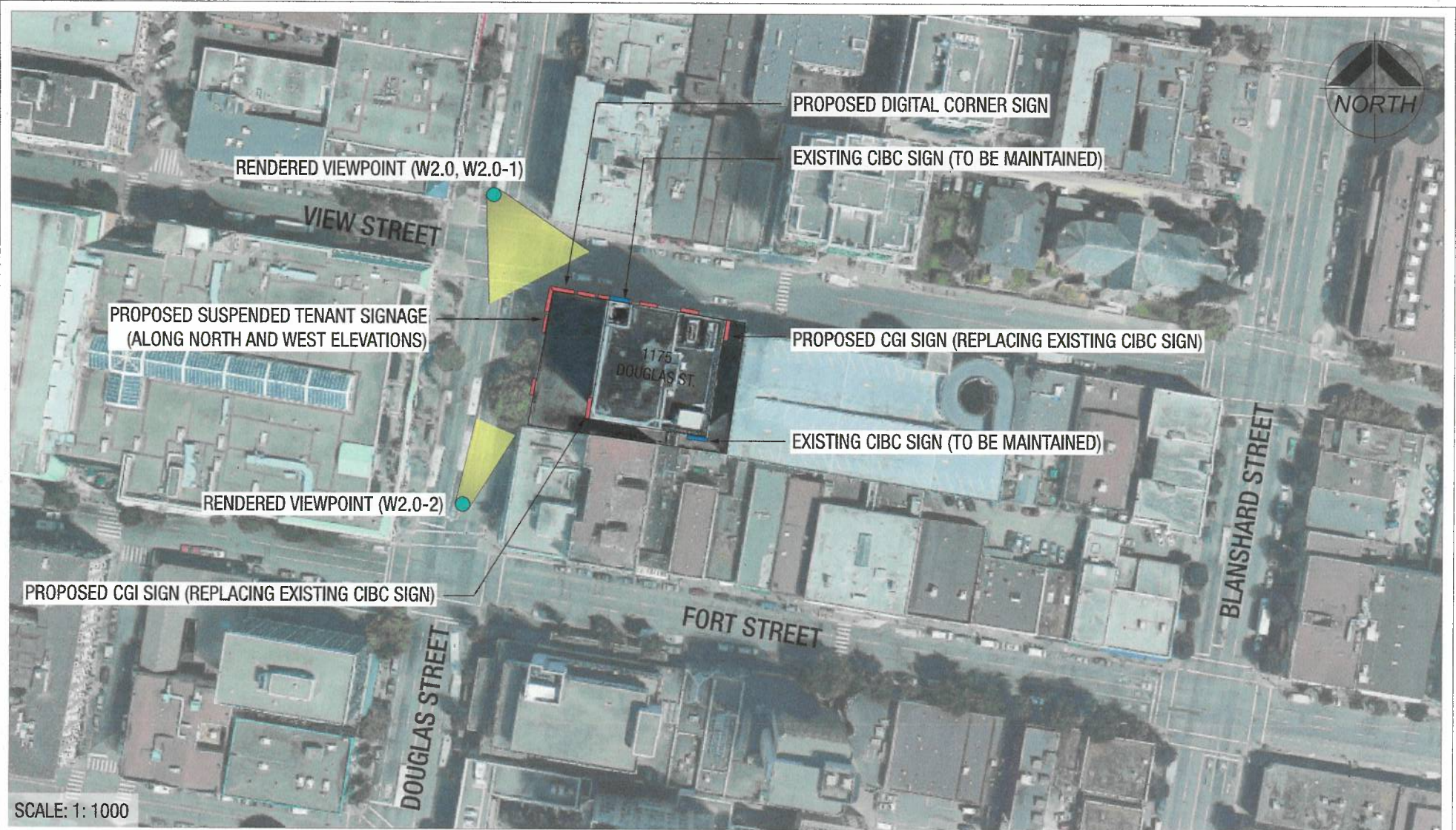
Development Variance Permit Application

Drawing Package

May 22, 2019

APPENDIX B





Kramer Tel: 416.921.1078
Design Fax: 416.921.9934
Associates www.kramer-design.com

CLIENT Manulife Real Estate

PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE	
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019

TITLE Area Map

DWG No

These documents are not to be scaled. The design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractor to also verify all details and dimensions and report any and all discrepancies to KDA before commencing work. Only signed, sealed and stamped documents are to be used for construction purposes.

W1.0

Plan Legend

- Extent of Building Footprint
- Property Line

Sign Legend

- Proposed New Signage
- Existing Signage (to remain)
- Existing Internal Property tenant signs not considered in Display Surface Area Calculations due to setback

Sign Totals

Tenant Wall Signs (TWS): 4
 2 - Proposed New Signs (CIB)

2 - Existing Signs (CIBC)

Tenant Corner Brand (TCB): 1
 1 - Existing Sign (CIBC)

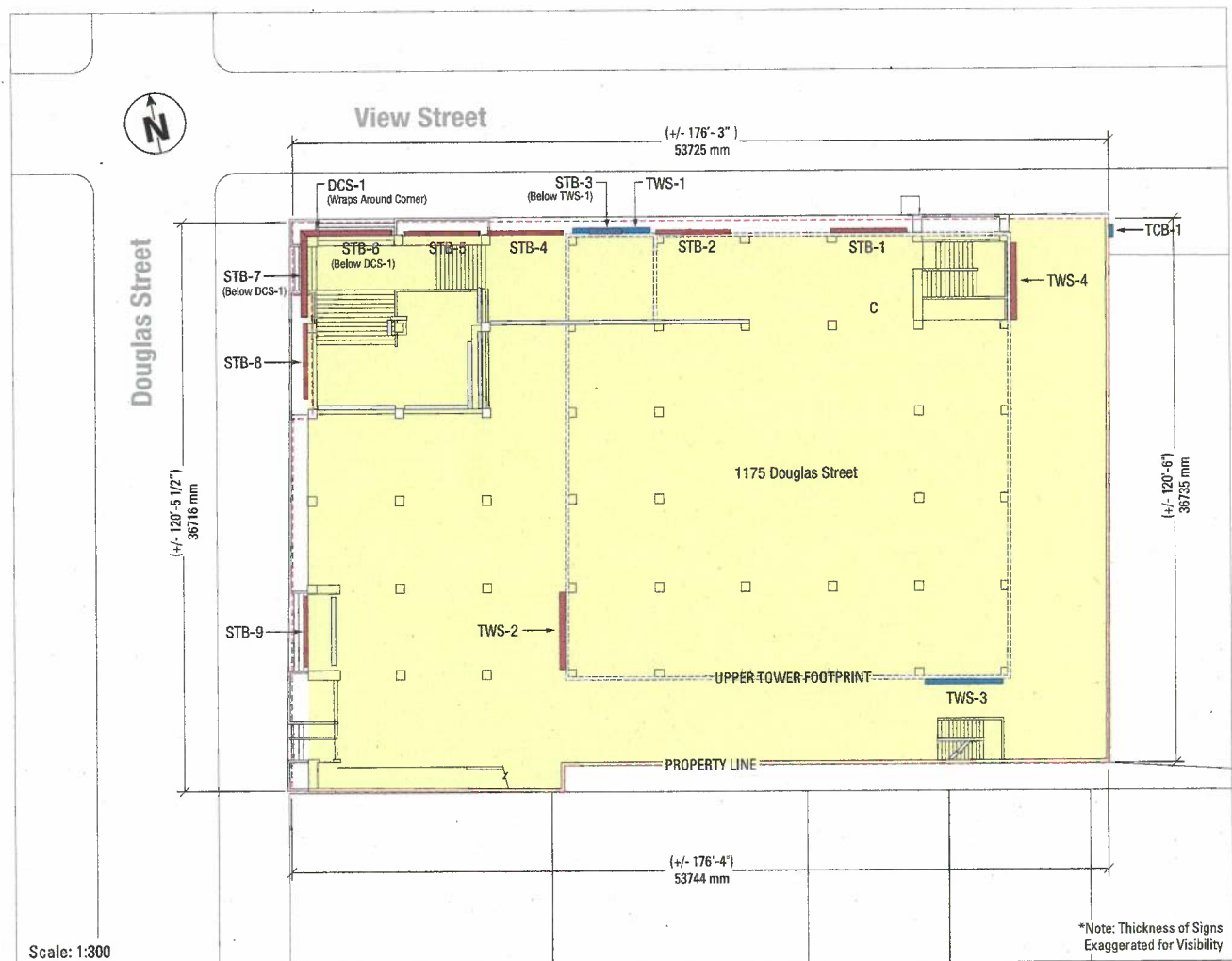
Digital Corner Sign (DCS): 1
 1 - Proposed New Sign (First-Party Digital Content, Min. Hold Time 30s)

Suspended Tenant Brands (STB): 9
 9 - Proposed New Signs (Various Tenants)

Removals/Replacements

TWS-2: Replacing Existing CIBC Sign
 TWS-4: Replacing Existing CIBC Sign

STB-5: Replacing Existing "James Joyce Bistro" Sign
 STB-6: Replacing Existing "Peacock Billiards" Sign
 STB-7: Replacing Existing "James Joyce Bistro" Sign
 STB-8: Replacing Existing "Peacock Billiards" Sign



Kramer Tel: 416.921.1078
 Design Fax: 416.921.9934
 Associates www.kramer-design.com

CLIENT

Manulife Real Estate

PROJECT

Tenant Signage Program
 1175 Douglas Street
 Victoria, British Columbia V8W 2C9

DATE

Issued for Variance November 08, 2018
 Issued for Variance May 22, 2019

TITLE

Site Plan

DWG No

W1.1

These documents are not to be scaled. The design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractor to also verify all details and dimensions and report any and all discrepancies to KDA before commencing with that related portion of the work. Only signed, sealed and stamped documents are to be used for construction purposes.



Kramer Tel: 416.921.1078
Design Fax: 416.921.8934
Associates www.kramer-design.com

CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria, British Columbia V8W 2C9	DATE	November 08, 2018 May 22, 2019	TITLE	Proposed Rendering	DWG No
<small>These documents are not to be scaled. This design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractor to verify all details and dimensions and report any and all discrepancies to KDA before commencing with that related portion of the work. Only signed, sealed and stamped documents are to be used for construction purposes.</small>				Issued for Variance	November 08, 2018	W2.0		
				Issued for Variance	May 22, 2019			



Kramer Tel: 416.921.1078
Design Fax: 416.921.9934
Associates www.kramer-design.com

CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria, British Columbia V8W 2C9	DATE	November 08, 2018 May 22, 2019	TITLE	Proposed Rendering, Northwest Corner of Property	DWG No	W2.0-1
<small>These documents are not to be scaled. The design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractor to also verify all details and dimensions and report any and all discrepancies to KDA before commencing work on that related portion of the work. Only signed, sealed and stamped documents are to be used for construction purposes.</small>									



Kramer Tel: 416.921.1078
Design Fax: 416.921.8934
Associates www.kramer-design.com

CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria, British Columbia V8W 2C9	DATE		TITLE	Close-up Rendering Douglas St.	DWG No
				Issued for Variance	November 08, 2018			W2.0-2
				Issued for Variance	May 22, 2019			
These documents are not to be scaled. The design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractor to verify all details and dimensions and report any and all discrepancies to KDA before commencing with that related portion of the work. Only signed, sealed and stamped documents are to be used for construction purposes.								



PROPOSED NEW SUSPENDED TENANT BRANDS
(STB-1, STB-2, STB-3, STB-4, STB-9)

PROPOSED SUSPENDED TENANT BRANDS
(STB-5, STB-6, STB-7, STB-8)
(REPLACING EXISTING TENANT SIGNS)



Kramer Tel: 416.921.1078
Design Fax: 416.921.9934
Associates www.kramer-design.com

CLIENT Manulife Real Estate

PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE	
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019

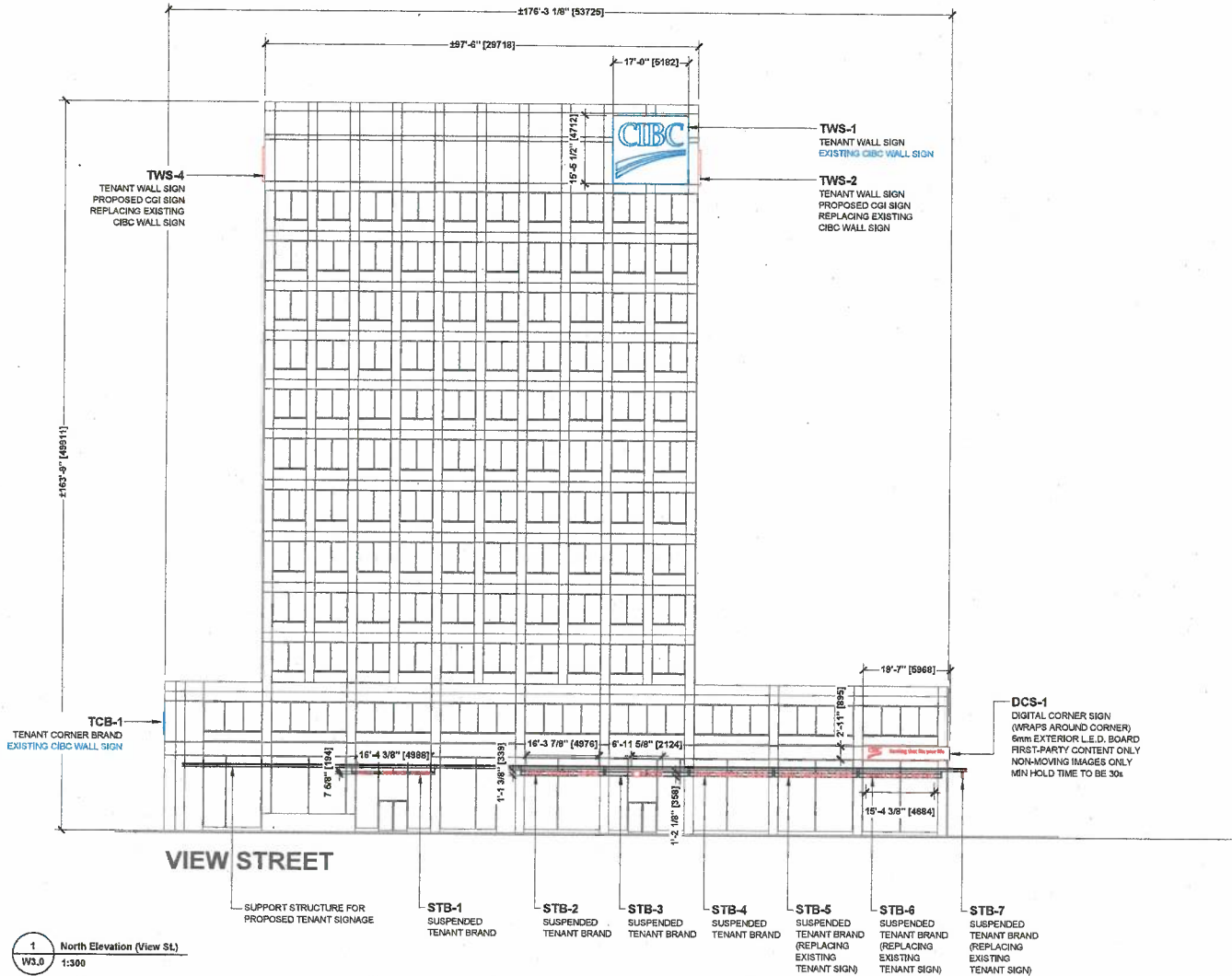
TITLE Proposed Signage Summary
(North & West Elevations)

DWG No

W2.1

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NORTH ELEVATION



SIGN AREA CALCULATION (NORTH ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 176.25 ft. (53.72 m)

Max. Allowed Total

Display Surface Area: 176.25 sq. ft. (16.37 m²)

Sign Display Surface Areas

TWS-1 (Existing): 24.42 m²

DCS-1: 5.34 m²

STB-1: 0.97 m²

STB-2: 1.69 m²

STB-3: 0.76 m²

STB-4: 1.69 m²

STB-5: 1.69 m²

STB-6: 1.70 m²

Proposed Total Display Surface Area: 38.26 m²

Proposed Total Display Surface Area
exceeds Max. Allowed by 21.89 m²

COLOUR LEGEND

- PROPOSED NEW SIGNAGE
- EXISTING SIGNAGE TO REMAIN

1 North Elevation (View St.)
W3.0 1:300



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Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019

TITLE North Elevation (View St.)

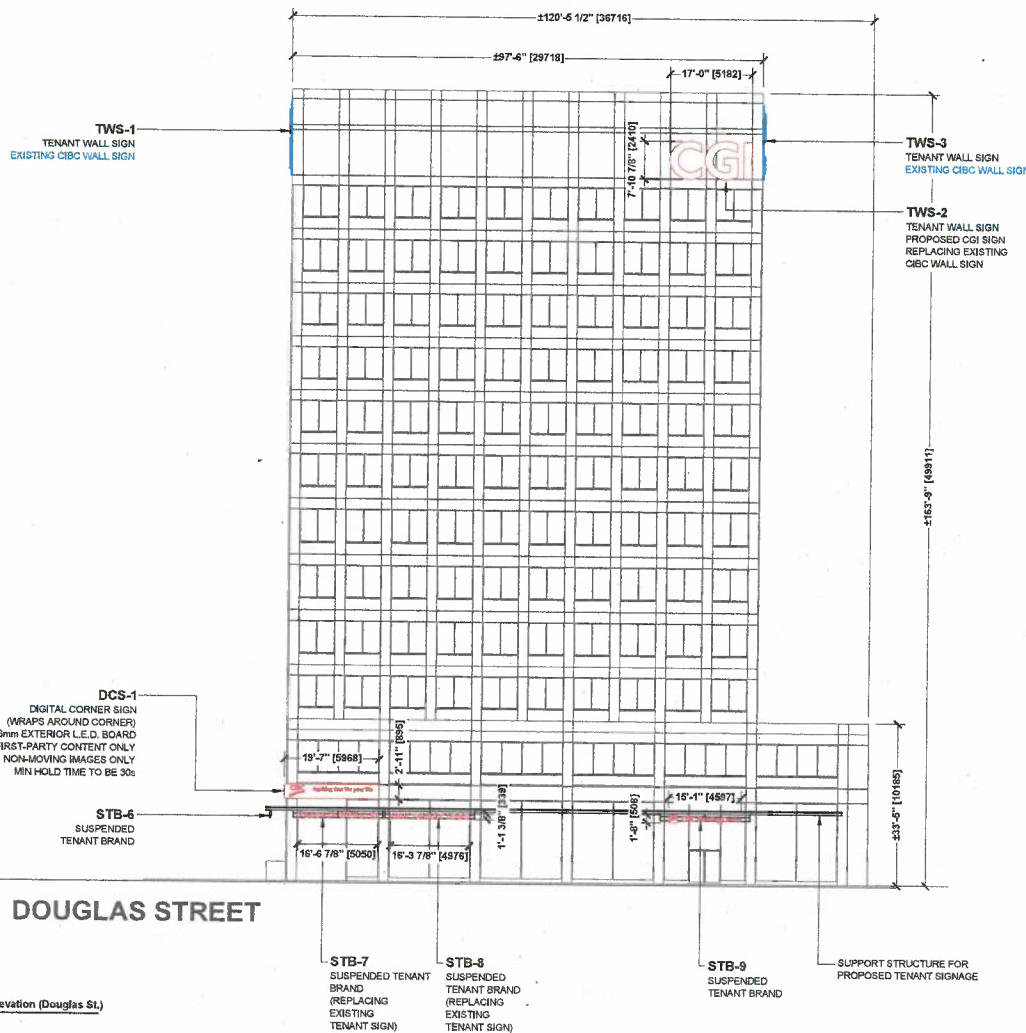
DWG No

APPROVAL

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WEST ELEVATION



SIGN AREA CALCULATION (WEST ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

West Frontage: 120.46 ft. (36.72 m)

Max. Allowed Total

Display Surface Area: 120.46 sq. ft. (11.19 m²)

Sign Display Surface Areas:

TWS-2: 12.36 m²

DCS-1: 5.34 m²

STB-7: 1.96 m²

STB-8: 1.69 m²

STB-9: 2.33 m²

Proposed Total Display Surface: 23.68 m²

Proposed Total Display Surface Area
exceeds Max. Allowed by 12.49 m²

*Note: Current Total Display Surface Area is
24.42 m²; which already exceeds the Max.
Allowed Display Surface Area. The proposed
changes affect a reduction in Sign Total
Display Area of 0.74 m², bringing this
elevation closer to compliance.

COLOUR LEGEND

- PROPOSED NEW SIGNAGE
- EXISTING SIGNAGE TO REMAIN

1 West Elevation (Douglas St.)
W3.1 1:300



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PROJECT **Tenant Signage Program**
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019

TITLE **West Elevation (Douglas St.)**

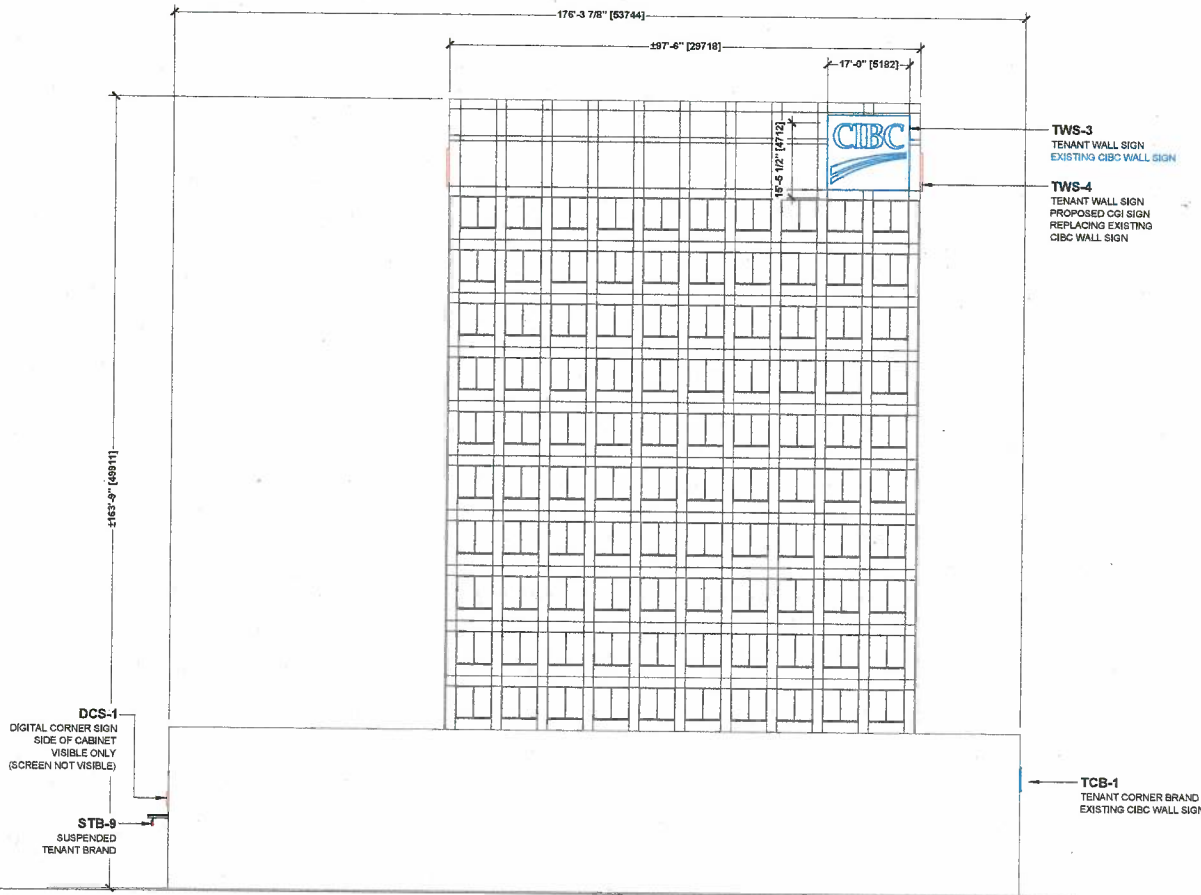
DWG No

APPROVAL

W3.1

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SOUTH ELEVATION



SIGN AREA CALCULATION (SOUTH ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 176.32 ft. (53.74 m)

Max. Allowed Total

Display Surface Area: 176.32 sq. ft. (16.38 m²)

Sign Display Surface Areas:

TWS-3 (Existing): 24.42 m²

Proposed Total Display Surface Area: 24.42 m²

Proposed Total Display Surface Area exceeds
Max. Allowed by 8.04 m²

*Note: There are no proposed changes or
additions to signage on the South Elevation;
current signage already exceeds Display
Surface Area allowance.

DCS-1
DIGITAL CORNER SIGN
SIDE OF CABINET
VISIBLE ONLY
(SCREEN NOT VISIBLE)

STB-9
SUSPENDED
TENANT BRAND

TWS-3
TENANT WALL SIGN
EXISTING CIBC WALL SIGN

TWS-4
TENANT WALL SIGN
PROPOSED CGI SIGN
REPLACING EXISTING
CIBC WALL SIGN

TCB-1
TENANT CORNER BRAND
EXISTING CIBC WALL SIGN

1 South Elevation
W3.2 1:300

COLOUR LEGEND

PROPOSED NEW SIGNAGE
EXISTING SIGNAGE TO REMAIN

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1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019

TITLE South Elevation

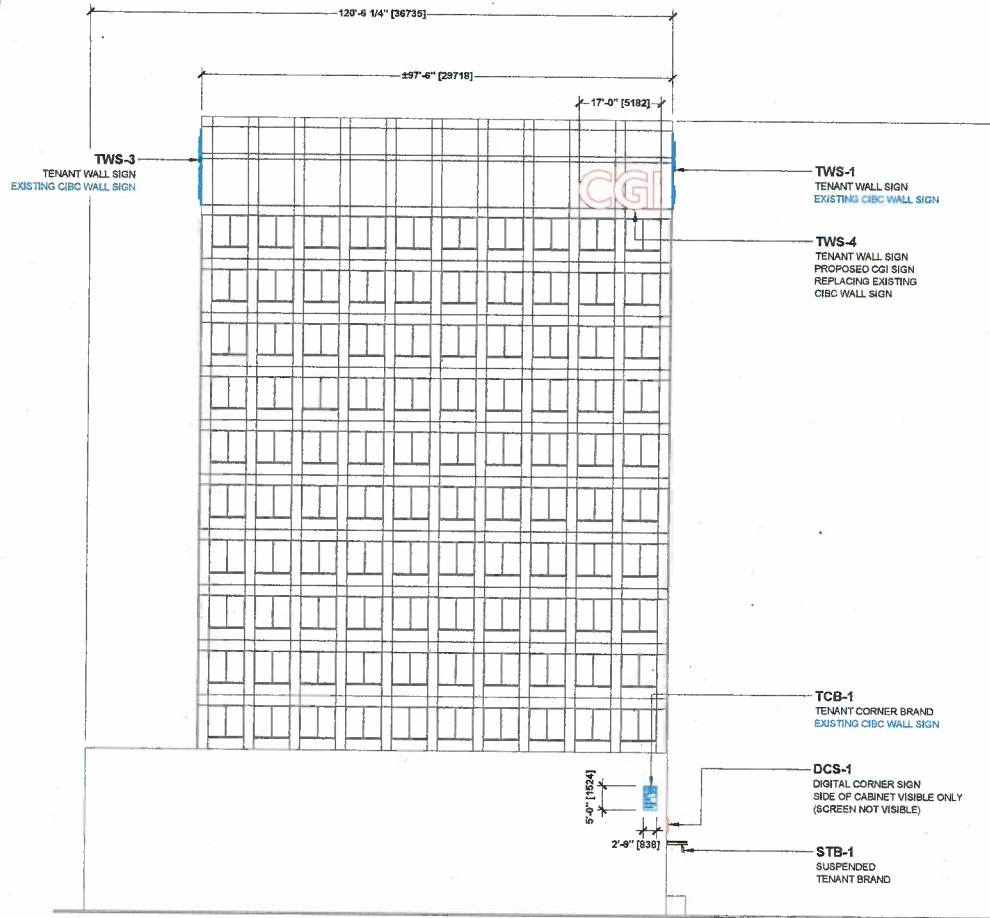
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APPROVAL

W3.2

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EAST ELEVATION



SIGN AREA CALCULATION (EAST ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 120.5 ft. (36.73 m)

Max. Allowed

Total Sign Area: 120.5 sq. ft. (11.19 m²)

Sign Display Surface Areas:

TWS-4: 12.36 m²

TCB-1: 1.28 m²

Proposed Total Display Surface Area: 13.64 m²

Proposed Total Display Surface Area exceeds
Max. Allowed. by 2.45 m²

*Note: Current signage Total Display Surface Area is 25.7 m²; which already exceeds the Max. Allowed Display Surface Area. The proposed changes affect a reduction in Sign Total Display Area of 12.06 m², bringing this elevation much closer to compliance.

1 East Elevation
W3.3 1:300



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PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019

TITLE East Elevation

DWG No

W3.3

APPROVAL

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May 22nd, 2019

Mayor and City Council
Victoria City Hall
1 Centennial Square
Victoria, British Columbia
V8W 1P6

Re: Development Variance Permit Application
Bank of Commerce Building - CGI Tenant Wall Sign
1175 Douglas Street, Victoria

Dear Mayor and Members of City Council,

Manulife Real Estate (Manulife) is the owner of a Commercial Office Building municipally known as 1175 Douglas Street. The building is one of only five Class "A" office buildings in Victoria.

Kramer Design Associates (KDA), are writing on behalf of Manulife Real Estate to request minor variances from Bylaw No. 14-097 (the "Sign Bylaw") to permit the erection of two identical tenant identification fascia signs affixed to the 13th storey / mechanical penthouse of 1175 Douglas Street. The proposed signs would display the brand icon of one of the building's two principal tenants, CGI Group Inc. (CGI), and would replace two of the four CIBC tenant signs currently erected on the building.

In addition, and to compensate for the decrease in exposure CIBC will experience, a digital sign featuring static messaging is proposed for on the Northwest corner of the building. The proposed digital sign would feature only first-party static content (non-moving images), with a minimum hold time of 30s, and with a higher percentage of the timeshare being dedicated to CIBC. This solution was arrived at after discussion with City of Victoria personnel.



Figure 1.1: Existing Conditions



Figure 1.2: Proposed Signage

Background

The subject property is a 13 Storey Commercial Office Building located in the heart of the financial and business district of Victoria, in a Core Business sub-designation. KDA has worked with Manulife to develop an updated signage program for the property, in order to better represent tenants and more effectively serve the public. In regards to signage, the subject property is located in an Arterial Commercial Sign zone, and the proposed signs are Fascia Signs and Suspended Signs, which are both permitted in such a sign zone.



Background (con't)

The minor variances required for the implementation of the proposed signage program are as follows:

- a) allowance for the total aggregate area of signs on the North, South, East, and West elevations to exceed the maximum sign ratio indicated for the sign zone. The proposed variance would allow CGI's brand to be installed on the upper tower level / mechanical floor, replacing two of the existing CIBC signs, and providing similar exposure for both primary building tenants.
It should be noted that the proposed replacement of the existing CIBC signs with CGI signs would affect a decrease in Total Display Surface area of 12.06 m², which brings the concerned elevations closer to compliance with the Sign Bylaw.
- b) Allowance for the Display Surface Area of a fascia sign to exceed 9 sq. m. The proposed size of the two CGI signs (to 12.5 sq.m each) allows for a visually consistent appearance with the existing CIBC wall signs. From an architectural perspective, the size of the proposed CGI signs is limited to match the maximum spread of two window bays, which in turn matches the width of the current CIBC signs.

Official Plan Compliance

The proposed CGI fascia signs contribute to the Official Community Plan Value of "Downtown Vibrancy" (Official Community Plan of Victoria, 3.9) by reinforcing Downtown Victoria as a vibrant and engaging centre for business.

CGI is a longstanding Canadian company, employing over 70,000 people in 400 locations worldwide and actively expanding their workforce in Victoria. The company is publicly traded on the TSX and NYSE. As a net creator of jobs within the Core Business sub-designation, KDA asserts that is reasonable that CGI should have visual brand representation of their office premises.

The approval of this Development Variance Permit Application would be in keeping with Official Community Plan directives for Economy in that it would support the function of the urban core as the primary regional centre of employment (Official Community Plan of Victoria, 14 (f)), by maintaining and enhancing it with high-quality facilities. It would also attract jobs by promoting an image of a vibrant, diverse, and creative city (Official Community Plan of Victoria, 14.1).

The proposed signs would also respect Victoria's character by complying with land management directives, as CGI is an advanced technology company, located in a designation intended for the advanced technology economic sector (Official Community Plan of Victoria, 14.19 & Figure 17).

Impact to Adjacent Premises

The proposed CGI signs would be internally illuminated dimensional characters displaying CGI's company name and brand identity, and would be installed on wall the 13th storey of the subject property, replacing two of the four existing CIBC signs.

The size, construction, and location of the proposed CGI signs have been carefully considered to offer equal salience to the existing CIBC signage, and would not negatively affect the area by causing undue visual impact.

The proposed digital sign on the Northwest corner of the property was arrived at as an appropriate solution after discussion with City personnel, and would feature only static content (non-moving images/copy) with a hold time of 30s minimum. This sign is an improved and less wasteful solution for the display of temporary messages, such as available office space, and also can feature semi-permanent messaging representing tenants. Due to only displaying static content, this proposed sign would maintain consistency with existing signage in the corridor.



Impact to Adjacent Premises (con't)

The images below compare the view from Fort St. before and after the change to the tower signage, and the existing signage on the Northwest Corner versus the proposed signage.



Figure 3.1: Current view of SE Corner from Fort St.



Figure 3.2: Proposed CGI sign replacing CIBC sign.



Figure 3.3: Current view of NW Corner.



Figure 3.4: View of NW corner showing proposed signage.

Variance Provisions

An approval requiring variance relief was granted in 2013 allowing for the erection of the existing CIBC Signs on the property. The presently requested variances require less overall relief for overages in Sign Display Surface Area than those granted in 2013, and are less of a departure from the Sign Bylaw. KDA asserts that there is clear precedent for the granting of the presently-requested variances.

The below chart identifies the minor variances required to implement the proposed tenant fascia signage.

Sign No.	Codes	Bylaw	Variance Requested
TWS-2, TWS-4, DCS-1	14-097 9 (1)	No sign shall be installed or added on a building or property where the area of the proposed sign, when added to the aggregate area of all other signs lawfully displayed, exceeds the permitted maximum sign ratio indicated for each sign zone.	Allowance for the erection of two signs (TWS-2 and TWS-4) (replacing existing signs), on the East and West elevations, and allowance for the erection of a digital sign on the NW corner of the building, and with faces on the North and West elevations.
TWS-2, TWS-4, DCS-1	14-097 33 (1)	The sign allowance permitted in the Arterial Commercial Sign Zone is a 1 to 1 ratio requirement.	Allowance for the erection of three fascia signs which would cause the aggregate area of all signs to exceed the 1 to 1 ratio requirement. (By less than it is currently exceeded in 2 of 4 cases)



Variance Provisions (con't)

TWS-2, TWS-4,	14-097 33 (2)	A fascia sign shall not have a display surface exceeding 9 sq.m. (96.88 sq ft).	Allowance for the erection of two fascia signs with display surfaces of 12.15 sq.m. (requested additional area allowance of 3.15 sq.m. per sign)
------------------	---------------	---	--

Conclusion

The addition of the proposed signs would be in keeping with the Official Community Plan directives and values, and would maintain the character of the area as a Core Business sub-designation, and there is strong precedent and strong Official Plan support for the granting of the requested variance relief.

Please find the following enclosed as part of this application

1. A copy of the completed application form and checklist
2. A copy of the completed and signed Owner's authorization form
3. Drawing Package including Site Plan, Building Plans, and renderings

Please contact the undersigned should you require any further information.

Sincerely,

Brian McCall / Sr. Associate & Project Manager, KDA

cc. Kathryn J. Ireland, Property Director, BC, Manulife Real Estate, Vancouver
 Paula Wright, Leasing Director, BC, Manulife Real Estate, Vancouver
 Phil Sibbald, Senior Property Manager, Colliers International, Victoria
 Jeremy J. Kramer / Principal & Creative Director, KDA
 Grayson Shnier / Industrial Designer, KDA



Appendix A – Reference from Official Community Plan of Victoria

URL: <http://www.victoria.ca/EN/main/residents/community-planning/official-community-plan.html>

Updated: July 13, 2017

Accessed: February 28, 2018

3.9, Section 3: Vision, Values and Goals

Under “Plan Values”

- 3.9 **Downtown Vibrancy:** Reinforce the regional role of Downtown Victoria as a vibrant, engaging centre for employment, living, arts, culture, entertainment, tourism, and business.

14 (f), Section 14: Economy

Under “Broad Objectives”

- 14 (f) That the function of the Urban Core as the primary regional centre of employment, learning, arts, culture, entertainment, recreation and specialty retail is maintained and enhanced with high quality facilities, services and events.

14.1, Section 14: Economy

Under “City Image”

- 14.1 Work with partners to attract jobs, residents and visitors to Victoria by promoting a new image as a vibrant, diverse and creative city in a maritime setting, while retaining the importance of heritage, history and tradition in defining Victoria's character.

14.19, Section 14: Economy

Under “Employment Lands”

- 14.19 Consider the place-based conditions for economic sectors generally as described in Figure 17 in support of Victoria's economic structure, as identified on Map 14.

Figure 17: Urban Place Designations – Economic Guidelines, Section 14: Economy

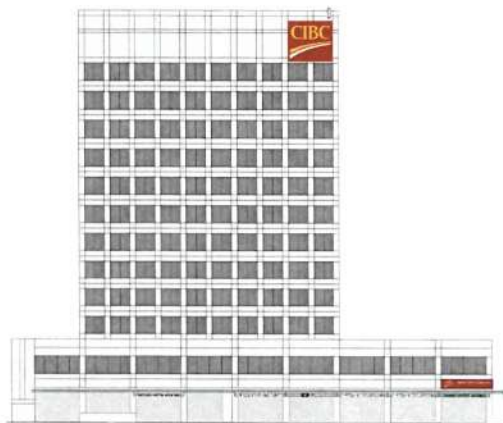
Designation	Economic Sector
Core Business	<ul style="list-style-type: none"> › Transportation and warehousing › Public administration › Finance, insurance, real estate › Advanced technology › Healthcare services › Tourism and visitor services › Arts, culture and entertainment › Residential goods and services (retail, commercial and community services)

Development Variance Permit Application

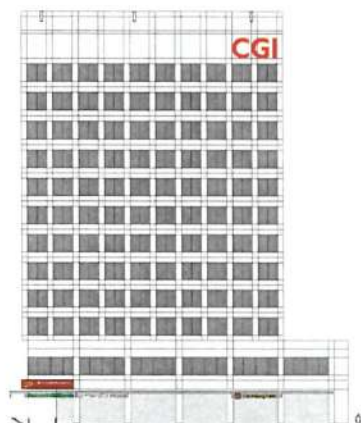
Drawing Package

June 24, 2019





Proposed Signage
North Elevation
Cumulative Sign Display Surface Area: 38.26 m²



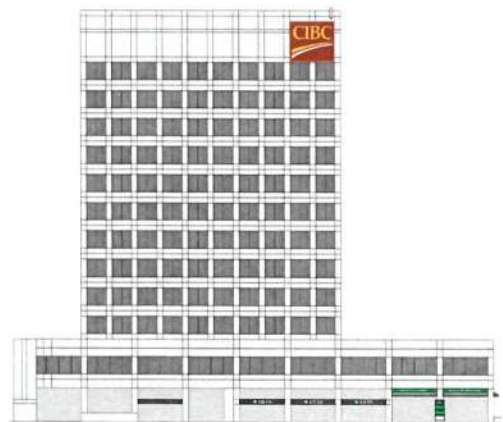
Proposed Signage
West Elevation
Cumulative Sign Display Surface Area: 23.68 m²

The proposed signage program for 1175 Douglas St. was developed with the intent to unify the presentation of signage on the property, and in order to give appropriate exposure to CGI and CIBC as the two anchor tenants.

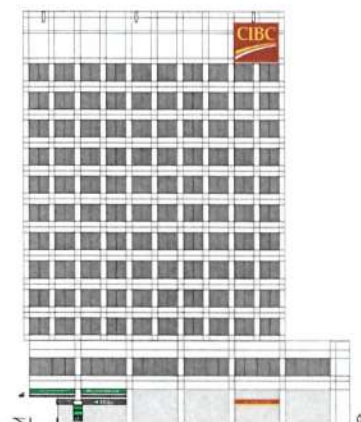
The new program was developed with input from the City of Victoria, and affects an overall decrease in the signage areas visible to the street.

Area calculations can be found on Pages W3.0-W3.5.

*Please note: Due to the technical interpretation of the sign display surface areas (in-set signs are not counted), the North elevation shows an increase, even though the actual amount of signage visible from the street has decreased when considering all visible signs.



Existing Signage
North Elevation
Cumulative Sign Display Surface Area: 28.62 m²
Area of all Visible Signs: 45.12 m²



Existing Signage
West Elevation
Cumulative Sign Display Surface Area: 28.62 m²
Area of all Visible Signs: 38.25 m²



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CLIENT Manulife Real Estate

PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

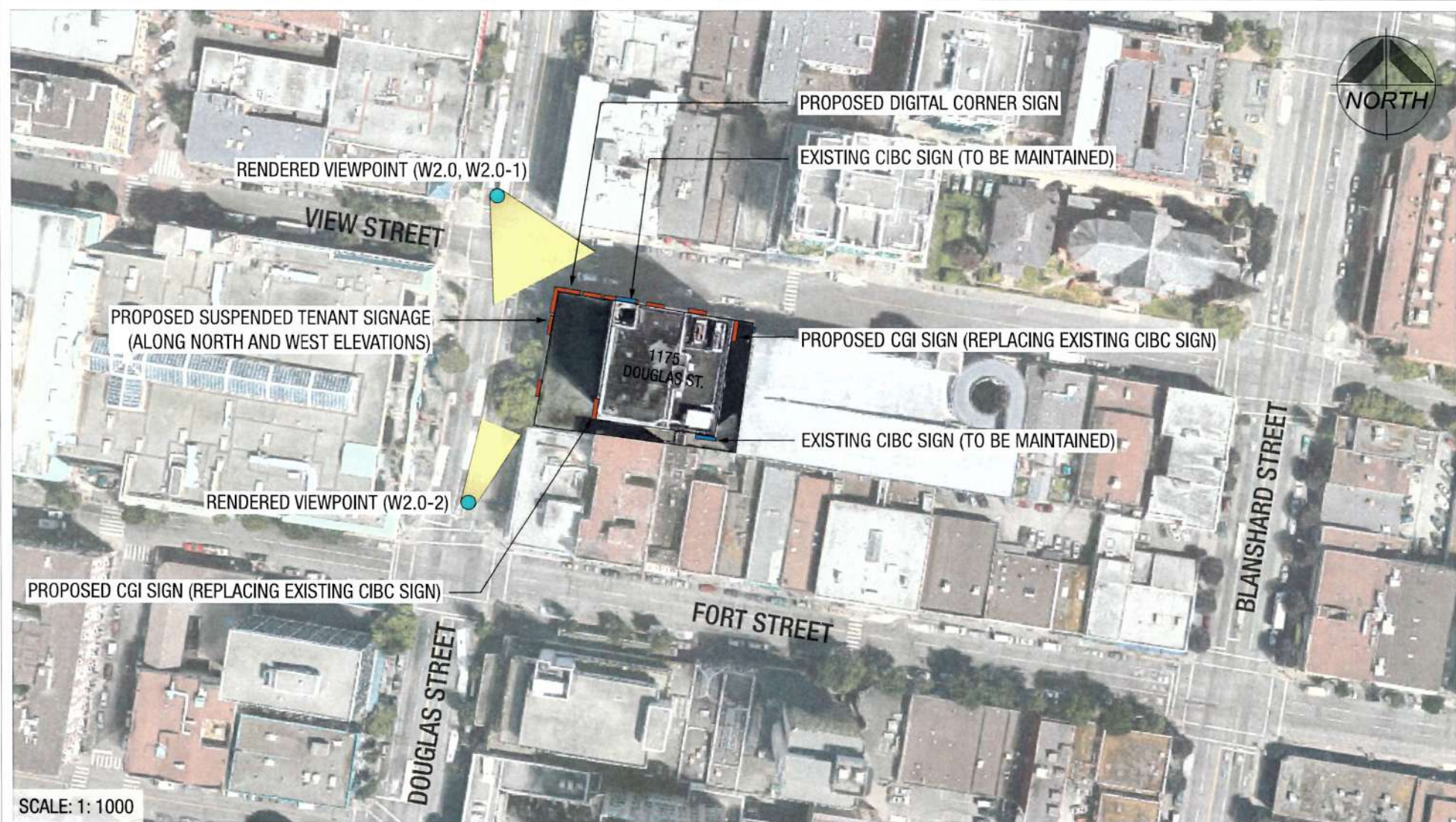
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Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019
Issued for Variance	June 24, 2019

TITLE Proposed Signage Changes
Summary

DWG No

W0.1

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CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria British Columbia V8W 2C9	DATE		TITLE	Area Map	DWG No
				Issued for Variance	November 08, 2018			W1.0
				Issued for Variance	May 22, 2019			
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Plan Legend

- Extent of Building Footprint
- Property Line

Sign Legend

- Proposed New Signage
- Existing Signage (to remain)
- Existing Internal Property tenant signs not considered in Display Surface Area Calculations due to setback

Sign Totals

Tenant Wall Signs (TWS): 4

- 2 - Proposed New Signage (DCS)
- 2 - Existing Signage (CIBC)

Tenant Corner Brand (TCB): 1

- 1 - Existing Signage (CIBC)

Digital Corner Sign (DCS): 1

- 1 - Proposed New Signage (First-Party Digital Content, Min. Hold Time 30s)

Suspended Tenant Brands (STB): 9

- 9 - Proposed New Signage (Various Tenants)

Removals/Replacements

TWS-2: Replacing Existing CIBC Sign

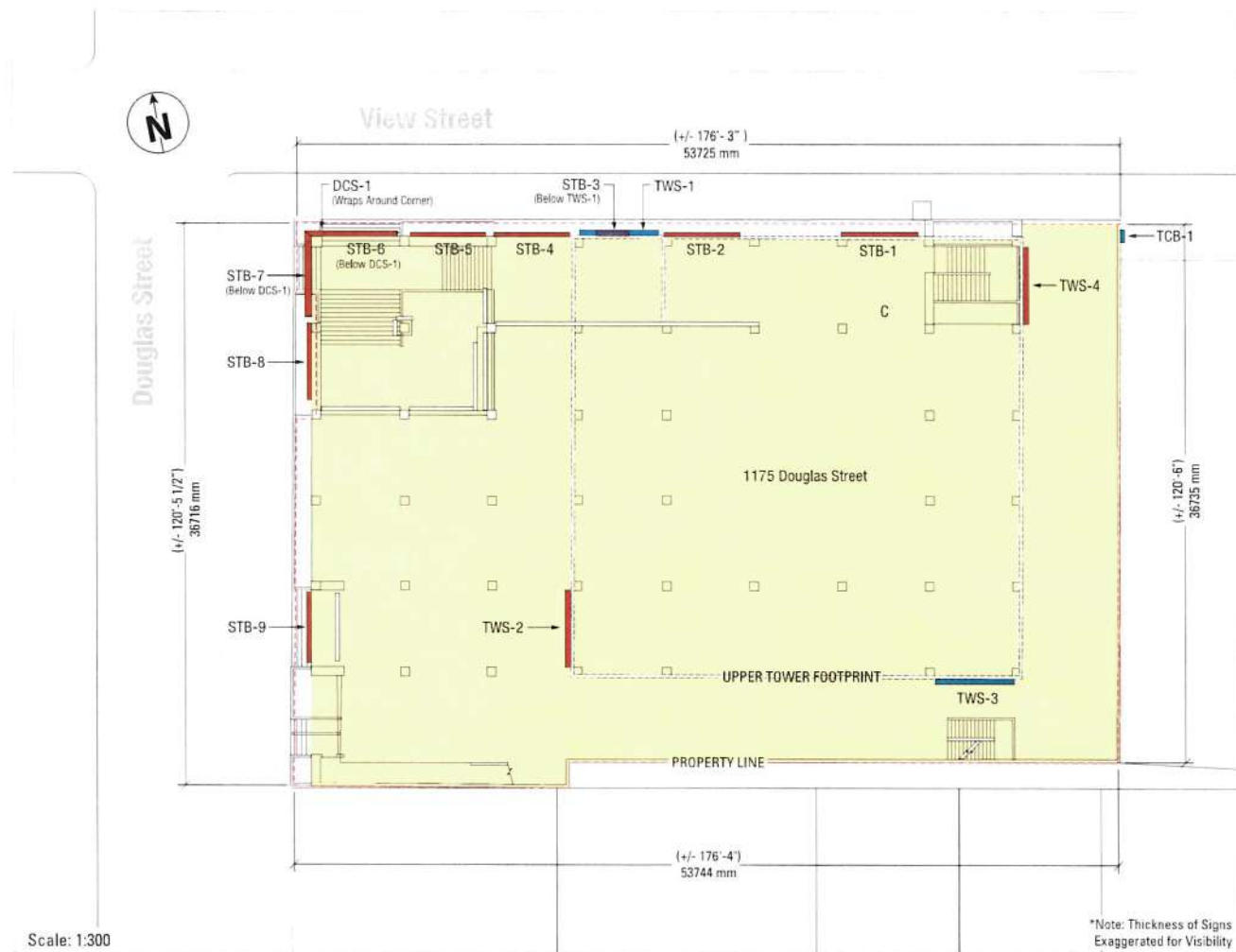
TWS-4: Replacing Existing CIBC Sign

STB-5: Replacing Existing "James Joyce Bistro" Sign

STB-6: Replacing Existing "Peacock Billiards" Sign

STB-7: Replacing Existing "James Joyce Bistro" Sign

STB-8: Replacing Existing "Peacock Billiards" Sign



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CLIENT

Manulife Real Estate

PROJECT

Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE

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TITLE

Site Plan

DWG No

W1.1

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CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria, British Columbia V8W 2C9	DATE	Issued for Variance November 08, 2018 Issued for Variance May 22, 2019 Issued for Variance June 24, 2019	TITLE	Proposed Rendering	DWG No
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1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE	
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019
Issued for Variance	June 24, 2019

TITLE **Proposed Rendering, Northwest
Corner of Property**

DWG No

W2.0-1

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Victoria, British Columbia V8W 2C9

DATE
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Issued for Variance June 24, 2019

TITLE Close-up Rendering Douglas St.

DWG No

W2.0-2

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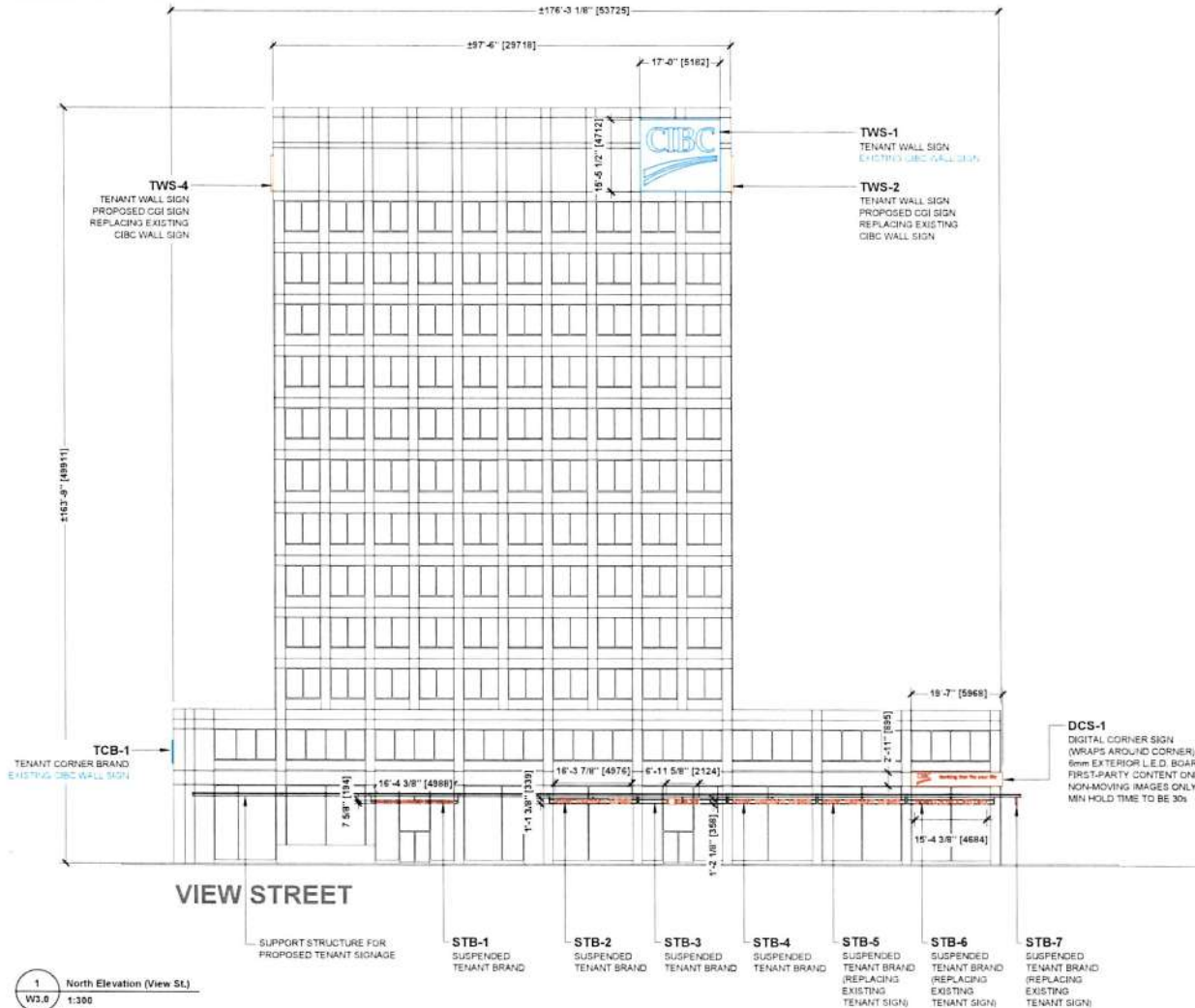
TITLE Proposed Signage Summary
(North & West Elevations)

DWG No

W2.1

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NORTH ELEVATION



SIGN AREA CALCULATION (NORTH ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 176.25 ft. (53.72 m)

Max. Allowed Total

Display Surface Area: 176.25 sq. ft. (16.37 m²)

Proposed Sign Display Surface Areas

TWS-1 (Existing): 24.42 m²

DCS-1: 5.34 m²

STB-1: 0.97 m²

STB-2: 1.69 m²

STB-3: 0.76 m²

STB-4: 1.69 m²

STB-5: 1.69 m²

STB-6: 1.70 m²

Proposed Total Display Surface Area: 38.26 m²

Proposed Total Display Surface Area
exceeds Max. Allowed by 21.89 m²

Existing Sign Display Surface Areas

TWS-1 (Existing): 24.42 m²

James Joyce Bistro Fascia Sign: 2.1 m²

Peacock Billiards Fascia Sign: 2.1 m²

Existing Total Display Surface Area: 28.62 m²

COLOUR LEGEND

PROPOSED NEW SIGNAGE
EXISTING SIGNAGE TO REMAIN

1 North Elevation (View St.)
W3.0 1:300



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CLIENT **Manulife Real Estate**

PROJECT **Tenant Signage Program**
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE	TITLE
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019
Issued for Variance	June 24, 2019

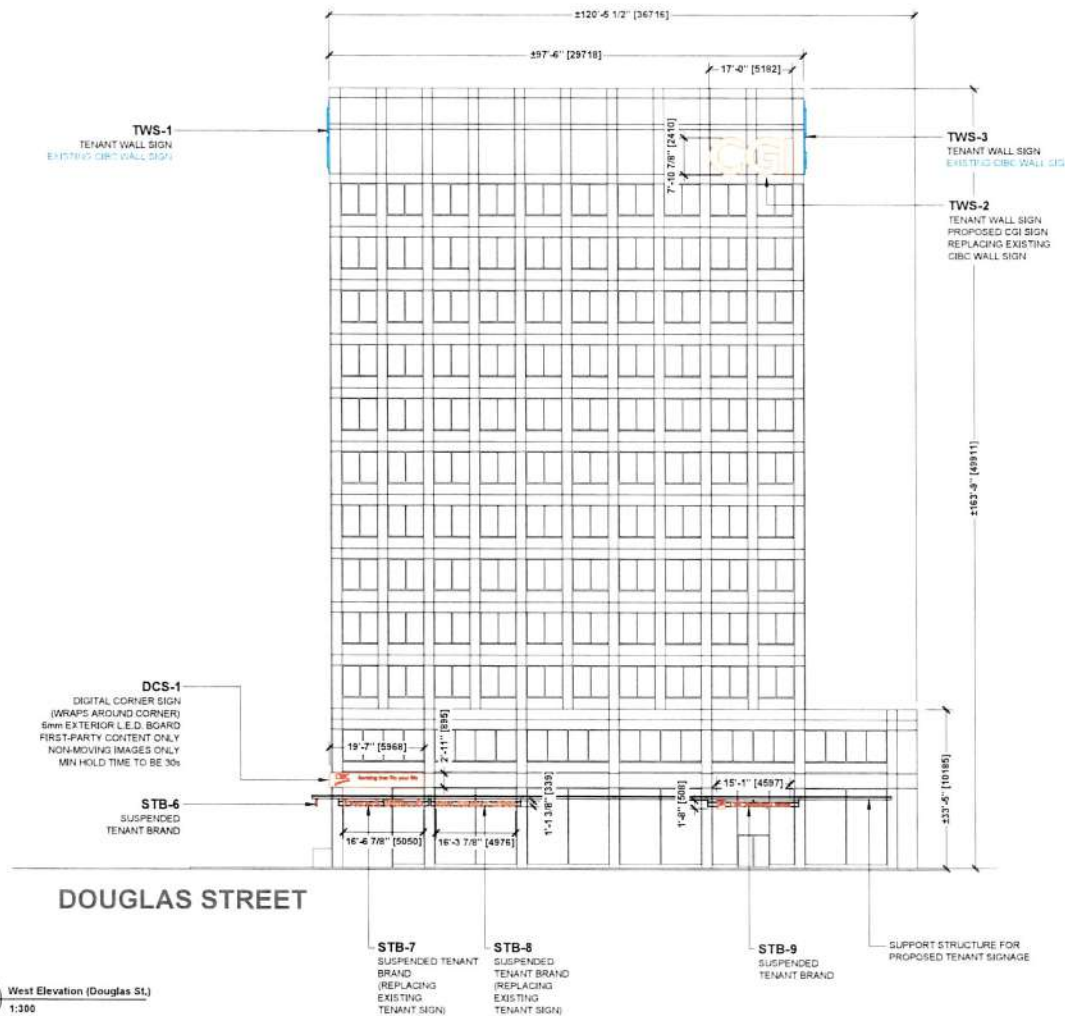
TITLE North Elevation (View St.)

DWG No

W3.0

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WEST ELEVATION



SIGN AREA CALCULATION (WEST ELEVATION)

Arterial Commercial Zone - 1 to 1 Ratio Requirement

West Frontage: 120.46 ft. (36.72 m)

Max. Allowed Total
Display Surface Area: 120.46 sq. ft. (11.19 m²)

Proposed Sign Display Surface Areas:

TWS-2: 12.36 m²

DCS-1: 5.34 m²

STB-7: 1.96 m²

STB-8: 1.69 m²

STB-9: 2.33 m²

Proposed Total Display Surface: 23.68 m²

Proposed Total Display Surface Area
exceeds Max. Allowed by 12.49 m²

Existing Sign Display Surface Areas

CIBC Tower Sign: 24.42 m²

James Joyce Bistro Fascia Sign: 2.10 m²

Peacock Billiards Fascia Sign: 2.10 m²

Existing Total Display Surface Area: 28.62 m²

*Note: Current Total Display Surface Area is 28.62 m²; which already exceeds the Max. Allowed Display Surface Area. The proposed changes affect a reduction in Sign Total Display Area of 4.94 m², bringing this elevation closer to compliance.

COLOUR LEGEND

PROPOSED NEW SIGNAGE
EXISTING SIGNAGE TO REMAIN

1 West Elevation (Douglas St.)
W3.1 1:300



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CLIENT Manulife Real Estate

PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019
Issued for Variance June 24, 2019

TITLE West Elevation (Douglas St.)

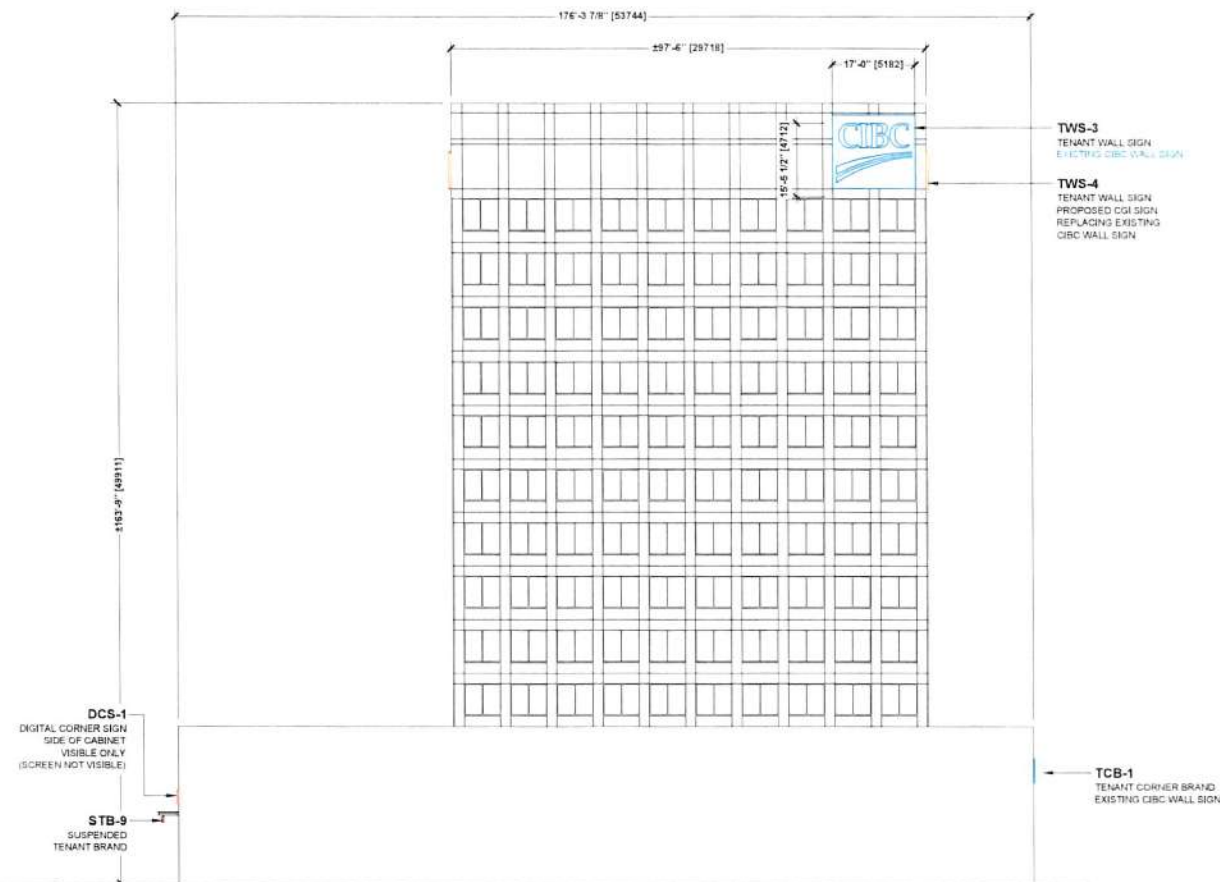
DWG No

W3.1

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APPROVAL

SOUTH ELEVATION



SIGN AREA CALCULATION (SOUTH ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 176.32 ft. (53.74 m)

Max. Allowed Total
Display Surface Area: 176.32 sq. ft. (16.38 m²)

Sign Display Surface Areas:

TWS-3 (Existing): 24.42 m²

Proposed Total Display Surface Area: 24.42 m²

Proposed Total Display Surface Area exceeds
Max. Allowed by 8.04 m²

*Note: There are no proposed changes or additions to signage on the South Elevation; current signage already exceeds Display Surface Area allowance.

DCS-1
DIGITAL CORNER SIGN
SIDE OF CABINET
VISIBLE ONLY
(SCREEN NOT VISIBLE)

STB-9
SUSPENDED
TENANT BRAND

TWS-3
TENANT WALL SIGN
EXISTING CIBC WALL SIGN

TWS-4
TENANT WALL SIGN
PROPOSED CGL SIGN
REPLACING EXISTING
CIBC WALL SIGN

TCB-1
TENANT CORNER BRAND
EXISTING CIBC WALL SIGN

1 South Elevation
W3.2 1:300

COLOUR LEGEND

PROPOSED NEW SIGNAGE
EXISTING SIGNAGE TO REMAIN



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PROJECT Tenant Signage Program
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE
Issued for Variance November 08, 2018
Issued for Variance May 22, 2019
Issued for Variance June 24, 2019

TITLE South Elevation

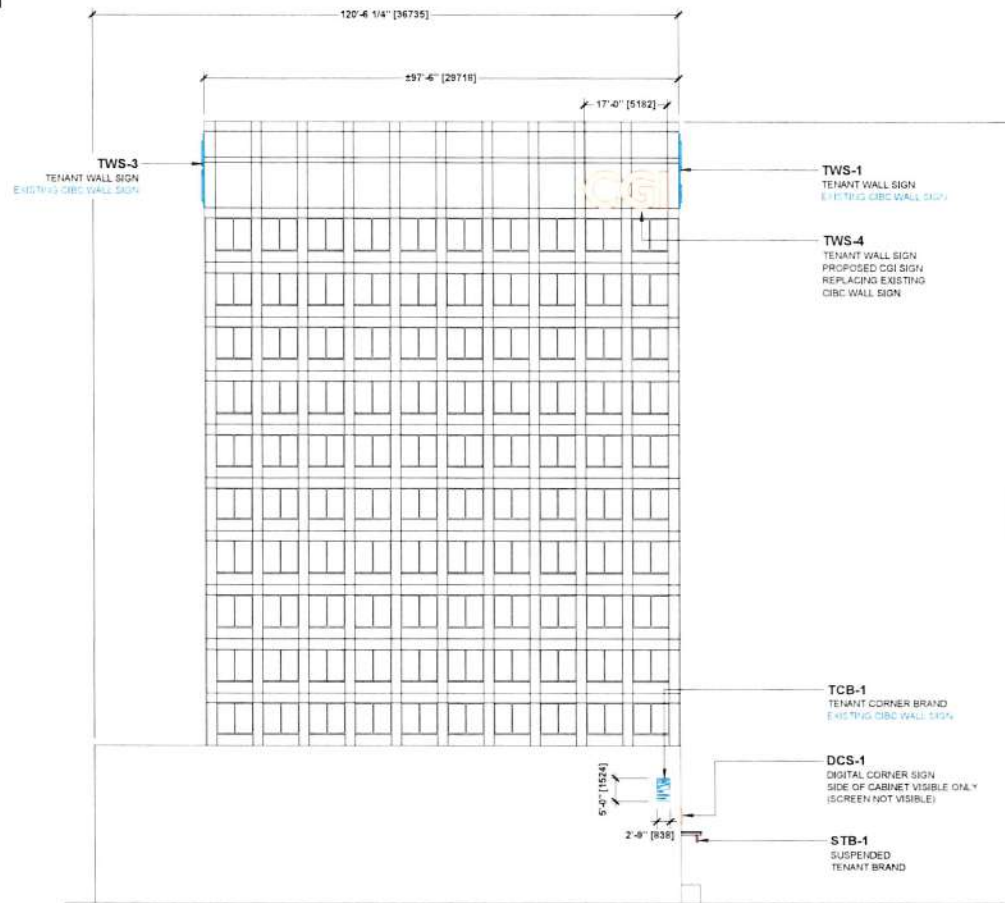
DWG No

APPROVAL

W3.2

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EAST ELEVATION



SIGN AREA CALCULATION (EAST ELEVATION) Arterial Commercial Zone - 1 to 1 Ratio Requirement

North Frontage: 120.5 ft. (36.73 m)

Max. Allowed

Total Sign Area: 120.5 sq. ft. (11.19 m²)

Proposed Sign Display Surface Areas:

TWS-4: 12.36 m²

TCB-1: 1.28 m²

Proposed Total Display Surface Area: 13.64 m²

Proposed Total Display Surface Area exceeds
Max. Allowed. by 2.45 m²

Existing Sign Display Surface Areas

CIBC Tower Sign: 24.42 m²

TCB-1: 1.28 m²

Existing Total Display Surface Area: 25.7 m²

*Note: Current signage Total Display Surface Area is 25.7 m²; which already exceeds the Max. Allowed Display Surface Area. The proposed changes affect a reduction in Sign Total Display Area of 12.06 m², bringing this elevation much closer to compliance.

1 East Elevation
W3.3 1:300



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CLIENT **Manulife Real Estate**

PROJECT **Tenant Signage Program**
1175 Douglas Street
Victoria, British Columbia V8W 2C9

DATE	TITLE
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019
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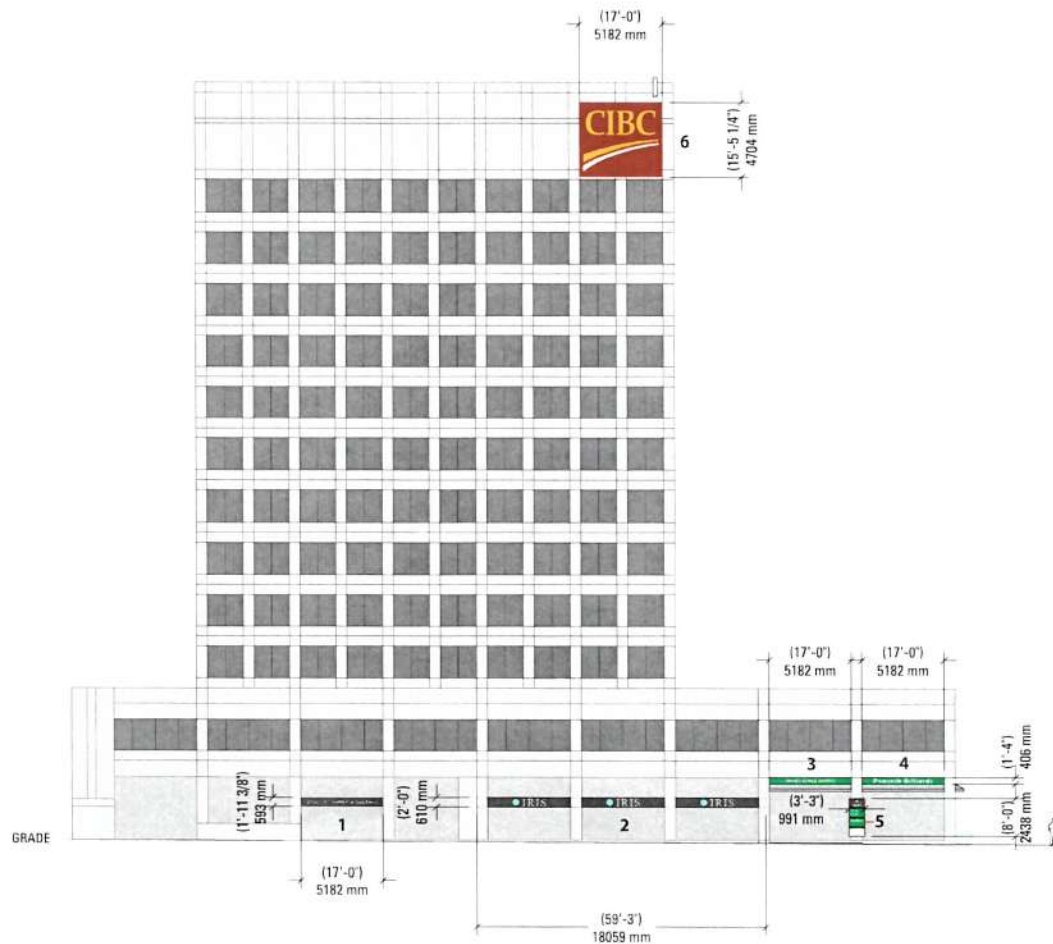
East Elevation

DWG No

W3.3

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APPROVAL



All Existing Signs Visible from Street

1 - 3.07 m²
 2 - 11.02 m²
 3 - 2.10 m²
 4 - 2.10 m²
 5 - 2.41 m²
 6 - 24.42 m²
 Total - 45.12 m²

Existing Signs Counted in Sign Display Surface Area

3 - 2.10 m²
 4 - 2.10 m²
 6 - 24.42 m²
 Total - 28.62 m²

Scale: 1:300



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CLIENT Manulife Real Estate

PROJECT Tenant Signage Program
 1175 Douglas Street
 Victoria, British Columbia V8W 2C9

DATE	TITLE
Issued for Variance	November 08, 2018
Issued for Variance	May 22, 2019
Issued for Variance	June 24, 2019

North Elevation
 (Existing Signage)

DWG No

W3.4

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All Existing Signs Visible from Street

1 - 2.10 m²
 2 - 2.10 m²
 3 - 1.25 m²
 4 - 3.16 m²
 5 - 2.41 m²
 6 - 2.81 m²
 7 - 24.42 m²
 Total - 38.25 m²

Existing Signs Counted in Sign Display Surface Area

1 - 2.10 m²
 2 - 2.10 m²
 7 - 24.42 m²
 Total - 28.62 m²

Scale: 1:300



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CLIENT	Manulife Real Estate	PROJECT	Tenant Signage Program 1175 Douglas Street Victoria, British Columbia V8W 2C9	DATE	TITLE	West Elevation (Existing Signage)	DWG No
<small>These documents are not to be scaled. The design and documents remain the property of KDA and are protected by law. They may not be altered, issued or reproduced without expressed written consent from KDA. All documents to be returned to KDA at completion of work. Contractors to verify all details and dimensions and report any and all discrepancies to KDA before commencing with that related portion of the work. Only signed, sealed and stamped documents are to be used for construction purposes.</small>				Issued for Variance	November 08, 2018		W3.5
				Issued for Variance	May 22, 2019		
				Issued for Variance	June 24, 2019		

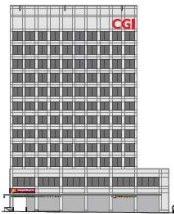
Development Variance Permit Application

1175 Douglas Street

Signage Variances



Proposed Signage
North Elevation
Cumulative Sign Display Surface Area: 38.26 m²



Proposed Signage
West Elevation
Cumulative Sign Display Surface Area: 23.08 m²

The proposed signage program for 1175 Douglas St. was developed with the intent to unify the presentation of signage on the property, and in order to give appropriate exposure to CGI and CIBC as the two anchor tenants.

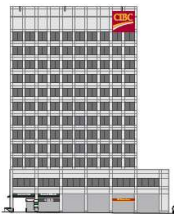
The new program was developed with input from the City of Victoria, and effects an overall decrease in the signage areas visible to the street.

Area calculations can be found on Pages W3.6-W3.5.

*Please note: Due to the technical interpretation of the sign display surface areas (in-set signs are not counted), the North elevation shows an increase, even though the actual amount of signage visible from the street has decreased when considering all visible signs.



Existing Signage
North Elevation
Cumulative Sign Display Surface Area: 28.62 m²
Area of all Visible Signs: 45.12 m²



Existing Signage
West Elevation
Cumulative Sign Display Surface Area: 28.62 m²
Area of all Visible Signs: 36.25 m²





Recommendation

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

That Council authorize the issuance of Development Variance Permit Application No. 00225 for 1175 Douglas Street, in accordance with the terms identified in the report.





**Council Member Motion
For the Council Meeting of November 14, 2019**

Date: November 10, 2019
From: Councillor Ben Isitt and Councillor Jeremy Loveday
Subject: Victoria Edelweiss Club Grant

Background:

Council adopted a resolution on October 24, 2019 in relation to the property of the Victoria Edelweiss Club at 108 Niagara Street, which included the statement indicating "Council's willingness to consider providing a grant-in-aid to the Society equivalent to the cost of applying for a change in Zoning and Official Community Plan designation."

The City has now received applications from the Society to change the Zoning and Official Community Plan designation of the property at 108 Niagara Street to reflect the existing use as a community hall.

In accordance with Council's prior direction, it is proposed that Council authorize a grant to the Victoria Edelweiss Club, funded from the 2019 contingency, equivalent to the cost of all City processing fees and disbursements in relation to the applications to amend the Zoning and the Official Community Plan for the property at 108 Niagara Street.

Recommendations:

1. That Council authorizes a direct award grant to the Victoria Edelweiss Club, funded from the 2019 contingency, equivalent to the cost of all City processing fees and disbursements in relation to the applications to amend the Zoning and the Official Community Plan for the property at 108 Niagara Street.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Isitt'.

Councillor Isitt

A handwritten signature in blue ink, appearing to read 'Jeremy Loveday'.

Councillor Loveday

SPECIAL COMMITTEE OF THE WHOLE
BUDGET MEETINGS
REPORT FROM THE MEETINGS HELD OCTOBER 21 and 31, NOVEMBER 4, 2019

That Council receive this report for information and further consideration on November 14, 2019.

1. 2020-2024 Draft Financial Plan

October 21, 2019

Council:

That Council direct staff to report back on financial implications of adjusting salary and benefit line items for 2020 to account for remuneration rates for Councillors equivalent to the median income of a city employee excluding police and fire and include this information as part of public engagement on the 2020 draft financial plan.

Legislative Services:

That Council direct staff to report on the financial implications of providing staff support to the Seniors Task Force and the Community Wellness Task force.
(That this motion be referred to the December 5, 2019 budget meeting.)

City Manager:

That Council direct staff to report back as part of the 2021 budget on the implications of reviewing the protocol activities and budgets of other capital cities in Canada and how this compares to Victoria.

October 31, 2019

Sustainable Planning and Community Development:

That Council direct staff to report back on the implications of including an additional \$750,000 into the Housing Reserve Fund with \$500,000 restricted for shelter rates.

That Council direct staff to review revenue projections for rezoning applications and permit and inspection fees and report back to Council.

That Council direct staff to report back on the implications of augmenting the city's social planning function.

Business and Community Relations:

That Council direct staff to report back on implications to provide funding for City Studio in 2020.

That Council directs staff to report back on the implications of integrating the Victoria Conference Centre parkade with the operations of other city parkades in light of the City's application for certification as a living wage employer.

That Council direct staff to report back on the implications and opportunities to fund an Arts Creation Project to fund wraps on electric kiosks similar to our banner, bus shelter and mural project.

Parks, Recreation and Facilities:

That Council directs staff to report back with implication of adding a bigger swimming dock at Banfield Park.

That Council direct staff to report back on the implications of adding secure bike parking for the public in city parkades in the 2020 budget.

That Council direct staff report back on the implications and options for pursuing alternate locations for an off leash dog park downtown.

That Council direct staff to report in a closed meeting on the City's agreement for the Victoria Conference Centre including operating and capital components.

Engineering and Public Works:

That Council direct staff to report back on the implications and options for implementing traffic calming on Chambers Street and surrounding streets between Cook and Chambers Streets and projected increases in traffic volume in this part of the Fernwood neighbourhood.

That Council direct staff to report back on implications of allocating additional funds towards the capital costs of traffic calming.

November 4, 2019**Corporate:**

That Council direct staff to report back on the appropriate amount to fund the Witness Reconciliation Program (the City Family) on an ongoing basis.

That Council direct staff to report back on an appropriate funding amount and source of funding for the climate action reserve given the climate emergency.

That Council direct staff to report back on payment in lieu of taxes for past years where data is readily available.

That Council direct staff to report back on the implications of adjusting the property tax penalty to 5% paid on July 1 and 5% on September 1.

That Council direct that each of the bullet point organizations for direct award grants are provided in a written report (page 608 of the Financial Plan).

That Council direct that there is a report on an annual basis to Council from the Film Commission, Coalition to End Homelessness and Urban Food Table.

That Council direct staff to report back on the implications of increasing the per capita base grant to neighbourhoods that are not serviced by city funded community centres including consideration of doubling the amount of the grant for those neighbourhoods.

Engineering and Public Works:

That Council direct staff to report back on the implications of examining pedestrian improvements on the south sidewalk between Cedar Hill and Belmont Avenue along Hillside Avenue including the crosswalk at Gosworth.

That Council direct staff to report back on the implications of installing pedestrian/cyclist controlled stop light at Cook and Princess.

That Council direct staff to report back on the implications of adding \$250,000 of funding for pedestrian improvements either for crosswalk upgrades or for the pedestrian master plan budget.

That Council direct staff to report back on the implications of assessing pedestrian improvements at the Quadra and Queen crossing adjacent to Crystal Pool.

That Council direct staff to report back on implications of examining pedestrian improvements at faith group based centres and cultural centres.

That Council direct staff to report back on the implications of establishing accessible shoreline access on the southern waterfront of the city with particular consideration at Fonyo Beach/Holland Point and/or Ross Bay waterfront.

That Council direct staff to report back on the implications of taking an approach to capital projects based on countercyclical spending.

Strategic Plan & Financial Plan:

That Council direct staff to report back on the implications of not approving the small-scale housing ambassador.

That Council direct staff to report back on the implications of not doing the Tech Advisory Committee.

That Council direct staff to report back on the implications of adding a person on a one-year contract and joining the welcoming America initiative for the welcoming city strategy.

Council authorize expenditures in 2019 from contingencies to ensure adequate resources for clerking councillor-led task forces.

That Council direct staff to report back on the implications of providing a resource to develop a draft parks acquisition strategy following a council workshop in a closed meeting.

That Council direct staff to report back on the implications of providing a grant to a 3rd party to put on a mural festival.

That the Coalition's report be forwarded to a COTW meeting for a discussion.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD NOVEMBER 7, 2019

For the Council meeting of November 14, 2019, the Committee recommends the following:

E.1 1442 Elford Street: Rezoning Application No. 00703 (Fernwood)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00703 for 1442 Elford Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the applicant prepares and executes a legal agreement ensuring that future Strata Bylaws cannot prohibit the rental of dwelling units.

E.2 1442 Elford Street: Heritage Designation Application No. 000186 (Fernwood)

That Council approve the designation of the heritage-registered property located at 1442 Elford Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, consistent with the plans dated October 16, 2019, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.

G.1 Council Member Motion - Transit Week Challenge

WHEREAS the City of Victoria has declared a climate emergency and wishes to promote the use of low carbon transportation modes, including public transport;

AND WHEREAS it is the responsibility of public officials to lead by example;

And WHEREAS having direct, hands-on experience better equips public officials to make informed decisions regarding services,

THEREFORE be it resolved that the City of Victoria calls on the members of the Victoria Regional Transit Commission and local government and elected officials in capital region to:

1. Commit to using BC Transit services as their sole mode of transportation around the Greater Victoria region for the period of one week.
2. Share their experience with their council, communities and Victoria Regional Transit Commission representative.

G.3 Council Member Motion - City of Victoria Input into Provincial Old Growth Strategic Review

That Council direct Staff to draft a formal submission to the Provincial government's Old Growth Forests Strategic Review stating the City of Victoria's support for protecting all remaining old growth forests on Vancouver Island, advocating for sustainable management of second-growth forests, and appending previous Council resolutions on this topic.

F.1 Accessibility Framework - Endorsement and Next Steps

That Council direct staff to:

1. Complete stakeholder engagement on the proposed draft documents, with particular focus on appendix c, finalize edits and ready the documents for final Council approval, in Quarter 1 2020;

2. Continue to advocate for strong and effective Provincial legislation for persons with disabilities and participate in stakeholder consultation processes on the development of Accessibility Legislation in the Province of BC;
3. Endorse the policy statement noted in Appendix D and direct staff to report back with a formal policy for consideration in Q1 2020;
4. Endorse adding a staff person dedicated to accessibility to be hired as soon as possible in 2020 with funds to come from new assessed revenue;
5. Direct staff to report back with a list of year 1 action items and direct the funding allocated in 2019 for Accessibility Framework implementation to be used for accessibility framework implementation in 2020;
6. Report back on the Terms of Reference for an Advisory Body to enable ongoing input from persons with lived-experience on issues relating to accessibility.
7. That the inventory of Accessibility Working Group recommendations be appended to the draft Accessibility Framework as an appendix.

F.2 Resource Assessment - Development of a Single-Use Materials Regulation

That Council:

Receive this report for information, and defer decision on this issue and its resource implications to the 2020 financial planning process.

F.3 Zero Waste Strategy - Update and Considerations

That Council direct staff to:

1. Proceed with the next development phase of the City's Zero Waste Strategy.
2. Advance zero waste priority actions as follows:
 - a. Engage with CRD to support the development and implementation of its regional Solid Waste Management Plan and partner with the CRD and community stakeholders to discuss opportunities to advance the following focus areas:
 - i. Organics and recycling diversion
 - ii. Construction, renovation and demolition materials diversion
 - iii. Single use item reductions and guidance on compostable alternatives
 - iv. Public education and solid waste management information tools
 - b. Initiate a plan to enhance the City's residential collection program with an expressed interest to improve the diversion of organic and recyclable materials.
 - c. Develop a plan to introduce or modify the City's bin designs to improve public realm diversion as part of the 2021 financial planning process.
 - d. Initiate and report in 2020 on the planning, program and policy considerations for sustainable building demolitions that maximize resource and material recovery, safeguard heritage value, and include affordability, public health, safety, economics, and other sustainability considerations.
 - e. Partner with local business and community food industry stakeholders and report back on the planning and resource considerations to implement a 2021 pilot program for reusable take back food-ware containers.
 - f. Consider allocating \$200,000 and one new staff resource to the next development phase of the Zero Waste Strategy development and initial implementation actions as per this report as part of the 2020 financial planning process.

G.2 Council Member Motion - Protecting and Supporting Arts and Cultural Spaces in the City

That Council:

1. Direct staff to provide an update on implementation of the Create Victoria Master Plan within three months, including Actions Items identified in the Strategic Plan for 2020

and recommendations on providing long-term financial stability for arts and cultural spaces.

2. Consider allocating \$100,000 dollars in the 2020 Financial Plan toward an Arts and Cultural Spaces Reserve Fund.
3. Direct staff to prepare a draft policy governing the allocation of grants from this fund.
4. Authorize a new staff position in the Arts and Culture division, funded from new assessed revenue, to allow enough staff resources to proactively implement the Create Victoria Plan and the Arts and Cultural Spaces Road Map.
5. That Council direct staff to align all work to protect cultural spaces including the work outlined in the Create Victoria arts and cultural masterplan and the Council motions regarding permissive tax exemptions and downzoning cultural facilities to limit property tax burdens and development pressures.

K. BYLAWS

K.2 Bylaw for Food-Bearing, Pollinator, and Native Plant Landscape Design Guidelines, Official Community Plan Amendment

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council:

1. Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development and the Design Guidelines for Attached Residential Development as follows:
 - a. To insert the following landscape design guideline in place of the guideline approved by Council on June 13, 2019: "A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats.
 - b. To remove from s.5.5 the requirement that landscape design should use plant species suited to the local climate and site-specific conditions.
2. Give the following bylaw first and second readings:
 - a. Official Community Plan Bylaw, 2012, Amendment Bylaw No. 33 (No. 19-079).

Motion to postpone:

Moved By Councillor Potts

Seconded By Councillor Isitt

That the motion be postponed to the November 14, 2019 Council Meeting.

CARRIED UNANIMOUSLY



Council Report For the Meeting of October 24, 2019

To: Council **Date:** October 3, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Food-Bearing, Pollinator and Native Plant Landscape Design Guidelines

RECOMMENDATION

That Council:

1. Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development and the Design Guidelines for Attached Residential Development as follows:
 - a. To insert the following landscape design guideline in place of the guideline approved by Council on June 13, 2019:

"A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats."
 - b. To remove from s.5.5 the requirement that landscape design should use plant species suited to the local climate and site-specific conditions.
2. Give the following bylaw first and second readings:
 - a. Official Community Plan Bylaw, 2012, Amendment Bylaw No. 33 (No. 19-079).

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-079 (Attachment A).

The issue came before Council on June 13, 2019 where the following resolution was approved:

Food-Bearing, Pollinator and Native Plant Species Landscape Design Guidelines

"That Council:

1. *Direct staff to amend the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial Development and the Design Guidelines for Attached Residential Development to include the following landscape design guideline:*
 - *A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food-bearing plants or plants that provide pollinator habitats.*

1. *Direct staff to bring forward an Official Community Plan Amendment Bylaw to amend:*
 - a. *Development Permit Areas 4, 5, 6A, 7A, 10A, 10B, 13 and 16 with an updated reference to the revised Design Guidelines For: Multi-Unit Residential, Commercial and Industrial.*
 - b. *Development Permit Area 15F: Intensive Residential - Attached Residential Development with an updated reference to the revised Design Guidelines for Attached Residential Development.*
2. *Consider consultation under Section 475(2)(b) of the Local Government Act and direct staff that no referrals of the Official Community Plan Amendment Bylaw are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, provincial or federal governments, Township of Esquimalt, District of Saanich and the District of Oak Bay.*
3. *Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation with the community including Community Association Land Use Committees and the development industry on the proposed amendments to the Official Community Plan through online consultation and direct email correspondence.*
4. *Refer the proposed Official Community Plan amendments to the Accessibility Working Group and the Urban Food Table for comments."*

Response to Council Motion and Public Feedback

Consultation and Updated Guideline

In accordance with the Council motion from June 13, 2019, the draft landscape design guideline and a copy of the related COTW staff report were emailed directly to the Urban Development Institute, community associations (CALUCs), Urban Food Table and the Accessibility Working Group. Staff were also invited to attend a meeting of the Urban Food Table. The general public also had the opportunity to review and provide feedback on the proposed guideline through the City website (Have Your Say). The consultation process occurred over a four-week period and resulted in limited number of comments that are included in Attachment B. Staff reviewed all comments received and have made minor revisions to the draft landscape design guideline. Outlined below is the original landscape design guideline along with the revised guideline.

Original (draft) landscape design guideline:

- A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food-bearing plants or plants that provide pollinator habitats.

Revised (proposed) landscape design guideline:

- A minimum of 30% of the required common landscaped areas should include a diverse combination of plants and vegetation that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats.

Number of Plants Provided versus Landscaped Area

A comment was received recommending that the proposed landscape design guideline should apply to 30% of the common landscaped area rather than to 30% of the plants provided, as the latter approach may result in less plants being provided or the isolated location of native and pollinator plants within an overall landscaped area. Staff have revised the guideline to apply the 30% requirement to the required common landscaped areas as suggested.

Defined Terms

A suggestion to include definitions of native plants, adapted species and pollinator habitats was received. Staff have identified that the existing design guideline documents and other high level documents such as the *Official Community Plan* already use terms such as native plants and pollinator habitats without having to define these as they are common terms. In addition, most new multi residential, commercial and industrial buildings include landscape plans that are prepared by registered professional landscape architects, who are also very familiar with these terms and their local application. Therefore, staff have not included definitions within the subject design guidelines.

Administration of Design Guidelines

A comment was received questioning how the guidelines will be enforced and administered. As explained in the original staff report from June 6, 2019, staff from Sustainable Planning and Community Development along with staff from Parks, Recreation and Facilities will continue to collaborate at the Technical Review Group meetings to review and evaluate landscape plans for alignment with the guidelines, as well as confirming during occupancy inspections that the required plant species are provided within the landscaped areas. The current development permit application process requires applicants to provide a detailed landscape plan that outlines a broad range of information including all existing and proposed planting types and their location. A landscape security deposit is also generally required for new buildings to ensure that the approved landscape design is provided prior to occupancy. Therefore, the introduction of the proposed landscape design guideline can be administered through the existing development review process. Once approved, the development permit, including landscape plans, continues to apply for the life of the development or until such time as they are replaced by other Council-approved or delegated development permits.

Identification of Specific Plant Species

A comment was received suggesting that the guideline should include more prescriptive and specific guidance; however, as noted in the previous staff report, staff have endeavoured to ensure that the design guideline results in the provision of native vegetation, adapted (non-invasive) species, food-bearing plants or plants that provide pollinator habitats without including specific species. The need for flexibility with plant species is required as many local native plant species are not always available through plant nurseries; therefore, achieving a landscaped area with a blend of native, adapted, food-bearing and pollinator plants is viewed as the key objective rather than focusing on specific plant species that may not be available from year to year.

Impacts on Accessibility

Several comments were received outlining the potential health and liveability impacts that may arise from the planted environment especially for individuals with allergies, asthma or other environmental health conditions. The proposed guideline provides an initial step toward achieving a healthier ecosystem through more sustainable landscaping that also supports food production and food security as outlined in the City's *Official Community Plan* and the 2019-2022 Strategic Plan. The City is also currently in the process of collaborating with the Accessibility Working Group

and other stakeholders to develop an accessibility framework that is intended to inspire and establish a high standard of accessibility across municipal policies, programs, and projects in order to enhance barrier-free access and social inclusion for people with disabilities. Therefore, once the accessibility framework is complete, staff and Council will be able to determine if further refinements are required to existing policies, guidelines and regulations.

Food-Bearing Plants

A suggestion was received to better clarify that food-bearing plants should refer to plants that provide food for human consumption. This clarification has been included in the revised guideline.

Native Vegetation

A suggestion was received to better clarify that the proposed native plants should be native to the local geographic context. Staff have revised the proposed landscape guideline to reference vegetation that is native to southern Vancouver Island.

Soil Conditions

A comment was received to that the guideline should also require landscape soil to be free of heavy metals and toxins. Staff have not amended the design guideline as City staff are not able to undertake soil analysis to ensure that there are no toxins or heavy metals. This level of prescriptiveness is also beyond the role of design guidelines.

Overlap with Existing Landscape Design Guideline

To avoid overlap with the proposed landscape design guideline, staff have proposed to amend section 5.5 of the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial* by deleting the second half of the existing guideline as the new landscape design guideline provides greater detail than the current guideline and the current guideline also provides the opportunity to replace existing native plant species with other non-native species which is contrary to the intent of the proposed landscape guideline:

- 5.5 Landscape design should preserve existing native vegetation where possible. ~~or use plant species suited to the local climate and site-specific conditions.~~

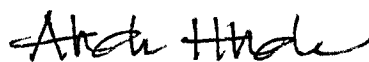
CONCLUSION

The proposed landscape design guideline has been refined based on feedback received through the consultation process and the related Official Community Plan Amendment Bylaw No. 33 (19-079) is ready for first and second readings.

Respectfully submitted,

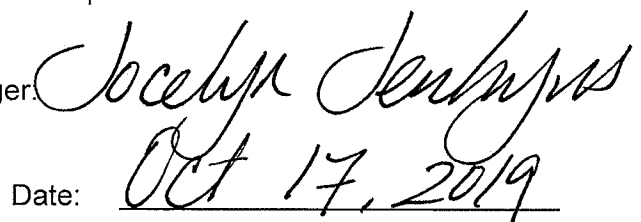


Robert Batallas,
Senior Planner
Community Planning Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.



Date: Oct 17, 2019

List of Attachments

- Attachment A: OCP Amendment Bylaw No. 19-079
- Attachment B: Summary of public feedback.

NO. 19-079

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan by revising the references to the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* (July 2012) and the *Design Guidelines for Attached Residential Development* (May 2018) in order to reflect an amendment to those guidelines that mandates native, adapted, food bearing or pollinator plants in landscape design.

Under its statutory powers, including Division 4 of Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO.33)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Schedule A, Appendix A:
- (a) by inserting the clause “, revised 2019” immediately after “Design Guidelines For: Multi-Unit Residential, Commercial and Industrial (2012)” in the following locations:
- (i) within DPA 4: Town Centres, section 5(b)(ii)(1);
- (ii) within DPA 5: Large Urban Villages, sections 5(b)(i), (iii), and (viii);
- (iii) within DPA 6A: Small Urban Villages, sections 5(b)(ii), (iii), and (iv);
- (iv) within DPA 7A: Corridors, sections 5(b)(i), 5(b)(ii)(b), 5(b)(iii), and 5(b)(iv);
- (v) within DPA 10A: Rock Bay, section 5;
- (vi) within DPA 10B (HC): Rock Bay Heritage, section 5;
- (vii) within DPA 13: Core Songhees, section 5(b)(v);
- (viii) within DPA 16: General Form and Character, section 5(b); and
- (b) within DPA 15F: Intensive Residential – Attached Residential Development, at section 5, by striking out “Design Guidelines for Attached Residential Development: Victoria West (2018)” and replacing it with “Design Guidelines for Attached Residential Development (2018), revised 2019”.
- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the day of 2019.

READ A SECOND TIME the _____ day of _____ 2019.

Public hearing held on the day of 2019.

READ A THIRD TIME the day of 2019.

ADOPTED on the day of 2019.

CITY CLERK

MAYOR

Landscape Design Guidelines – Feedback Received

From: Personal info

Sent: June 25, 2019 10:02 AM

To: Engagement <engage@victoria.ca>

Cc: Jeremy Loveday (Councillor) <jloveday@victoria.ca>; Sarah Potts (Councillor) <spotts@victoria.ca>

Subject: Feedback re. Food Bearing, Pollinator and Native Plant Landscape Design Guidelines

Engagement

I am writing as a knowledgeable individual to provide feedback on Food Bearing, Pollinator and Native Plant Landscape Design Guidelines. I wish I had been availed the opportunity to provide input beforehand, instead of feedback at this late stage. Others were consulted in the formative stage of the policy. I raised a flag on this issue during Strategic Planning regarding the accessibility impacts of various food/native plant and pollinator initiatives and it was never discussed. The staff report on this topic acknowledges the barriers and offers no effective way to mitigate them.

This is a potentially far reaching change affecting developers and people's health, and I object to the manner in which it is being rushed through with limited consultation, at a time (in the summer) when Council is usually loath to seek public input.

The proposal is to add a design guideline:

- *A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food bearing plants or plants that provide pollinator habitats.*

So few words, yet so big a change. I can see no further details or proposed text in the materials presented to COTW.

I find myself responding time and time again to proposals and decisions of the City that impinge on my ability to enjoy the outdoor environment. This now impinges on housing choice. The City needs to undertake a study and develop a comprehensive policy for healthy planting in public and private spaces and consider a variety of options. The focus of staff work on this issue to date has been extremely narrow. I have shared ideas for regulating private planting activities for the improvement of human health, with no interest from staff, and now find myself having to address several detrimental initiatives that knowingly create barriers at once. Council declined to approve an AWG recommendation for a study and referred it to the Accessibility Framework process, stalled for months, and during that delay, many barriers are being pushed through. The AWG still has no idea what will be in the Framework, whether this issue is included and whether policy work on the breathed environment will ever be done.

Accessibility Impact Statement

The proposed landscape design guidelines provide additional direction on the type and general variety of plants that are provided within the portions of private property that are required to be landscaped as per the *Zoning Regulation Bylaw*. These guidelines do not alter site access or the provision of hardscaped surfaces. **Staff acknowledge that the presence of some common landscaping plants can have adverse impacts on individuals with asthma and**

plant-related allergies. Lower-allergenic species can be planted without detracting from desired objectives; however, the ability to require or mandate specific low-allergen plant species varies between each development permit area and the rationale for their establishment as outlined in the *Local Government Act*.

I read this to mean - "We know this can create an accessibility barrier, we know that it can be mitigated only in part, we offer no concrete plan for doing so and in fact, there are legal impediments to doing so." Am I correct in my interpretation?

Consultation:

The staff report says:

The OCP Amendment Bylaw and proposed landscape design guideline will be subject to focused consultation using the City website and direct correspondence with community associations and the development industry prior to a public hearing and Council's final decision. The proposed OCP Amendment Bylaw will also be referred to the City of Victoria Accessibility Working Group and the Urban Food Table for comments.

Missing from this plan is any authority that can comment on the known health issues. I have provided the names and contact information of two experts in the field of horticulture and low allergen planting. Further, the City is working with (or still procuring) landscape planners for the Songhees Park extension and may be asking them for low allergen plan. Are they knowledgeable in the field?

Staff recommend an expedited consultation process that does not involve Island Health or any public health officials that I see. An initiative with known accessibility implications such as this should include a purposeful plan to consult on the health aspects. I see no evidence of that having happened or planned. The extent of the effort to look at this side is to refer it to the AWG, who is starved of members, swamped with uncoordinated consultation requests from other projects, and at a late date in the project (after consultation with the UFT is already underway). This approach essentially pits a large, powerful conglomerate organization, the UFT against the AWG and its one knowledgeable member. This is inconsistent with the equity lens approach to decision making that Council recently endorsed.

Substantive critique

Further, the actual guideline (one bullet) lacks substance and specificity. Some questions, observations & objections:

1. Terms are not defined. All of the terms are open to different interpretation: *native vegetation, adapted (non-invasive) species, food bearing plants and plants that provide pollinator habitats*.
2. I don't understand how this will be administered and enforced and if the City has the resources. Developers will submit a landscaping plan. Will staff be able to check each plant to see if 30% of them fall in one of the categories? What if 30% of the plants qualify, but they are the smallest, least significant part of the landscape, amounting to 5% of biomass? What if the plants are patches of moss that will become a carpet? How do staff count this? How will developers be held accountable for what they actually plant? What happens the next year if residents say they want showier gardens? Could

developers plant very few plants, to get around the intent of the requirements? I imagine a field of gravel with 10 trees, including 3 Garry Oaks (one of the worst offenders, due to its size and characteristics of its pollen). The latter seems to meet the requirement.

3. What level of detail is required in developers' plans? For instance, would the City know if they were planning to plant a Garry Oak or male landscape yew (10 out of 10 in allergenety) next to the air intake? Could they plant a nut tree in the common courtyard of a family building likely to house children with nut allergies? Would they be required to submit information on OPALS ratings?
4. insufficient guidance is given, compared to other topics in the two Guidelines appended to the staff report. The guideline is worded as a target, not a principle or objective. Here is an example of an objective the explains what is trying to be achieved and offering options, which provides a better model:

"Objectives: *To site buildings in a manner that considers and maintains the pattern of landscaped front and back yards,*

a. that makes a positive contribution to the streetscape and that achieves a more compact residential building form, while maintaining livability.

Townhouses can contribute positively to streetscapes and the overall neighbourhood, supporting walking and creating greater housing diversity within existing neighbourhoods.

Building Placement

- i. Attached residential buildings should be designed parallel to the street with unit entrances oriented to, and directly accessed from, the fronting street. Both front and rear yards should be provided.
- ii. For properties that include buildings of heritage value (Heritage Designated or listed on the City's Heritage Register) alternative siting of new buildings or additions may be considered to facilitate heritage conservation."

Staff explain how only in some areas can the design guideline be more prescriptive, due to the Local Government Act.

1. "In addition, each DPA or HCA is generally established to achieve a specific purpose as outlined in the Local Government Act (LGA). The LGA also identifies the level of detail that can be provided through design guidelines for each DPA or HCA. For example, the LGA does not permit a detailed level of prescriptiveness through design guidelines for DPA 16; rather the design guidelines are limited to general guidance on form and character. This means that the design guidelines for DPA 16 cannot mandate specific plant species. However, the other development permit areas identified above do allow for greater levels of detail through design guidelines. The proposed landscape design guideline has been developed to provide general guidance for landscape design while still providing a certain level of flexibility with plant choices that are suitable for the location and that provide year-round visual interest."

I suggest that before adopting the OCP amendment, the more prescriptive and specific guidance be developed and thus, informally, it may become the new norm even where it does not have legal force. This process is known in regulatory spheres as "trading up". Developers operating in multiple jurisdictions will adopt the higher standard, for ease of their own operations. However, the effect can only be achieved if the higher standard is known. It is not provided now. It is unacceptable to me, and I can't see that the industry will accept this regulation lightly, without knowing how the City sees it being implemented.

The Accessibility Impact Statement acknowledges the risk and that there is limited ability to mitigate it. It seems to me that in such instances, Council should be required to pass a special motion similar to a "notwithstanding clause" that acknowledges that what it is doing is contrary to the Constitution, or in this case, the BC Human Rights Code or its own accessibility policies, and explicitly state that some other public policy objective is deemed more important in this instance. That would be honest and transparent.

People with disabilities are some of the most difficult to house. In a tight rental market, developers do not want the extra expense of building accessible units or making costly alterations, when they can easily find an able-bodied tenant who is probably more economically advantaged. Housing choice is something that does not exist for people with disabilities. And there are disabilities that many don't think of such as people with multiple chemical sensitivities, allergies, asthma, lung conditions and various auto-immune diseases. The City has acknowledged some of these barriers in recent staff reports on tenant's policies, and the Strategic Plan activity to develop residential accessible housing guidance. This initiative reverses the trend.

There are unacknowledged items in the Strategic Plan in the staff report. The section says:

2019-2022 Strategic Plan

This project supports ongoing Action 23 from the *2019-2022 Strategic Plan* that seeks to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development. This action is captured under Strategic Objective #6: Climate Leadership and Environmental Stewardship.

But the report does not remind Council that it is contrary to others regarding accessibility, particularly:

- **"Identify and remove barriers to make Victoria accessible and apply a barrier-free lens to all decisions we make to ensure we're not creating new barriers"**

Only Council can choose between potentially conflicting objectives and even then, only when brought to its attention.

CONCLUSION

This initiative is not ready for consultation and the consultation plan's timing and scope is inadequate. Consultation does not cover all the bases, and does not seek public health input, despite known challenges. It is being rushed through before the Accessibility Framework which would guide the City to apply an accessibility lens to all its initiatives. The City needs to provide more guidance to developers, tools, such as sample landscape plans and explain how plans will

be evaluated. These are not ready and therefore, it is too soon to consult and finalize the amendments within months.

Council should over-ride the decision of COTW and take staff up on it's offer of an Option 2, but modify it to direct consideration of other perspectives and ensure input on public health.

Option 2 - Council could direct additional consultation opportunities beyond what is recommended in Option 1. This could include focus group meetings with key stakeholder groups, such as the Urban Development Institute, Community Association Land Use Committees, Urban Food Table and other interested members of the public.

Regards,

Personal info

(resident of Victoria)

Dear Robert Batallas

I have been looking for more information on the city website and I see the proposed amendment in bylaw NO. 19-079 which does not seem to capture the intent of this initiative. I copied below an extract

The purpose of this Bylaw is to amend the Official Community Plan by revising the references to the Design Guidelines For: Multi-Unit Residential, Commercial and Industrial (July 2012) and the Design Guidelines for Attached Residential Development (May 2018) in order to reflect an amendment to those guidelines that provides for native, adapted, food bearing or pollinator plants in landscape design

It seems to me that substitution of “provides for” with “mandates” would be appropriate. There are no barriers currently for using this type of plant in private developments. What is new is the prescription that these types of plants must be included in landscape plans. Without capturing the idea of prescriptiveness, the amendment looks very innocuous, despite its potential negative impact on people like me.

I would suggest that, as soon as it is in final form, the City documents, currently reportedly being finalized be provided, on the page for this consultation. Readers of the staff report have had to take the staff assertion in Blind Faith that the documents in question will mitigate the risk, whereas it is my informed opinion that they do not.

Despite the information you provided below, which I think should be provided more generally, to help the uninitiated understand how it will work, I still believe that the city is knowingly erecting a barrier to accessibility that will last for decades if not forever. Therefore I believe the city is morally obliged to do more to mitigate than it has. Basically, Planning staff have picked up on initiative designed for another purpose underway in the Parks Department instead of designing mitigations intended to address this specific barrier. I understand the statement that there is some legal impediment to using a specific tool, but I wonder if anything thought has gone into other ways to achieve the ends.

Alternatively along the lines of the notwithstanding clause when a government knows that what it is and enacting in legislation is contrary to the constitution, a higher Council member agreement rate than 50% plus one should be required, or greater consultation and analysis than I understand has been done. I allow that it may have been done, but the process is totally opaque to outsiders. To that end, I suggest that future staff reports also cite contradictory strategic plan items that say that the city will not create new barriers. The staff report cites only one conflicting objectives, whereas I have seen recent staff reports that acknowledge the contradiction

2019-2022 Strategic Plan

This project supports ongoing Action 23 from the 2019-2022 Strategic Plan that seeks to encourage and move towards mandating food bearing plants, pollinator habitats and native species in landscape plans for private development. This action is captured under Strategic Objective #6: Climate Leadership and Environmental Stewardship.

The strategic plan also says:

Under health, we'll-being and welcoming city:

Identify and remove barriers to make Victoria accessible and apply a barrier-free lens to all decisions we make to ensure we're not creating new barriers.

Further, all staff will be aware and that the accessibility framework is under development and reportedly nearing completion. It will soon provide tools and ended analytical framework for balancing accessibility with other public policy objectives, and I object to this being rushed through when the answer may be just weeks away.

Further, from the strategic plan, under good governance and civic engagement:

There is broad engagement with a diversity of participants conducted in a respectful and inclusive way

I don't think that the consciously shortened and limited engagement meets this objective

I think that reasonable people can agree that when there are conflicting objectives, this should be brought to Council's attention and flagged for its consideration, along with the information required to consciously weigh that decision. I don't think that citing documents that are not provided meets that test.

The staff report's AIS acknowledges the conflict

Accessibility Impact Statement

The proposed landscape design guidelines provide additional direction on the type and general variety of plants that are provided within the portions of private property that are required to be landscaped as per the Zoning Regulation Bylaw. These guidelines do not alter site access or the provision of hardscaped surfaces. Staff acknowledge that the presence of some common landscaping plants can have adverse impacts on individuals with asthma and plant-related allergies. Lower-allergenic species can be planted without detracting from desired objectives; however, the ability to require or mandate specific low-allergen plant species varies between each development permit area and the rationale for their establishment as outlined in the Local Government Act.

Yet nothing will prevent plants known to cause harm from being planted in greater quantities close to the where people live and congregate. Public information or voluntary guidelines are simply not enough. For instance, we know that the public has been educated to understand that Gary Oak ecosystems are threatened and public opinion is very in favour of their use even when these are isolated specimens and do not result in creation of the Garry Oak Meadow ecosystem. Developers are quite likely to follow this uninformed sentiment and plant a popular tree down to cause harm. By mandating native plants when this is a foreseeable outcome, the city is limiting housing choice for some residents. I will likely stay in my single-family home, precluding its use by a larger family or its development element into a multi unit residence because new residential developments will have barriers. You tinker with one thing, and it pops up elsewhere.

The page where I think that the garden garden club reference list should be linked, And the explanation you provided me on how approval would work, is:

<https://engage.victoria.ca/landscape-design-guidelines-food-bearing-pollinator-and-native-plants/>

You say something below, “depending on the final design guidelines approved by council”, and I wonder if I have missed a draft amended guidelines with specifics that I can comment on. Or, has this yet to be released?

I would like to address Council directly on this, but Council Chambers is inaccessible to me. How many I communicate directly with Council in a way that puts me on and even footing with those who can make an in-person appeal?

I am sorry if the narrative does not flow well. It is difficult for me to cut and paste with the device I am using while I am away from home.

Regards, Personal info

Sent from my iPad

From: NJNA Community <njnacommunity@gmail.com>

Sent: June 25, 2019 9:59 AM

To: Katie Lauriston <klauriston@victoria.ca>

Subject: Re: Feedback Requested: Proposed Landscape Design Guideline

Good Morning Katie:

For clarification, would you kindly provide examples of native vegetation, adapted (non-invasive) plants, food bearing plants, or plants that provide pollinator habitats that would be acceptable under this proposed guideline.

Thanking you in advance for your reply,

Jean Johnson, NJNA Community Mail

To Robert Batallas, City of Victoria:

The Victoria Urban Food Table is an advisory council to the City of Victoria and provides support on strategic direction and guiding policies regarding food and agriculture. The Urban Food Table does this by helping to set and work toward targets, advising on food and pollinator policies, and convening a wide range of local stakeholders in food and urban agriculture.

We are writing to support the new *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial and the Design Guidelines for Attached Residential Development* and to strongly encourage an amendment to the target of ‘*A minimum of 30% of the plants provided in the landscape design for common areas should be native vegetation, adapted (non-invasive) species, food bearing plants or plants that provide pollinator habitats*’. This target is an important first step towards ensuring that planting in new developments contributes to the food resources of Victoria residents, as well as enhancing a sense of place and supporting biodiversity.

Through consultation with City of Vancouver staff we have learned that a similar policy was passed to encourage new developments to increase food bearing plants. Since the policy was implemented there have been several loops holes developers have found that have resulted in plants being neglected or put in an area with no intent to harvest. In order to eradicate these loop holes, members of the Victoria Urban Food Table have provided suggestions on how to better define the target to ensure the policy achieves its intended purpose. Below are 4 recommended amendments:

1. The language of the proposed amendment contains potential loopholes to comply with the letter but not the intent of the regulation.

- a. Example 1: “be food bearing plants”

We assume that the intent of this phrase is that plantings will provide food for human consumption. Simply requiring planting of food-bearing or edible plants does not ensure that this intention will be met. The landscape design needs to ensure that plants are accessible for harvesting, that toxins are minimized, and that, if the intended harvester is the general public, there are cues indicating that harvesting is appropriate behaviour. Planting herbs on an inaccessible green roof, for example, or incorporating ‘edimentals’ (e.g., hostas, daylilies, and dahlias) into a formal ornamental border might meet the requirement of planting 30% food bearing plants, but not lead to an increase of available food.

Recommendation: change “food-bearing plants” to “plants intended to be harvested for food and medicine”



b. Example 2: “be native vegetation”

We assume that the intent is to increase planting of vegetation that would have been found in the (now) City of Victoria before settlers arrived. If so, ‘native’ needs to be qualified by a geographic region or ecosystem – especially since it is now common for mass-produced and marketed plants native to anywhere in North America to be sold in garden centres with the label ‘native plant’. Some consideration should also be given to the status of ‘native’ – plants bred from native plants for characteristics which are desirable for ornamental gardens but which may lessen their value to the ecosystem. The camas, in particular, is now of great interest to European plant breeders and much work is being done to develop camas with double flowers, variegated foliage, and other ‘frills’. We question what will be considered native vegetation and will it be specific to the ecosystem specific to Southeastern Vancouver Island?

Recommendation: change “native vegetation” to “plants native to the area now included in the City of Victoria” (or other range descriptor of your choice)

c. Example 3: “adapted species”

We assume that the intent of this phrase is to accommodate the effects of climate change by allowing planting of west coast species which were not present in Victoria before settler contact, but which can now grow in a more northerly range. However, the current language “adapted (non-invasive) species” would seem to include a wide range of plants from around the world, especially from the other cool-summer Mediterranean climate zones in Spain & Portugal, Australia, South Africa, and Chile, many of which are already used widely in public landscaping. As we have seen native plants still thrive in this region and we suggest only using native plants until climate changes impacts our region to the point that they no longer thrive.

Recommendation: Removing adapted species from the target.

2. Consider using area rather than number of plants as the measure:

Plants come in different sizes and lifespan so the percentage of individual plants is not therefore a very useful measure of what will be accomplished by the planting. It seems to us that 30% of the common planted areas being devoted to plants that will be harvested for food, or continue native ecosystems, or support pollinators, provides a more standardized and reliable measure. It also acknowledges that individual plants may come and go and that plant choice may evolve as, for example, shade under trees increases, but that the area devoted to a particular purpose can remain constant.

Other considerations to include when refining the language of the target:



3. Fruit trees and shrubs must include sufficient number and variety to ensure pollination:
4. Soil must be free of heavy metals and other toxins and contain organic matter to support healthy plant growth.
5. Adequate irrigation must be provided.
6. The *Growing Food and Gardening in Mixed-Use, Multi-Unit Residential Developments* should be reviewed/updated in relation to the changes to the Design Guidelines. Also the reference link to the *Growing Food and Gardening in Mixed-Use, Multi-Unit Residential Developments* should be added to the Design Guidelines.
7. A diverse selection of plantings is required. For example, the 30% cannot all be lavender.
8. How will the City ensure that these guidelines will be followed through the life of the development? Or do these guidelines only apply to the initial planting?

Thank you for considering our input and for giving the Victoria Urban Food Table an opportunity to comment on this proposal and suggested targets. We would be happy to discuss this further and to help ensure that the final guidelines create a more food productive, sustainable, and green Victoria.

Sincerely,

Aaren Topley and Ben Clark,

Co-Chairs of Victoria Urban Food Table



A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan by revising the references to the *Design Guidelines For: Multi-Unit Residential, Commercial and Industrial* (July 2012) and the *Design Guidelines for Attached Residential Development* (May 2018) in order to reflect an amendment to those guidelines that mandates native, adapted, food bearing or pollinator plants in landscape design.

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READ A FIRST TIME the day of 2019.

READ A SECOND TIME the _____ day of _____ 2019.

Public hearing held on the day of 2019.

READ A THIRD TIME the day of 2019.

ADOPTED on the day of 2019.

CITY CLERK

MAYOR



Council Report

For the Meeting of November 14, 2019

To: Council **Date:** October 31, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Update on Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue**

RECOMMENDATION

That Council give first, second and third readings to Housing Agreement (605-629 Speed Avenue and 606-618 Frances Avenue) Bylaw No. 19-109 and advance this application to an Opportunity for Public Comment.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue. The proposal is to construct a 14-storey and 6-storey multi-unit residential building. The requested variances are associated with height, setbacks, parking and the accessory buildings.

In accordance with Council's motion of August 8, 2019 included below, the necessary conditions that would authorize the approval of the Development Permit with Variances for the subject properties have been fulfilled. The motion from the August 8, 2019 Council meeting is as follows:

Development Permit with Variance Application No. 000115

1. *That prior to giving notice and giving an opportunity for public comment at a meeting of Council:*
 - a. *That Council instruct staff to work with the applicant to provide a functional road design and appropriate cross-sections to demonstrate that the proposed buildings, installation of underground utilities, driveway crossings and ramp grades will accommodate the existing London Plane trees located on Speed Avenue.*
 - b. *That Council instruct staff to prepare and execute a housing agreement that secures ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building as rental in perpetuity and affordable as per the City's definition of Affordable Housing for a period of ten years.*

2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue, in accordance with:

- a. Plans date stamped July 18, 2019.*
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. increase the height of building from 37m to 45.34m;*
 - ii. reduce the front yard setback of the 14-storey portion of the building from 6m to 1.60m to allow for a canopy projection only;*
 - iii. reduce the front yard setback of the six-storey portion of the building from 6m to 1.52m to allow for a canopy projection only;*
 - iv. reduce the side yard (east) setback from 5.90m to 0.00m for a parkade projection only;*
 - v. reduce the required number of residential parking spaces from 237 to 151;*
 - vi. reduce the required number of visitor parking space from 25 to 17;*
 - vii. reduce the separation space between an accessory building (timber pavilion) and the principal building from 2.40m to 1.30m; and*
 - viii. reduce the separation space between an accessory building (bicycle storage building) and the principal building from 2.40m to 1.40m and locate the accessory building in the side yard.*
- c. The Development Permit lapsing two years from the date of this resolution."*

COMMENTS

Pad-Mounted Transformer

A pad-mounted transformer (PMT) for BC Hydro services is required directly above the mechanical room in the underground parkade. The PMT structure was not shown on the original site plan. In response to BC Hydro's requirement, the applicant is proposing to locate the PMT structure in the location where there is currently a proposed car share parking space. The applicant has shifted the car share parking space and introduced substantial screening to buffer the appearance of this structure along the streetscape. An additional parking space was added in the underground parkade in order to compensate for the loss of one surface parking stall. The plans have been updated accordingly.

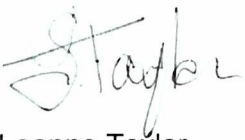
Opportunity for Public Comment

With regard to the pre-conditions that Council set in relation to this application, staff can report that the following items have been fulfilled:

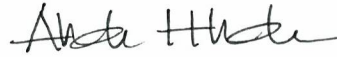
- the applicant provided a functional road design and appropriate cross-sections to demonstrate that the proposed buildings, installation of underground utilities, driveway crossings and ramp grades will accommodate the existing London plane trees located on Speed Avenue to the satisfaction of staff
- the applicant provided an executed housing agreement that secures ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building as rental in perpetuity and affordable as per the City's definition of Affordable Housing, for a period of ten years, to the satisfaction of the Director of Sustainable Planning and Community Development.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to an Opportunity for Public Comment.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 6, 2019

List of Attachments

- Attachment A: Updated plans received October 29, 2019 and deemed July 18, 2019
- Attachment B: Council minutes dated August 8, 2019.

ATTACHMENT A.

Speed / Frances Redevelopment Victoria, B.C.

D'AMBROSIO
architecture + urbanism

2960 Jutland Road
Victoria BC Canada V8T 5K2
t +1 250 384 2400
web darc.ca

Re-issued for Development Permit July 16, 2019

Site Plan + Landscape Plan Update



Contacts

Registered Owner

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info@maxglick.com maxglickconstruction.com

Architect

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info@dambrsio.ca dambrsio.ca

Landscape

101-2075 Westside Road
Victoria BC V8L 3K4
t +1 250 384 2400
info@dambrsio.ca dambrsio.ca

Civil

J.E. Anderson Inc.
4212 Gordon Avenue
Victoria BC V8L 4K7
t +1 250 727 2144
info@jeanderson.com jeanderson.com

Surveyor

West Coast Surveying Ltd.
1111 Douglas Street
Victoria BC V8W 1T1
t +1 250 476 1515
info@westcoastsurveying.ca westcoastsurveying.ca

Architectural

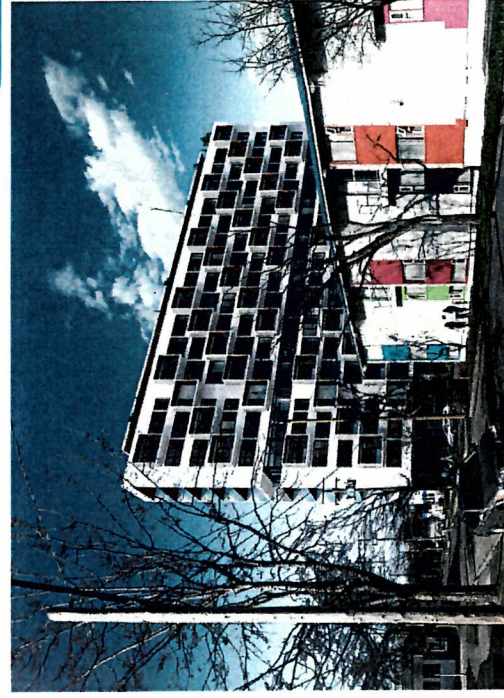
A0.1 Survey Plan
A0.2 Average Grade Calculations - updated 2019 10 29
A0.3 Sketch Views
A0.4 Content Sketch Views
A0.5 Shadow Studies

Landscape

L1 Landscape Plan - updated 2019 10 29

Civil

S1a Servicing Concept Plan




2	GP Application Resubmission	19.07.16
1	GP Application Resubmission	19.05.17
0	GP Application	19.03.15

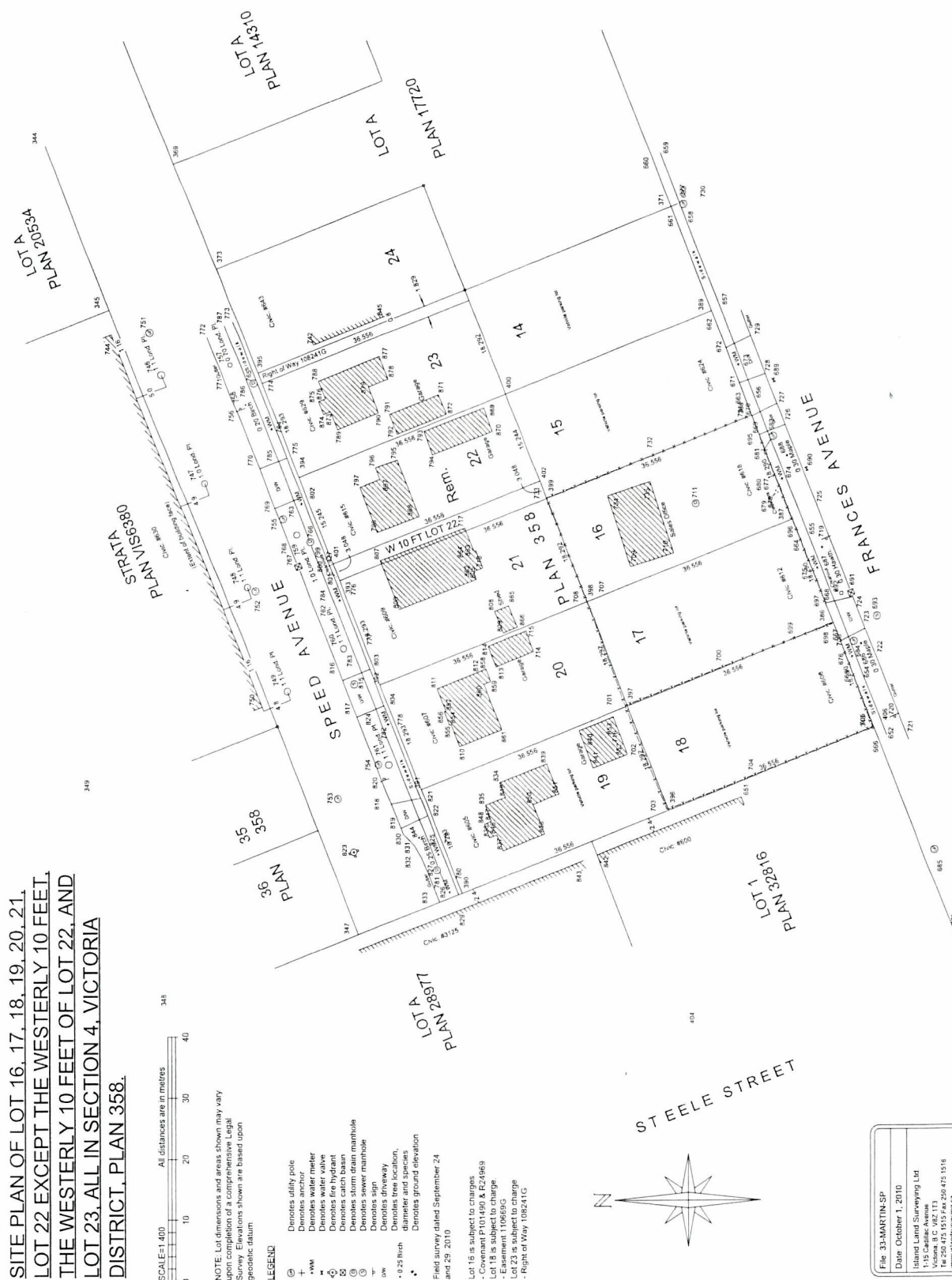
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<p>copyright reserved, these drawings and designs are sold as is buyers warrant the property of drawee. architecture to be used for the project shown and may not be reproduced without written consent</p>		
project name		

project name
Speed/Frances Redevelopment
605 & 615 Speed Ave, Victoria

Survey Plan

project no	1832
drawing file	1832 Speed Base Plan
date	19 07 16
scale	as shown
drawn by	-
checked by	ES
revision no	sheet no

checked by	sheet no	ES
revision no		A0.1



General information, descriptions and
specifications for these drawings are
provided in the project brief and are
to be used in conjunction with the
contract documentation.
Average grade is shown in red and
existing grade is shown in blue.
Existing grade is shown in blue.
Existing grade is shown in blue.

Revisions
Received Date:
July 18, 2019

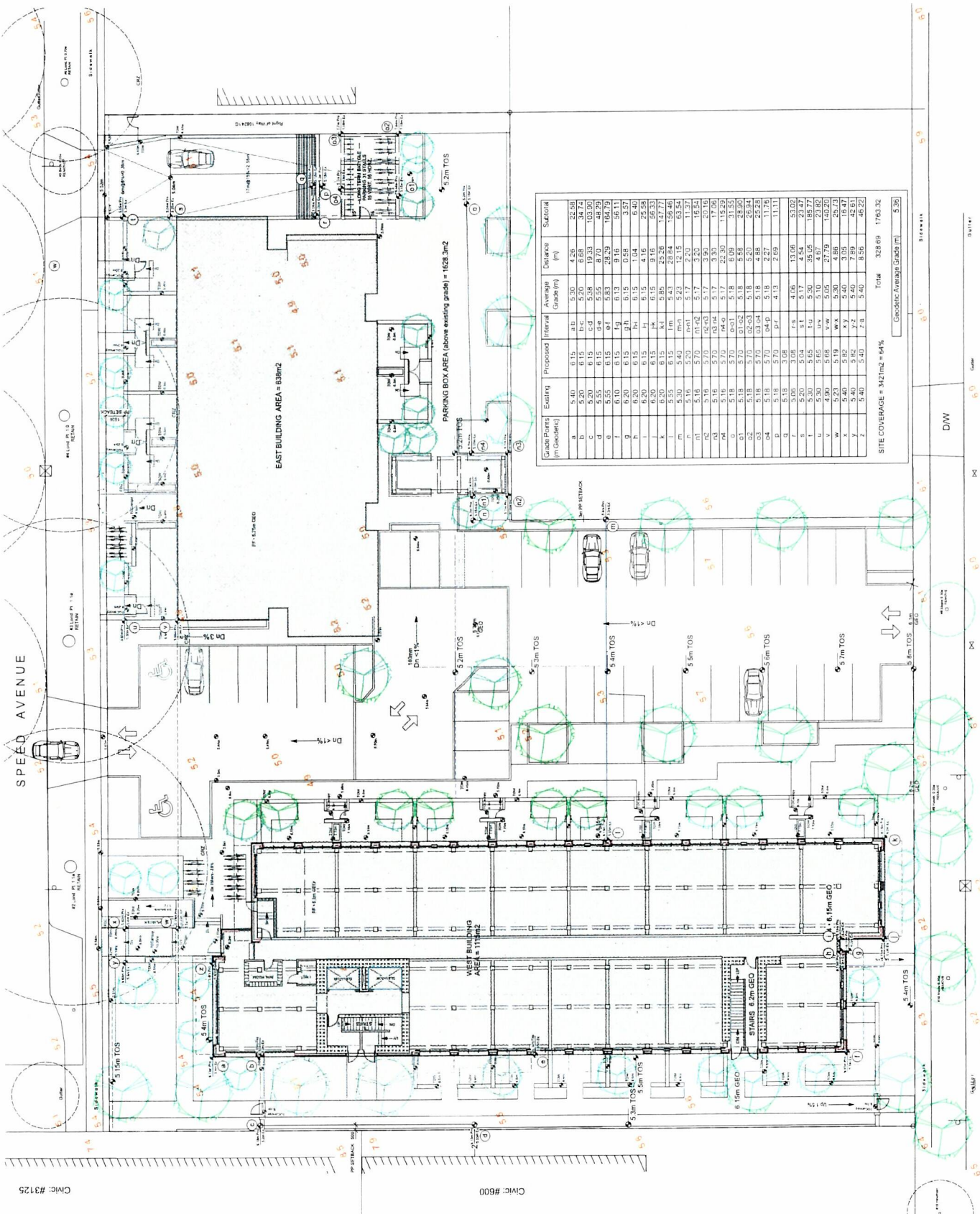


REV	NO	DESCRIPTION	DATE
1	1	FOR APPLICATION PREPARATION	18.08.20
2	2	FOR APPLICATION PREPARATION	18.07.18
3	3	FOR APPLICATION PREPARATION	18.07.18
4	4	FOR APPLICATION PREPARATION	18.07.18
5	5	FOR APPLICATION PREPARATION	18.07.18
6	6	FOR APPLICATION PREPARATION	18.07.18
7	7	FOR APPLICATION PREPARATION	18.07.18
8	8	FOR APPLICATION PREPARATION	18.07.18
9	9	FOR APPLICATION PREPARATION	18.07.18
10	10	FOR APPLICATION PREPARATION	18.07.18

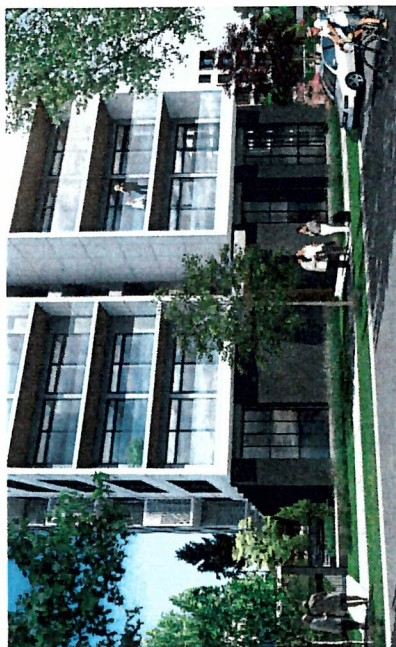
Project name
Speed/Francis Redevelopment
605 & 615 Speed Ave, Victoria

Sheet title
Average Grade Calcs.

Project no	1832
Drawing file	1832 Speed Base Plan
Date	19.10.20
Scale	1:150
Drawn by	ES
Checked by	ES
Revision no	3
Sheet no	A0.2



General information, dimensions and specifications on these drawings are subject to confirmation and are not to be used as part of construction contract documentation



Revisions
Received Date:
July 18, 2019

VICTORIA
BC CANADA

new no	description	date	project name
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2	DP Application (Refundation)	18/07/18	605 & 615 Speed Ave, Victoria

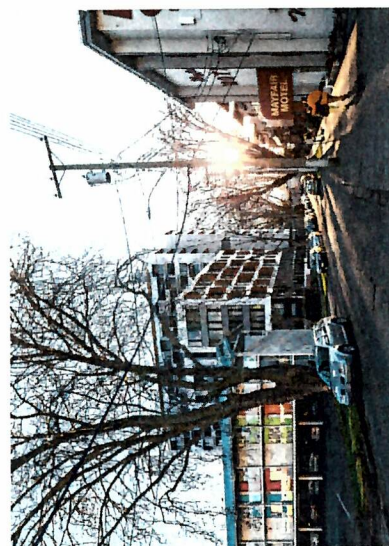
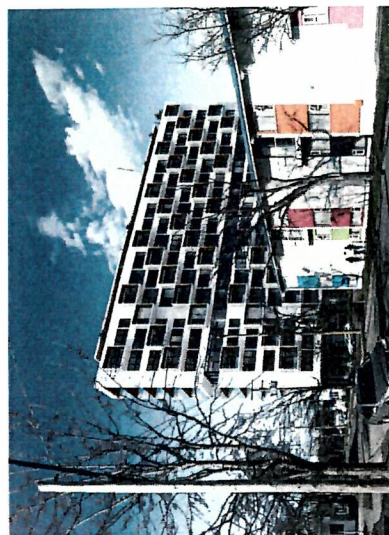
shoot the

Speed/Frances Redevelopment
605 & 615 Speed Ave, Victoria


Sketch Views

project no	1832
drawing file	1832 Speed Base Plan
date	19.07.16
scale	1:150
drawn by	-
checked by	ES
revision no	Sheet no





General information, dimensions and specifications on these drawings are subject to confirmation and are not to be used as part of construction contract documentation



Revisions
Received Date:
July 18, 2019

ISSUE NO	DESCRIPTION	DATE
0	D.P Application	19.02.15
1	D.P Application Pre-approval	19.02.17
2	D.P Application Pre-approval	19.02.18

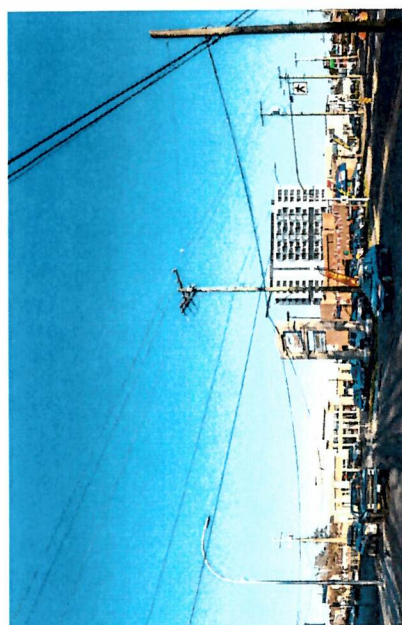
Project name
Speed/Francis Redevelopment
605 & 615 Speed Ave. Victoria

Context Sketch Views

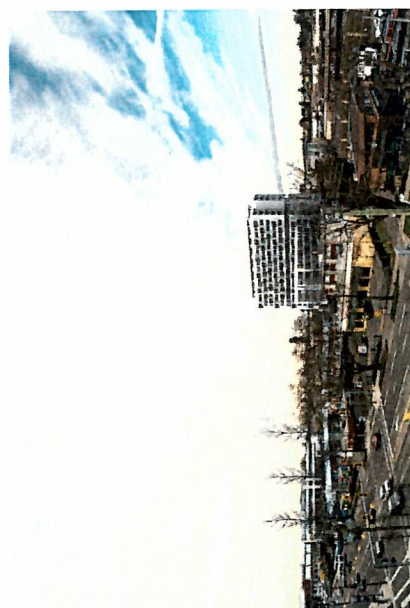
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scale	N/A
drawn by	-
checked by	ES
revision no	sheet no
	



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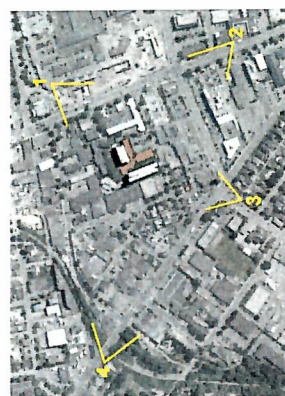
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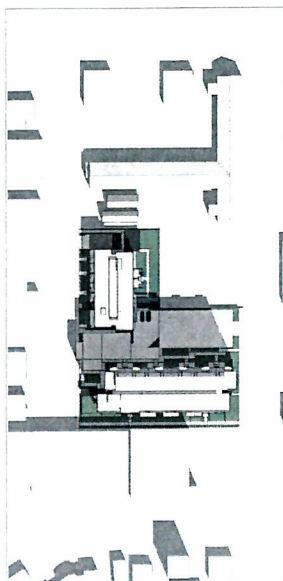


Sketch View South West Across Douglas From Mayfair Mall

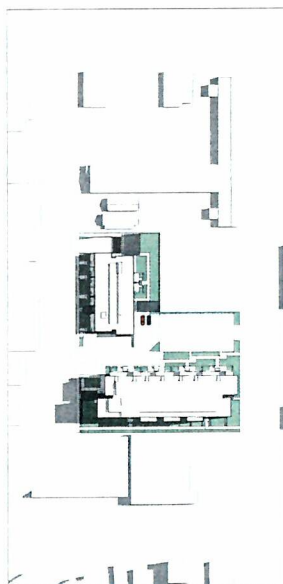


1. *Can I do this myself?* *How do I do it?*

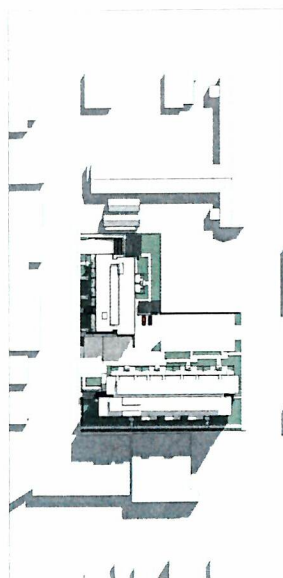
5 Sketch View Key Plan
NJ 6



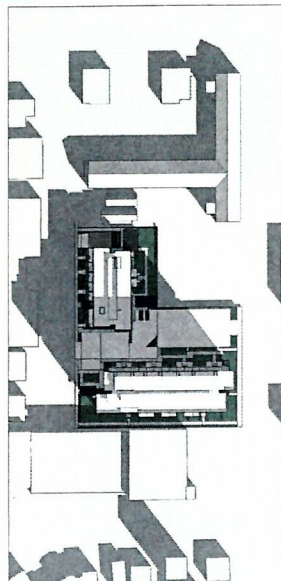
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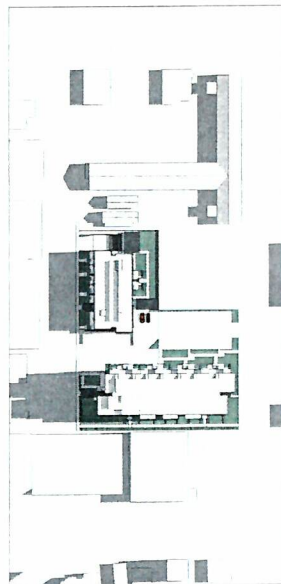
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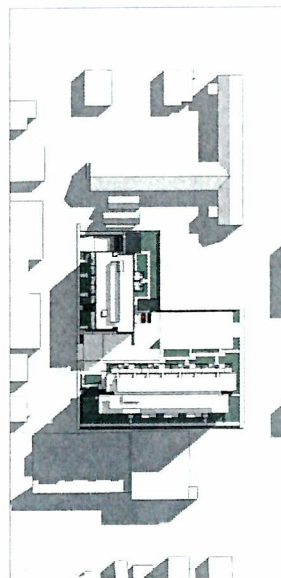
JUNE 20 - 10 A.M.



SEPTEMBER 20 - 3 P.M.



SEPTEMBER 20 - 12 P M



SEPTEMBER 20 - 10 A.M.

Revisions
Received Date:
July 18, 2019

issue no	description	date
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1	QIP Application Re-submission	19.05.17
0	QIP Application	19.03.15

With participation in the early post-war period, the architecture to be constructed in the country of the future was to be modern and may be regarded with confidence.

project name	Speed / Frances Residential 605 & 615 Speed Ave, Victoria
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sheet life
Shadow Studies


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drawing file	1832 Shadow Studie
date	19.07.1
scale	NT
drawn by	M
checked by	FD
revision no	sheet no.

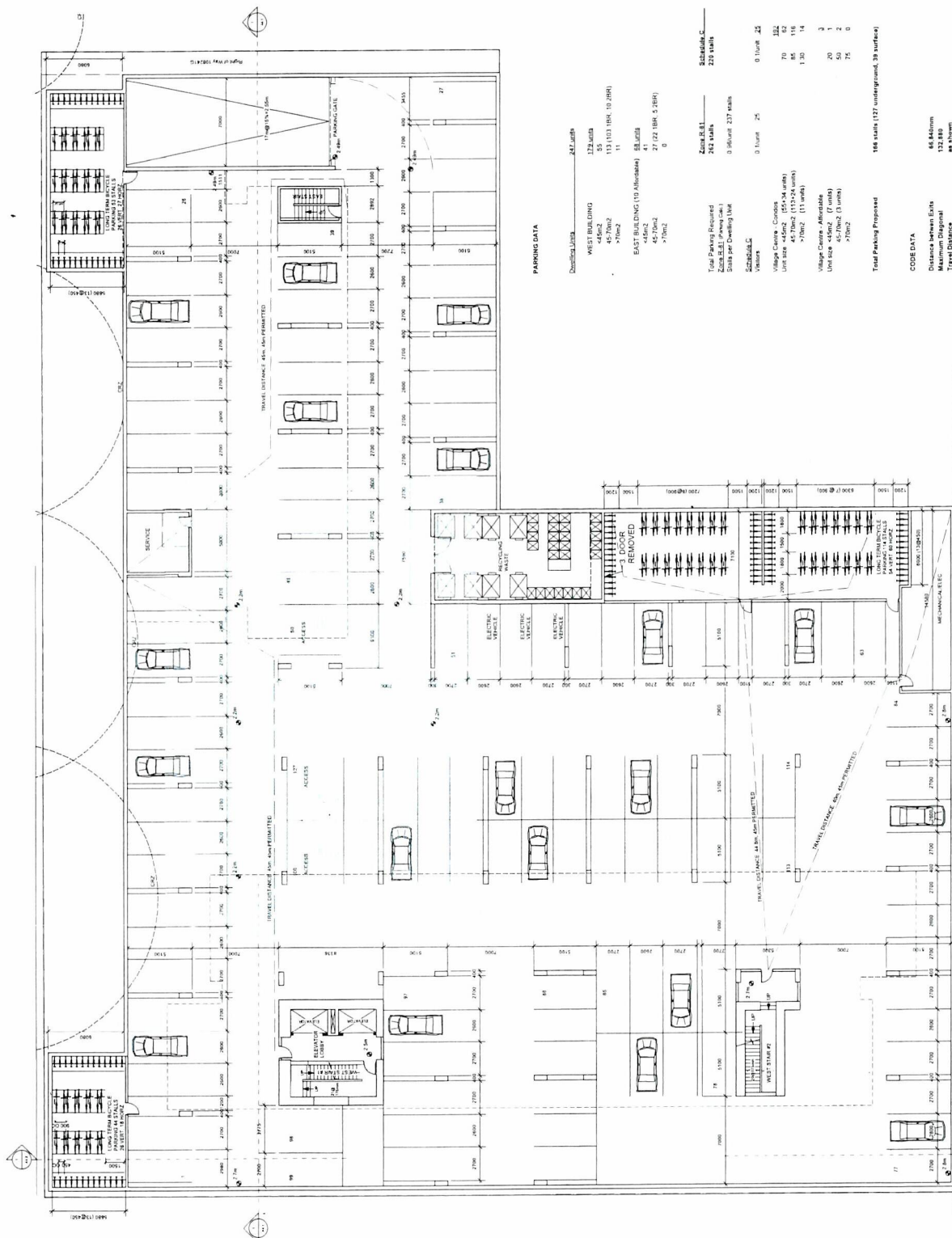
2	DP Application Information	18.07.18
3	DP Application Information	18.05.17
4	DP Application	18.02.15
rev. no	description	date

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project name	Speed/Francis Redevelopment 605 & 615 Speed Ave, Victoria
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sheet title
P1 - Underground
Parking Plan

project no	1832
drawing file	1832 Speed Base Plan
date	19.07.18
scale	1:150
drawn by	-
checked by	ES
revision no	sheet no
	



	Zone 20.1A 262 units	Zone 20.1C 225 units	Zone 20.1D 215 West Bldg 215 East Bldg 75 East Bldg	Zone 20.1E 225 units
Total Parking Required	100	100	100	100
Zone 20.1A (above cut)	100	100	100	100
State per Curb/Lot	100	100	100	100
Zone 20.1C (above cut)	100	100	100	100
Zone 20.1D (above cut)	100	100	100	100
Zone 20.1E (above cut)	100	100	100	100
Zone 20.1A (below cut)	100	100	100	100
Zone 20.1C (below cut)	100	100	100	100
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Zone 20.1E (below cut)	100	100	100	100
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Zone 20.1D (total)	100	100	100	100
Zone 20.1E (total)	100	100	100	100
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Zone 20.1D (gross)	100	100	100	100
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Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
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Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1C (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1D (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1E (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone)	100	100	100	100
Zone 20.1A (net/gross/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total/zone/total)	100	10		

166 stalls (127 underground, 39 surface)	CODE DATA	75 East Bldg. Level
	Distance between Exits	211 underground
	132 ft. min	75 East Bldg. Level
	Maximum Diagonal	
	142 ft. max	
	Total Distance	
	66 ft. min	

Design Information: Construction and
specifications are based on the latest
code and standards and are not to be
used as part of construction
contract documentation



NO.	DESCRIPTION	DATE
1	PRELIMINARY	11.12.20
2	REVISIONS	11.12.20
3	REVISIONS	11.12.20
4	REVISIONS	11.12.20
5	REVISIONS	11.12.20
6	REVISIONS	11.12.20
7	REVISIONS	11.12.20
8	REVISIONS	11.12.20
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96	REVISIONS	11.12.20
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98	REVISIONS	11.12.20
99	REVISIONS	11.12.20
100	REVISIONS	11.12.20

Project Name
Speedifrances Redevelopment
605 & 615 Speed Ave, Victoria

Project No
1832

Project Name
West Building
L1 - Main Floor Plan

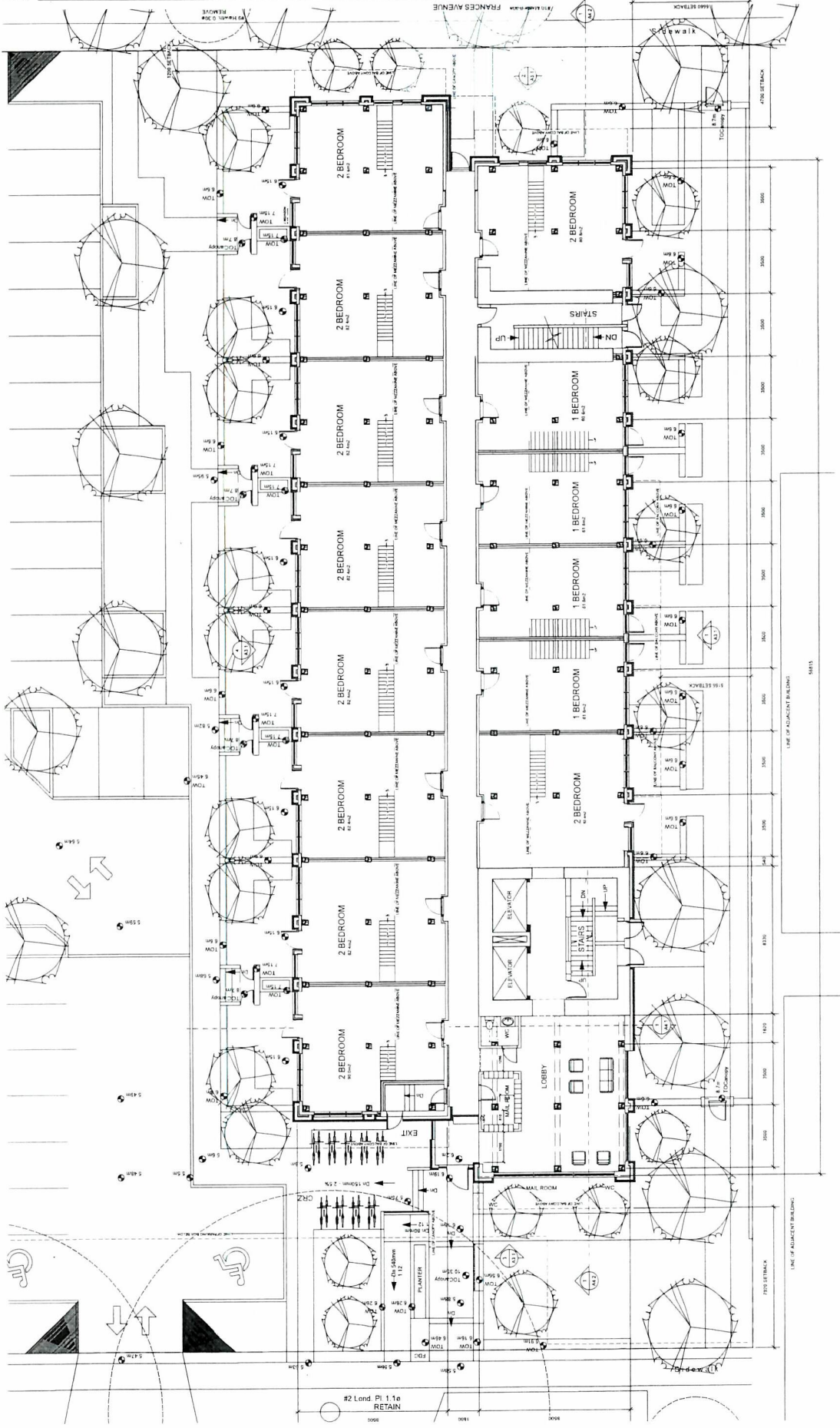
Project No
1832

Project Name
Speedifrances Redevelopment
605 & 615 Speed Ave, Victoria

Project No
1832

Project Name
West Building
L1 - Main Floor Plan

Project No
1832



Area Calculations - Unit Count

UNIT TYPE	UNIT COUNT	UNIT AREA (SQM)	TOTAL UNIT AREA (SQM)
1 BEDROOM	10	10.00	100.00
2 BEDROOM	10	20.00	200.00
3 BEDROOM	10	30.00	300.00
4 BEDROOM	10	40.00	400.00
5 BEDROOM	10	50.00	500.00
6 BEDROOM	10	60.00	600.00
7 BEDROOM	10	70.00	700.00
8 BEDROOM	10	80.00	800.00
9 BEDROOM	10	90.00	900.00
10 BEDROOM	10	100.00	1000.00
TOTAL	100	1000.00	1000.00

Area Calculations - Unit Count

UNIT TYPE	UNIT COUNT	UNIT AREA (SQM)	TOTAL UNIT AREA (SQM)
1 BEDROOM	10	10.00	100.00
2 BEDROOM	10	20.00	200.00
3 BEDROOM	10	30.00	300.00
4 BEDROOM	10	40.00	400.00
5 BEDROOM	10	50.00	500.00
6 BEDROOM	10	60.00	600.00
7 BEDROOM	10	70.00	700.00
8 BEDROOM	10	80.00	800.00
9 BEDROOM	10	90.00	900.00
10 BEDROOM	10	100.00	1000.00
TOTAL	100	1000.00	1000.00

Area Calculations - Unit Count

UNIT TYPE	UNIT COUNT	UNIT AREA (SQM)	TOTAL UNIT AREA (SQM)
1 BEDROOM	10	10.00	100.00
2 BEDROOM	10	20.00	200.00
3 BEDROOM	10	30.00	300.00
4 BEDROOM	10	40.00	400.00
5 BEDROOM	10	50.00	500.00
6 BEDROOM	10	60.00	600.00
7 BEDROOM	10	70.00	700.00
8 BEDROOM	10	80.00	800.00
9 BEDROOM	10	90.00	900.00
10 BEDROOM	10	100.00	1000.00
TOTAL	100	1000.00	1000.00

Area Calculations - Unit Count

UNIT TYPE	UNIT COUNT	UNIT AREA (SQM)	TOTAL UNIT AREA (SQM)
1 BEDROOM	10	10.00	100.00
2 BEDROOM	10	20.00	200.00
3 BEDROOM	10	30.00	300.00
4 BEDROOM	10	40.00	400.00
5 BEDROOM	10	50.00	500.00
6 BEDROOM	10	60.00	600.00
7 BEDROOM	10	70.00	700.00
8 BEDROOM	10	80.00	800.00
9 BEDROOM	10	90.00	900.00
10 BEDROOM	10	100.00	1000.00
TOTAL	100	1000.00	1000.00

Area Calculations - Unit Count

UNIT TYPE	UNIT COUNT	UNIT AREA (SQM)	TOTAL UNIT AREA (SQM)
1 BEDROOM	10	10.00	100.00
2 BEDROOM	10	20.00	200.00
3 BEDROOM	10	30.00	300.00
4 BEDROOM	10	40.00	400.00
5 BEDROOM	10	50.00	500.00
6 BEDROOM	10	60.00	600.00
7 BEDROOM	10	70.00	700.00
8 BEDROOM	10	80.00	800.00
9 BEDROOM	10	90.00	900.00
10 BEDROOM	10	100.00	1000.00
TOTAL	100	1000.00	1000.00

General information, dimensions and
notes are subject to confirmation and are to
be used as a guide only. For more
information, please contact the architect.

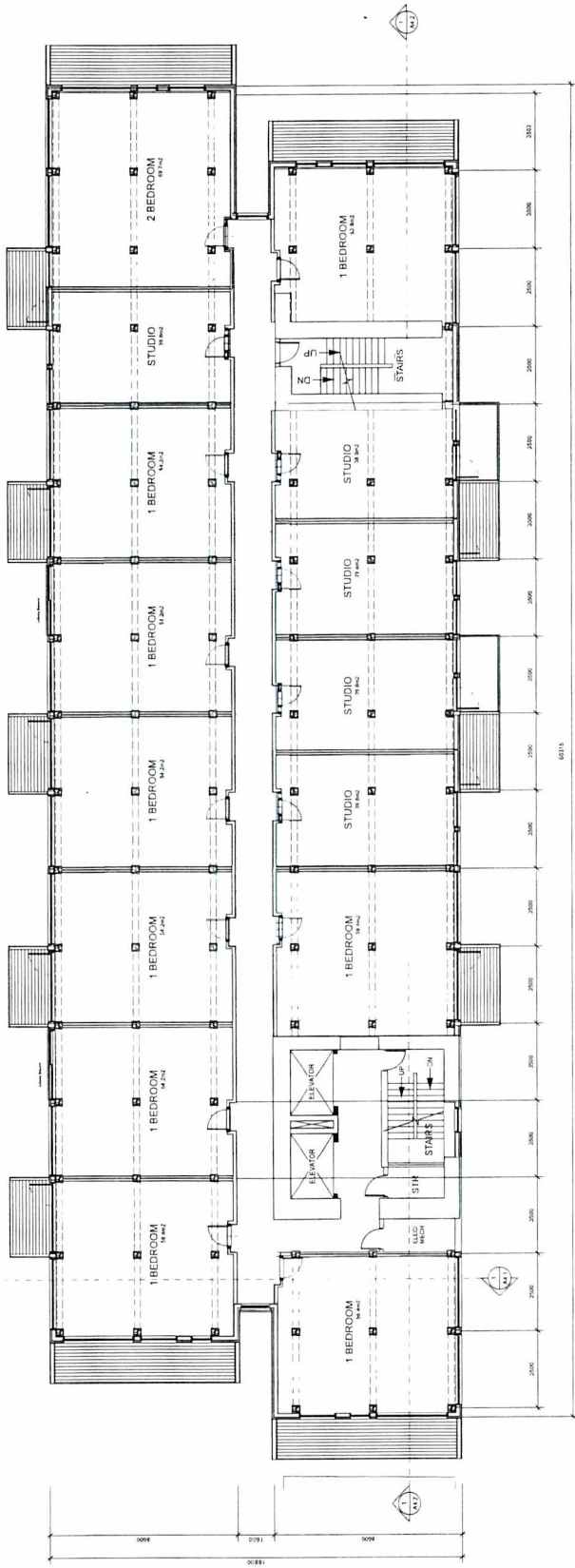


Rev No	Description	Date
1	IF Application Permitted	18.07.16
2	IF Application Permitted	18.08.17
3	IF Application Permitted	18.08.17
4	IF Application Permitted	18.08.17
5	IF Application Permitted	18.08.17
6	IF Application Permitted	18.08.17
7	IF Application Permitted	18.08.17
8	IF Application Permitted	18.08.17
9	IF Application Permitted	18.08.17
10	IF Application Permitted	18.08.17

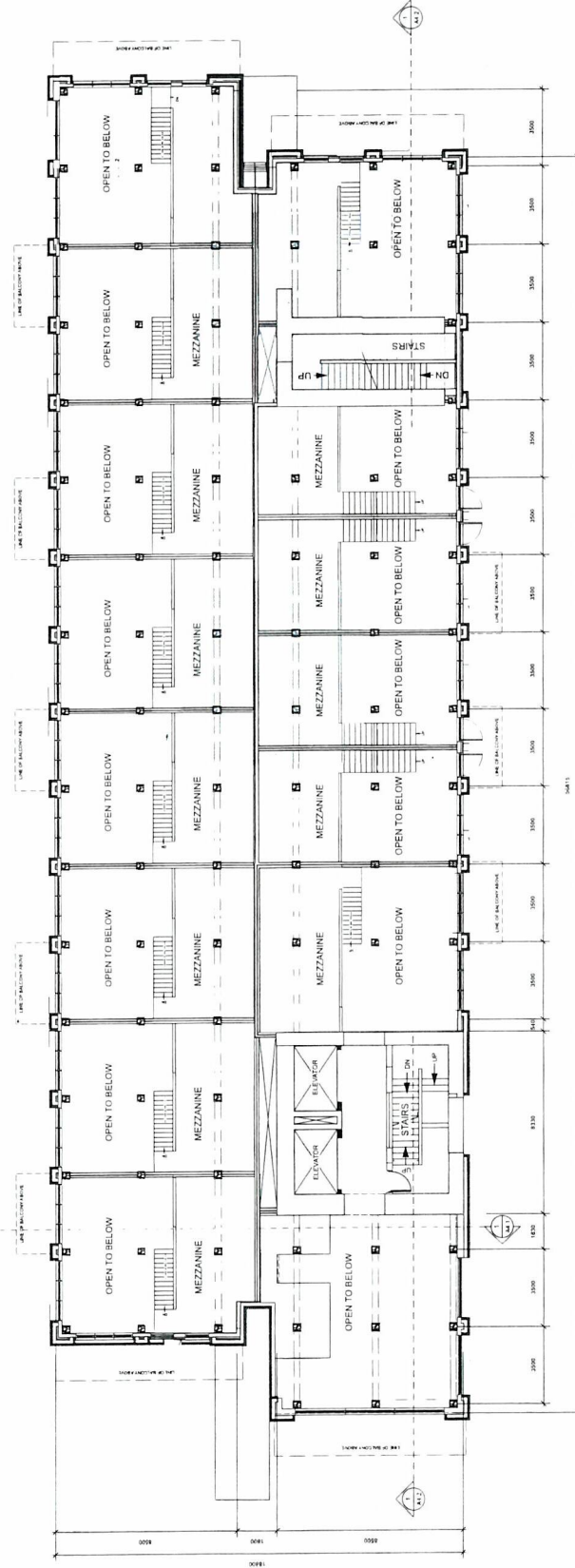
Project Name
Speed/Finances Redevelopment
605 & 615 Speed Ave, Victoria

Project No
1832
Drawing No
1832 Speed Base Plan
Date
19.07.16
Scale
1:100
Drawn By
E5
Checked By
E5
Revision No
A2.2

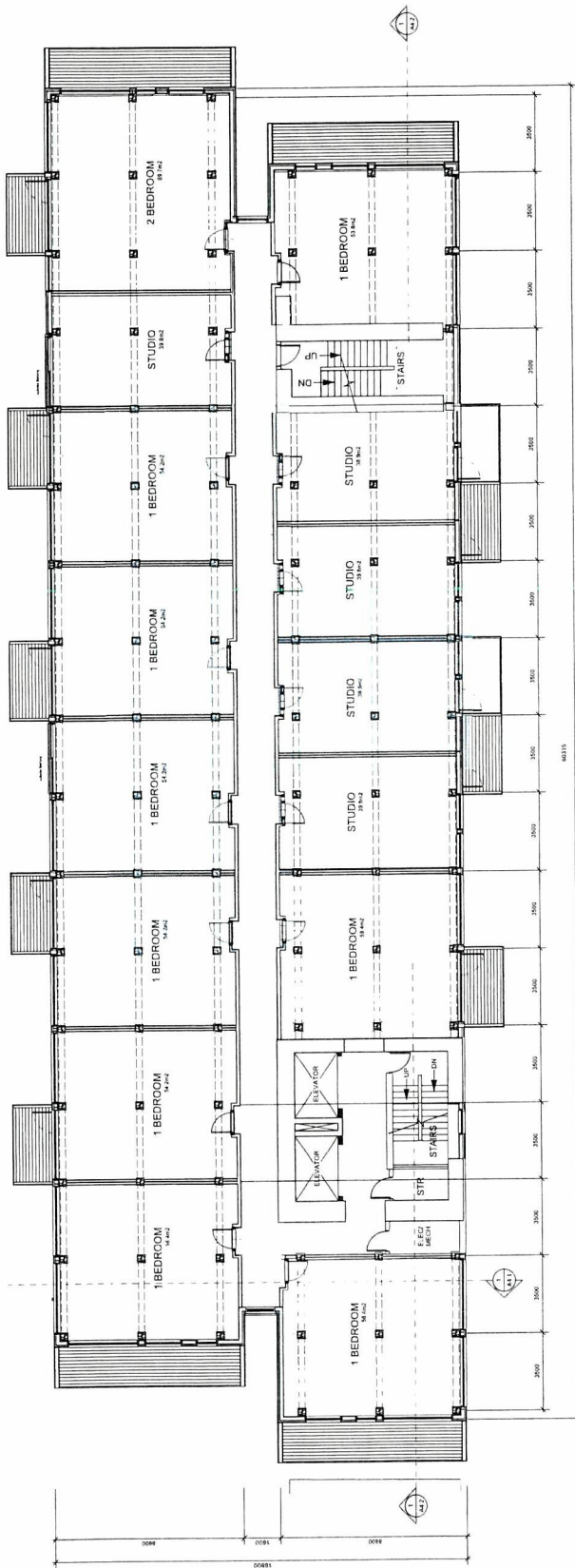
Rev No	Description	Date
1	IF Application Permitted	18.07.16
2	IF Application Permitted	18.08.17
3	IF Application Permitted	18.08.17
4	IF Application Permitted	18.08.17
5	IF Application Permitted	18.08.17
6	IF Application Permitted	18.08.17
7	IF Application Permitted	18.08.17
8	IF Application Permitted	18.08.17
9	IF Application Permitted	18.08.17
10	IF Application Permitted	18.08.17



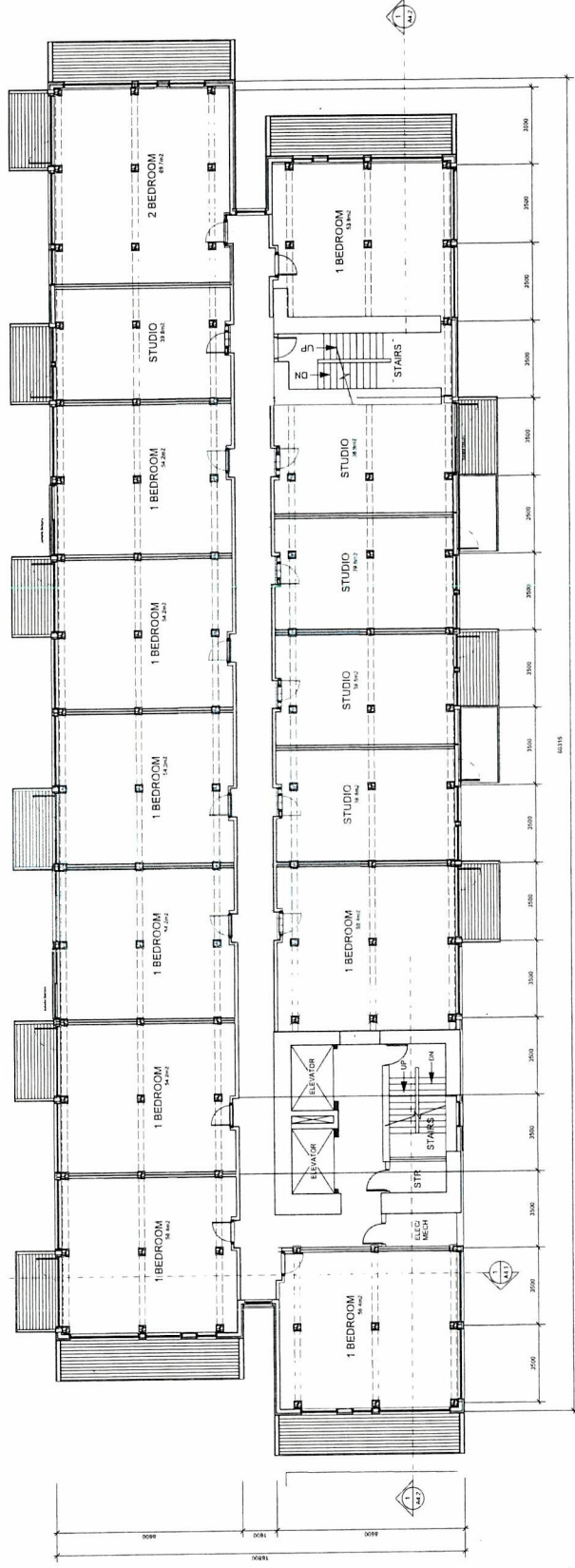
1 West Building - L3 x L9
1:100



2 West Building - L2 Mezz
1:100



1 West Building - L5 + L11
5100



2 West Building - L4 + L10
1 1109

Client information, dimensions and
notes to be provided and used to
prepare the final construction
document.

Revisions
Received Date:
July 18, 2019



Rev	Description	Date
1	Initial Application for Development	18.07.18
2	Initial Application for Development	18.08.17
3	Initial Application for Development	18.08.17
4	Initial Application for Development	18.08.17
5	Initial Application for Development	18.08.17
6	Initial Application for Development	18.08.17
7	Initial Application for Development	18.08.17
8	Initial Application for Development	18.08.17
9	Initial Application for Development	18.08.17
10	Initial Application for Development	18.08.17
11	Initial Application for Development	18.08.17
12	Initial Application for Development	18.08.17
13	Initial Application for Development	18.08.17
14	Initial Application for Development	18.08.17
15	Initial Application for Development	18.08.17
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28	Initial Application for Development	18.08.17
29	Initial Application for Development	18.08.17
30	Initial Application for Development	18.08.17
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98	Initial Application for Development	18.08.17
99	Initial Application for Development	18.08.17
100	Initial Application for Development	18.08.17

Project Name:
Speed/Francis Redevelopment
605 & 615 Speed Ave, Victoria

Project No:
1832

Project Title:
West Building
L7 + L8/L12
Floor Plans

Project File:
1832 Speed/Francis Plan

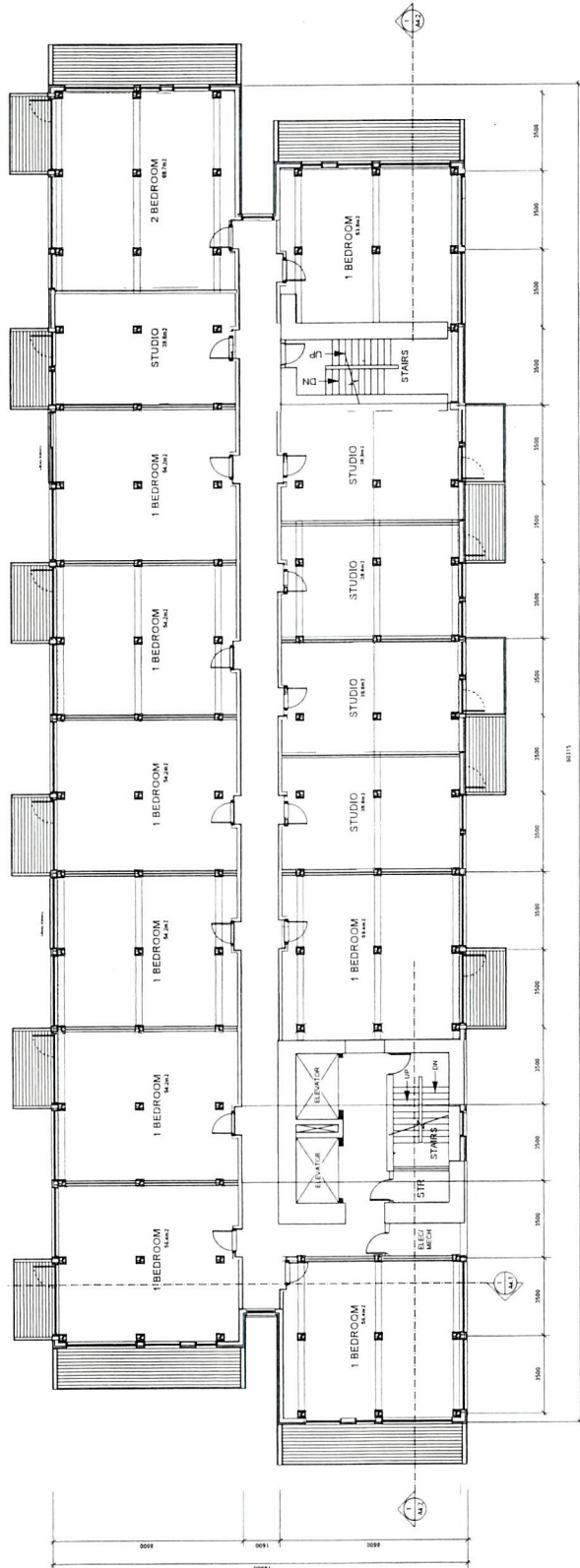
Date:
18.07.18

Scale:
1:100

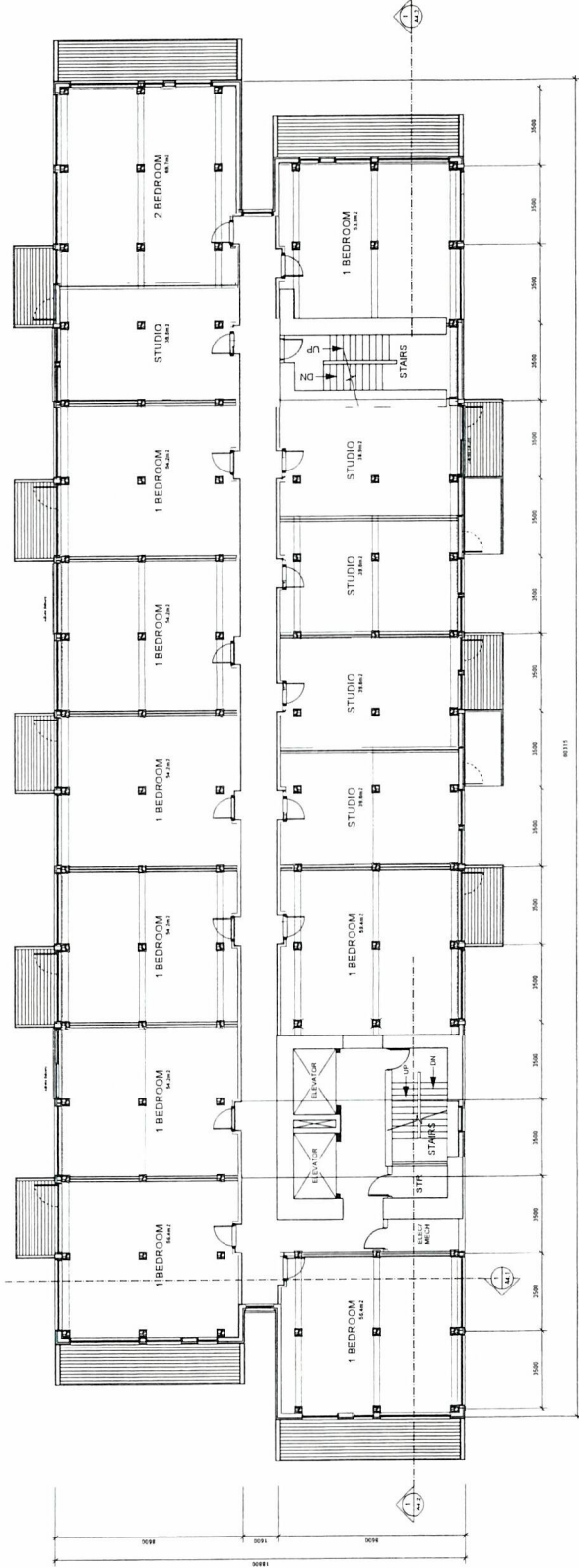
Drawn By:
-

Checked By:
ES

Revision No:
A2.4



1 West Building - L7
1:100



2 West Building - L8 + L12
1:100

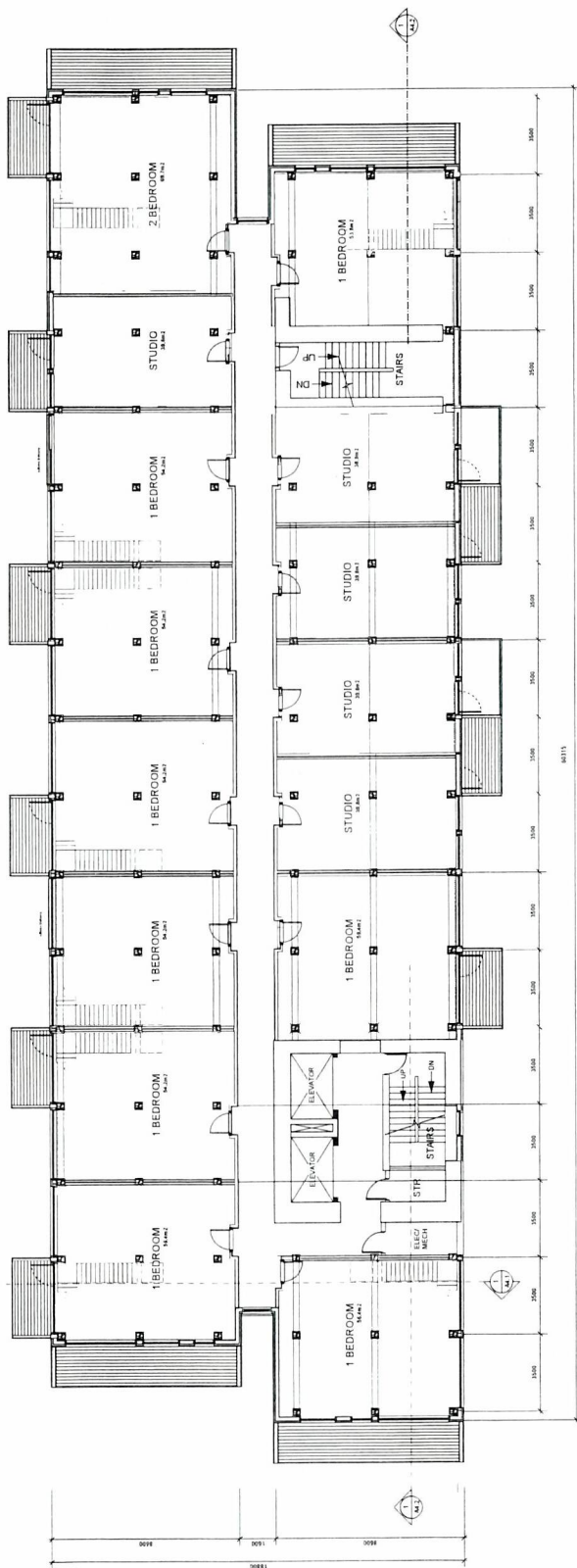
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1	D.P. Application of subcategory	18.05.17
2	D.P. Application of subcategory	18.07.18

project name	Speed/Francis Redevelopment 605 & 615 Speed Ave, Victoria
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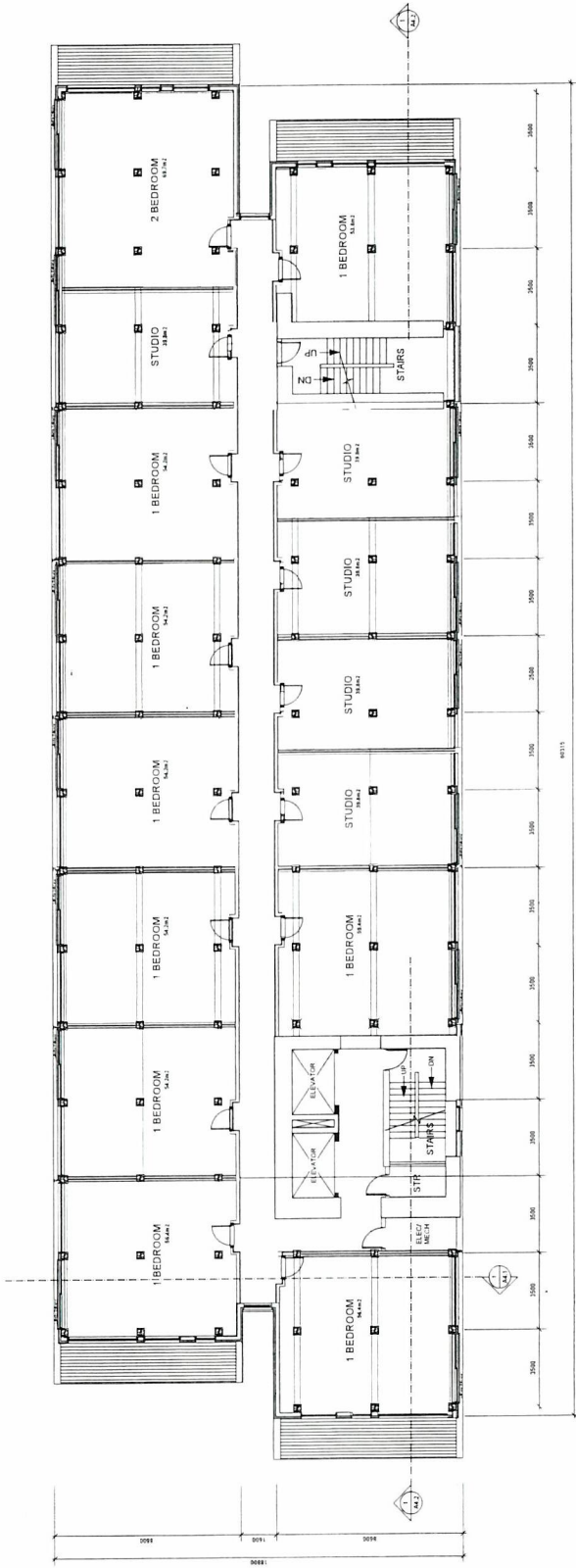
Sheet title
West Building
L13 + L8
Floor Plans

project no.	1832
drawing title	1832 Speed Base Plan
date	19.07.16
scale	1:100
drawn by	-
checked by	ES

revision no. 2 sheet no. A2.5

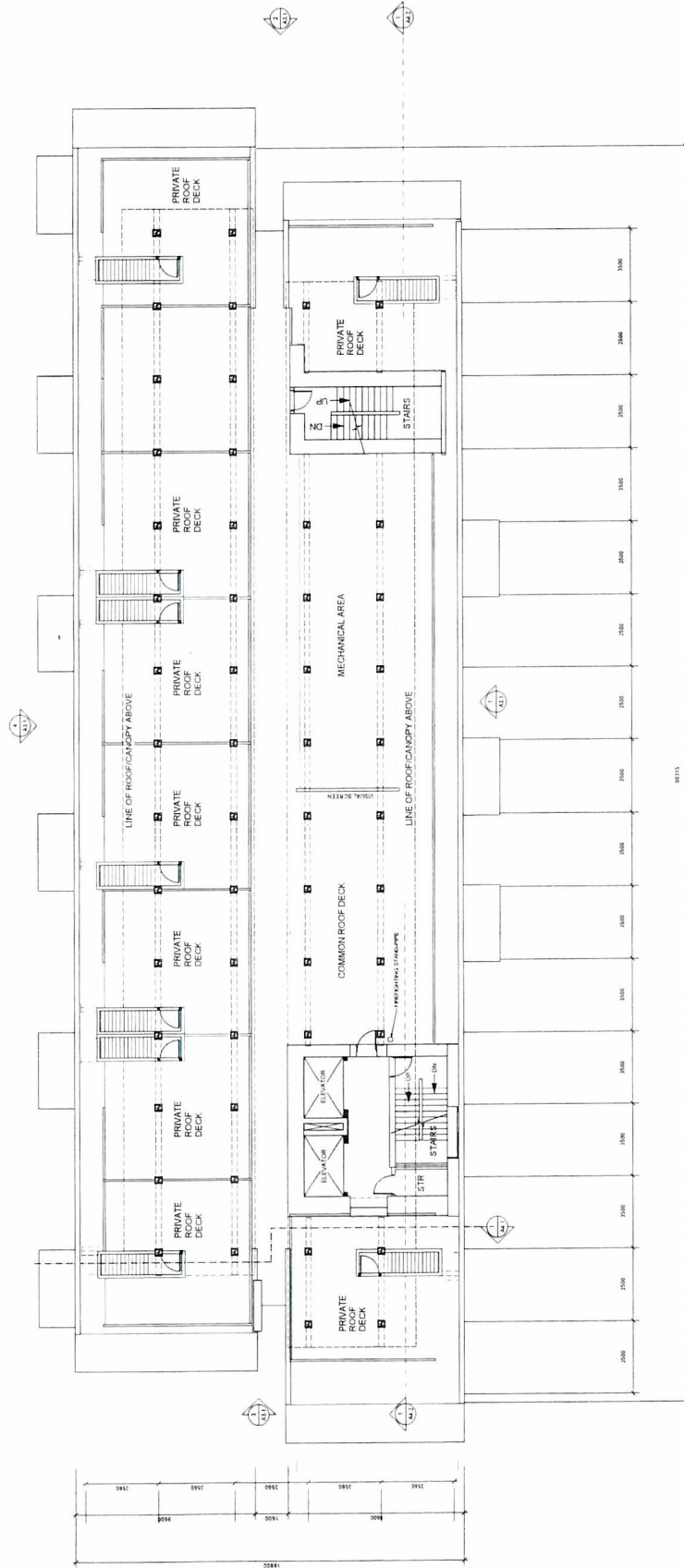


1 West Building - L13
1160



2 West Building - L8
1108

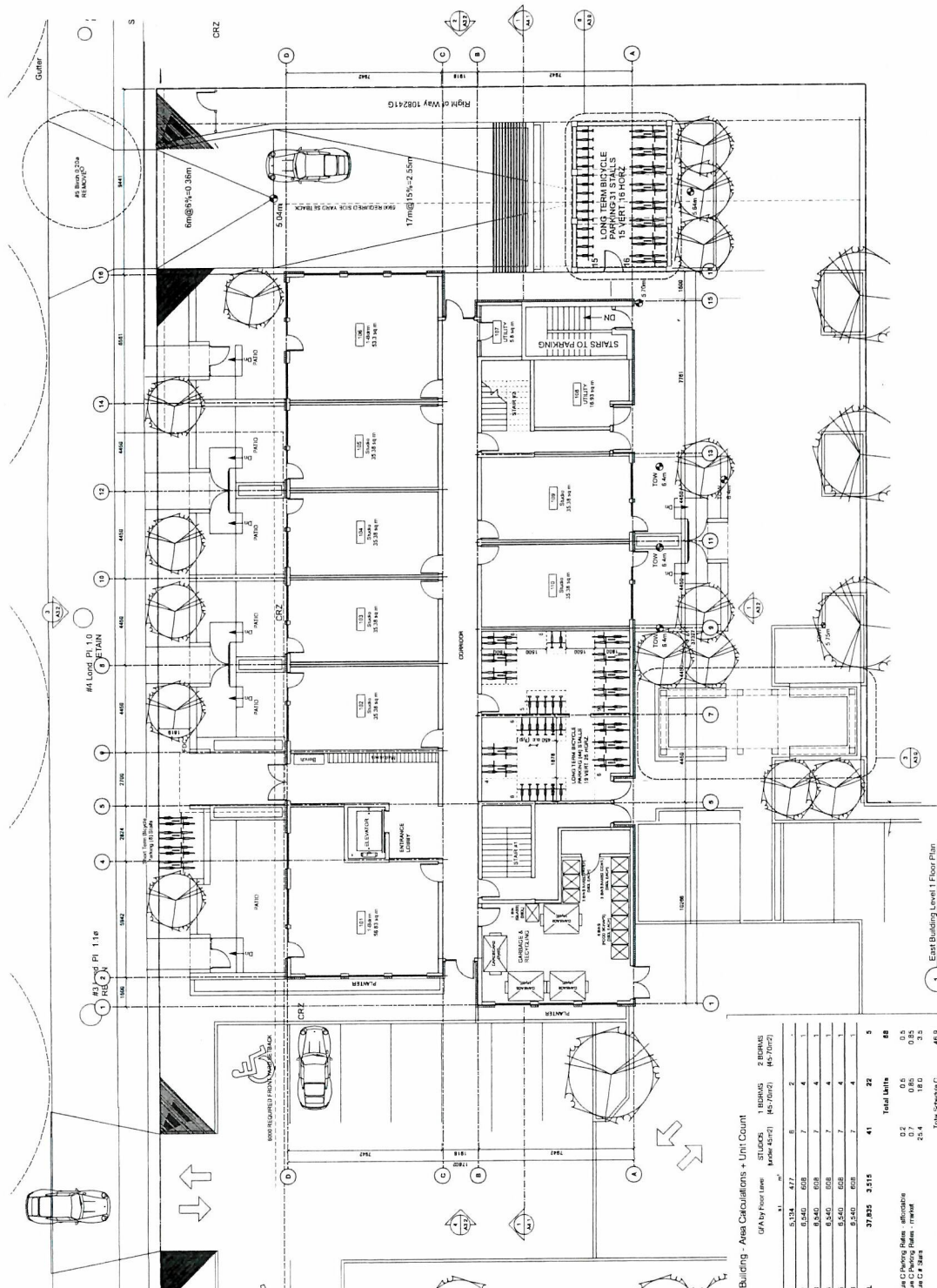
These drawings are prepared by the architect and are intended to be used in conjunction with the contract documents. No liability is assumed by the architect for any errors or omissions in these drawings or for any consequences arising from their use.



1 West Building - L14 Roof Plan

80111

Project Name	West Building L14 Roof Plan
Project No.	1532 Speed Street Plan
Drawing No.	19.07.15
Scale	1:100
Drawn by	-
Checked by	ES
Revision No.	A2.6



Project Building - Area Calculations + Unit Count					
	(A) Area	(B) Floor Area	(C) Floor Area	1 Bldg's (45' Floor)	2 Bldg's (45' Floor)
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	2	2	2	2	2
	3	3	3	3	3
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	5	5	5	5	5
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Client information, dimensions and
notes are for information only and are
subject to confirmation and are not
to be used for construction
without confirmation.

Revisions
Received Date:
July 18, 2019

0 5 10
SCALE IN METERS

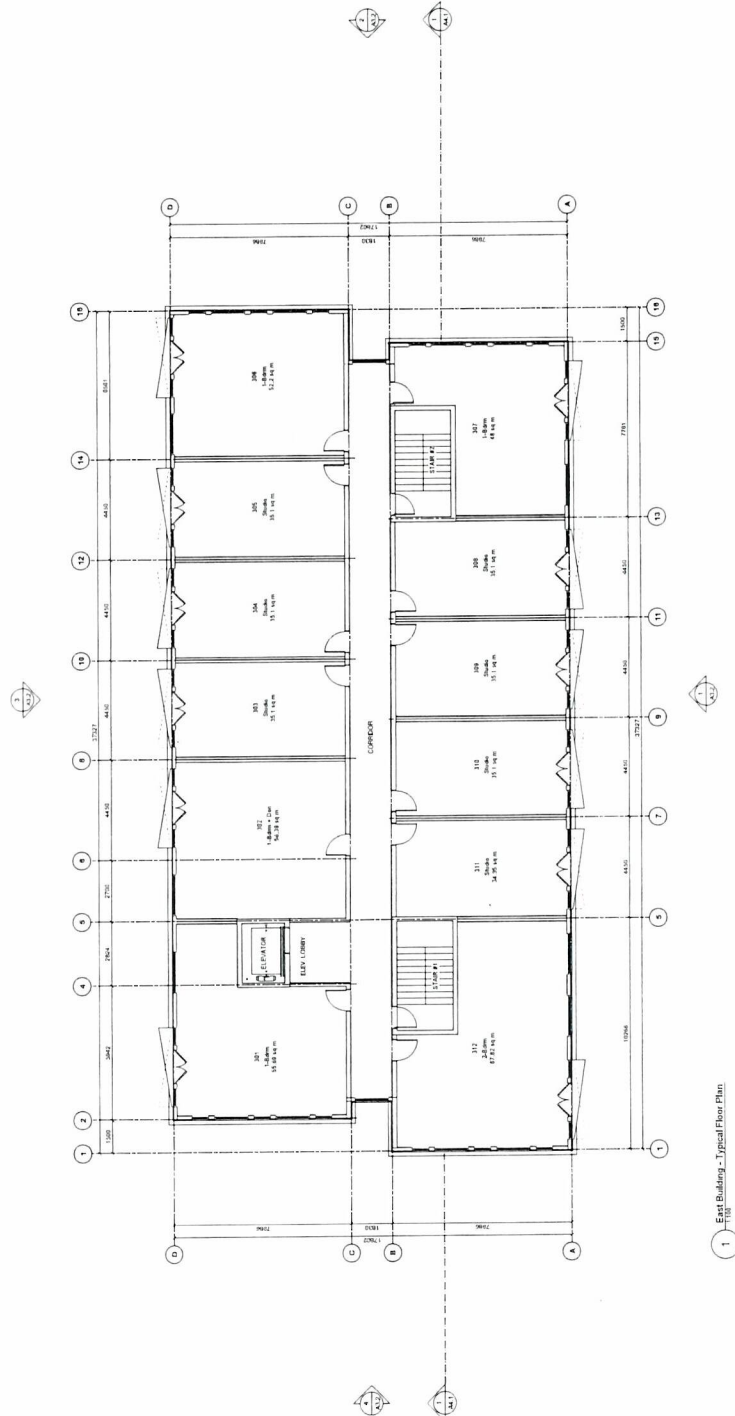
2	07 Application Revisions	18.07.18
1	07 Application Revisions	18.05.17
0	07 Application	18.03.15
	07 Application	08.06

Notes:
1. All dimensions are in meters and are rounded to the nearest millimeter.
2. All dimensions are in meters and are rounded to the nearest millimeter.
3. All dimensions are in meters and are rounded to the nearest millimeter.
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Project Name:
Speed / Frances Residential
605 & 615 Speed Ave, Victoria

Sheet Title:
East Building
Typical Floor Plan

Project No.: 1832
Drawing No.: 1832 East Building Plans
Date: 18.07.18
Scale: 1:100
Drawn by: -
Checked by: ES
Revision No.: A2.11



Revisions
Received Date:
July 18, 2019



rev	no	description	date
2		GP Application Reevaluation	18.07.16
1		GP Application Reevaluation	18.05.17
0		GP Application	18.03.15

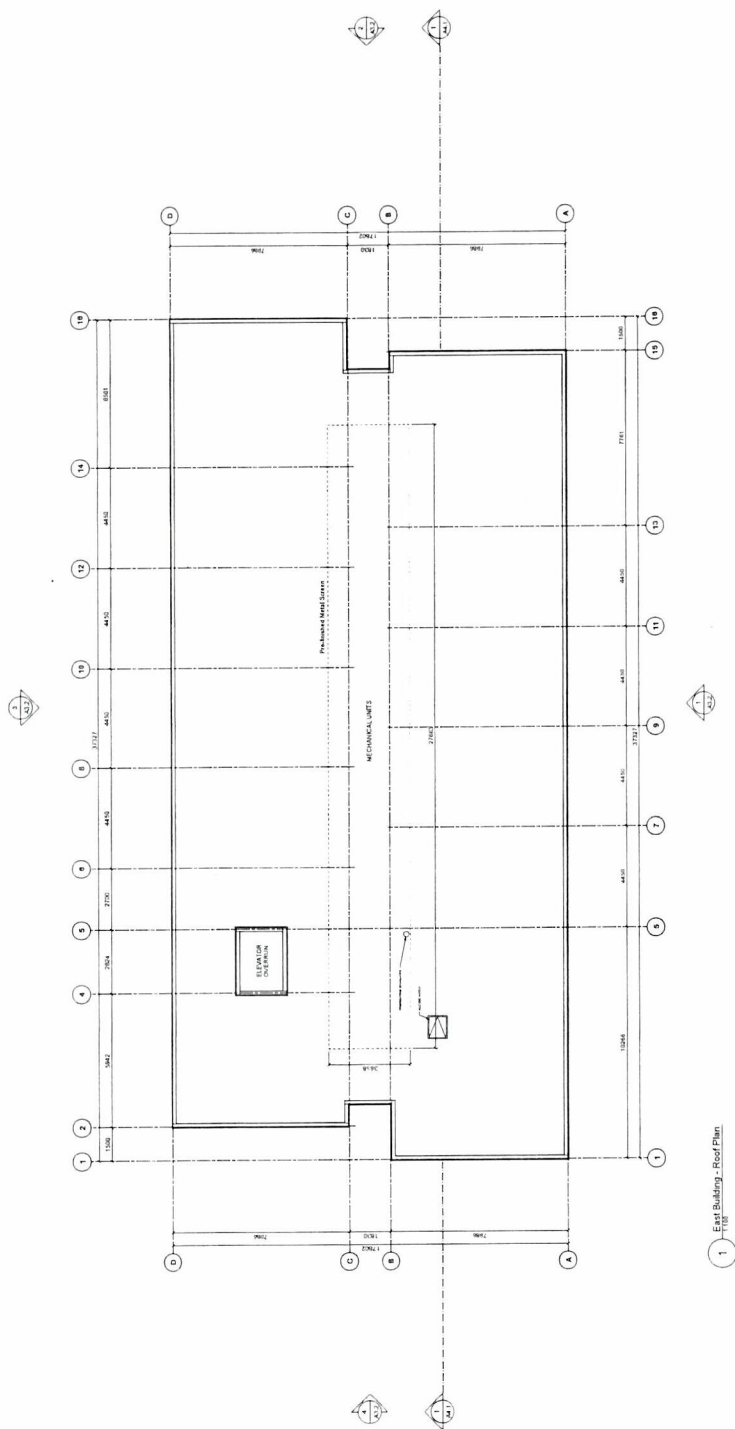
project name	author contact

Project Name:
Speed / Frances Residential
605 & 615 Speed Ave, Victoria

street title
East Building

project no.	1832
drawing file	1832 AHQP Base Plans
date	19 07 16
scale	1 100
drawn by	-

checked by	revision no.	sheet no.	A2.12
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East Building - Roof Plan

An architectural rendering of a modern building complex. The scene features a large, multi-story building with a prominent glass facade on the left, and a taller, more traditional brick building with many windows on the right. In the foreground, a row of mature trees stands along a paved area. The sky is a clear, light blue. The overall style is a realistic architectural illustration.

4 Wood Pavilion South Elevation
1:100

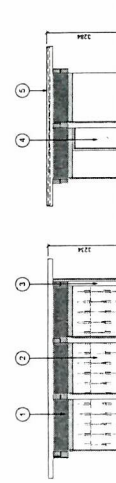
5 Wood Pavilion West Elevation
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43.00

6 Base Storage Beds.
1100
A320

7	Rike Storage Bldg. South Elevation
43.00	1100

8 Base Storage Bldg. West Elevation
1155
A 1.00

- 1 Clear Glazing
- 2 Translucent Glazing
- 3 Clear-finished Wood (Columns • C.I. T. Scaff)
- 4 Wood Door
- 5 Prefinished Metal Flashing Charcoal Grey



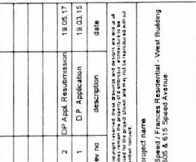
The figure consists of two schematic diagrams of a wooden park bench, labeled (a) and (b). Diagram (a) is a side view showing the bench's profile. It features a flat wooden seat and a curved wooden backrest. A canopy structure is attached to the backrest, consisting of a horizontal top rail and vertical supports. Dimensions are indicated with arrows and numbers: the seat is 1200 mm long and 150 mm high; the backrest is 1200 mm long and 100 mm high; the canopy top rail is 1200 mm long; the vertical supports are 100 mm high; the horizontal distance between the seat and the backrest is 100 mm; the horizontal distance between the backrest and the canopy is 100 mm; the horizontal distance between the canopy and the seat is 100 mm; the horizontal distance between the canopy and the backrest is 100 mm; the horizontal distance between the canopy and the seat is 100 mm; the horizontal distance between the canopy and the backrest is 100 mm. Diagram (b) is a front view showing the bench's width. It features a flat wooden seat and a curved wooden backrest. A canopy structure is attached to the backrest, consisting of a horizontal top rail and vertical supports. Dimensions are indicated with arrows and numbers: the seat is 1200 mm wide and 150 mm high; the backrest is 1200 mm wide and 100 mm high; the canopy top rail is 1200 mm wide; the vertical supports are 100 mm high; the horizontal distance between the seat and the backrest is 100 mm; the horizontal distance between the backrest and the canopy is 100 mm; the horizontal distance between the canopy and the seat is 100 mm; the horizontal distance between the canopy and the backrest is 100 mm; the horizontal distance between the canopy and the seat is 100 mm; the horizontal distance between the canopy and the backrest is 100 mm.

Revisions
Received Date:
July 18, 2019

[illegible]

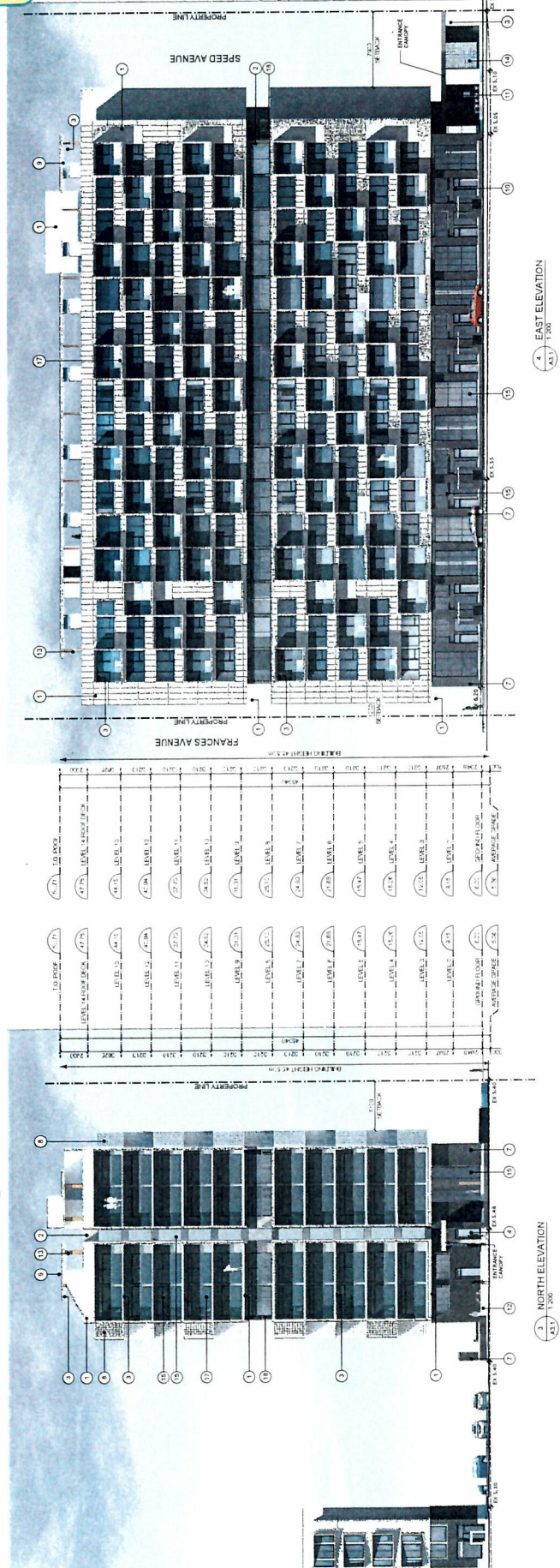
ELEVATION MATERIALS KEY

- REVISIONS**
Class: **12th** with Project Model Tests & Bank
Metal Point Liquid Chemicals
Received Date: **July 18, 2019**
Valid For: **One Year**



Project No.	1832
Drawing Title	1832 Speed Elevations
Date	19.05.17
Scale	1:200
Drawn by	-
Checked by	ES

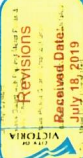
4 EAST ELEVATION
1/2000
A3.1



Consulting Architect, Structural Engineer, and
Interior Designer. All work is to be done in
accordance with the relevant Australian
standards and codes of practice.

ELEVATION MATERIALS KEY:

1. Material of Composite Panel - White Tiles
2. Material of Composite Panel - Charcoal Grey
3. Composite Panel - White
4. Wood Deck
5. Metal Floor - Aluminium Grey
6. Greenhouse Panel - White Tiles
7. Brick - Dark, Sand, Iron Mortar
8. Industrial Metal Panel - Charcoal Grey
9. Industrial Metal Panel - White
10. Industrial Metal Panel - Charcoal Grey
11. Industrial Metal Panel - Charcoal Grey
12. Aluminium Composite Panel - White
13. Glass - 3mm Clear, Clear Panel
14. Wood Deck - Charcoal Grey
15. Glass Cladding - 3mm Clear, Clear Panel



3. IP Application: 18.07.18
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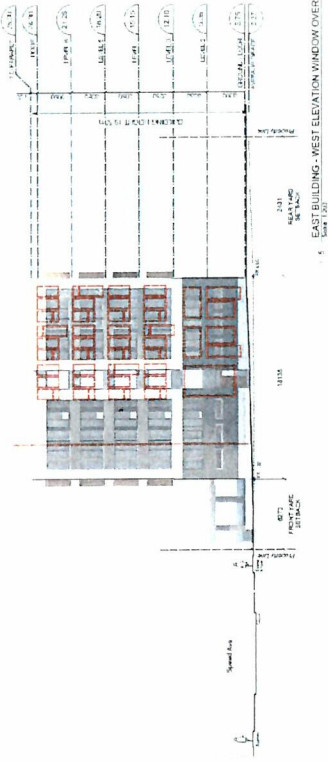
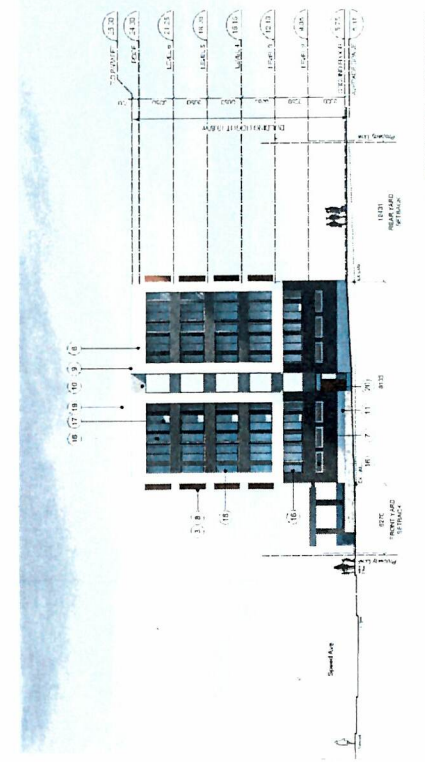
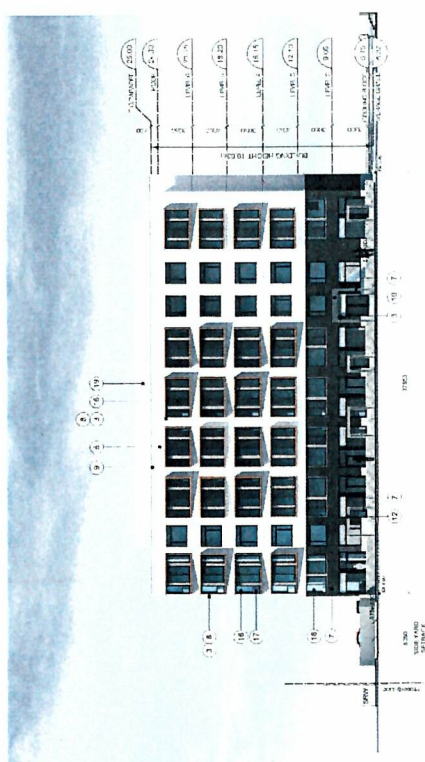
Project Name:
Speed / Frances Residential
605 & 616 Speed Ave, Victoria

Project No:
1802
Drawing No:
18.03.15
Scale:
1:200
Checked By:
ES
Revision No:
Sheet No.

East Building Elevations

Project No:
1802
Drawing No:
18.03.15
Scale:
1:200
Checked By:
ES
Revision No:
Sheet No.

A3.2



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Revisions
Received Date:
July 18, 2019

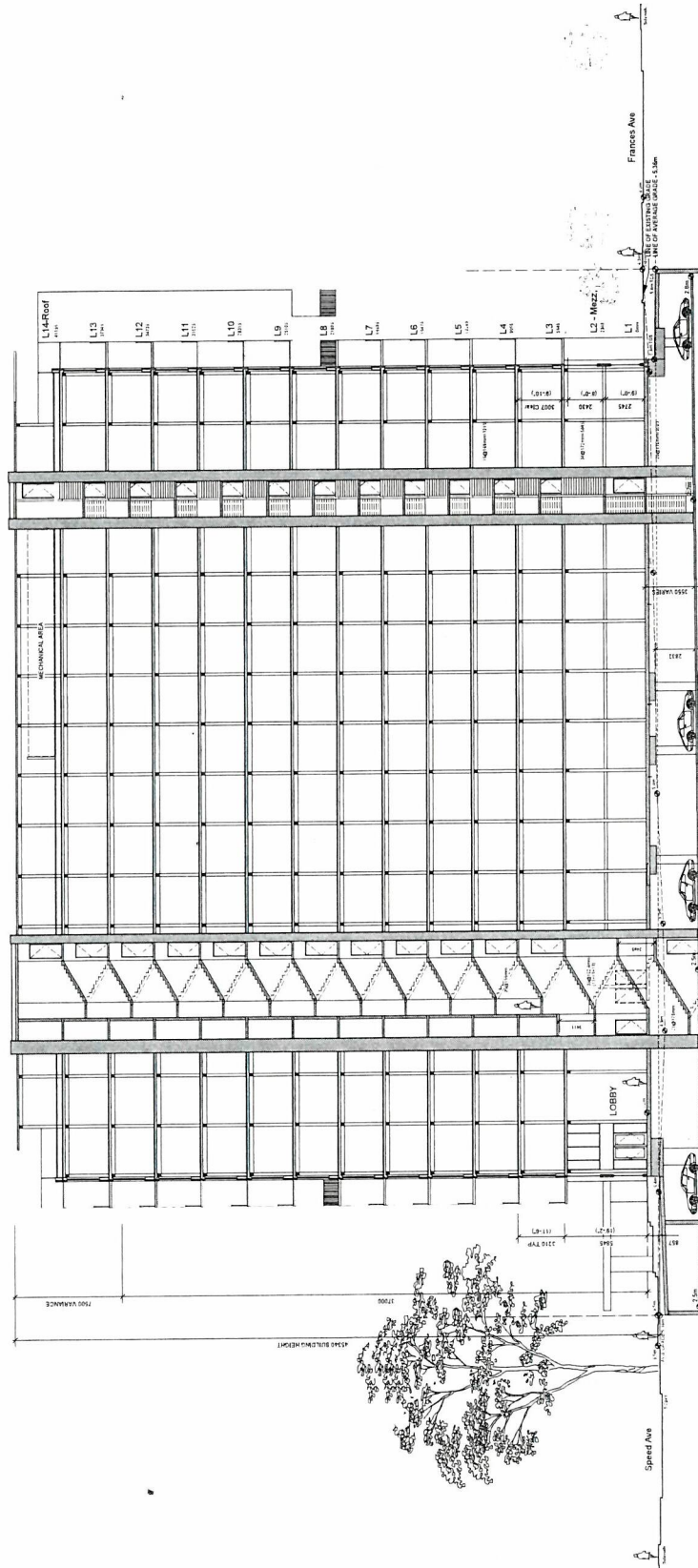


REV NO	DESCRIPTION	DATE
1	FOR APPROVAL/REVISIONS	10.07.18
2	FOR APPROVAL/REVISIONS	10.07.18
3	FOR APPROVAL/REVISIONS	10.07.18
4	FOR APPROVAL/REVISIONS	10.07.18
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19	FOR APPROVAL/REVISIONS	10.07.18
20	FOR APPROVAL/REVISIONS	10.07.18

Project Name
Speedifrances Redevelopment
605 & 615 Speed Ave., Victoria

Sheet Title
West Building
North-South Section

Project No.	1832
Drawing No.	1832 Speed Block Plan
Date	10.07.18
Scale	1/100
Drawn by	W
Checked by	ES
Revision No.	A4.2



1 West Building - North-South Section

General Information: Dimensions and specifications on these drawings are to be used as part of construction contract documentation.

Revisions
Received Date: October 29/19
Desired Date: July 19/19

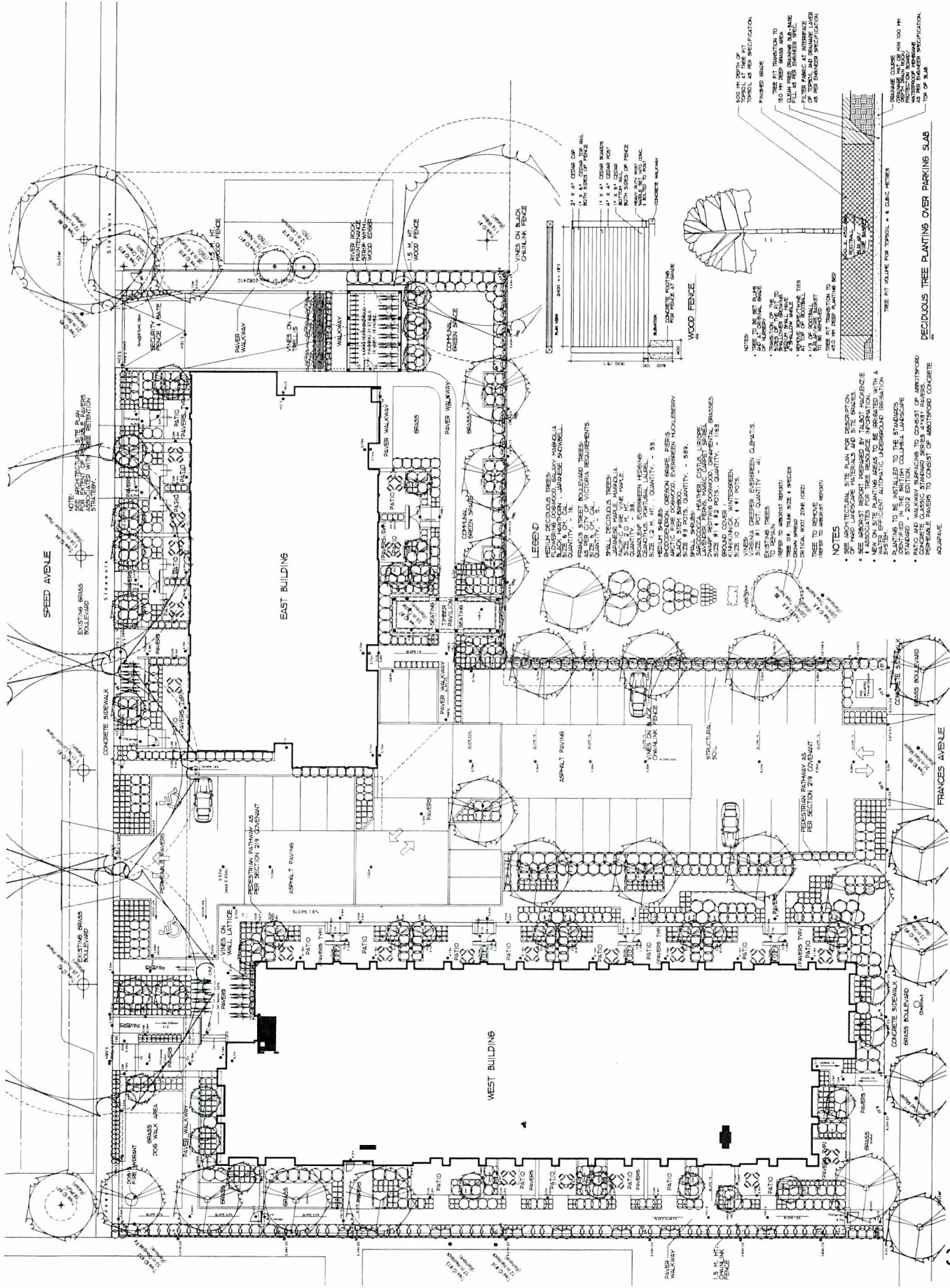


4	D.P.A. Finalization	18.12.19
3	D.P.A. Finalization	18.12.18
2	D.P.A. Finalization	18.05.17
1	D.P.A. Application	18.05.15
Rev. no.	description	date
001	Initial Design	05/18

Project notes:
See also the following drawings:
1. Site Plan
2. Landscape Plan
3. Section 210
4. Section 211
5. Section 212
6. Section 213
7. Section 214
8. Section 215
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11. Section 218
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Project title:
Speed/Grands Redevelopment
607 & 629 Speed Ave, Victoria
Landscape Plan

Project no.	1832
Drawing title	Speed Base Plan
Date	19.10.29
Scale	1:150
Drawn by	RNC
Checked by	RNC
Revision no.	1
Sheet no.	L1



387

I.1.b.h 605-629 Speed Avenue and 606-618 Frances Avenue - Development Permit with Variance Application No. 00115 (Burnside)

Moved By Councillor Alto

Seconded By Councillor Potts

1. That prior to giving notice and giving an opportunity for public comment at a meeting of Council:
 - a. That Council instruct staff to work with the applicant to provide a functional road design and appropriate cross-sections to demonstrate that the proposed buildings, installation of underground utilities, driveway crossings and ramp grades will accommodate the existing London Plane trees located on Speed Avenue.
 - b. That Council instruct staff to prepare and execute a housing agreement that secures ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building as rental in perpetuity and affordable as per the City's definition of Affordable Housing for a period of ten years.
2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue, in accordance with:

 - a. Plans date stamped July 18, 2019.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height of building from 37m to 45.34m;
 - ii. reduce the front yard setback of the 14-storey portion of the building from 6m to 1.60m to allow for a canopy projection only;
 - iii. reduce the front yard setback of the six-storey portion of the building from 6m to 1.52m to allow for a canopy projection only;
 - iv. reduce the side yard (east) setback from 5.90m to 0.00m for a parkade projection only;
 - v. reduce the required number of residential parking spaces from 237 to 151;
 - vi. reduce the required number of visitor parking space from 25 to 17;
 - vii. reduce the separation space between an accessory building (timber pavilion) and the principal building from 2.40m to 1.30m;
 - viii. reduce the separation space between an accessory building (bicycle storage building) and the principal building from 2.40m to 1.40m and locate the accessory building in the side yard.
 - c. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

1 **This Bylaw may be cited as the "HOUSING AGREEMENT (605-629 SPEED AVENUE AND 606-618 FRANCES AVENUE) BYLAW (2019)".**

2 The Mayor and the City Clerk are authorized to execute the Housing Agreement

(a) substantially in the form attached to this Bylaw as Schedule A;

(b) between the City and 1172873 B.C. Ltd. (Inc. No. BC1172873), or other registered owners from time to time of the lands described in subsection (c); and

(c) that applies to the lands known as 605, 607, 609, 615 and 629 Speed Avenue, and 606 and 612/618 Frances Avenue, Victoria, BC, legally described as:

PID: 009-152-245 Lot 19, Section 4, Victoria District, Plan 358;
PID: 009-152-261 Lot 20, Section 4, Victoria District, Plan 358;
PID: 009-152-288 Lot 21, Section 4, Victoria District, Plan 358;
PID: 009-152-326 Lot 22, Section 4, Victoria District, Plan 358, except the westerly 10 feet;
PID: 009-152-369 Lot 23, Section 4, Victoria District, Plan 358;
PID: 009-152-211 Lot 18, Section 4, Victoria District, Plan 358;
PID: 009-152-181 Lot 17, Section 4, Victoria District, Plan 358; and
PID: 000-202-720 Lot 16, Section 4, Victoria District, Plan 358.

ADOPTED on the _____ day of _____ 2019

MAYOR

HOUSING AGREEMENT

(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

1172873 B.C. LTD. (INC. NO. BC1172873)

4250 West Saanich Road
Victoria, B.C. V8Z 3G4

(the "Owner")

AND:

COAST CAPITAL SAVINGS FEDERAL CREDIT UNION

800 – 9900 King George Boulevard
Surrey, B.C. V3T 0K7

(the "Existing Chargeholder")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with civic addresses of 605, 607, 609, 615 and 629 Speed Avenue, and 606 and 612/18 Frances Avenue, Victoria, B.C. and legally described as:
 - (a) PID: 000-202-720, Lot 16, Section 4, Victoria District, Plan 358,
 - (b) PID: 009-152-211, Lot 18, Section 4, Victoria District, Plan 358,
 - (c) PID: 009-152-245, Lot 19, Section 4, Victoria District, Plan 358,
 - (d) PID: 009-152-261, Lot 20, Section 4, Victoria District, Plan 358,
 - (e) PID: 009-152-288, Lot 21, Section 4, Victoria District, Plan 358,
 - (f) PID: 009-152-326, Lot 22, Section 4, Victoria District, Plan 358, except the westerly 10 feet, and

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(g) PID: 009-152-369, Lot 23, Section 4, Victoria District, Plan 358

(collectively, the "Lands").

- D. The Owner has applied to the City for a development permit with variances with respect to the Lands, to permit the construction of 247 residential housing units within the Development in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that ten (10) of the residential units within the Development will be attainable for ten (10) years and used and held only as rental housing in perpetuity.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" means the new six (6) storey and fourteen (14) storey residential buildings consisting of 247 residential housing units and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the self-contained residential dwelling units on the Development, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and
 "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Low to Moderate Household Income Limit**" means the maximum annual collective household income for Victoria, British Columbia which the City identifies as "low to moderate", which for 2019, is \$35,000 to \$55,000 for occupants of a studio Dwelling Unit and a one-bedroom Dwelling Unit;

"**Low to Moderate Income Unit**" means a Dwelling Unit that is designated as a Low to Moderate Income Unit in accordance with Article 4.0 of this Agreement;

"**Maximum Rent**" means the maximum monthly rent that can be charged by an Owner pursuant to a Tenancy Agreement for a Rental Unit designated as a Low to Moderate Income Unit or a Moderate Income Unit, which for 2019 is:

- (a) for Studios, \$1,000.00,
- (b) for One-Bedrooms, 1,375.00, and
- (c) for the Two Bedroom, \$2,125.00,

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increased in each subsequent calendar year by the amount permitted under Part 3 of the RTA, provided that notwithstanding Part 3 of the RTA, in no case will the Maximum Rent for a Rental Unit in any calendar year exceed the Maximum Rent for the preceding calendar year multiplied by a fraction, the numerator of which is the Consumer Price Index for the City of Victoria published by Statistics Canada for January in the calendar year of the proposed increase divided by the Consumer Price Index for the City of Victoria published by Statistics Canada for January of the immediately preceding calendar year.

"Moderate Household Income Limit" means the maximum annual collective household income for Victoria, British Columbia which the City identifies as "moderate", which for 2019, is \$55,000 to \$85,000 for occupants of a two-bedroom Dwelling Unit;

"Moderate Income Unit" means a Dwelling Unit that is designated as a Moderate Income Unit in accordance with Article 5.0 of this Agreement;

"Non-owner" means a person other than a Related Person or the Owner;

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) the Immediate Family of a person listed in paragraph (i), or
- (b) an individual, the Immediate Family of that individual;

"Rental Units" has the meaning set out in section 2.1;

"RTA" means the *Residential Tenancy Act*, S.B.C. 2002, c.78, as amended or replaced, from time to time; and

"Tenancy Agreement" means a tenancy agreement pursuant to the RTA that is regulated by that Act.

2.0 TEN DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

2.1 The Owner covenants and agree to designate ten (10) Dwelling Units (the **"Rental Units"**) as Dwelling Units to which section 2.2 will apply and for greater certainty, the Owner covenants and agrees that the Rental Units must include:

- (a) seven (7) studio units (the **"Studios"**);

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- (b) two (2) one-bedroom units (the "**One-Bedrooms**"); and
- (c) one (1) two-bedroom unit (the "**Two-Bedroom**").

- 2.2 The Owner covenants and agrees that each Rental Unit shall only be used as rental housing in perpetuity, and shall only be occupied by a Non-owner (and, if applicable, the Non-Owner's Immediate Family) under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies that Rental Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1 The Owner covenants and agrees, in perpetuity, to refrain from taking any steps, entering into any agreements, or imposing any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Rental Unit from renting that Rental Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Rental Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 LOW TO MODERATE INCOME HOUSING

- 4.1 The Owner covenants and agrees that, for a period of ten (10) years commencing from the date the Development Permit has been granted by the City (the "**Restricted Period**"), a total of not less than nine (9) Rental Units, comprised of the Studios and the One-Bedrooms, shall be designated as Low to Moderate Income Units and shall only be occupied and used as Low to Moderate Income Units.
- 4.2 Each of the Studios shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Low to Moderate Household Income Limit, and the monthly rent payable shall be no more than the Maximum Rent for Studios.
- 4.3 Each of the One-Bedrooms shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Low to Moderate Household Income Limit, and the monthly rent payable shall be no more than the Maximum Rent for One-Bedrooms.

5.0 MODERATE INCOME HOUSING

- 5.1 The Owner covenants and agrees that for the Restricted Period, the Two-Bedroom shall be designated as a Moderate Income Unit and shall only be occupied and used as a Moderate Income Unit.
- 5.2 The Two-Bedroom shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Moderate Household Income Limit, and the monthly rent payable shall be no more than the Maximum Rent for the Two-Bedroom.

6.0 REPORTING

- 6.1 The Owner covenants and agrees to provide to the City's Director of Sustainable

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Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming the following:

- (a) that all Rental Units are being rented to Non-owners, and
- (b) for the Restricted Period only, that all Rental Units are being rented in accordance with Articles 4.0 and 5.0,

along with such other information as may be requested by the Director from time to time.

6.2 The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

6.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

7.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

8.0 LIABILITY

8.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

8.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

9.0 PRIORITY AGREEMENT

9.1 The Existing Chargeholder, as the registered holder of a charge by way of Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA7018184 and CA7018185, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance

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upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

10.0 GENERAL PROVISIONS

10.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: Planning-CommunityPlanning@victoria.ca

and in the case of the Owner, addressed to:

1172873 B.C. LTD.

4250 West Saanich Road
Victoria, B.C. V8Z 3G4
Attention: Ed Geric
Fax: 250-590-3606

with a copy to:

Cox, Taylor, Barristers & Solicitors
Attention: R. K. Gandhi
Email: gandhi@coxtaylor.ca

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

- 10.2 TIME.** Time is of the essence of this Agreement.
- 10.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 10.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 10.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 10.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 10.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 10.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 10.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 10.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 10.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 10.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 10.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

10.14 NO DEROGATION FROM STATUTORY AUTHORITY. Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
- (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

10.15 SEVERABILITY. If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

10.16 JOINT AND SEVERAL. The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

10.17 COUNTERPARTS. This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

10.18 EFFECTIVE DATE. This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

MAYOR)

CITY CLERK)

Date signed: _____)

)

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1172873 B.C. LTD.

by its authorized signatory:

Print Name: Edward Geric

Date signed:

Oct 21/19

COAST CAPITAL SAVINGS FEDERAL CREDIT UNION

by its authorized signatory(ies):

Print Name: BRADLEY LEYSATH

Print Name: RAJ WIRK

Date signed: Oct 21, 2019



Council Report

For the Meeting of November 14, 2019

To: Council **Date:** October 31, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Update on Development Permit with Variances Application No. 00060 for 1811 Oak Bay Avenue

RECOMMENDATION

That Council give first, second and third readings of Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment) Bylaw No. 19-098 and Housing Agreement (1811 Oak Avenue No Rental Restrictions) Bylaw No. 19-099.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding a Development Permit with Variances Application for the property located at 1811 Oak Bay Avenue. The proposal is to construct a five-storey building with multiple dwelling units. The variances are related to reduced site size, setbacks and open space, and increased site coverage.

In accordance with Council's motion of July 25, 2019 included below, the necessary conditions that would authorize the approval of the Development Permit with Variances for the subject property have been fulfilled. In addition, since the application was presented at Committee of the Whole, the applicant has offered to secure the dwelling units as rental for 10 years. A housing agreement bylaw (No. 19-098) to secure this voluntary offer has been prepared for Council's consideration.

PREVIOUS COUNCIL MOTION

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- 1. a Housing Agreement to ensure a future strata cannot restrict the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development*
- 2. a Section 219 covenant to secure a Statutory Right-of-Way of 3.35m along the Oak Bay Avenue frontage to the satisfaction of the Director of Engineering and Public Works.*

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00060 for 1811 Oak Bay Avenue, in accordance with:

- 1. Plans date stamped April 5, 2019.*

2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. *reduce the minimum lot size for multiple dwelling use from 920.0m² to 799m²;*
 - ii. *increase the maximum site coverage from 32 percent to 74.5 percent;*
 - iii. *reduce the minimum open site space from 60 percent to 23.4 percent;*
 - iv. *reduce the minimum front setback (east) from 12m to 2.63m (to privacy screen) and 3.58m (to building);*
 - v. *reduce the minimum rear setback (west) from 8.41m to 4.32m (to building) and 0.0m (to parkade structure);*
 - vi. *reduce the minimum side setback (north) from 8.41m to 1.99m;*
 - vii. *reduce the minimum side setback (south) from 8.41m to 3.12m (to building) and 0.0m (to parkade structure).*
3. *Development Permit lapsing two years from the date of this resolution.*
4. *That the applicant write a letter to the neighbourhood CALUC notifying a change from rental to strata."*

COMMENTS

Legal Agreements

With regard to the preconditions set by Council in relation to this application, staff can report that the following agreements have been executed by the applicant:

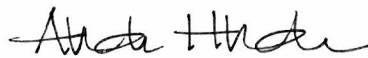
- a Housing Agreement to ensure that a future strata cannot restrict the rental of units to non-owners
- a Section 219 Covenant to secure a 3.35m Statutory Right-of-Way parallel to the Oak Bay Avenue property line.

In addition, since this application was considered at Committee of the Whole on July 25, 2019, the applicant has offered to secure all of the dwelling units as rental for a ten year period. This offer is consistent with City policy which encourages the provision of a range of housing types and tenures to meet the diverse needs of residents at different life stages. Housing Agreement Bylaw No. 19-098 has been prepared to secure the 10 year rental commitment.


The recommendation for Council's consideration contains the appropriate language to advance this Application to an Opportunity for Public Comment.

Respectfully submitted,


Alec Johnston
Senior Planner
Development Services


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Nov 6, 2019

Attachments

- Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment) Bylaw No. 19-098
- Housing Agreement (1811 Oak Avenue No Rental Restrictions) Bylaw No. 19-099.

HOUSING AGREEMENT
Restricting Usage to Rental for Ten Years
(Pursuant to section 483 of the *Local Government Act*)

AMONG:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "**City**")

AND:

RADNOR PROPERTIES LTD.
Suite 101 – 1763 Sean Heights
Saanichton, B.C.
V8M 0A5
(the "**Owner**")

AND:

CANADIAN WESTERN BANK
1201 Douglas Street
Victoria, B.C.
V8W 2E6
(the "**Existing Chargeholder**")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein;
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1811 Oak Bay Avenue, and legally described as:

PID: 007-231-628
Lot 1, Block 1, Section 74, Victoria District, Plan 1563;

PID: 007-231-644
Lot 2, Block 1, Section 74, Victoria District, Plan 1563; and

PID: 007-231-652
Lot 3, Block 1, Section 74, Victoria District, Plan 1563

(collectively, the "**Lands**");

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- C. The Owner has applied pursuant to Development Permit with Variances Application No. 00060 to redevelop the Lands with a five-storey building containing Dwelling Units, underground parking and associated facilities and amenities (the "**Development**"), and has offered to restrict the use and occupancy of all Dwelling Units as rental for a period of ten years;
- D. The Owner has also separately offered to enter into another housing agreement of even date herewith pursuant to which it will agree to ensure the perpetual availability of rental units (in addition to owner-occupied units) in the Development (the "**Related Housing Agreement**");
- E. Under section 483 of the *Local Government Act* (British Columbia) the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*; and
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing for the Term.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" has the meaning ascribed to that term in Recital C;

"**Dwelling Units**" means any or all, as the context may require, of the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"**Related Housing Agreement**" has the meaning ascribed to that term in Recital D;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

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- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act* (British Columbia), a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation;

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* (British Columbia) that is regulated by that Act; and

"Term" means the period commencing of the date when this Agreement has been duly executed by all parties to it and ending on the ten year anniversary of the date as of which the final occupancy permit for the Development is issued by the City.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS DURING TERM

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing throughout the Term, and for that purpose shall then only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and

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- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE AND EXPIRY OF TERM

- 5.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice. After expiry of the Term this Agreement will terminate and no longer be of any force and effect, with the exception of Article 6.0 which will survive such termination. Following receipt by the City of a request from the Owner to remove the Notice from title to the Lands, the City will, within a reasonable time thereafter, make a request to the Registrar of Titles to so remove such Notice.

6.0 LIABILITY

- 6.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

7.0 PRIORITY AGREEMENT

- 7.1** The Existing Chargeholder, as the registered holder of a mortgage and assignment of rents registered against title to the Lands in the Land Title Office at Victoria, British Columbia, under numbers CA5346534 and CA5346535, respectively (the "**Existing Charges**"), for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the Existing Charges in the same manner and to the same effect as if Notice had been filed prior to the Existing Charges.

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8.0 GENERAL PROVISIONS

8.1 NOTICE. If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and Community Development
Fax: 250-361-0386
Email: ahudson@victoria.ca

and in the case of the Owner, addressed to:

Radnor Properties Ltd.
Suite 101 – 1763 Sean Heights
Saanichton, B.C.
V8M 0A5

Attention: President
Fax: 250-475-1413
Email: groupemail@dygroup.ca

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

8.2 TIME. Time is of the essence of this Agreement.

8.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and

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permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

- 8.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 8.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 8.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to

statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or

- (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

8.15 SEVERABILITY. If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

8.16 JOINT AND SEVERAL. The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

8.17 COUNTERPARTS. This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

8.18 EFFECTIVE DATE. This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

**THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)**

MAYOR Lisa Helps)

CITY CLERK Chris Coates)

Date signed: _____)

RADNOR PROPERTIES LTD.

by its authorized signatory(ies):

Print Name: Norah Grey

Print Name: _____

Date signed: OCT 23 / 2019

CANADIAN WESTERN BANK

by its authorized signatory(ies):

Print Name: _____

Mary Ellen Echle EA133

VP & GM CWB Victoria

Print Name: Alexandra L. Pire Manager Loan Admin.

Date signed: OCT 23 / 2019

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

**1 This Bylaw may be cited as the "HOUSING AGREEMENT (1811 OAK BAY AVENUE
NO RENTAL RESTRICTIONS) BYLAW (2019)".**

(a) substantially in the form attached to this Bylaw as Schedule A;

(b) between the City and Radnor Properties Ltd., Incorporation No. BC0803177 or other registered owners from time to time of the lands described in subsection (c); and

(c) that applies to the lands known as 1811 Oak Bay Avenue, Victoria, BC, legally described as:

PID: 007-231-628
Lot 1, Block 1, Section 74, Victoria District, Plan 1563;

PID: 007-231-644
Lot 2, Block 1, Section 74, Victoria District, Plan 1563; and

PID: 007-231-652
Lot 3, Block 1, Section 74, Victoria District, Plan 1563

ADOPTED on the _____ day of _____ 2019

MAYOR

HOUSING AGREEMENT
No Restriction of Rentals
(Pursuant to section 483 of the *Local Government Act*)

AMONG:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "**City**")

AND:

RADNOR PROPERTIES LTD.
Suite 101 – 1763 Sean Heights
Saanichton, B.C.
V8M 0A5
(the "**Owner**")

AND:

CANADIAN WESTERN BANK
1201 Douglas Street
Victoria, B.C.
V8W 2E6
(the "**Existing Chargeholder**")

WHEREAS

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein;
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1811 Oak Bay Avenue, and legally described as:
- PID: 007-231-628
Lot 1, Block 1, Section 74, Victoria District, Plan 1563;
- PID: 007-231-644
Lot 2, Block 1, Section 74, Victoria District, Plan 1563; and
- PID: 007-231-652
Lot 3, Block 1, Section 74, Victoria District, Plan 1563
- (collectively, the "**Lands**");
- C. The Owner has applied pursuant to Development Permit with Variances Application No. 00060 to redevelop the Lands with a five-storey building containing Dwelling Units, underground parking and associated facilities and amenities (the "**Development**");

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- D. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- E. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* and the bylaws of the strata corporation, but the intent of this housing agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units); and
- F. The City and the Owner wish to enter into this Agreement and the Related Housing Agreement, in each case as a housing agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this housing agreement and in the Related Housing Agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" has the meaning ascribed to that term in Recital D;

"**Dwelling Units**" means any or all, as the context may require, of the self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3;

"**Related Housing Agreement**" means a housing agreement entered into concurrently with this Agreement among the City, the Existing Chargeholder and the Owner pursuant to which the Owner has agreed that all Dwelling Units will be occupied only as rental accommodation for the term of that Agreement;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

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- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation; and

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots except as otherwise agreed and restricted during the term of the Related Housing Agreement.

3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development (the **"Director"**), within thirty (30) days of the Director's written request, a report in writing confirming:
 - (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement;

provided, however, that if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Director may request such information from the Strata Corporation on behalf of the individual Owners or from the individual Owners themselves.

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3.2 The Owner covenants and agrees:

- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit under the terms of a Tenancy Agreement unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.

3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

- 4.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

- 5.1 The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

6.0 Priority Agreement

- 6.1 The Existing Chargeholder, as the registered holder of a mortgage and assignment of rents registered against title to the Lands in the Land Title Office at Victoria, British Columbia, under numbers CA5346534 and CA5346535, respectively (the "**Existing Charges**"), for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the Existing Charges in the same manner and to the same effect as if Notice had been filed prior to the Existing Charges.

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7.0 General Provisions

7.1 **Notice.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, B.C., V8W 1P6

Attention: Director of Sustainable Planning and Community Development
Fax: 250-361-0386
Email: ahudson@victoria.ca

and in the case of the Owner, addressed to:

Radnor Properties Ltd.
Suite 101 – 1763 Sean Heights
Saanichton, B.C., V8M 0A5

Attention: President
Fax: 250-475-1413
Email: groupemail@dygroup.ca

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

7.2 **Time.** Time is of the essence of this Agreement.

7.3 **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and

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permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

- 7.4 **Waiver.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.5 **Headings.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 7.6 **Language.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 7.7 **Legislation.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 7.8 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 7.9 **Cumulative Remedies.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 7.10 **Entire Agreement.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 **Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 **No Derogation From Statutory Authority.** Nothing in this Agreement shall:
 - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest

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extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or

- (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)

MAYOR _____

CITY CLERK _____

Date signed: _____

{00036367:3}



Council Report

For the Meeting of November 14, 2019

To: Council **Date:** November 4, 2019
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Tree Preservation Bylaw Update

RECOMMENDATION

That Council:

1. Rescind third reading of Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 (the "Amendment Bylaw");
2. Amend the Amendment Bylaw as follows:
 - a. In the "Contents", strike out "5 Commencement" and replace it with the following:

"5 Repeal of Transition Provision
6 Commencement"
 - b. In section 2(c), strike out "and"
 - c. In section 2(d), strike out "." and replace with "and"
 - d. In section 4(b), strike out "and"
 - e. In section 4(c), strike out "." and replace with ","
 - f. In section 4, by inserting the following new subsections (d) and (e) directly after subsection (c):

"(d) in section 17, by inserting the following new subsection directly after subsection (3):

"(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:

(a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and

(b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not

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being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

25. If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

- g. By striking out section 5 and replacing it with the following:

“Repeal of Transition Provision

5 Section 4(e) of this Bylaw is repealed.

Commencement

6 This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.”

3. Give third reading to the Amendment Bylaw, as amended.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward proposed amendments to the Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 (the “Amendment Bylaw”), as directed by Council.

On October 10, Council passed motions to revise the Amendment Bylaw to reduce the diameter of protected trees from 60cm to 30cm. Council also directed staff to bring the Amendment Bylaw forward for adoption at the November 14 Council meeting with a report on the implications and options of adopting the Amendment Bylaw.

On October 24, Council passed the following motions regarding the Amendment Bylaw:

1. That staff bring forward a revised Tree Protection Amendment Bylaw in an open meeting to introduce transitional provisions that don't impact existing applications already received by the City on or before October 24, 2019.
2. Staff to include in the amendments a provision for cash in lieu where a site cannot accommodate replacement trees.

At Council direction, staff have assessed the impacts of the updates and revised the Amendment Bylaw to include transition provisions and a cash-in-lieu fee.

Urban Forest Impacts

The reduction in protected tree size to 30cm will impact the urban forest in the following ways:

- Protect **approximately 50%** of the existing private tree population and nine times more trees than are protected under the current bylaw at 80cm diameter.

- Protect **approximately 84%** of the existing tree canopy on private land and four times more canopy area than are protected under the current bylaw at 80cm diameter.
- Increase the diversity of species protected from only protecting large species (e.g., Garry Oak, Douglas Fir, London Plane, etc.) to also including medium species (e.g., Cherry Plum, Maple, Hawthorn, etc.).

Transition Provisions

The Amendment Bylaw would result in increased costs for in-stream development applications due to required updates to submissions and delays in subsequent permit processing. A transition provision is included in the Amendment Bylaw to limit the impacted applications to those received by the City after October 24th, 2019. This provision meets Council's intended goal of not impacting existing applications received by the City on or before October 24th, 2019.

Cash-in-Lieu

Staff estimate that the number of properties with the potential to have bylaw protected trees on or immediately adjacent to their boundaries increases from roughly 5% to roughly 50% as a result of the reduction in diameter of protected trees from 80cm to 30cm.

The most significant impact to property owners will likely result from the higher replacement requirements that will result from a large number of trees being protected. Staff anticipate an average of 9 times more replacement trees will be required for development projects. It's expected that some property owners may not have the available planting space on their lot to accommodate the replacement trees required.

Common practice among municipalities for allowing tree replacements is to provide a cash-in-lieu program. The cash-in-lieu fee is used to fund the planting of additional trees in the public realm where planting space is limited on private land. At Council direction, staff have included a cash-in-lieu provision within the Amendment Bylaw. These funds will be utilized to plant and maintain trees on public land.

NEXT STEPS

Pending Council adoption of the Amendment Bylaw on November 28th, 2019, these updates will take effect as of November 29th, 2019. Staff will coordinate communication material for the public outlining the changes to the Bylaw, per our standard process for such updates.

The adjustments to protected tree size, security fees and the implementation of a cash-in-lieu program reflect leading practise and more closely align with neighboring communities. These changes were among the decisions expected to follow Phase 2 of the project. As a result of Council's desire to address some of the more impactful components of the bylaw in Phase 1, staff plan to expedite the remaining elements of Phase 2 and report back to Council in the first quarter of 2020.

OPTIONS & IMPACTS

Accessibility Impact Statement

The Amendment Bylaw does not have a direct or indirect impact on accessibility.

Impacts to Financial Plan

A cash-in-lieu fee is included in the Amendment Bylaw. Staff recommend a fee of \$2,000 for each replacement tree that cannot be accommodated on site. The fee accounts for the total cost to plant, maintain and establish young trees. A slight increase to the application fee for a tree removal permit is also included in the proposed changes.

2019 – 2022 Strategic Plan

The Amendment Bylaw addresses actions identified with Strategic Plan Objective #6: *Climate Leadership and Environmental Stewardship*.

Official Community Plan Consistency Statement

The *Official Community Plan* contains the following objective with respect to urban forest management, which is supported by the Amendment Bylaw:

10 (d) That the urban forest is enhanced to support a wide range of ecological and community benefits.

CONCLUSIONS

Urban forests play an integral role in climate adaptation and provide countless community benefits. The changes made in this phase of the project meet recommendations within the Urban Forest Master Plan, assist in mitigating the impacts of climate change and closely meet the tree protection requirements of neighbouring municipalities.

In response to the earlier advancement of substantial amendments to the bylaw and Council's sense of urgency in responding to the climate emergency, staff have accelerated completion of the second phase of the project. An updated Tree Preservation Bylaw that reflects best practices and leadership in tree protection will be presented to Council in Quarter 1 of 2020.

Respectfully submitted,



Nav Sidhu
Assistant Director
Parks and Recreation



Thomas Soulliere
Director
Parks, Recreation and Facilities

Report accepted and recommended by the City Manager:


Date: Nov 6, 2019

List of Attachments

Attachment A: Tree Preservation Bylaw, Amendment Bylaw (NO. 1)
Attachment B: Tree Preservation Bylaw (amended)

{00040146:1}

Attachment A

Tree Preservation Bylaw, Amendment Bylaw (NO.1)

TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Tree Preservation Bylaw* to:

1. ensure that trees are not cut down unnecessarily in the process of construction; and
2. update definitions and internal references so that they are accurate and current.

Contents

- 1 Title
- 2-4 Amendments
- 5 Repeal of Transition Provision
- 6 Commencement

Under its statutory powers, including section 8(3)(c) of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 05-106, the Tree Preservation Bylaw, is amended in section 2 as follows:
 - (a) by repealing the definition for “building envelope” and substituting the following definition:

“means that part of a lot on which the primary building may be sited under the setback regulations of the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,
 - (b) by repealing the definition for “building envelope line” and substituting the following definition:

“means the setback of the primary building established under the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,
 - (c) under the definition of “protected tree”, at paragraph (i), by striking out “80cm” and replacing it with “30cm”,

- (d) under the definition of “tree”, by striking out “living,” and
- (e) by striking out “60cm” and replacing it with “30cm” in paragraphs (e), (f) and (g) of the definition of “protected tree”.

3 The Tree Preservation Bylaw is further amended in section 5 as follows:

- (a) in subsection (2)(c)(i), by striking out “85” and replacing it with “112(2)”, and
- (b) by inserting the following new subsection directly after subsection (2)(c)(ii):
 - “(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.”.

4 The Tree Preservation Bylaw is further amended as follows:

- (a) in section 11, by inserting the following directly after “falling”:
 - “, as confirmed by a certified arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ)”.
- (b) in section 17(2), by striking out “\$350.00” and replacing it with “\$700.00”,
- (c) in section 19(1)(a), by striking out “\$30.00” and replacing it with “\$50.00”,
- (d) in section 17, by inserting the following new subsection directly after subsection (3):
 - “(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:
 - (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
 - (b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

- 25.** If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.

READ A FIRST TIME the day of 2019

READ A SECOND TIME the _____ day of _____ 2019

READ A THIRD TIME the _____ day of _____ 2019

ADOPTED on the _____ day of _____ 2019

CITY CLERK

MAYOR

Attachment B

Tree Preservation Bylaw (amended)



TREE PRESERVATION BYLAW

BYLAW NO. 05-106

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on June 1, 2015 up to
Bylaw No. 10-074)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 05-106

TREE PRESERVATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaw No. 10-074)

The purpose of this Bylaw is to provide for the protection and preservation of trees.

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- 4 Bylaw does not apply to public works

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- 6 Cutting or removal on slope
- 7 Cutting near watercourse
- 8 Tree retained by plan, permit, application
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- 10 Construction activity
- 11 Pruning & cutting of dying, damaged, unstable trees
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Schedule A – Significant Trees

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Under its statutory power, including sections 8(3)(c), 16, 17, and 258 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "TREE PRESERVATION BYLAW".

Definitions

- 2 In this Bylaw,

"alter"

means

- (a) to remove the top portion of a tree or tree seedling,
- (b) to remove from a tree or tree seedling any branch, trunk or piece of tree bark that is 10cm (3.9 inches) or more in diameter,
- (c) to cut, damage or destroy by any means the roots of a tree or tree seedling within the protected root zone;

"building envelope"

means that part of a lot on which the primary building may be sited under the setback regulations of the City's Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit
means that part of a lot on which a building, including an accessory building, may be sited under the setback regulations of the City's Zoning Regulation Bylaw as varied by a development permit, a development variance permit, a heritage alteration permit or the Board of Variance;

"building envelope line"

means the setback of the primary building established under the City's Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit
means a building's setback established under the City's Zoning Regulation Bylaw as varied by a development permit, a development variance permit, a heritage alteration permit or the Board of Variance;

"certified arborist"

means a person currently certified by the International Society of Arboriculture;

"cut down"

means to cut, saw or chop down, kill or otherwise remove a tree or tree seedling by any means;

"Director"

means the City's Director of Parks, Recreation & Community Development and includes any person lawfully acting under the Director's authority;

"hazardous" includes:

- (a) unstable or severely leaning and in danger of falling,
- (b) interfering with, or in such proximity to, utility wires as to create a dangerous situation,
- (c) interfering with, blocking or damaging a drainage, water or sewer system or other parts of the improvement;

"lot"

means a parcel of land;

"protected root zone"

- (a) means the area of land surrounding the trunk of the tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by a certified arborist, that the Director approves,
- (b) where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a tree contained within a circle having a radius which is calculated by multiplying the diameter of the tree by 18;

"protected tree"

means any of the following trees:

- (a) Garry Oak (*Quercus garryana*),
- (b) Arbutus (*Arbutus menziesii*),
- (c) Pacific Yew (*Taxus brevifolia*) over 50cm in height,
- (d) Pacific Dogwood (*Cornus nuttallii*),
- (e) Douglas Fir (*Pseudotsuga menziesii*) over ~~3060~~cm in trunk diameter,
- (f) Western Red Cedar (*Thuja plicata*) over ~~3060~~cm in trunk diameter,
- (g) Big Leaf Maple (*Acer macrophyllum*) over ~~3060~~cm in trunk diameter,
- (h) a significant tree,
- (i) any tree over ~~3080~~cm in trunk diameter,

- (j) a tree on a steep slope,
- (k) a tree that
 - (i) is retained voluntarily by the owner as part of an application for a permit that would affect the tree, and
 - (ii) is protected by a restrictive covenant in favour of the City;

"protected tree seedling"

means any of the following tree seedlings:

- (a) Garry Oak (*Quercus garryana*),
- (b) Pacific Dogwood (*Cornus nuttallii*),
- (c) Arbutus (*Arbutus menziesii*);

"significant tree"

means any tree identified on Schedule "A" of this Bylaw;

"steep slope"

means any part of a parcel of land where the grade of the incline is 2:1 or greater;

"tree"

means any ~~living~~, erect, woody plant that is

- (a) 10cm or more in diameter, or
- (b) 5m or more in height, or
- (c) a replacement tree of any size planted as a condition of a tree permit;

"tree permit"

means a permit as issued under this Bylaw;

"tree seedling"

means any young, independent, living, erect, woody plant that has a height of more than 50cm and less than 5m.

Location & measurements of tree

3 For the purposes of this Bylaw:

- (a) the location of a tree or tree seedling on a lot must be measured at the point at which the trunk of the tree or tree seedling meets the ground;
- (b) a tree or tree seedling is considered to be located on the same side of a building envelope line that the major part of the trunk of that tree or tree seedling is located;
- (c) the diameter of a tree is determined by dividing the circumference of its trunk, measured at 1.4m above the ground, by 3.142;
- (d) the diameter of a tree having multiple trunks 1.4m above the ground is the sum of
 - (i) 100% of the diameter of the largest trunk, and
 - (ii) 60% of the diameter of each additional trunk.

Bylaw does not apply to public works

- 4 (1) This Bylaw does not apply to the installation, repair, or maintenance of public works or services carried out by or under the authority of the City.
- (2) Works or services referred to in subsection (1), other than emergency repairs, must be reviewed and approved by the Director before they are carried out.

PART 2 – REGULATIONS

Cutting protected or replacement trees

- 5 (1) A person must not cut down, alter, or damage, and must not cause or permit the cutting down, altering, or damaging of:
 - (a) a protected tree or protected tree seedling;
 - (b) a replacement tree planted as a condition of a tree permit.
- (2) Subsection (1) does not apply where a tree permit has been issued to cut down or alter a protected tree, other than a significant tree or a tree growing on a steep slope, or protected tree seedling, in any of the following circumstances:
 - (a) the protected tree or protected tree seedling is located within the building envelope of a lot and the removal of the tree is necessary for the purpose of constructing a building, an addition to a building or construction of an accessory building;

- (b) cutting down or altering the protected tree or protected tree seedling is required for the construction or installation of any of the following works:
 - (i) a driveway,
 - (ii) any off-street parking required under the Zoning Regulation Bylaw,
 - (iii) municipal or public utilities service connections;
- (c) cutting down or altering the protected tree or protected tree seedling is required or permitted under any of the following provisions of the City's Bylaws:
 - (i) section ~~85-112(2)~~ of the Streets and Traffic Bylaw,
 - (ii) sections 4, 6, or 7 of the Trees and the Insect Control Bylaw.

(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.

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(ii)

Cutting or removal on slope

- 6 A person must not do any of the following without first obtaining a tree permit:
- (a) cut down any trees growing on a steep slope;
 - (b) remove the stumps and roots of any trees on a steep slope.

Cutting near watercourse

- 7
- (1) A person must obtain a tree permit before cutting down or altering a tree growing within 15m of the natural boundary of a watercourse.
 - (2) Subsection (1) does not apply where a tree or the roots of a tree are blocking a watercourse or reducing its drainage capacity.

Tree retained by plan, permit, application

- 8 A person must not cut down a tree shown as "to be retained" on a plan attached to a development permit, building permit, rezoning application or subdivision application.

Significant trees

- 9
- (1) The trees identified on Schedule A are designated as "significant trees" because of their importance to the community, including importance for heritage or landmark value or as wildlife habitat.

- (2) The Director may place a marker or tag on or near each significant tree upon receiving permission to do so from the owner of the property on which the tree grows;
- (3) Despite section 5(1)(a) [*cutting protected tree*], a person may cut down or alter a significant tree only with the permission of City Council.

Construction activity

- 10 A person must not carry out or cause any of the following activities unless a tree permit is first obtained and the activity is carried out strictly in accordance with that permit:
- (a) cutting or damaging the roots of the tree growing inside its protected root zone;
 - (b) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a protected root zone;
 - (c) operating trucks, backhoes, excavators, or other heavy equipment within a protected root zone;
 - (d) denting, gouging, damaging, or affixing anything to the branches or the trunk of a tree;
 - (e) removing bark from a tree;
 - (f) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a tree, on a protected root zone;
 - (g) removing soil from a protected root zone;
 - (h) blasting operations within a protected root zone;
 - (i) blasting operations outside of a protected root zone that would damage roots or disturb soil inside a protected root zone;
 - (j) undermine a tree's roots growing within its protected root zone.

Pruning & cutting of dying, damaged, unstable trees

- 11 The owner of a protected tree may apply for a tree permit to prune or cut down a tree if it is dead, dying, severely damaged, unstable, or severely leaning and in danger of falling as confirmed by a certified arborist who holds the International Society of Arboriculture's Tree Risk Assessment Qualification (TRAQ).

Beneficial pruning

- 12 The owner of a protected tree may apply for a tree permit to prune a tree if a certified arborist confirms that the proposed pruning will benefit the tree.

Removing hazardous trees

- 13 (1) Owners and occupiers of real property must cause all trees, hedges, and shrubs on that property to be trimmed, removed, or cut down if the Director considers that the trees, hedges, or shrubs are:
- (a) a hazard to the safety of persons;
 - (b) likely to damage public property; or
 - (c) seriously inconveniencing the public.
- (2) The Director may notify the owner or occupier of real property that the City will take, at the owner's or occupier's expense, the action required under subsection (1) if the owner or occupier does not take that action within five days of receiving the notice.
- (3) The City's employees may enter real property and undertake, at the owner's or occupier's expense, the work referred to in subsection (1) if the owner or occupier does not undertake or complete that work.

Emergency removal

- 14 Despite any other provision in this Bylaw, a person may cut down a tree or limb of a tree that is prohibited from removal under this Bylaw if the tree or limb
- (a) has been severely damaged by a natural cause; and
 - (b) is in imminent danger of falling and injuring individuals or property.

PART 3 – TREE PERMITS

Applying for permit

- 15 The request for a tree permit must be made to the Director and must be accompanied by a plan identifying all of the following:
- (a) the location, species and diameter of the trees proposed to be cut down or altered;
 - (b) the location, species and diameter and protected root zones of the trees in respect to which tree-damaging activities are to be carried out;
 - (c) the location of any proposed construction activities, excavation activities, and blasting activities in relation to a tree;
 - (d) the protected root zone of each tree on the parcel of land;
 - (e) the purpose for which the tree is to be cut down or altered.

Marking trees to be cut down or removed

- 16 (1) An applicant for a tree permit must flag or mark with paint each tree proposed to be cut down or removed.
- (2) An applicant for a tree permit must mark all of the following on the ground with paint, stakes, or flagging:
- (a) the protected root zone of each tree shown on the plan accompanying the application for a tree permit;
 - (b) the boundaries of the areas within the protected root zones on which the proposed excavation, blasting or other tree-damaging activity is to be carried out.

Conditions of permit

- 17 (1) The holder of a tree permit must comply with all of the following conditions:
- (a) before excavation, blasting, construction, or other tree-damaging activity is carried out on the land to which the permit applies, the permit holder must install a fence of at least 1.2m high, or take other protective measures approved by the Director, to separate that land from the remainder of the protected root zone of a tree to which the permit applies;
 - (b) the permit holder must continuously maintain the fence or other protective measure until the completion of the work proposed to be carried out on the land to which the permit applies;
 - (c) the permit holder must post and continuously maintain on the fence or other protective measure an all-weather sign stating "Protected Root Zone – No Entry";
 - (d) if tree roots are cut by excavation, the permit holder must immediately wrap the remaining roots in a root curtain of wire mesh lined with burlap surrounded by posts;
 - (e) the permit holder must continuously keep a root curtain of wire mesh moist throughout the holder's construction process;
 - (f) the permit holder may prune and cut a protected tree's branches, limbs, or roots only under the supervision of a certified arborist;
 - (g) if the permit holder cuts down or removes a protected tree or a protected tree seedling, the permit holder must plant and maintain two replacement trees or tree seedlings
 - (i) of the same species and in the same location as that cut down or removed, or of a different species authorized by the Director in accordance with accepted arboricultural practices, and

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- (ii) that have at least one of the following sizes:
 - (A) a height of at least 1.5m planted,
 - (B) a diameter of at least 4cm,
 - (iii) which, if replacements for the tree species *Arbutus menziesii*, must be contained in a #5 pot when acquired from a nursery or a landscaper-supplier.
- (2) For the purpose of ensuring the performance of the requirements set out in paragraph (g), the applicant for a tree permit must provide to the City ~~\$359700.00~~ security in the form of cash or a letter of credit for each replacement tree or protected tree seedling that is required
- (3) A cash security provided under subsection (1) must be refunded to the applicant when the replacement planting requirements under paragraph (g) have been carried out.
- (4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:
- (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
 - {3}(b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).

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Director's powers to issue or refuse permit

- 18 The Director may do any of the following if a proposed activity would endanger the health or life of a tree:
- (a) refuse to issue a tree permit;
 - (b) issue a tree permit subject to conditions;
 - (c) issue a tree permit to allow a tree to be removed.

Permit fee

- 19 (1) An application for a tree permit must be accompanied by a fee of:
- (a) ~~\$3050.00~~ for the first three trees or seedlings;
 - (b) \$5.00 for each tree or seedling that is additional to the first three.

- (2) A fee listed under subsection (1) is not refundable.
- (3) There is no charge for a tree permit issued for the purposes of
 - (a) section 11 [*Pruning & removal of dying, damaged, unstable trees*];
 - (b) section 12 [*Beneficial pruning*];
 - (c) section 13 [*Removal of hazardous trees*];
 - (d) section 14 [*Emergency removal*].

Right of appeal

- 20 (1) The owner or occupier of a real property that is subject to a decision of the Director to grant or refuse a tree permit, or to impose conditions on the granting of a tree permit is entitled to apply to Council to have the decision reconsidered.
- (2) An application for reconsideration must be made in writing to the City's Corporate Administrator.
- (3) There is no charge for an application for reconsideration.

PART 4 – GENERAL

Inspections

- 21 (1) The Director or a City employee authorized by the Director may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- (2) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Recovery of costs and fees from real property taxes

- 22 The costs of fees and actions taken by the City under this Bylaw will be collected by the City in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

Offences and Penalties

- 23 (1) A person who contravenes a provision of this Bylaw commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act*.
- (2) The minimum penalty for each protected tree that is cut down, altered, or damaged in contravention of this Bylaw is a fine of not less than
 - (a) \$1,500.00 for a first offence; and

- (b) \$3,000.00 for a second or subsequent offence.
- (3) The minimum penalty for each protected tree seedling that is cut down, altered, or damaged in contravention of this Bylaw is a fine of not less than
 - (a) \$250.00 for a first offence; and
 - (b) \$250.00 for a second or subsequent offence.
- (4) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.
- (5) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repeal

- 24 Bylaw No. 99-103, the Tree Protection Bylaw, is repealed.

Transition Provision

- 25. If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.

READ A FIRST TIME the 10th day of November 2005
READ A SECOND TIME the 10th day of November 2005
AMENDED AND
READ A THIRD TIME the 24th day of November 2005
ADOPTED on the 15th day of December 2005

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"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A
Significant Trees

<i>Civic Address</i>	<i>Location</i>	<i>Type & Size</i>	<i>Tag #</i>

TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Tree Preservation Bylaw* to:

1. ensure that trees are not cut down unnecessarily in the process of construction; and
2. update definitions and internal references so that they are accurate and current.

Contents

- | | |
|-----|--------------------------------|
| 1 | Title |
| 2-4 | Amendments |
| 5 | Repeal of Transition Provision |
| 6 | Commencement |

Under its statutory powers, including section 8(3)(c) of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 05-106, the Tree Preservation Bylaw, is amended in section 2 as follows:

- (a) by repealing the definition for “building envelope” and substituting the following definition:

“means that part of a lot on which the primary building may be sited under the setback regulations of the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (b) by repealing the definition for “building envelope line” and substituting the following definition:

“means the setback of the primary building established under the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (c) under the definition of “protected tree”, at paragraph (i), by striking out “80cm” and replacing it with “30cm”,

- (d) under the definition of “tree”, by striking out “living,” and

- (e) by striking out “60cm” and replacing it with “30cm” in paragraphs (e), (f) and (g) of the definition of “protected tree”.

3 The Tree Preservation Bylaw is further amended in section 5 as follows:

- (a) in subsection (2)(c)(i), by striking out “85” and replacing it with “112(2)”, and
- (b) by inserting the following new subsection directly after subsection (2)(c)(ii):

“(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.”.

4 The Tree Preservation Bylaw is further amended as follows:

- (a) in section 11, by inserting the following directly after “falling”:

“, as confirmed by a certified arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ)”.

- (b) in section 17(2), by striking out “\$350.00” and replacing it with “\$700.00”,
- (c) in section 19(1)(a), by striking out “\$30.00” and replacing it with “\$50.00”,
- (d) in section 17, by inserting the following new subsection directly after subsection (3):

“(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:

- (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
- (b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

- 25.** If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.

READ A FIRST TIME the	19th	day of	September	2019
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READ A THIRD TIME the		day of		2019
ADOPTED on the		day of		2019

CITY CLERK

MAYOR